

Document A – Minister’s Determination Conditions of Approval

**Pursuant to Regulation 87-83 under the Clean Environment Act
May 16, 2023 - File Number: 4561-3-1601 - SR 058002**

- 1 In accordance with section 6(6) of the *Environmental Impact Assessment Regulation – Clean Environment Act*, 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. Commencement is defined as the start of project-related physical construction activities as identified during the Environmental Impact Assessment (EIA) review. Should commencement not be possible within this time period, the undertaking must be registered under the Environmental Impact Assessment Regulation – Clean Environment Act again, unless otherwise stated by the Minister of Environment and Climate Change.
- 3 In the event the project is commenced (i.e., partially completed) and becomes inactive for a period of five years or more after commencement, the undertaking must be registered under the Environmental Impact Assessment Regulation – Clean Environment Act again, unless otherwise stated by the Minister of Environment and Climate Change.
- 4 The proponent shall adhere to all obligations, commitments, monitoring, and mitigation measures presented in the EIA registration document dated October 14, 2022, 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, EIA Branch, Department of Environment and Local Government (DELG) every six 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 Director to be no longer required.
- 5 The Enclosure is a designated Provincial Heritage Site and there are several registered archaeological sites within its boundaries. If it is suspected that remains of archaeological significance are discovered during construction, operation, maintenance or during any other project related activity, as per section 9 of 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.

- 6 The maximum allowable pumping rate for Well 1 (drilled in the 1960's on PID 40336174) is 105 m³/day, for a maximum period of 18 hours/day, for a total daily water withdrawal limit of 78.6 m³/day.
- 7 The maximum allowable pumping rate for Well 2 (drilled in 2011, Well TAG 44127, on PID 40336190) is 105 m³/day, for a maximum period of 18 hours/day, for a total daily water withdrawal limit of 78.6 m³/day.
- 8 The maximum allowable pumping rate for Well 3 (drilled in 1991 on PID 40336125) is 66 m³/day, for a maximum period of 18 hours/day, for a total daily water withdrawal limit of 49 m³/day.
- 9 The water from Well 1 shall not be used for potable purposes until treatment for manganese is in place and the proponent has received the written approval of the Department of Health.
- 10 A flowmeter must be installed on Wells 1, 2, and 3 within three months of the date of this Determination and the water usage data from each well must be recorded a minimum of five days per week (including Friday, Saturday, Sunday) while the wells are in operation.
- 11 All flowmeter data for the reporting period of January to December, must be submitted annually to the Director, EIA Branch, DELG - no later than March 1st of the following year.
- 12 Based on the annual flowmeter data reporting, a DELG Certificate of Approval to Operate will be required for each individual well should the daily water usage exceed 50 m³/day.
- 13 If at any time the proponent wants to increase the approved maximum allowable pumping rate of Wells 1 or 2, and/or increase the hours of operation or the total daily water withdrawal amount for Wells 1 or 2, and/or requires a new water supply well, then the DELG must be contacted before any water supply changes are made as further hydrogeological testing and other information may be required subject to the approval of the Director, EIA Branch, DELG.
- 14 Well 4 (drilled in 2020, well TAG 61151, on PID 40336174), being the observation well used during the pumping test, is not approved for use. Confirmation of the intent for Well 4 must be provided to the Director, EIA Branch, DELG, within one month of the date of the Determination.

If there is no intent to use Well 4 in the future, it must be decommissioned in accordance with DELG's Guidelines for the Decommissioning (abandonment) of Groundwater Wells and Boreholes:

<https://www2.gnb.ca/content/dam/gnb/Departments/env/pdf/Water-Eau/DecommissioningWaterWells.pdf>

If there is intent to keep Well 4 as either an observation well, or a potential future production well, completion of the well must occur in accordance with the Water Well Regulation – Clean Water Act, including, but not limited to an overground casing, a cap, and soil sloped away from the wellhead. In addition, to use Well 4 as a production well, additional hydrogeological assessment requirements will be imposed, subject to the review and approval of the Director, EIA Branch, DELG.

- 15 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 immediately investigate the complaint and notify the Director, EIA Branch, DELG. 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.
- 16 The proponent shall ensure that all developers, contractors, and operators associated with the project comply with the above requirements.
- 17 In the event of a 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, EIA Branch, DELG.
- 18 The proponent shall ensure that any proposed project modifications or future expansions (e.g., additional sites, wastewater treatment upgrades, etc.) are submitted to the Director, EIA Branch, DELG, for review and approval prior to implementing the changes.