

## DOCUMENT “A”

### MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the *Clean Environment Act*

**June 29, 2018**

File Number: 4561-3-1410

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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 and Local Government.
  3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the updated Environmental Impact Assessment Registration Document dated November 29, 2017 as well as all those identified in previous and subsequent 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 Director, Environmental Impact Assessment (EIA) Branch, Department of Environment and Local Government (DELG) every 6 months from the date of this Determination until such a time as all the Conditions have been met.
  4. If it is suspected that remains of archaeological significance are discovered during construction, operation or maintenance of the proposed development, as per the *New Brunswick Heritage Conservation Act (2010)*, all activity shall be stopped near the find and the Manager of the Archaeological Regulatory Unit, Archaeological Services Branch, New Brunswick Department of Tourism, Heritage and Culture shall be contacted at (506) 238-3512 for further direction.
  5. A valid *Watercourse and Wetland Alteration Permit* must be obtained prior to conducting any alterations in or within 30 metres of the watercourse.
  6. The facility’s DELG *Certificate of Approval to Operate* must be updated to reflect the water supply requirements and EIA Conditions. Please contact the DELG Authorizations Branch at (506) 453-7945 for more information.
  7. The facility’s approved wells, pumping rates and flowmeter requirements are indicated below, and will also be identified in the DELG *Approval to Operate*:
    - a. The maximum allowable pumping rate for Well #1 is 68.2 igpm, which is equivalent to 18.6 m<sup>3</sup>/hr or 446.4 m<sup>3</sup>/day. The maximum allowable pumping rate for Well #2 is 124.6 igpm, which is equivalent to 34.0 m<sup>3</sup>/hr or 816 m<sup>3</sup>/day. The maximum allowable pumping rate for Well #3 is 41.8 igpm, which is equivalent to 11.4 m<sup>3</sup>/hr or 273.6 m<sup>3</sup>/day. These 3 wells are plumbed together and the water combined to supply the facility, therefore, the maximum allowable combined flow rate from these wells is 192.8 igpm, which is equivalent to 52.6 m<sup>3</sup>/hr or 1262.4 m<sup>3</sup>/day. A flowmeter must be installed on the combined plumbing

line for all 3 of these wells and the water usage data must be recorded daily (minimum of 5 days/week) and cannot surpass the maximum allowable daily withdrawal rate of 1262.4 m<sup>3</sup>/day.

- b. The maximum allowable pumping rate for Well #6 is 27.1 igpm, which is equivalent to 7.4 m<sup>3</sup>/hr or 177.6 m<sup>3</sup>/day. A flowmeter must be installed on this well and the water withdrawal recorded daily (minimum 5 days/week). Well #6 cannot be pumped at the same time as Well #7 and #8.
  - c. The maximum allowable pumping rate for Wells #7/#8 is 160.6 igpm, which is equivalent to 43.8 m<sup>3</sup>/hr or 1051.2 m<sup>3</sup>/day. Wells #7 and #8 cannot be pumped at the same time. A flowmeter must be installed on these wells and the water withdrawal recorded daily (minimum 5 days/week).
8. If at any time additional fresh or salt water is needed (e.g., a new well drilled, increased pumping rate of an existing well, etc.) then the Director, EIA Branch, DELG must be contacted as an additional hydrogeological assessment may be required.
  9. Well #4 and #13 must be decommissioned according to the DELG *Guidelines for the Decommissioning (abandonment) of Water Wells*.
  10. Within 2 months of the date of this Determination, the proponent must submit a complete Groundwater Monitoring Plan for the site and the neighbouring monitoring well on PID 01263979 for review and approval to the Director, EIA Branch, DELG.
  11. A groundwater monitoring report must be submitted to the Director, EIA Branch, DELG according to the schedule indicated in the Groundwater Monitoring Plan (Condition #10). The report must include all water quantity data (i.e. flowmeter data), water levels, and water quality data, along with an interpretation of the data, long-term trending of the results, and an evaluation of whether the facility operation is negatively impacting the groundwater environment. The report must indicate the condition of the wells and if any repairs or alterations were made. Based on the results of the monitoring report, additional monitoring measures (including, but not limited to, drilling monitoring wells, increasing water quality monitoring, reducing pumping rates, etc.) might be required by DELG.
  12. Should a neighbouring water user, generally located within 250 metres of the facility, complain that the operation of the project has negatively impacted (quality or quantity) their private water supply, the proponent must investigate the complaint and follow the *Approval to Operate* with respect to reporting the complaint.
  13. If the water quantity or quality of a neighbouring private water supply, generally located within 250 metres of the facility, is shown through an investigation (Condition #12) to be impacted by the operation of the facility, the proponent must provide short term mitigation (e.g., bottled water) or a long-term solution (e.g., deepening or drilling a new well) if required. The proponent cannot connect any additional neighbouring private residences to the facility's on-site water supply system without informing the Director, EIA Branch, DELG in advance for review and approval.
  14. All water supplied to neighbouring water users must be shown to be potable (i.e., meets the *New Brunswick Water Quality Guidelines*), if it is being used for potable purposes.

15. The facility will continue to follow the *Environmental Management Program for Land Based Finfish Aquaculture in New Brunswick* (EMP) and/or additional directives from DELG. The monitoring program must be approved by the Director, EIA Branch, DELG.
16. The Environmental Management Framework, as outlined in the most recent version of the EMP, must be followed if the results of the approved monitoring program determine that the concentration of Performance Based Standard variables at the edge of regulated mixing zone exceeds regulatory thresholds (EMP Table 2.10). This may result in additional mitigation requirements, such as increased sampling locations and frequency (EMP Table 2.9), etc., and possibly additional wastewater treatment upgrades to meet required thresholds.
17. A mid-season summary report for 2018 must be submitted prior to August 31, 2018 and must include:
  - a. all 2018 monitoring results to date;
  - b. Points 1 to 6 on Form 1 in the EMP;
  - c. Daily summary of biomass, feed fed and percent protein and phosphorus content of feeds; and
  - d. Daily effluent flow (lpm or IGPM).

DELG's review of the summary report may result in additional or new mitigation requirements mid-season.

18. An annual report for 2018 must be submitted prior to December 31, 2018 and must include:
  - a. All information on Form 2 in the EMP;
  - b. Points 1 to 6 on Form 1 in the EMP;
  - c. Daily summary of biomass, feed fed and percent protein and phosphorus content of feeds; and
  - d. Daily effluent flow (lpm or IGPM).
19. The proponent is responsible for ensuring that all developers, contractors and operators associated with the project are familiar with, and comply with the requirements of the *Migratory Birds Convention Act*, the provincial and federal *Species at Risk Acts* and associated *Regulations*.
20. In the event of the sale, lease, or any other conveyance or change of control of the Project, or any portion thereof, the proponent must provide written acknowledgement to the Director, EIA Branch, DELG from the lessee, controller or purchaser confirming that they will comply with the commitments made during the registration review and with the Conditions of this Determination
21. The proponent shall ensure that all developers, contractors and operators associated with the project comply with the above requirements.