

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the *Clean Environment Act*

February 12, 2019

File Number: 4561-3-1420

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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 1, 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 Director of the Environmental Impact Assessment (EIA) Branch of the Department of Environment and Local Government (DELG) every six months from the date of this Determination until such a time as the Director determines it is no longer required.
 4. If any ground disturbance will take place within a previously undisturbed area identified as having elevated archaeological potential (i.e., within 80 m of a waterbody or within 100 m of the confluence of waterbodies), an Archaeological Impact Assessment will have to be completed by a permitted archaeologist before the ground disturbance can take place. Furthermore, if it is suspected that remains of archaeological significance are discovered during construction, operation, or maintenance of any part of the proposed project, as per the New Brunswick *Heritage Conservation Act*, all activity shall be stopped within 30 metres of the find and the Manager of the Archaeological Regulatory Unit, Archaeological Services Branch, New Brunswick Department of Tourism, Heritage and Culture, shall be contacted at (506) 453-2738 for further direction.
 5. The maximum allowable daily water withdrawal rate from the Kerr well (well TH1-2016, well ID #00038769 on PID 40534190) is 818 m³/day with a maximum allowable pumping rate of 250 igpm (i.e., 250 igpm for a maximum of 12 hours equals 818 m³/day). A flowmeter must be installed on the well and the water usage data must be recorded daily for a minimum of five days per week. Annual flowmeter data must be submitted to DELG according to the manner prescribed in the *Approval to Operate* for the water system.

6. The maximum allowable daily water withdrawal rate and maximum allowable pumping rate in Condition # 5 may be changed by the Director of DELG's EIA Branch following the results of the City of Miramichi's other active groundwater exploration project (EIA file # 4561-3-1447), which involves a proposed production well located in the vicinity of the Kerr well (well TH1-2016).
7. The water level in the Kerr well (well TH1-2016) must be monitored and recorded daily for a minimum of five days per week. A record of the water level data must be kept and included in the annual report in the manner prescribed in the *Approval to Operate*.
8. A low water level shut-off probe must be installed in the Kerr well (well TH1-2016) at a depth of 24.5 m below the top of casing.
9. If at any time the City of Miramichi wishes to increase the maximum pumping rate and/or increase the hours of operation of the well and the total daily water withdrawal amount for the Kerr well (well TH1-2016), DELG must be contacted, as further hydrogeological testing may be required. Any modifications to these restrictions related to the operation of the well must be approved by the Director of DELG's EIA Branch.
10. The wellhead protection measures that have been identified in the EIA registration document and subsequent correspondence must be implemented on the production well and any observation wells.
11. The City of Miramichi must apply for and obtain an *Approval to Construct* from DELG's Authorizations Branch prior to connecting the Kerr well (well TH1-2016) to the water distribution system. For more information, please contact the Senior Approvals Engineer, Authorizations Branch, DELG, at (506) 453-7945.
12. Prior to using water from the Kerr well (well TH1-2016), but after proper disinfection of the well, a full water quality sample must be collected for general chemistry, trace metals, and microbiology. The water quality data must be submitted for review and must receive approval from the Approvals Engineer of DELG's Authorizations Branch, who can be contacted at (506) 453-7945.
13. The water from the Kerr well (well TH1-2016) must meet the New Brunswick *Drinking Water Guidelines* before reaching the first user in the water distribution system.
14. The City of Miramichi must request that the Kerr well (well TH1-2016) be added to the *Approval to Operate* for the municipality's drinking water system and the well must be added to the sampling plan. For more information, please contact the Approvals Engineer, Authorizations Branch, DELG, at (506) 453-7945.
15. In the event of a complaint by a neighbouring water user that the construction or operation of this water supply well 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 City of Miramichi is responsible for any such negative impacts, the City 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. Further to the City of Miramichi's *Resolution of Council* regarding the Kerr well adopted on July 26, 2018, the City will have to undertake a wellfield protection study within three months of the date of Determination of the City's other groundwater exploration EIA review (file # 4561-3-1447) or within one year of the date of commissioning of the Kerr well (well TH1-2016), whichever date comes first. This study will have to be conducted as per terms of reference that will be established by DELG.
17. Any wells that will not be used for production or monitoring purposes must be decommissioned according to the attached DELG *Guidelines for the Decommissioning (Abandonment) of Water Wells*, which are also available online: <https://www2.gnb.ca/content/dam/gnb/Departments/env/pdf/Water-Eau/DecommissioningWaterWells.pdf>.
18. In the event of the sale, lease, or any other conveyance or change of control of the property, 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 Director of DELG's EIA Branch.
19. The proponent must ensure that all developers, contractors, and operators associated with the construction and operation of the project comply with the above.