

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

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

November 26, 2021

File Number: 4561-3-1542

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 Climate Change.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the document entitled, "Oakhill Homes – Proposed residential development – Waasis, New Brunswick" dated June 1, 2020, as well as all those identified in subsequent correspondence during the registration review for the project on the following property identification number (PID) 60027364. 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 of the Department of Environment and Local Government (DELG) every 6 months from the date of this Determination until such a time that all the Conditions have been met.
4. The proponent shall follow the site development plan dated November 4, 2021. The approved layout is for 65 Mini-Homes. Should modifications of the site development plan be required, all proposed changes must be reviewed and approved by the Director of the EIA Branch, DELG.
5. The maximum allowable pumping rate for Well PW2 (well ID #60174 on PID 60027364) is 35 ipgm. The daily water withdrawal is limited to a maximum of 125 m³/day. A flowmeter must be installed on the Well PW2 and the water usage data recorded daily (minimum 5 days/week). This information must be submitted to the Approvals Engineer, Authorizations Branch, DELG annually in the manner prescribed in the *Approval to Operate* for the water system.
6. The maximum allowable pumping rate for Well PW3 (well ID #60172 on PID 60027364) is 6 ipgm. The daily water withdrawal is limited to a maximum of 30 m³/day. A flowmeter must be installed on the well and the water usage data recorded daily (minimum 5 days/week). This information must be submitted to the Approvals Engineer, Authorizations Branch, DELG, annually in the manner prescribed in the *Approval to Operate* for the water system.
7. A level logger must be installed in Well PW2 so the water level can be monitored and recorded regularly. This information must be submitted to the Approvals Engineer, Authorizations Branch, DELG annually in the manner prescribed in the *Approval to Operate* for the water system.

8. The flowmeter data for Well PW2 and Well PW3, must be submitted to the Approvals Engineer, Authorizations Branch, DELG annually in the manner prescribed in the *Approval to Operate* for the water system.
9. If at any time the proponent wants to a) increase the approved maximum allowable pumping rate of Well PW2 or PW3; and/or b) increase the total daily water withdrawal amount for Well PW2 or PW3; and/or c) develop a new water supply well, then the Director of the EIA Branch, DELG, must first be contacted as further hydrogeological testing and other information may be required.
10. At a minimum, the raw water in each of the production Wells PW2 and PW3 must be sampled monthly for microbiology and annually for general chemistry and trace metals (or equivalent potable well water lab sampling package). This information must be submitted to the Approvals Engineer, Authorizations Branch, DELG annually in the manner prescribed in the *Approval to Operate* for the water system.
11. The Health Protection Branch of the Department of Health must be notified at (506) 453-2830 prior to the use of Well PW2 and Well PW3 as a potable water supply.
12. Within 3 months from the date of this Determination, the proponent must submit to the Director of the EIA Branch, DELG, a decommissioning plan, with timelines, for any test wells (e.g. PW1) and observation wells (e.g. OBS1 and OBS4) that will **not** be used for production or monitoring purposes now or in the foreseeable future. All wells must be decommissioned as per the current version of the DELG *Guidelines for the Decommissioning (Abandonment) of Water Wells and Boreholes*.
13. In the event of a complaint by a neighbouring water user that the operation of the water supply well has negatively impacted the quality or quantity of their private water supply, the proponent must investigate the complaint and notify the Director of the EIA Branch, 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.
14. The proponent must apply for and obtain an *Approval to Construct* from DELG's Authorizations Branch prior to connecting Wells PW2 and PW3 to the water distribution system. For more information, please contact the Approvals Engineer, Authorizations Branch, DELG, at (506) 453-7945.
15. Prior to using water from Wells PW2 and PW3, the well must be disinfected according to the latest version of "AWWA C654, *Disinfection of Wells*", and a full water quality sample must be collected for general chemistry, trace metals, and microbiology. The water quality data must be submitted for review and must receive approval from the Approvals Engineer of DELG's Authorizations Branch, who can be contacted at (506) 453-7945.
16. Water quality from Wells PW2 and PW3 must meet the New Brunswick *Drinking Water Guidelines* before reaching the first user in the water distribution system.

17. Depending on the final septic system design, the system will have to be reviewed and approved by either the Department of Justice and Public Safety or the Department of Environment and Local Government. In order to make this determination, the final septic system design must be submitted to the Director of the EIA Branch, DELG, for review prior to construction of the septic system.
18. 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 should be contacted at (506) 444-5149 during regular business hours while the 24-Hour Environmental Emergencies Report System should be contacted outside of regular business hours at (800) 565-1633. Any spill that could impact human health through soil, air or water must be reported to the Health Protection Branch of the Department of Health at (506) 453-2830.
19. If it is suspected that remains of archaeological significance are found during construction, operation or maintenance of the proposed development, as per the *Heritage Conservation Act*, all activity shall be stopped within 30 meters of the find and the Manager of the Archaeological Regulatory Unit, Department of Tourism, Heritage and Culture shall be contacted for direction at (506) 453-2738.
20. The proponent shall ensure that if a nest or chick of a migratory bird is detected, work in the area shall be halted and the Canadian Wildlife Service of Environment and Climate Change Canada shall be consulted for advice by contacting their main office in Sackville, New Brunswick at (506) 364-5044. The proponent shall ensure that activities are conducted in a manner that would be in compliance with the *Migratory Birds Convention Act*.
21. A *Watercourse and Wetland Alteration (WAWA) Permit* must be obtained prior to conducting any alterations in or within 30 metres of a watercourse or wetland which meets DELG's definitions.
22. All loss of wetland area and/or function requires Wetland Compensation at a 2:1 ratio. A condition of the WAWA application will require that a Wetland Compensation Plan shall be submitted for all wetland areas and/or functions permanently impacted by this project.
23. In the event of the sale, lease, or any other conveyance or change of control of the property (PID 60027364), or any portion thereof, the proponent must provide written acknowledgement from the lessee, controller, or purchaser confirming that they will comply with the Conditions of this Determination to the Director of the EIA Branch, DELG.
24. The proponent shall ensure that any proposed project modifications or future expansions are submitted for review and approval to the Director of the EIA Branch, DELG, prior to implementing the changes.
25. The proponent shall ensure that all developers, contractors and operators associated with the development project comply with the above requirements.