

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

August 4, 2010

File Number: 4561-3-1232

1. In accordance with section 6(6) of the Regulation, it has been determined that the undertaking may proceed following approval under all other applicable acts and regulations.
2. Commencement of this undertaking must occur within three years of the date of this Determination. Should commencement not be possible within this time period, the undertaking must be registered under the *Environmental Impact Assessment Regulation* (87-83) – Clean Environment Act again, unless otherwise stated by the Minister of Environment.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated August 2009 and to those in all correspondence during the registration review. Additionally, the proponent shall submit a summary table detailing the status of each Condition listed in this Determination to the Manager of the Environmental Assessment Section every 6 months from the date of this Determination until such a time as the construction is complete and the Department of Environment (ENV) is satisfied that all conditions have been addressed.
4. Work in the area shall cease in the event that any heritage resource is encountered during construction activities. The find must be reported to Archaeological Services, Heritage Branch at (506) 453-3014, and a plan of action agreed upon.
5. Within 6 months of the date of this Determination, the proponent must submit to the Manager, Environmental Assessment, a monitoring plan which would validate the predictions of ambient air quality based on the screening dispersion model analysis. Parameters are to include particulate matter and metals, specifically As, Fe, Ni, Va, and Cu.
6. The current Emergency Response Plan for Graymont (NB) Inc shall be updated to include considerations for petroleum coke. In addition, the proponent will ensure that drivers transporting petroleum coke to the facility are aware of the necessary response to an event resulting from an accidental spill during transport.
7. Petroleum coke transported to the facility shall be in granular form and not pulverized or calcined.
8. The proponent must contact Mr. Wayne Mercer, Building Inspector with the Royal District Planning Commission to discuss the need for a *Building Permit*. He can be reached at (506) 432-7530.

9. All storage and handling of petroleum coke at the facility must be carried out in enclosed areas with air handling and dust suppressing and/or dust collecting equipment necessary to prevent impacts on the surrounding environment from fugitive emissions.
10. The proponent must apply for an Amendment to the current *Approval to Operate* (I-5611) from the Industrial Processes Section, Impact Management Branch, DENV. Please contact the Manager, Industrial Processes Section at (506) 453-7945 for further details.
11. The proponent may be required to collect grab samples of the petroleum coke as it may come from different sources and will be required to perform source testing on the Shaft Kiln and Hydrator exhaust stacks on an annual basis. For further details please contact the Manager, Industrial Processes Section at (506) 453-7945.
12. In the event that the emission limits in the *Certificate of Approval to Operate* issued under the *Air Quality Regulation – Clean Air Act* are exceeded, the Impact Management Branch, Department of Environment, must be contacted immediately for further instructions.
13. An Environmental Management Plan (EMP) must be completed, submitted for review and be approved prior to implementation of this project. The EMP must describe mitigative measures that will be taken to protect the public, environment and workers on site from any negative impacts during construction and operation of this project including potential impacts resulting from the handling, storage and burning of pet coke. The document should be submitted to the Manager, Environmental Assessment for review and approval.