

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act
October 10, 2008
File Number: 4561-3-1156

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 April 28, 2008 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 Manager of the Project Assessment Section of the 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 (Phase III) and a Remedial Action Plan (RAP) prepared by a qualified Site Professional to manage any contaminated or potentially contaminated sites identified in the revised ESA. The submission must also include a timeline (Gantt chart) for the completion of the tasks identified in the RAP. All 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 RAP immediately upon receiving approval from the Remediation Engineer. For additional information, contact Gina Giudice, Remediation Engineer, at (506) 453-7945.
5. Within 6 months of the date of this Determination, an “Ecological Closure Plan” must be prepared and submitted to the Manager of the Project Assessment Section, Department of Environment, for review and must receive approval prior to initiating any closure activities associated with the aerated lagoon system. The closure plan must also outline how environmental protection objectives related to sludge quality (e.g. presence of dioxins and furans, total petroleum hydrocarbons – TPH) will be addressed through the ecological closure approach. The approved closure plan must be implemented within 1 year of the date of this Determination, unless an acceptable future use of the lagoon system is established and agreed to by the Department. In the event that the submission is unacceptable to the Department, a conventional closure plan must be submitted to the Manager of the Project Assessment Section, Department of Environment, within 6 months of the date of the rejected plan.

6. A work plan for the removal and disposal of PCB sources identified within the PCB Audit must be submitted to the Manager of the Project Assessment Section, Department of Environment, for review and must receive approval prior to the decommissioning or removal of any PCB sources. Any PCB sources not scheduled for removal must also be identified in the work plan. Information on the nature and location of these sources, including the rationalization for the proponent to keep these sources in place, must be provided to the Department. For additional information, please contact Réjean Doiron, PCB & ODS Program Manager, Department of Environment at (506) 453-3796.
7. The proponent must submit a closure plan (including engineering drawings) and an application for an *Approval to Construct* for the closure of the Northwest Millstream Solid Waste Landfill. The closure plans shall include a review of the existing monitoring results from the landfill's ground water monitoring network by a qualified independent consultant, and an assessment of whether the proposed closure design, when constructed, will mitigate any identified contaminant issues arising out of the review. The above noted information must be submitted 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.
8. The Northwest Millstream and Brynton water supply lines shall be removed and the ground surface reinstated, with the exception of sections of the buried pipeline which are located within 30 m of a mapped watercourse, delineated wetland or areas of rare vascular plant species. In cases where buried pipeline is located within 30 m of a mapped watercourse, delineated wetland or areas of rare vascular plant species, the proponent shall abandon the pipeline in place and shall cap each end of the pipeline. The Department shall be consulted on the method of capping the ends of the pipeline. The Brynton water supply system may continue to be operational in the event that an acceptable future use of the infrastructure is established and agreed to by the Department.
9. The proponent shall apply for and obtain a *Watercourse and Wetland Alteration Permit* from the Department of Environment for any activities carried out within 30 meters of any watercourse or wetland, prior to the commencement of any construction activities. It is recommended that submission of this application occur at least 90 days prior to the commencement of any construction activity. Please contact Mr. Serge Gagnon, Regional Director responsible for the Watercourse Alteration and Wetlands Program at (506) 457-4850 for further information.
10. If it is suspected that the remains of archaeological significance are found during construction of the project, work shall stop immediately in the vicinity of the find, and the Archaeological Services Unit, Heritage Branch, Wellness, Culture and Sport, shall be contacted immediately at (506) 453-2756. The mitigation measures outlined in Section 6.2.9 of the EIA Registration Document must also be implemented.
11. Oceans and Habitat Area Chief, Mr. Ernest Ferguson, Department of Fisheries and Oceans, Tracadie-Sheila, must be notified 48 hours prior to the commencement of any project works. Mr. Ernest Ferguson can be contacted at (506) 395-7722.
12. A demolition permit will be required from the City of Miramichi for the removal of the buildings

associated with the paper mill and other buildings on site. Please contact Mr. Wilson Bell, Director of the Miramichi Planning District Commission, at (506) 778-5359.

13. The proponent must receive written approval from the Department of Environment should a future benefit/alternative use for any infrastructure associated with this project be identified, and thus result in that infrastructure not being decommissioned or abandoned.
14. The proponent must contact Susan Andrews-Caron, Director of the Transportation Policy Branch, New Brunswick Department of Transportation (NBDOT) at (506) 453-2802 to review the project in more detail and to discuss the proposed transportation route of the equipment and materials that will be required for the project. The proponent must also contact Mr. Andy Leger, District Transportation Engineer in Miramichi, at (506) 778-6046 before the project begins, to review it in more detail.
15. 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.
16. The proponent shall provide written notification to each of the property owners bordering the Northwest Millstream Pipeline and the Bryenton Pipeline, the Miramichi Watershed Management Committee, and the Miramichi River Environmental Assessment Committee prior to the decommissioning of the pipelines.
17. All of the above terms and conditions are an integral part of this Determination, including all terms and conditions, apply to the Project notwithstanding the rights of any users, lessees, and or subsequent owners.
18. In the event of the sale, lease, or any other conveyance or change of control of the Project, or any portion thereof:
 - a. The proponent shall provide written notice of the conditions to the lessee, controller, or purchaser; and
 - b. The proponent shall provide written notice of such lease, change of control, or conveyance to the Minister.