

DOCUMENT "A"

MINISTER'S DETERMINATION

CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

November 9, 2006

File Number: 4561-3-1069

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 February, 2006, 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, Project Assessment Branch, Department of the Environment every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. Prior to commencement of construction of the new access road, the Proponent shall apply for and obtain an *Approval to Construct*. When the landfill cell reaches capacity the proponent shall apply for and obtain an *Approval to Construct* prior to placing final cover on the landfill cell. Within 6 months of the date of this *Certificate of Determination* the proponent shall apply for a revised *Approval to Operate* to reflect the permitted increase in cell height. For further information, please contact Mr. John Stubbart, Engineer, Approvals Branch, Energy Mining and Manufacturing Section at (506) 444-4599.
5. With respect to the access road that will be constructed as part of this project: a) a signed access agreement between the proponent and NB Power shall be obtained by the proponent and provided to Approvals Branch, prior to the proponent's submission of an application for an *Approval to Construct* the new roadway; b) the construction and operation of the new roadway shall not compromise the environmental integrity of either the old NB Power waste disposal cell or the monitoring well nest; and c) construction of the new access road shall not relieve the proponent of the requirement to maintain year round access to the Bowater landfill site by means of the existing access road.
6. The proponent shall immediately notify Approvals Branch of any complaint received from any party regarding the operation of the landfill.

7. Prior to the commencement of any construction activities pertaining to this project, the proponent shall submit to the Director, Project Assessment Branch, Department of the Environment, and obtain approval for an Environmental Protection Plan (EPP) addressing construction-related activities. The content of this EPP shall include but not be limited to the matters described in the following correspondence: a) a letter to the proponent from Project Assessment Branch (Item (d), March 6, 2006) and b) a letter from DFO to Project Assessment Branch (March 15, 2006) which was forwarded to the proponent on May 1, 2006.
8. The proponent shall notify the Oceans and Habitat area chief, Mr. Ernest Ferguson, at least 48 hours prior to the commencement of any project works. Mr. Ferguson can be reached at (506) 395-7722.
9. Within 6 months of the date of issue of this *Certificate of Determination*, the proponent shall submit to the Director, Project Assessment Branch for review and approval, a revised version of the existing Environmental Protection Plan (EPP) for the landfill operation including a revised operational contingency plan for the landfill. Once approved, a copy of the revised EPP and the revised operational contingency plan shall be forwarded to the Eel River Bar First Nation and the Local Service District of Dalhousie Junction.
10. 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.