

DOCUMENT "A"

MINISTER'S DETERMINATION

CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

July 17, 2014

File Number: 4561-3-1379

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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 document entitled, "Environmental Assessment Registration Belledune Rail Terminal and Transfer System, Chaleur Terminals Inc. (CTI), March 2014, 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 6 months from the date of this Determination until such a time as all the Conditions have been met.
 4. If it is suspected that remains of archaeological significance are found during construction, operation or maintenance of the proposed development, as per the Heritage Conservation Act (2010), all activity shall be stopped near the find and the Resource Manager of the Archaeological Services Unit shall be contacted at (506) 453-3014.
 5. The proponent shall obtain an *Approval to Operate* from the Impact Management Branch prior to the operation of the facility. For more information, please contact the Manager of the Industrial Processes Section, DELG, at (506) 453-7945.
 6. The proponent is required to submit an ambient air quality monitoring plan for review and approval by the Manager of the Industrial Processes Section, DELG, (506) 453-7945. The air quality monitoring plan shall be implemented prior to the operation of the facility.
 7. The proponent shall ensure that all vapor recovery units associated with the project include a hydrogen sulfide mitigation system.
 8. The proponent must obtain a *Site Approval*, and an *Environmental Approval*, for the installation of a petroleum storage system, under Regulation 87-97, *Petroleum Product Storage and Handling Regulation* – Clean Environment Act. For more information, please contact the Manager of the

Petroleum Storage Program, DELG, at (506) 444-4667.

9. The Proponent will be required to file an application with the New Brunswick Energy and Utilities Board for a *Permit to Construct* any pipelines as defined under the Pipeline Act, 2005. For more information, please contact the Director of Pipeline Safety, New Brunswick Energy and Utilities Board at (506) 658-2504.
10. The proponent shall submit to Transport Canada Marine Safety and Security (TCMSS), the Oil Pollution Emergency Plan (OPEP) & Oil Pollution Prevention Plan (OPPP), six months prior to commencing operations for review by TCMSS, along with confirmation that the requirements of Section 168 of the Canada Shipping Act 2001 have been fulfilled.
11. The proponent shall ensure that an Emergency Response Plan (ERP) is prepared for the construction, operation, and maintenance phases of the project. The ERP will include an Emergency Management Program, Environmental Management Plan and a Marine Spill Response Plan. The ERP shall be submitted to the Manager of the Environmental Assessment Section of DELG for review and approval prior to the commencement of construction activities.
12. The proponent shall provide construction and operational updates to Pabineau First Nation, Eel River Bar First Nation, and their authorized representative the Assembly of First Nations Chiefs in New Brunswick, and Listuguj First Nation.
13. The proponent shall ensure that a rare plant survey is submitted to the Manager of the Environmental Assessment Section of DELG for review and approval prior to the commencement of construction activities. Please note that additional mitigation may be required depending on the results of the survey.
14. The proponent shall submit a breeding bird survey including identification of any rare bird species to the Manager of the Environmental Assessment Section of DELG for review and approval prior to the commencement of construction activities. Please note that additional mitigation may be required depending on the results of the survey.
15. The proponent shall ensure that any proposed project modifications are submitted for review and approval by the Manager of the Environmental Assessment Section of DELG.
16. The proponent shall ensure that periodic updates/meetings are coordinated with DELG Bathurst Regional Staff, including the Approvals Engineer, regarding any public complaints, environmental concerns and overall project progress.
17. In the event of the sale, lease, or any other conveyance or change of control of the Project, or any portion thereof:
 - The proponent shall provide written notice of the conditions to the lessee, controller, or purchaser;
 - The proponent shall provide written notice of such lease, change of control, or conveyance to the Minister; and
 - All of the terms and conditions are an integral part of this Determination and will apply to the lessee, controller, or purchaser.
18. The proponent shall ensure that all developers, contractors and operators associated with the development project comply with the above requirements.