

DOCUMENT "A"

MINISTER'S DETERMINATION

CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

May 6, 2010.

File Number: 4561-3-1244

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 documentation dated November 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, Department of Environment (DENV) every 6 months from the date of this Determination until such a time when all the Conditions have been met.
4. The proponent must obtain a *Watercourse and Wetland Alteration Permit* from the Sustainable Development, Planning & Impact Evaluation Branch, ENV, for any activities that are carried out within 30 meters of a watercourse or wetland. It is recommended that submission of this application occur at least 90 days prior to the commencement of construction activity. Please contact Mr. Bernie Doucet, Manager, Watercourse Alteration and Wetlands Program (506) 444-5382 for further information.
5. The proponent must prepare a site specific Environmental Protection Plan (EPP) describing mitigative measures to be implemented during construction. The EPP will identify potential sources of harmful substances (including PCB's and regulated refrigerants) associated with the demolition activities, along with environmental protection measures linked to locations, monitoring plans (compliance and environmental effects monitoring), and contingency plans. The EPP must also contain a progressive work schedule, including an outline of when each aspect of the project will take place and must be submitted to the Manager, Environmental Assessment Section, ENV for review and approval prior to project implementation.

6. A Surface Water Control Plan (SWCP) and Erosion and Sedimentation Control Plan must be submitted for review and be approved prior to the onset of project activities. The SWCP must include but not be limited to addressing potential impacts from dewatering activities required as part of the closure plan, work within 30 metres of watercourses and identification of potential surface water drainage plans. The Erosion and Sedimentation Control Plan will link mitigative measures to locations and be designed to prevent negative impacts to surface water quality as well as fish and fish habitat. These plans may be included as part of the EPP and will be submitted to the Manager, Environmental Assessment Section, ENV for review and approval prior to project implementation.
7. A work plan for the removal and disposal of all PCB sources identified within the audit must be developed for the site. The Work Plan must be submitted to the Manager of the Environmental Assessment Section, ENV for review and approval prior to demolition. For further information please contact Rejean Doiron, PCB & ODS Program Manager, ENV at (506) 453-7945.
8. All mitigation identified in the letter from DFO to Sheila Goucher dated February 16, 2010 which was forwarded to the proponent on February 18, 2010, must be adhered to and a copy of the letter kept on site during project implementation.
9. Results from acid-base testing and metals analysis carried out on rip-rap from Albright's Corner and backfill material from local pits must be submitted to the Environmental Assessment Section and approved prior to use of the rock at the Generating Station.
10. Results of groundwater and surface water monitoring will be reviewed after 2 years by ENV to determine if the monitoring frequency can be reduced. A report including a discussion of the results must be submitted to the Manager, Environmental Assessment Section for review.
11. The three 450 mm diameter outfall pipes identified in the vicinity of Lagoons 1 and 2 are located on submerged Crown Lands and therefore decommissioning of the pipelines and rehabilitation of the Crown lands must be carried out in a manner acceptable to the Minister of Natural Resources. For further information regarding this matter, please contact Kevin O'Donnell of the Crown Lands Branch, Department of Natural Resources at (506) 453-2826 Kevin.O'Donnell@gnb.ca
12. Should any private wells be impacted as a result of this project, the proponent will be responsible for rectifying the situation which may include (but is not limited to) replacing a well.
13. The proponent must submit a Remedial Action Plan prepared by a qualified Site Professional and submit it to the Remediation and Materials Management Section, Impact Management Branch, ENV within 90 days of the date of this Determination. Management of any contaminated or potentially contaminated sites identified in the Phase II ESA (dated November 2009) must be included in the Plan. For additional information, please contact Gina Burt, Remediation Engineer at (506) 453-7945.

14. The excess coal resulting from premature shut down of the facility that is currently stored on site must be removed from the site and disposed of in a manner that is acceptable to the Environmental Assessment Section ENV.
15. If anything of known or suspected Heritage significance is encountered during project activities, work in the area should cease and Archaeological Services, Heritage Branch should be contacted immediately at (506) 453-3014 for direction.
16. No in-stream work shall be permitted until the Navigability Inquiry Assessment (NIA) has been completed and requirements of the Navigable Waters Protection Program have been met.
17. The proponent shall ensure that all developers, contractors and operators associated with the project comply with the above requirements.