

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

November 13, 2015

File Number: 4561-3-1413

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 June 23, 2015, 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 (EA) Section, Department of Environment & Local Government (DELG) every 6 months from the date of this Determination until such a time as all the Conditions have been met or until it is deemed (by the Manager, EA Section, DELG) to be no longer necessary.
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. All exposed, erodible soils located on-site shall be temporarily stabilized throughout construction of the project, in order to mitigate the deposition of sediment from overland runoff into the mapped regulated wetland and/or regulated watercourse and their associated 30-metre buffers. Erosion control measures can include the following:
 - The installation of silt fencing;
 - The application of hay or straw mulch to the exposed areas or,
 - Engineered geotextile erosion control blankets.

Upon completion of construction, all exposed erodible soils shall be permanently stabilized with perennial vegetation native to the area. If it is too late in the growing season for perennial vegetation to become established, temporary stabilization shall be upgraded to perform its function throughout winter and snowmelt/spring break-up conditions. Wherever temporary over-winter stabilization is used, it shall be replaced with non-invasive perennial vegetation native to the area early in the next growing season.

6. The proponent shall not raise another duck species (other than the Muskovy duck) without first submitting a request to the Manager, EA Section, DELG for review and approval. If a new species is proposed, the proponent will be required to undertake additional public consultation activities as determined by the Manager.
7. The proponent shall limit the hours of noisy construction work to between 7am-7pm. Quiet work may be undertaken outside of these hours.
8. Construction vehicles or any vehicles associated with the operational phase of the project are not permitted to obstruct the flow of traffic along sunset lane.
9. Should the proponent require access to the project site off HWY 105, the proponent must first contact the Department of Transportation and Infrastructure (DTI)'s District Engineer in Fredericton at: 506-453-2611 to discuss any permit requirements.
10. Site run-off must be managed such that adjacent roads and their associated infrastructure are not impacted. If it is determined by the Manager, EA Section, DELG, that impacts to adjacent roads have occurred as a result of project activities, the proponent must undertake any activity necessary in order to correct the problem.
11. In order to ensure employee health and safety, the proponent shall install ammonia and carbon dioxide sensors in the bioreactor building as well as an ammonia sensor in the duck dens. These sensors shall be capable of warning employees of levels that would be harmful to human health.
12. The proponent shall install at least 1 hand washing station for employees handling ducks and at least 1 for employees who will be handling food. The proponent shall prepare a hand washing policy and post it above the hand washing stations to remind employees of this Policy.
13. The Canadian Food Inspection Agency (CFIA) has a number of requirements related to importing or exporting animal feed, seeds, plants, fish, ducks and compost etc. The proponent must contact the District Veterinarian, Woodstock Field Office at (506) 325-1960 to discuss any duck and fish import requirements prior to commencing the project. For requirements related to all other project components (feeds, seeds, plants, composts etc.), the proponent must contact the Multi-Program Supervisor, Fredericton Field Office at (506) 460-4406 prior to commencing the project.
14. Prior to selling a compost product anywhere in Canada, the proponent must ensure the product is safe (mature product and must be free from pathogen contamination, using salmonella and faecal coliforms as indicator organisms, as well as well-defined levels of heavy metals), and the compost product must be properly labelled. The proponent must contact the CFIA Multi-Program Supervisor, Fredericton Field Office at (506) 460-4406 prior to offering compost for distribution or sale in order to ensure these requirements are met. Additional information on the sale and marketing of compost can be found in *CFIA Trade Memo T-4-120 - Regulation of Compost* under the Fertilizers Act and Regulations at: <http://www.inspection.gc.ca/plants/fertilizers/trade-memoranda/t-4-0/enq/1307910204607/1307910352783>.

15. The proponent must apply for a *Water Quality Approval to Operate* under the *Water Quality Regulation - Clean Environment Act* for the operation of a Composting Facility. An application must be submitted to DELG at least 90 days prior to the anticipated start date of operation. For more information, please contact the Regional Engineer, Fredericton Regional Office of DELG at 506-444-5149.
16. The proponent must document and report any odor complaint associated with the project to the Manager, EA Section, DELG in the summary table (see Condition #3). Should odor become a significant problem (as determined by the Manager), additional mitigation may be required.
17. The proponent must comply with the Species at Risk Act and the Migratory Birds Convention Act and associated regulations during all stages of this project.
18. In order to prevent flight and minimize the risk that Muskovy ducks may come into contact with wild waterfowl, the proponent shall:
 - Clip the flight feathers of both wings from each duck on a regular basis;
 - Install an electric fence around the perimeter of the outdoor enclosure;
 - Cover the outdoor enclosure with a net or other suitable material in order to keep wild waterfowl out;
 - If a net is used, the proponent must:
 - Choose a net with a small mesh size and place it tightly over the structure to help prevent entanglement;
 - The net must be monitored a minimum of 4 times daily in order to detect and assist any ensnared wild birds;
 - The net must be maintained in good condition;
 - If a wild bird is found ensnared in the net, it must be helped free without causing injury;
 - The proponent must keep a record of all wild birds found in the net, including any injured or deceased birds, and must submit this record to the Manager, EA Section, DELG twice per year in the summary table (see Condition #3) and,
 - The proponent is only permitted to move a maximum number of 150 ducks between the outdoor and indoor enclosures at a time using a cage or fenced walk-way.
 - The proponent must maintain a current record of the numbers of Muskovy ducks kept on-site. In the event that escapement occurs, the proponent must attempt to retrieve any escapees.

