

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the *Clean Environment Act*
September 30, 2020.
File Number: 4561-3-1496

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* (EIA) (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 EIA registration document dated June 2018; all subsequent reports submitted and to all those identified in correspondence during the review. Additionally, the proponent shall submit a summary table detailing the status of each Condition listed in this *Determination* to the Director of the 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 that the Director determines that it is no longer necessary.
4. Appropriate spill response equipment must be maintained in a readily accessible location during construction and operation. All spills and releases must be promptly contained, cleaned up and the DELG Fredericton Regional Office ((506) 444-5149) should be contacted during regular business hours while the 24-Hour Environmental Emergencies Report System should be contacted outside of regular business hours (1-800-565-1633). Any spill that could impact human health through soil, air or water must be reported to Health Protection Services at (506) 453-2830.
5. If it is suspected that objects or features of archaeological significance are found during construction, as per the *New Brunswick Heritage Conservation Act*, all activity shall be stopped within 30 metres of the find and the Manager of the Research and Assessment Section, Archaeology and Heritage Branch, New Brunswick Department of Tourism, Heritage and Culture shall be contacted at (506) 453-2738 for further direction.
6. The proponent must comply with the recommendations made in the project *Archaeological Impact Assessment* (Feb 11, 2020). All ground disturbance in areas assessed as having elevated archaeological potential within the project development area must be monitored by an archaeologist with a valid *Archaeological Field Research Permit*.

7. Project excavation must be strictly limited to the project development area as shown in the *Letterhead EIA Amendment Fredericton Junction* (April 13, 2020).
8. Well 1 and the test well next to Well 5 must be decommissioned within 2 weeks of commissioning Well 5. The wells must be decommissioned as per DELG *Guidelines for the Decommissioning (Abandonment) of Water Wells*.
9. The maximum allowable pumping rate for Well 5 (TH19-8) (well ID #58718 on PID 60012838) is 32 igpm (209 m³/day).
10. A flowmeter must be installed on the well and the water usage data recorded daily (minimum 5 days/week). It is recommended that the well not be pumped 24 hours per day. The flowmeter data must be submitted annually in the manner prescribed in the *Approval to Operate* for this system.
11. The water level in Well 5 must be monitored and the level recorded daily (minimum of 5 days/week). A record of the water level data must be kept and included in the annual report to be submitted to DELG.
12. A low water level shut-off must be installed in Well 5 at a depth of 22 m below the top of casing in order to keep the water level within the casing of the well and to prevent dewatering of the uppermost water bearing fracture.
13. If at any time the proponent wants to increase the approved maximum allowable pumping rate of Well 5 and/or requires a new water supply well, DELG must be contacted as further hydrogeological testing and other information may be required.
14. Prior to connecting the new water supply well to the distribution system, the Village of Fredericton Junction must adopt a Resolution of Council to initiate the *Wellfield Protection Program/Wellfield Protected Area Designation Order (WfPADO)* process under the *Clean Water Act*. In addition, any wells that are currently designated that will be decommissioned must be included in the Resolution of Council.
15. Health Protection Services (506) 453-2830) must be contacted prior to the use of Well 5 as a potable water supply.
16. The Village of Fredericton Junction must undertake a wellfield protection study within 3 months of the date of commissioning the new well, as per terms of reference established by DELG.
17. Within 3 months from the date of this *Determination*, the proponent must submit to DELG a decommissioning plan with timelines for any test/exploration wells that will not be used for production or monitoring purposes (excluding the 2 wells listed in Condition 8 above). All wells must be decommissioned as per DELG *Guidelines for the Decommissioning (Abandonment) of Water Wells*. In addition, the proponent must include a timeline for decommissioning the well houses for Well 1 and Well 2.

18. In the event of a complaint by a neighbouring water user that the operation of this water supply well has negatively impacted the quality or quantity of their private water supply, the proponent must investigate the complaint and notify DELG (according to the manner stipulated in the *Approval to Operate*). If it is determined that the proponent is responsible for any negative impacts, the proponent will be required to provide a temporary water supply for short-term impacts, or to repair, remediate, or replace any permanently impacted well(s), which might include, but is not limited to, deepening a well or drilling a new well.
19. The proponent shall ensure that all project activities comply with the *Migratory Birds Convention Act* and associated *Regulations* and that measures are taken during project implementation to avoid/minimize adverse effects on migratory birds.
20. The proponent shall ensure that all developers, contractors and operators associated with the project comply with the above requirements.