

# **DOCUMENT “A”**

## **MINISTER’S DETERMINATION**

### **CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act

October 11, 2006

File Number: 4561-3-1068

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.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document (dated January, 2006), as well as to those from all subsequent correspondence and reports 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 Project Assessment Branch every 12 months from the date of this Determination (i.e.: September 28, 2006) until such a time as the construction is complete and a Certificate of Approval to Operate has been issued for this facility.
4. Obtain an Approval to Construct and Operate for the project from the Department of Environment prior to the start of any work on site. Please contact the Director of the Approvals Branch, Department of Environment for additional information (506 444-4599).
5. Baseline water sampling for “Sample Point B – unnamed stream east of bog 171” as identified during the EIA review will continue for the winter 2006 and spring 2007. A copy of the results is to be submitted to the Director of the Project Assessment Branch, Department of Environment.
6. The proponent must develop and submit a Surface Water Quality Monitoring Program, which will be used during the construction/operation of the site. This program will require the monitoring of the sedimentation ponds as well as the nearby watercourses. The above program will have to be submitted to the Director of the Approvals Branch, Department of Environment along with the application for the Approval to Operate for this facility. A copy of the program is also to be submitted to the Director of the Project Assessment Branch, Department of Environment. If the monitoring program shows that the peat bog exploitation is causing impacts to the watercourse, modifications to the project may need to be undertaken.

For the unnamed watercourse to the east of bog 171 it is recommended that the water sampling be done in accordance with the *Guidelines for peat mining operations in New Brunswick*. Analysis of the sample for suspended sediments, minerals and pH will be required as a minimum. In addition, during harvesting operations, the monitoring results will need to be in accordance with the *Canadian Council of Ministers of the Environment guidelines for the protection of aquatic life*.

7. In order to obtain baseline data on the residential wells adjacent to this operation, a well water sampling program will be required. The samples will need to be analysed for inorganic parameters equivalent to the Department of Environment laboratory “*Package I \**”. It is recommended that any wells within 500 m of the proposed development, with a depth of greater than average and a high pumping rate be selected. The sampling program will also need to consider the following:
  - Depth of the well, diameter of the well, type of well (drilled or dug), pump tests, casing length, static (non-pumping) water level, name of driller, year of construction, geologic unit log, well yield, type of pump, depth of pump or intake depth, depth of water bearing fractures, water treatment equipment, etc.
  - Water quality results for each well with the inorganic parameters, including conductivity
  - The well owner and mailing address should be noted in addition to the property PID as well as the well serial number (if possible).

The results, as well as the above requested information, are to be submitted to the Director of the Project Assessment Branch prior to the start of any activity on peat bog 171. In the event that the water quantity or quality of neighboring residential wells is impacted by operations related to this facility (as raised by the residents(s)). It will be the proponent’s responsibility to investigate and potentially rectify the situation. The proponent must immediately notify the Manager of the Water Sciences Section (506-457-4844), Department of Environment of any complaints received regarding water quantity or quality problems. If an agreement as to the cause of water problems cannot be reached between the proponent and the resident(s), the Department will provide independent third party arbitration.

8. Submit an application for a Watercourse and Wetland Alteration Permit from the Department of Environment before commencing any work on site. For additional information please contact the Watercourse and Wetland Alteration Program Section of the Department of Environment at (506) 457-4850.
9. A Site Reclamation Plan will be required at a conceptual level within one year of the date of this Determination. This Reclamation Plan is to be submitted to the Director of the Project Assessment Branch. The Reclamation Plan should be consistent with the Department of Natural Resources Peat Mining Policy.
10. The proponent must develop and submit an Environmental Protection Plan (EPP) that is to be applied during the construction and operation of this site. This plan is to be submitted to the Approvals Branch along with the application for the Approval to Construct and Operate and shall include a detailed work schedule and mitigation measures that will be implemented to minimize impacts to the surrounding environment. The emphasis of this EPP shall be the control of erosion and sedimentation as a result of the construction and operation of this bog as well as the potential impacts and the mitigation measures that will be undertaken in the event of an accumulation of peat dust as well as changes in the water quality in nearby watercourses due to the construction/operation of the peat bog. In addition, this plan should also include emergency measures that would be put in place in order to avoid incidents such as spills (oil, hazardous materials, etc.) during the construction and/or the operation of this facility. A copy of the plan is also to be submitted to the Director of the Project Assessment Branch, Department of Environment

11. In order to ensure that any dust produced during peat extraction is maintained at an acceptable

level, the vacuum harvesters will need to be outfitted with adequate dust control equipment (e.g.: cyclones on exit air ducts, dust collectors, modifications to the air exhaust system, etc.). Please submit details concerning the vacuum harvesters and more specifically the equipment proposed to minimise dust to the Director of the Approvals Branch, Department of Environment along with the application for the Approval to Construct and Operate for this facility prior to the start of peat extraction.

12. The proponent shall provide a security deposit of \$5000 to the Minister of Environment prior to the commencement of peat extraction. This deposit will be held to ensure that reclamation/rehabilitation is successfully completed. The security deposit can be in the form of a) a deposit of money; b) a negotiable bond signed over to the Minister of Finance; c) an irrevocable documentary credit or letter of credit from a bank or other lending institution acceptable to the Minister of Environment, that is negotiable only to the Minister; d) a bond of an insurance company authorized and licensed to do business in the Province.
13. The outlet and effluent from the sedimentation ponds must not be within the 30 m buffer zone for watercourses. In addition it is recommended that there be no alteration of the vegetation within the 30 m buffer zone (for watercourses). If it is necessary to modify the vegetation in this buffer zone the disturbed surfaces are to be stabilised as soon as possible.
14. No harvesting of peat will be permitted within 30 m of the pond at the north of the peatland. In addition, no outlet or effluent from the sedimentation ponds will be permitted within the buffer zone of this lake (i.e.: 30 m from the pond).
15. This project is subject to the requirements of the *Water Classification Regulation*. Please contact the Sustainable Planning Branch, Department of Environment in this regard at (506) 457-4846.
16. The level of suspended solids at the discharge point of the sedimentation ponds shall not exceed 25 mg/l, even after heavy rains.
17. Trucks transporting peat must be properly covered to reduce wind blown particulate.
18. Forty-eight hours prior to initiating any construction activities please contact the DFO Area Habitat Coordinator (DFO, Tracadie, NB) at (506) 395-7722.
19. If it is suspected that remains of archaeological significance are discovered during construction, all activity shall be stopped near the find and the Project Executive, Archaeological Services Section of the Department of Wellness, Culture and Sport shall be contacted at (506) 453-2756.