

Document A – Minister’s Determination Conditions of Approval

**Pursuant to Regulation 87-83 under the Clean Environment Act
July 10, 2023 - File Number: 4561-3-1611 - SR 081007**

- 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 February 27, 2023, 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 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.
- 6 If the Department of Environment and Local Government determines that the Lamèque Wastewater Treatment Lagoon Upgrade is a source of odour of concern, the Department may

require the proponent to, at their own expense, investigate the odour source and take any necessary actions to control odours, to the satisfaction of the Director of the Environmental Impact Assessment Branch.

- 7 The proponent must obtain an Approval to Construct from the DELG's Authorizations Branch prior to the commencement of any construction activities related to this project. For more information, please contact the DELG's Authorizations Branch at 506-453-7945.
- 8 The local government of Île-De-Lamèque must apply to the Authorization Officer of DELG's Authorizations Branch for a Temporary Bypass Agreement (TBA) to bypass at least one of the treatment processes normally applied to wastewater in the system. An application must be made at least 45 days before the day on which the bypass is required, in the form and format provided in the Effluent Regulatory Reporting Information System.
- 9 As a result of the facility upgrades, the proponent will require an amended Approval to Operate from DELG's Authorizations Branch before the commissioning of the improved lagoon.
- 10 Prior to commencing any construction related activities associated with Phase 2 described in the EIA registration document, the proponent must submit to the Director of the EIA branch a Phase 2 report for review and approval. The report shall include but is not limited to results of all baseline environmental assessment work and required studies such as an Underwater Benthic Habitat Survey, rare plant survey, an Ecological Risk Assessment, etc.
- 11 Regarding the location of the Phase 2 outfall pipe, please note that a very limited number of activities are allowed in or within 30 meters of a Provincially Significant Wetland and a Watercourse and Wetland Alteration (WAWA) Permit would be required. Rationale will have to be provided to justify the necessity of relocating the outfall pipe. As part of the field assessments for Phase 2, a wetland delineation by a wetland consultant will be required as well as a detailed site plan to demonstrate the alterations proposed in and within 30 meters of a wetland. In addition, the Effluent Monitoring Plan, as required by the Approval to Operate, will need to be updated to reflect the updated Ecological Risk Assessment.
- 12 The proponent shall ensure that any proposed project modifications or future expansions are submitted to the Director, EIA Branch, DELG, for review and approval prior to implementing the changes.
- 13 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, EIA Branch, DELG.
- 14 The proponent shall ensure that all developers, contractors, and operators associated with the project comply with the above requirements.