

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

June 25, 2009

File Number: 4561-3-1180

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 October 20, 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 Director of the Stewardship Branch, Department of Environment, an "Environmental Site Assessment" and a "Remedial Action Plan (RAP)" prepared by a qualified Site Professional to address petroleum hydrocarbon contamination in accordance with the "Guideline for the Management of Contaminated Sites" (November 2003 version). The submission must also include a timeline (Gantt chart) for the completion of the tasks identified in the RAP. Once approved by the Minister, the proponent must implement the RAP and carry out all required clean-up and remedial action required by the RAP within the timeline estimated therein. For additional information, contact Gina Giudice, Remediation Engineer, at (506) 444-4705.
5. The stockpile located in the Upper Woodyard shall be removed and disposed of off-site in a manner approved by the Department of Environment.
6. Upon completion of Phase I (Removal of Environmental Hazards), the proponent shall submit a report to the Manager of the Project Assessment Section which summarizes the activities that were carried out (i.e. any chemicals, fuel products, and hazardous materials etc. which were removed from the site and details of the disposal or management process). This report must be submitted for review prior to the commencement of Phase 2 and 3 (Removal of Assets).
7. The proponent shall prepare a Demolition Environmental Management Plan (EMP) that will outline the handling and disposal methods for all waste / debris material that will result from demolition

activities. The Demolition EMP must be submitted to the Manager of the Project Assessment Section and must be approved prior to the commencement of any demolition activities.

8. The proponent shall complete the PCB Inventory Audit by including the following details:
 - The approximate number of fluorescent light ballasts suspected to contain PCBs in buildings which are currently scheduled for demolition, and also for those not yet scheduled for demolition;
 - The approximate number of ballasts from High Intensity Discharge (HID) Lamps that could potentially contain PCBs in buildings which are currently scheduled for demolition, and also for those not yet scheduled for demolition;
 - All transformers manufactured before 1980 must be sampled or re-sampled for PCB analysis, and all PCB samples must be submitted to an accredited laboratory for analysis as required under the Federal *PCB Regulations*;
 - The entire property must be investigated for the presence of Paper Insulated Lead Cables (PILC) and associated potheads that contain or could be potentially contaminated with PCBs; and
 - Any other equipment or item noted during the audit that could potentially be contaminated with PCBs shall also be included in the PCB Inventory Audit.
9. A work plan for the removal and disposal of any PCB sources that are identified within the PCB Inventory Audit shall be developed for any building or structure that will be demolished. The Work Plan must be submitted to the Manager of the Project Assessment Section, Department of Environment, for review and must receive approval **prior to the demolition of the building**. 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. An inventory and work plan will also be required for each structure which will undergo future demolition, and must receive prior approval before commencing the demolition activity. For additional information, please contact Réjean Doiron, PCB & ODS Program Manager, Department of Environment at (506) 453-3796.
10. The proponent shall ensure that the facility is maintained to a prudent standard while an appropriate buyer for the facility is sought. Measures shall be taken to ensure the property is maintained to a condition acceptable to the Department, including building maintenance on an “as needed” basis. City By-laws must also be adhered to and a security guard shall remain on-site until the property is sold or until all assets are removed or demolished.
11. The proponent must obtain approval from the Department of Environment prior to decommissioning or removal of any assets or site components which were not reviewed within the scope of this EIA (i.e. settlement pond, wharf and outfall structure).
12. The proponent must submit a closure plan and an application for an *Approval to Construct* for the closure of the two wood waste disposal sites. The closure plans shall include detailed plans of the facilities outlining the current conditions, the proposed modifications, the cover systems to be employed in the closure work, and a schedule in which the work would be completed. 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 closure of the wood waste disposal

sites. For additional information please contact John Stubbert, Project Assessment and Approvals Branch at (506) 444-4599.

13. 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.
14. Oceans and Habitat A/Area Chief, Mr. Marc Godin, Department of Fisheries and Oceans, Tracadie-Sheila, must be notified 48 hours prior to the commencement of any project works within 30 m of any watercourse. Mr. Marc Godin can be contacted at (506) 395-7713.
15. The proponent must receive written approval from the Department of Environment should a future benefit/alternative use of the infrastructure that is acceptable to the Minister is identified and thus results in that infrastructure not being decommissioned.
16. 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 by 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 NBDOT's Work Area Traffic Control Manual to ensure proper traffic control personnel, signing, lighting and safety measures are in place in any construction zones.
17. 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 for review at that time. Any chemicals contained in the equipment should be removed prior to transit to reduce gross mass and prevent an accidental spill.
18. All of the above terms and conditions are an integral part of this Determination, including all terms and conditions, and apply to the Project notwithstanding the rights of any users, lessees, and or subsequent owners.
19. 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.