

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

March 27, 2009

File Number: 4561-3-1163

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 documents dated January 21, 2008 and August 6, 2008 as well as all those identified in correspondence and submissions during the registration review. Additionally, the proponent must 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 (ENV) every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. Well 08-1 is approved for use as a back-up water supply and shall not be pumped simultaneously with the main production well of the Penobsquis water supply unless directed otherwise by ENV. In addition, the following restrictions shall apply:
 - a) Total daily production shall be no greater than 524 cubic metres per day, with an initial maximum allowable pumping rate of 80 igpm.
 - b) In order to prevent excessive drawdown, the pump shall be equipped with a low water level shut-off set at a depth of 12.0 m (39.5 ft) below ground surface.
5. A monitoring program for the Penobsquis water supply well and Well 08-1 shall be developed and implemented to confirm that no significant adverse impacts are seen in private wells as a result of the operation of the water supply. This monitoring program must include groundwater level monitoring of wells demonstrated to have strong hydraulic connectivity with the main supply well and/or Well 08-1. The monitoring program must be reviewed and approved by the Manager of the Water Sciences Section, ENV.
6. If the water quantity or quality in a private well is found to be persistently/permanently adversely affected by the operation of Well 08-1, it will be the proponent's responsibility to remedy the situation to the satisfaction of all parties.

7. If it can be demonstrated that an increased pumping rate will not cause any significant adverse impacts to private wells in the area, the proponent may request to have the maximum allowable pumping rate increased up to 150 igpm on an intermittent basis for up to a maximum of 12 hours per day, with the total daily production not to exceed 524 cubic metres per day. For further details please contact Mr. David Maguire, Manager, Project Assessment Section, ENV at (506) 444-5382.
8. The proponent shall undertake a Wellfield Protection Study as per a Terms of Reference prepared by ENV within one year of bringing Well 08-1 on-line and must formally request that the Minister of Environment designate this wellfield under the Clean Water Act. Please contact the Wellfield Protection Program Manager, Department of Environment at (506) 457-4846 for further information.
9. Prior to connecting the well to the water distribution system, the results of an analysis of water quality (microbial organic and inorganic parameters) must be provided to the Department of Health and the well cannot be connected to the water system until the Department of Health has assessed the water quality in the well. In addition, except as otherwise determined by the Department of Health, the water distribution system must have two consecutive negative bacterial tests before water in the system can be put to use as potable water. For additional information, please contact the Health Inspector, Sussex Region Sub-office, Department of Health at (506) 457-4800.
10. The proponent must submit a plan to the Manager of the Water Sciences Section, ENV, describing the proposed petroleum storage system for the back-up generator at the well house, to ensure that it is consistent with the requirements of the *Wellfield Protection Program*. The plan must be approved prior to installation of the storage system. A report template for petroleum storage within designated wellfields is available on the *Wellfield Protection Program* website at [http:// www.gnb.ca/0009/0371/0001/0001-e.asp](http://www.gnb.ca/0009/0371/0001/0001-e.asp). For additional information, please contact Ms. Katie Pettie, Hydrogeologist, Water Planning Section (ENV) at (506) 457-6893.
11. Please contact Mr. Tony Whalen of the Water and Wastewater Management Section at (506) 453-7945 for details regarding implications for regulatory approvals concerning Well 08-1.