Additional mitigation may be required if deemed necessary by the Manager, EA Section, DELG.

19. The proponent shall not use dogs to harass, chase or harm wild birds in order to keep them away from the project property as this would be a contravention of the Migratory Birds Convention Act.
20. The outdoor duck enclosure shall be surrounded by bermed walls capable of retaining pond water during extreme weather events. The ponds shall be lined with an impermeable liner. Should the design of the outdoor duck enclosure fail to prevent pond water from leaching, seeping or overflowing into the watercourse or wetland on the property (as determined by the Manager, EA Section, DELG), additional mitigation may be required.

21. The proponent shall obtain an *Inland Commercial Aquaculture License* from the Department of Agriculture, Aquaculture and Fisheries (DAAF) prior to commencing the project. For more information, please contact DAAF's St. George Regional Office at: 506-755-4000.
22. The proponent shall obtain an *Introductions and Transfers Permit* from the Department of Fisheries and Oceans (DFO) for the introduction and subsequent movement of Tilapia fish prior to commencing the project. For more information, please contact the area Senior Aquaculture Management Officer, DFO St. George Office at: 506-752-9109.
23. The proponent has approval to drill one groundwater well on-site. The on-site groundwater well cannot have a capacity of greater than 7.6 igpm or (50 m³/day). The proponent will be required to submit written confirmation (from the pump installer) that the pump installed in the well meets the requirements of this Condition. If the on-site groundwater well is to be used for potable purposes, the water quality shall meet the *NB Drinking Water Quality Guidelines*.
24. If at any time, the proponent wishes to increase the capacity of the on-site water well, or an additional water well is required, the proponent must first contact the Manager, EA Section, DELG (prior to modifying existing well or drilling a new well), as a Water Supply Source Assessment may be required. The Manager can be reached at: 506-444-5382.
25. In order to evaluate any potential impacts to groundwater and neighbouring water wells, the proponent shall:
 - Install a groundwater monitoring well in an approved area located down gradient of the tire installation;
 - The location of the proposed monitoring well must be submitted to the Manager, EA Section, DELG for review and approval prior to installation;
 - The monitoring well must be sampled at least once prior to commencing the operation and twice per year (Spring and Fall) once the operation has commenced and,
 - Analysis shall consist of general chemistry (including trace metals), microbiology, and petroleum hydrocarbon parameters of concern.

Pending the results of the groundwater monitoring program, additional mitigation or monitoring may be required. The proponent may apply to reduce or discontinue this sampling requirement after two years of post-operation sampling. The request must be made to and approved by the Manager, EA Section, DELG.

26. In order to evaluate any potential impacts to surface water, the proponent shall:
 - Collect 3 water samples (1 background, 1 from the wetland inlet and one from the outlet), at least once prior to commencing the operation and twice per year (Spring and Fall), once the operation has commenced;
 - The sampling locations must be submitted to the Manager, EA Section, DELG for review and approval prior to commencing the monitoring program and,
 - Analysis shall include Total Nitrate (TN) and Total Phosphorus (TP).

Pending the results of the surface water monitoring program, additional mitigation or monitoring may be required. The proponent may apply to reduce or discontinue this sampling requirement after two years of post-operation sampling. The request must be

made to and approved by the Manager, EA Section, DELG.

27. In the event that it is determined the water quantity or quality of a neighboring well has been impacted by the implementation of the project, it will be the proponent's responsibility to investigate and potentially rectify the situation in the short term (i.e. supply bottled water, etc.) or in the long term as deemed necessary (i.e. deepening or drilling a new well, etc.).
28. The proponent is not permitted to extract water from Grand Lake for any of its project activities.
29. The proponent shall not discharge any water from the duck ponds, Tilapia ponds or bioreactor into the environment unless approved by the Minister, DELG.
30. Windmills are not permitted on the project site unless the proponent submits a proposal to the Manager, EA Section, DELG for review and approval and undertakes additional public consultation activities, as determined by the Manager.
31. There shall be no stockpiling of tires on the project site. Tires must be installed immediately upon delivery.
32. There shall be no stockpiling of lime or quick lime bricks on the project site. The proponent must install quick lime bricks immediately upon delivery.
33. To reduce the risk of predators/wild animals being attracted to the project site, the proponent shall not feed wild animals.
34. One year after the beginning of construction onsite, the proponent shall submit to DELG, a *rehabilitation bond* in the amount of \$1,000 annually for a period of 10 years (totaling \$10,000). The intent of this *rehabilitation bond* is to ensure the rehabilitation of the site and proper disposal of the tires at the end of the project's life. Should the proponent successfully undertake the rehabilitation of the site (as determined by the Minister, DELG), the *rehabilitation bond* will be reimbursed. In the event that the proponent is unable to meet the rehabilitation commitment, the *rehabilitation bond* shall be used by the Minister, DELG to complete any remaining rehabilitation obligations.
35. 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, EA Section, DELG.
36. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project are aware of and comply with the above requirements.