

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

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

October 28, 2021

File Number: 4561-3-1551

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 Environmental Impact Assessment (EIA) registration document dated October 22, 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 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. This Determination pertains to the project as proposed in the EIA registration documents registered on October 22, 2020, i.e. to increase the maximum height of the municipal solid waste containment cells from the previously approved 59.0 metres to 88.0 metres above sea-level (MASL), ensuring a stable 4:1 slope is maintained at the Landfill. From the date of issuance of this Determination, the proponent may pursue the approvals necessary for initiation of the project. Please note subsequent phases or modifications to the project must be submitted for review and may not proceed prior to approval from the Director of DELG’s EIA Branch. Additional Conditions may be imposed if subsequent phases/modifications are approved.
5. The Proponent shall ensure that the minimum 25-year breakthrough requirement for the containment cells is maintained throughout the Landfill’s maximum height expansion, as per the Landfill’s *Approval to Operate*.
6. The proponent shall ensure that both odour and noise emissions generated at the Landfill are controlled to prevent impacts to off-site receptors. In the event that odour or noise emission impacts occur, DELG may require the proponent to develop, submit and implement a Control Plan that mitigates the impacts such that they no longer cause a nuisance to off-site receptors, through the Landfill’s *Approval to Operate*.
7. The proponent shall monitor and continue to improve the collection efficiency of their Landfill Gas Utilization System (LGUS), with the goal to continue to reduce greenhouse gas (GHG),

odorous emissions and potential odour impacts through implementation of the recommended improvements identified within the GHD Emissions Assessment Report (dated March 16, 2021). A status and monitoring update of any improvements made to the LGUS and the management of GHG emissions shall be included in the Annual Environmental Report submitted to DELG's Authorizations Branch.

8. The proponent shall apply to DELG's Authorizations Branch for a revised *Approval to Operate* upon issuance of this *Certificate of Determination*. The revised *Approval to Operate* must be issued by Authorizations Branch and agreed to by the proponent prior to beginning any project-related activities.
9. The Fredericton Regional Solid Waste Landfill's Environmental Management Plan (EMP) must be updated to include any applicable obligations, commitments, monitoring, and mitigation measures presented in the EIA registration document as well as all those identified in subsequent correspondence during the registration review. The EMP must be maintained and kept on site, as per the Landfill's *Approval to Operate*.
10. 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 # 9 above.
11. 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 # 9 above.
12. The proponent shall enhance the vegetation on top of the existing visual berm that is currently covered with short, grassy vegetation through the addition of trees to provide greater visual barrier for the Landfill. The proponent shall report on the growth and progress of their vegetative buffer on an annual basis, included within the summary report (as per Condition 3 above). The adequacy of the enhanced vegetation is subject to the approval of the Director of the Environmental Impact Assessment Branch and depending on results, additional trees may be required.
13. The proponent will maintain and where applicable, enhance the vegetated buffer around the containment cells on the Landfill property in a manner that will ensure visibility from any vantage point will be reduced to the extent possible. The proponent shall report on the growth and progress of their vegetative buffer on an annual basis, included within the summary report (as per Condition 3 above). The adequacy of the enhanced vegetation is subject to the approval of the Director of the Environmental Impact Assessment Branch and depending on results, additional trees may be required.
14. The proponent shall place waste on the east side of the disposal areas first, ensuring the area of the landfill most likely to be seen by the majority of the public (east of the Landfill site) will be covered first.
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 of the EIA Branch of DELG.
16. The proponent must ensure that all developers, contractors, and operators associated with the project comply with the above requirements.