

## DOCUMENT "A"

### MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act  
September 11, 2015  
File Number: 4561-3-1351

---

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 and Local Government.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated November 14, 2012 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 Environmental Assessment Section of the Department of Environment and Local Government (DELG) every six months from the date of this Determination until such a time as the Manager determines it is no longer required.
4. If it is suspected that remains of archaeological significance are found during construction, as per the Heritage Conservation Act, all activity shall be stopped near the find and the Resource Manager of the Archaeological Services Unit, Heritage Branch of the Department of Tourism, Heritage and Culture, shall be contacted at (506) 453-3014.
5. The maximum allowable combined water withdrawal from the three production wells PW1 (13-12), PW2 (14-01), and PW3 (14-02) must not exceed a daily average of 12.5 ML/day on an annual basis. Each production well is individually limited to a maximum water withdrawal of 9 ML/day. A flowmeter must be installed on each production well and the data must be recorded a minimum of once per day. This data must be included in the annual report that is referenced in condition # 13 of this Determination.
6. The water levels in each production well (PW1, PW2, and PW3) must be monitored and the system must be set up so that an alarm is triggered when the water level drops below +1 m above mean sea level. The water level in each production well can drop below +1 m above mean sea level a total of 100 days/year with a maximum of 20 consecutive days. A record of the water level data must be kept and included in the annual report referenced in condition # 13 of this Determination. DELG must be notified if the maximum number of days the water level goes below +1 m above mean sea level is exceeded.
7. The restrictions and requirements imposed in Conditions 5 and 6 of this Determination may be altered in the future by the Manager of DELG's Environmental Assessment Section based on the wellfield performance and the monitoring data.

8. The locations of the four additional observations wells (15-01, 15-02, 15-03, and 15-04) that have been proposed for the South Bay wellfield must be submitted for review and must receive approval from the Manager of DELG's Environmental Assessment Section prior to being drilled. The well logs and GPS coordinates for these four wells must subsequently be submitted to DELG. No other test or observation wells may be drilled without having been submitted for review and received approval from the Manager of DELG's Environmental Assessment Section.
9. The water from the three production wells must meet the New Brunswick Drinking Water Guidelines before reaching the first user in the distribution system.
10. The monitoring and mitigation measures outlined in the Abbreviated Wellfield Monitoring Plan (dated July 30<sup>th</sup>, 2015) must be followed as soon as the wells are brought online. A detailed monitoring and mitigation plan must ultimately be submitted for review and must receive approval from the Manager of DELG's Environmental Assessment Section within one year of the wells being brought online.
11. The wellhead protection measures that have been identified in the EIA registration document and subsequent correspondence must be instituted on the production and observation wells.
12. A quarterly review of water quantity and quality data must be conducted for the first two years of operation of the groundwater supply system. The review must be conducted by a professional registered with the Association of Professional Engineers and Geoscientists of New Brunswick (APEGNB). Following each review, a brief summary must be submitted to DELG.
13. An annual report must be submitted to DELG and it must include, but not be limited to, information and data that is collected as part of the wellfield monitoring plan (i.e., water quantity and quality data, ground elevation information, stream level measurements, etc.). The report must include a data review, analysis, interpretation and any potential recommendations by a professional registered with the Association of Professional Engineers and Geoscientists of New Brunswick (APEGNB). After five years, the proponent and DELG may agree to change the content and form of the annual report.
14. If at any time an additional water supply is required, DELG must be contacted prior to its development to determine any regulatory requirements.
15. In the event of a complaint from a neighbour that the construction or operation of this water supply has negatively impacted the quality or quantity of their private water supply, the proponent must investigate the complaint and notify DELG. If it is determined that the proponent is responsible for any such negative impacts, the proponent will be required to provide a temporary water supply for short-term impacts, or to repair, remediate, or replace any permanently impacted well(s), which might include, but is not limited to, deepening a well or drilling a new well.
16. The wells that were drilled as part of this project in the Little River area and that will not be used or transferred to landowners must be decommissioned as per the December 19<sup>th</sup>, 2014 Decommissioning Plan prepared by BGC Engineering Inc.
17. The City of Saint John must adopt a Resolution of Council to initiate the wellfield designation process under the *Clean Water Act* prior to connecting the water supply to the distribution system. Also, the City of Saint John will have to undertake a wellfield protection study within three months of the date of commissioning of the well(s), as per terms of reference that will be established by DELG. The study and the designation will have to include all municipal wells.
18. In the event of the sale, lease, or any other conveyance or change of control of the Project, or any portion thereof, the proponent must provide written acknowledgement from the lessee, controller or purchaser confirming that they will comply with the conditions of this Determination to the Manager of DELG's Environmental Assessment Section.

19. The proponent shall ensure that all developers, contractors, and operators associated with the project are familiar with and comply with the requirements of the Migratory Birds Convention Act and the Species at Risk Act and associated *Regulations*.
20. The proponent must ensure that all developers, contractors, and operators associated with the construction and operation of the project comply with the above requirements.