

DOCUMENT "A"

**MINISTER'S DETERMINATION
CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act

June 3, 2014

File Number: 4561-3-1366

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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 September 12, 2013), as well as all those identified in subsequent correspondence during the determination 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 every 3 months from the date of this Determination until such a time as construction is complete.
 4. An updated Environmental Management Plan that addresses, but is not limited to, the issues listed below must be submitted to the Manager of the Environmental Assessment Section and must be reviewed and approved by the Manager prior to commencement of construction:
 - 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.
 - An erosion and sedimentation control plan with a map or diagram linking the mitigation to location.
 5. No dredge spoils shall be disposed of at the Loggie's Pit facility unless they have been decanted under surcharge for a minimum of 11 months at an on-shore or near shore dredge spoil containment cell.
 6. No material other than the proposed dredge material from various Dept. of Fisheries and Oceans Small Craft Harbours within the Gulf, N.B. region are permitted to be disposed of within the Loggie's Pit facility.

7. A detailed modified groundwater monitoring plan must be submitted to the Manager of the Environmental Assessment Section and must be reviewed and approved by the Manager prior to commencing the proposed expansion work. This plan shall include all monitoring well and piezometer locations as well as surface water sampling locations, sampling frequencies, sampling protocols, parameters for analysis as well as the location of the two private residential wells that were sampled in 2004, relative to the location of Loggie's Pit.
8. If the facility expansion results in the need to move or abandon any on-site monitoring wells, the proponent shall properly decommission the well according to the New Brunswick Department of Environment and Local Government (DELG) *Guidelines for Decommissioning (Abandonment) of Water Wells*.
9. A re-issued *Approval to Operate* for the expanded facility is required from DELG. No work for the proposed expansion can take place until the new Approval has been issued. Please Contact DELG Industrial Processes Section at 453-7945 for additional information.
10. All monitoring results pertaining to Condition 7 shall be submitted to the Industrial Processes Section, in accordance with the *Approval to Operate* requirements.
11. When capping, grading and seeding any material at the disposal facility, a variety of species of plants native to the general area should be used for revegetation purposes. Should seed mixes for herbaceous native species not be available, the proponent must ensure that the plants used are non-invasive.
12. If it is suspected that remains of archaeological significance are discovered during construction, all activities shall be stopped near the find and the Resource Manager of the Archaeological Services Unit, Department of Tourism, Heritage and Culture, shall be contacted at 453-2756.
13. Refuelling and maintenance of equipment must take place in designated areas, on level terrain, a minimum of 30 m from any surface water, on a prepared impermeable surface with a collection system to contain oil, gasoline and hydraulic fluids. Appropriate spill response equipment must be maintained in a readily accessible location during project construction and operation. All spills and releases shall be promptly contained, cleaned up and reported to the 24-hour emergency response line (1-800-565-1633).