

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

July 13, 2006

File Number: 4561-3-762

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 December 3, 2003), as well as all those identified in subsequent correspondence during the review of the registration document. 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 of the 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. This Certificate of Determination supersedes the April 8, 2002 and October 29, 2004 Certificates of Determination for this project.
5. The diffuser holes at the end of the outfall shall be sized to accommodate the maximum anticipated discharge under a worst case scenario (failure of the automatic release valve and the resultant need to discharge of an accumulated effluent volume). For further information, please contact the Director, Stewardship Branch at 453-7945.
6. The outfall shall be equipped with a device to regulate the effluent release times to correspond with the outgoing tide and/or conditions which would restrict the effluent mixing zone from moving up-river.
7. The wastewater treatment plant will consist of the construction of a 4-cell aerated lagoon designed to meet or exceed a 10/10 mg/L (BOD and SS) effluent requirement. The facility will be designed to utilize a U.V. disinfectant system which will operate May 1st inclusive to October 31st annually.

8. The following additional measures shall be undertaken to minimize impact on fish habitat: a) Installation of the outfall shall take place at low tide; b) The time between trench excavation and backfill shall be a maximum of 48 hours, c) A weather report shall be consulted prior the trenching work to ensure that there will be no rainfall during the aforementioned 48 hour period, d) The trench shall be backfilled with non-silt bearing sand and gravel material, and e) Materials used to construct the outfall must not be hazardous to the coastal or marine environment.
9. During outfall construction, the proponent shall abide by the applicable requirements and procedures contained in the Environmental Protection Plan prepared by ADI Limited (October 25, 2004), and shall abide by the requirements contained in the letter of advice from the Department of Fisheries and Oceans dated June 28, 2006.
10. Within 3 months of the date of issue of this Certificate of Determination, the proponent shall prepare an emergency response plan for the sewage treatment plant, addressing issues including but not limited to proposed responses to an electrical failure and a mechanical breakdown.
11. The proponent shall comply with the requirements of the Navigable Waters Protection Act. For additional details please contact: Navigable Waters Protection Program, Marine Safety, Transport Canada, Queens Square Building 1, 11th Floor, Box 1013 45 Alderney Drive, Dartmouth, Nova Scotia, B2Y 4K2 (902) 426-2726, nwpdar@tc.gc.ca.
12. Within 3 months of the date of issue of this Certificate of Determination, the proponent shall submit a tentative Subdivision Plan to Kevin O'Donnell, Crown Lands Branch, Department of Natural Resources showing the Crown land which the facility is to occupy, together with the locations of the rights-of-way for access, sewer pipes, etc. After this time, the documents needed to convey the subject Crown land on which the treatment facility and both rights-of-way are located can be prepared and presented for approvals.
13. The proponent shall apply for and obtain an Approval to Construct the sewage outfall and a revision to the previously issued Approval to Operate, from the Stewardship Branch, Department of Environment. For further information, please contact Mr. Greg Shanks at 453-7945.
14. The proponent must evaluate the requirements for a tertiary treatment after the facility has been operating for a period of one year after the Fundy National Park becomes a client of the facility. This analysis shall be submitted for consideration and approval to Mr. Greg Shanks, Director, Stewardship Branch, Department of Environment. Mr. Shanks may be reached at (506) 453-7945.
15. The proponent may be required to obtain a Watercourse Alteration Permit. Please contact the co-ordinator of the Watercourse and Wetland Alteration Program at (506) 457-4850 for further information.
16. If it is suspected that remains of archaeological significance are found during construction, all activity shall be stopped near the find and the Archaeological Services Unit, Heritage Branch, of the Culture and Sport Secretariat shall be contacted at (506) 453-2756.