

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

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

March 26, 2021

File Number: 4561-3-1550

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 New Brunswick Minister of Environment and Climate Change.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated October 28, 2020, as well as all those identified in 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 of the Environmental Impact Assessment (EIA) Branch of the Department of Environment and Local Government (DELG) every six months from the date of this Determination until such a time as all the Conditions have been met or until it is deemed by the Director to be no longer required.
4. An Environmental Management Plan (EMP) must be prepared and submitted to the Director, EIA Branch, DELG for review and approval prior to the commencement of any project related activities. The EMP must include, but is not limited to: project specific mitigation, clean-up and revegetation, contingency plans, wildlife encounters, wetland and watercourse measures, and emergency response plans including spill response plans.
5. 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. Based on DELG’s definitions the “Settling Pond” is considered a wetland and the Peripheral Drainage Ditch (PDD) is a watercourse. A *WAWA Permit* will be required for alterations in or within 30 metres of these features.
6. The Settling Pond area must be left in place. It is understood there is to be no direct impact to the “Settling Pond” area and downstream watercourse/wetland area. Should the scope of work change, and direct impacts be anticipated, a wetland delineation and functional assessment will be required, and DELG must be contacted and updated prior to any on-site activity.

7. The proponent must ensure that all project activities are conducted in compliance with the *Migratory Birds Convention Act* and associated Regulations. Please ensure that all applicable mitigative measures are incorporated into the EMP, see condition # 4 above.
8. The proponent must ensure that all project activities are conducted in compliance with the federal and provincial *Species at Risk Act* and associated Regulations. Please ensure that all applicable mitigative measures are incorporated into the EMP, see condition # 4 above.
9. Following completion of the closure activities, the proponent must initiate termination of the *Crown Land Lease* for the water supply (set to expire in 2024) located adjacent to the project site area.
10. All demolition activity (i.e. including buildings, structures, etc.) will require a *Demolition Permit* as per the Village of McAdam's Municipal By-law. Please contact the Southwest New Brunswick Service Commission (RSC 10) for additional information (506 466-7369).
11. At a minimum, a Phase I/II Environmental Site Assessment (ESA) must be completed to identify any potential environmental impacts on-site. Any impacts must be reported to DELG using the *Historical Contamination Site Registration Form* and the ESA report must be submitted for review. Contaminated soils and groundwater must be cleaned up and/or managed as per the *New Brunswick Guideline for the Management of Contaminated Sites*. Please contact the Authorizations Branch for further information.
12. A Surface Water and Groundwater Monitoring Plan must be prepared and submitted to the Director, EIA Branch, DELG for review and approval prior to the commencement of any project related activities.
13. All petroleum storage tanks onsite are to be either decommissioned or taken out of service by a DELG Licensed Installer. This work must conform to the requirements of the *Petroleum Product Storage and Handling Regulation – Clean Environment Act*.
14. The production water wells are to be protected during any project-related site decommissioning activities. The well heads must be flagged, and a 5-metre buffer established around each well head (i.e. buffer identified using flagging tape).
15. In the event of the sale, lease, or any other conveyance or change of control of the property, 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, EIA Branch, DELG.
16. The proponent shall ensure that all developers, contractors and operators associated with the project comply with the above requirements.