

**CERTIFICATE OF DETERMINATION
CERTIFICAT DE DÉCISION**

**NEW BRUNSWICK ENVIRONMENTAL IMPACT ASSESSMENT REGULATION
RÈGLEMENT SUR LES ÉTUDES D'IMPACT SUR L'ENVIRONNEMENT DU NOUVEAU-BRUNSWICK**

File Number / Numéro du dossier: EIA 4561-3-1578

This Certificate of Determination to **PROCEED** is hereby issued to the following proponent:
*Ce Certificat de décision pour **PROCÉDER** est accordé au promoteur suivant:*

Irving Pulp and Paper Limited

Description of undertaking:
Description de l'ouvrage:

Environmental Treatment Facility and Water
Use Reduction Project

Location of undertaking and PID:
Emplacement de l'ouvrage et NID:

55162416, 55223739, 55232649, 55232656,
55233001 – Reversing Falls Mill at the mouth
of the Saint John River, NB

Address of proponent:
Adresse postale du promoteur:

PO Box 3007 408 Mill Street
Saint John, New Brunswick E2M 3H1

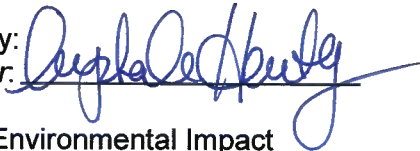
Conditions of approval:
Conditions d'agrément:

**AS PER THE ATTACHED DOCUMENT "A"
DOCUMENT 'A' CI-JOINT**

Date of issue:
Date d'émission:

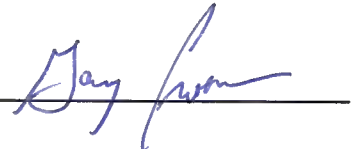
July 19, 2022
Le 19 juillet, 2022

Recommended by:
Recommandé par:



Director, Environmental Impact
Assessment Branch
*Directrice, Direction des études
d'impact sur l'environnement*

Determination by:
Décision par:



Minister of Environment and Climate
Change
*Ministre de l'Environnement et du
Changement climatique*

Environment and Local Government
*Environnement et gouvernement
locaux*

DOCUMENT "A"

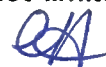
MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to the *Environmental Impact Assessment Regulation - Clean Environment Act*

July 19, 2022

File Number: 4561-3-1578

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 March 17, 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 proponent must fulfill all project related commitments to First Nations and must continue to engage and support the consultation process with First Nations during all project stages as appropriate, in an effort to understand the potential impacts on Aboriginal and treaty Rights and to avoid or mitigate these where possible.
6. The proponent must submit a project-specific Environmental Management Plan (EMP) prior to project commencement to the Director, EIA Branch, DELG for review and approval, to address the management of aspects including, but not limited to:



aquatic flora and fauna protection; archaeological discovery; concrete wash water management; environmental incidents reporting guidelines; hazardous materials management; pile driving sound emissions; rock check dams; sanitary waste management; sediment filter bag; silt fences; solid waste management; spill prevention and control; spills or leaks emergency response procedures; stockpile management; storm drain inlet protection; straw bale barriers; terrestrial flora and fauna protection; and, vehicle and equipment, fueling, and maintenance. Details regarding construction and operational phase traffic access through the existing mill site and management of surface water runoff / drainage must be included within the EMP document. The EMP must contain a contingency plan in the event that the Environmental Treatment Facility does not achieve expected environmental performance in terms of final effluent quality before the wastewater treatment facility begins operating.

7. The proponent must prohibit access to the project site from Milford Road throughout construction and operational phase of the project, given the portion of the site adjacent to Milford Road is zoned Two-Unit Residential (R2).
8. The proponent must notify the public prior to the commencement of the pile driving activity.
9. Prior to commencing in-water work, final designs must be reviewed by the Department of Fisheries and Oceans Canada's Fish and Fish Habitat Protection Program (DFO-FFHPP) to determine if the proposed work, undertaking or activity would result in Death of Fish (DoF) or Harmful Alteration, Disruption, or Destruction (HADD) of fish habitat in accordance with s. 34.4(1) and s. 35(1) of the federal *Fisheries Act* (FA), respectively. In the case where DFO determines there is DoF or HADD, the proponent may submit an application for a s. 34.4(2) and 35(2) FA authorization, including proposed offsetting (compensation) measures, to DFO for review. Please contact DFO Gulf Habitat by email xglf-habitat2@dfo-mpo.gc.ca and cc Abbie.Martyn@dfo-mpo.gc.ca
10. The proponent must obtain a *Watercourse and Wetland Alteration Permit* prior to conducting any alterations in or within 30 metres of a watercourse or wetland which meets DELG's definitions. However, since an Approval to Construct and Operate is required for the project, the conditions of a *Watercourse and Wetland Alteration Permit* may be included in the approval and must be strictly followed.
11. The proponent must apply for, and obtain, a DELG *Approval to Construct* for both the wastewater treatment plant and the water use reduction project through DELG's Authorizations Branch. Please contact the Senior Approvals Engineer in the Saint John Region at (506) 453-7945.
12. The proponent must apply for an updated DELG *Approval to Operate* for the new wastewater treatment system. The application for the updated *Approval to Operate* must contain an Odour Management Plan in the event that an issue arises during



operation of the new system before the wastewater treatment facility may begin operating.

13. The proponent must apply for a quarry permit as per the *Quarriable Substances Act* (Chapter Q-1.1) and *General Regulation 93-92*. Please contact the Resource Tenure Section of the Department of Natural Resources and Energy Development at (506) 444-5806 or wayne.osborne@gnb.ca for quarry permit and application inquiries.
14. The proponent may be required to provide a Traffic Management Plan (TMP) for the movement of exceptionally large and/or heavy loads on provincial highways. Please contact the Special Permit Office of the Department of Transportation and Infrastructure at (506) 453-2982 to discuss TMP requirements.
15. 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.
16. 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.
17. The proponent shall ensure that all developers, contractors, and operators associated with the project comply with the above requirements.

