

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

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

October 14, 2020

File Number: 4561-3-1525

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 EIA registration document dated May 2019, 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 it is suspected that remains of archaeological significance are discovered during construction, operation, maintenance or during any other project related activity, as per the *New Brunswick Heritage Conservation Act*, all activity shall be stopped near the find and the Archaeology and Heritage Branch, New Brunswick Department of Tourism, Heritage and Culture (THC), must be contacted immediately at (506) 453-2738 for further direction.
5. The maximum allowable combined pumping rate for freshwater Wells #1, #2, #3, #4, and #5 is 555 igpm (3632 m³/day), however, the average cumulative pumping rate over the course of the year for all the wells cannot exceed 186 igpm (1217.6 m³/day). Flowmeters must always be installed on each production well and the water usage recorded daily (minimum 5 days/week) from each well when the facility is in operation and/or when the wells are being used.
6. A groundwater monitoring plan (dated July 3, 2020) has been developed that details the required water quantity, water level, and water quality monitoring. The latest version of the groundwater monitoring plan must be followed, and an annual groundwater monitoring report must be submitted in the manner prescribed in the *Approval to Operate* issued for this facility.

7. If at any time the proponent wants to increase the approved maximum allowable combined pumping rate of Wells #1, #2, #3, #4, and #5; and/or increase the annual average cumulative pumping rate for Wells #1, #2, #3, #4, and #5; and/or develop a new water supply well, then DELG must be contacted as further hydrogeological testing and other information may be required, subject to approval by the Director of DELG's EIA Branch.
8. 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.
9. Appropriate authorization under the *Petroleum Product Storage and Handling Regulation (87-97) – Clean Environment Act* must be obtained for all applicable petroleum storage systems. An application must be submitted to DELG's Authorizations Branch within two weeks of the date of this Determination. For more information, please contact the Manager of the Permitting North Section of DELG's Authorizations Branch at (506) 453-7945.
10. Appropriate land tenure must be obtained from the Department of Natural Resources and Energy Development (DNRED) for the facility's outfall pipe, which is located on submerged Crown land. An application must be submitted to DNRED within two weeks of the date of this Determination. Applications for land tenure can be obtained from DNRED's Land Use Application Service Centre, which can be reached at 1-888-312-5600.
11. 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 the EIA Branch of DELG.
12. The proponent shall ensure that any proposed project modifications are submitted for review and approval to the Director of DELG's EIA Branch prior to implementing the changes.
13. The proponent must ensure that all developers, contractors and operators associated with the project comply with the above requirements.