

# **DOCUMENT "A"**

## **MINISTER'S DETERMINATION**

### **CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act

**February 6, 2008**

File Number: 4561-3-1114

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. This undertaking must commence 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 must adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated November 21, 2006, as well as all those identified in subsequent correspondence during the registration review. Additionally, the proponent must submit a summary table detailing the status of each Condition listed in this Determination to the Director, Project Assessment Branch, Department of Environment every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. Within 90 days of the date of this Determination, the proponent must submit to the Remediation Engineer, Stewardship Branch, Department of Environment, a revised Environmental Site Assessment. The issues to be addressed include but are not limited to items i), ii), iii), and iv) contained in a letter from the Department of Environment to Jacques Whitford Limited dated December 18, 2007, and items v), vi), vii), and viii) contained in a letter from the Department of Environment to Jacques Whitford Limited dated January 29, 2008 (see attached).
5. Within 120 days of the date of this Certificate of Determination, the proponent must submit to the Remediation Engineer, Stewardship Branch, Department of Environment, a work plan prepared by a qualified Site Professional to manage any contaminated or potentially contaminated sites identified in the revised Environmental Site Assessment (ESA). These sites must be managed in accordance with the current version of the Department of Environment's Guideline for the Management of Contaminated Sites. The proponent must commence implementation of the work plan within 6 months of its submission. For additional information, contact Michel Poirier, Remediation Engineer, (506) 453-7945.
6. The proponent must complete the site management process in accordance with the current version of the Department of Environment's Guideline for the Management of Contaminated Sites, for the Department of Environment's remediation files that have previously been opened for the proponent's Bathurst properties and must also complete this management process for any new remediation files that may result from the presence of chemicals of concern in the environment, identified during the activities authorized by this Certificate of Determination.
7. No soil in close proximity to any transformers can be removed or disturbed until the Department of Environment is satisfied with the methodology and results of the sampling at these locations.

8. Within 90 days of the date of this Determination, the proponent must obtain water samples from any water wells located within properties abutting Chamberlain Lane, adjacent to PID 20406591 (the former maintenance garage). The samples must be analysed for general chemistry, trace metals and organics, and the results must be forwarded to the Director, Sciences and Reporting Branch, Department of Environment, and the Remediation Engineer.
9. With respect to those landfill closures that have not previously received Approvals from the Department of Environment, the proponent must prepare a closure plan (including engineering drawings), an application for an approval to construct the work, an environmental protection plan, a monitoring proposal, and an implementation schedule and must submit the above noted information to the Department of Environment's Project Assessment and Approvals Branch for review and approval prior to commencing the landfill closure. For additional information please contact John Stubbert, Project Assessment and Approvals Branch at (506) 444-4599.
10. The proponent must prepare and submit a leachate management plan to the Department of Environment's Project Assessment and Approvals Branch for review and approval prior to any modification of the existing leachate collection, holding or treatment systems. For additional information, please contact John Stubbert, Project Assessment and Approvals Branch at (506) 444-4599.
11. The proponent must receive prior approval to discharge effluent, substances or materials, other than landfill leachate to the existing on-site treatment plant. For additional details please contact Don Murray, Project Assessment and Approvals Branch, Department of Environment at (506) 453-5842.
12. The proponent must ensure that appropriate measures are taken to prevent backflow from piping within the mill property from entering and contaminating the City of Bathurst's potable water distribution system (e.g. install backflow preventers, or close valves, or disconnect and cap pipes, or other measures as required). Any alterations to or removals of sewage or water pipes within the subject property must be conducted in such a manner that debris or contaminants are not permitted to enter the City's wastewater collection or water distribution system. Prior to any abandonment or demolition of mill buildings, municipal water and sewer connections must be located and isolated (capped and or disconnected). Notwithstanding the foregoing, the proponent must ensure that a water supply for fire fighting is maintained until such time as the buildings or structures serviced by the piping are removed or ownership is transferred to another party.
13. All PCB sources (including but not limited to transformers, capacitors, lamp ballasts, high voltage/PILC cables, and contaminated soil) must be identified and removed from the property prior to the demolition of any buildings, abandonment of the property, or removal from the property of equipment, items or materials found to contain or potentially contain PCB's. This will entail the completion of a PCB audit to identify all PCB sources, the preparation of an inventory of PCB sources, the preparation of a work plan that describes how these will be dealt with, the approval of this work plan by the Department of Environment, and the subsequent implementation of that work plan (i.e. removal and shipment of these materials to approved PCB treatment/destruction facilities). For additional information, please contact Réjean Doiron, Inspector, Materials & Standards Section, Department of Environment at (506) 453-3796.

14. Prior to commencement of the decommissioning activities the proponent must prepare a detailed Environmental Management Plan. The plan must include: 1) The “additional measures” described on page 2 of the letter of advice from the Department of Fisheries and Oceans to the New Brunswick Department of Environment dated March 22, 2007; 2) An erosion and sediment control and run-off management plan; 3) A waste audit detailing the types and volumes of hazardous and non-hazardous waste, and describing proposed reuse, recycling, treatment or disposal locations for each type of waste; 4) A description of the method that will be used to ensure that materials are directed to the appropriate facilities for treatment, recycling, disposal etc. (e.g. on-site inspector, manifest system to track shipments); 5) A spill prevention plan describing the steps that will be taken to ensure spillage of sealed containers or vessels that may release noxious fumes or fugitive emissions will be prevented/minimised; 6) A contingency/spill response plan that details what steps will be taken to ensure any potential impacts related to accidental spills of hazardous materials, accidents, and malfunctions would be minimised or prevented; and 7) Such other measures as may be required.
15. The proponent must contact Susan Andrews-Caron, Director of the Transportation Policy Branch, New Brunswick Department of Transportation (NBDOT) at (506) 453-2802 before the final transportation route is chosen for any oversized equipment that will be removed from the site, The proponent must also contact Mr Guy Jean, District Transportation Engineer in Bathurst at (506) - 547-2144 before the project begins, to review it in more detail.
16. The proponent will be required to obtain a special permit from the Transportation Policy Branch if loads are oversize and/or overweight and will have to submit an engineered traffic management plan. Any chemicals contained in the equipment should be removed prior to transit to reduce gross mass and prevent an accidental spill.
17. Within 60 days of the date of this Certificate of Determination, the proponent must initiate the formation of a community liaison committee involving representatives from the City and other key stakeholders or individuals for the purposes of advising the local community of the progress of this project and receiving their input. The proponent must invite the committee to meet on a regular basis (at a minimum of every 6 months, or as otherwise determined by the liaison committee) during the implementation of this project. The committee must remain in place until otherwise determined by the Director, Project Assessment and Approvals Branch, Department of Environment.
18. If it is suspected that remains of archaeological significance are discovered during construction, all activity must be stopped near the find and the Project Executive, Archaeological Services Section of the Department of Wellness, Culture and Sport must be contacted at (506) 453-2756.