

DOCUMENT "A"

**MINISTER'S DETERMINATION
CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the *Clean Environment Act*
June 9, 2021
File Number: 4561-3-1522

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 Climate Change.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the document entitled, "*Environmental Impact Assessment (EIA) for Existing Groundwater Wells at the Agropur Dairy Facility near Sussex, New Brunswick - Retroactive Water Supply Source Assessment (WSSA) for Six Pre-existing Groundwater Wells April 30, 2019*", as well as all those identified in subsequent correspondence during the registration review for the project on the following property identification numbers (PIDs) 30210660, 00083550, 00102582, 30211759, 30239420, 00108787, 00108761, 30144364, 30144372, 00106831, 00108779, 00106856, 00106849, 00106823, and 00120196. 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 6 months from the date of this Determination until such a time that 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*, all activity shall be stopped within 30 meters of the find and the Manager of the Archaeological Regulatory Unit, Department of Tourism, Heritage and Culture (506) 453-2738 shall be contacted for direction.
5. The proponent shall ensure that if a nest or chick of a migratory bird is detected, work in the area shall be halted and the Canadian Wildlife Service of Environment and Climate Change Canada shall be consulted for advice by contacting their main office in Sackville, New Brunswick at (506) 364-5044. The proponent shall ensure that activities are conducted in a manner that would be in compliance with the *Migratory Birds Convention Act*.
6. The maximum allowable combined daily water withdrawal from production Wells 1, 3, 4, 6, and 7 is 400 liters per minute (L/min) or 575 meters cubed per day (m³/day). The individual maximum allowable pumping rate for Well 1 is 238 L/min, Well 3 is 142 L/min, Well 4 is 86 L/min, Well 6 is 123 L/min, and Well 7 is 217 L/min.
7. The proponent shall ensure that a flowmeter is installed to record the combined water usage of Wells 1, 3, 4, 6, and 7. The water usage data must be recorded weekly and used to calculate an

average daily volume based on the weekly recording in order to show compliance with the daily water withdrawal limit. The weekly flowmeter data must be submitted annually in the manner prescribed in the *Approval to Operate* for this system.

8. If at any time the proponent would like to a) increase the approved maximum allowable pumping rate of Well 1, 3, 4, 6, and/or 7; and/or b) increase the total daily water withdrawal amount from the wells; and/or c) requires a new water supply well, then the proponent must first contact the Director of the EIA Branch, DELG to determine if further hydrogeological testing and other information may be required.
9. At a minimum, the raw water in each of the production wells 1, 3, 4, 6, and 7 must be sampled annually for microbiology, along with an annual combined sample from these wells for general chemistry and trace metals. The water quality data must be submitted to DELG annually in the manner prescribed in the *Approval to Operate* for the water system.
10. In the event of a complaint by a neighbouring water user that the operation of these water supply wells has negatively impacted the quality or quantity of their private water supply, the proponent must investigate the complaint and notify DELG (according to the manner stipulated in the *Approval to Operate*). If it is determined that the proponent is responsible for any 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.
11. As a minimum, all onsite wells will require a vermin proof cap and the cap shall be locked; the ground surface around the wellheads must be sloped away from the well so there is no pooling of water around the wellhead; the well must be clearly marked so that its location can be seen even under snow cover; and it must have a barricade to protect it from being damaged.
12. The proponent shall ensure that any proposed project modifications or future expansions are submitted for review and approval to the Director of the EIA Branch, DELG, prior to implementing the changes.
13. The proponent shall ensure that all developers, contractors and operators associated with the development project comply with the above requirements.