

SEPTEMBER 11, 1996

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Under subsection 16(2) of Regulation 87-83 under the Clean Environment Act, the Lieutenant-Governor in Council gives her approval for the Fundy Region Solid Waste Commission to construct and operate a regional sanitary landfill at Crane Mountain subject to the following terms and conditions:

- (a) approval is granted subject to compliance with all applicable statutory requirements under the Clean Environment Act and any other relevant legislation which concerns this undertaking;
- (b) the Fundy Region Solid Waste Commission shall adhere to all obligations and mitigation measures to which it committed itself in the EIA Report entitled Environmental Impact Statement Regional Landfill at Crane Mountain or Paddy's Hill, December 1994 and those made during the formal public meetings of February 1 and 2, 1995;
- (c) the Fundy Region Solid Waste Commission shall obtain all approvals required under other applicable Federal and Provincial Acts or Regulations;
- (d) the landfill cells and the leachate holding pond(s) shall be designed and constructed in a manner to ensure the reliability and effectiveness of the soil portion of the liner of not less than 25 years; the advective breakthrough of the liners, to meet this requirement, shall be designed using a distributed gradient approach as approved by the Director of the Operations Branch, Department of the Environment, prior to the issuance of the Certificate of Approval to Construct;

(e) the Fundy Region Solid Waste Commission shall undertake the waste diversion initiative as stated in their letter of August 8, 1996; that portion of the project which involves waste diversion shall be registered pursuant to the EIA Regulation of the Clean Environment Act, prior to issuance of the Certificate of Approval to Construct;

(f) a visual buffer shall be constructed adjacent to Highway #7 for the length of the site and adjacent to the Highway #177 extension/Acamac Backland Road for the width of the site to a height of 6 m prior to initiating operations; the buffer shall consist of an earthen berm and mature coniferous trees;

(g) in accordance with the commitments made in the EIA Report, pretreated leachate shall be trucked off site to an approved treatment facility; should the Commission wish to change the method of conveyance of pretreated leachate for treatment off site from trucking to a pumping station and force main, this change will require registration under the EIA Regulation of the Clean Environment Act prior to issuance of the Certificate of Approval to Construct; and the Commission must enter into a long term (no less than five years) agreement with the operator of the treatment facility prior to initiating construction of the landfill, which agreement must be approved by the Director of Operations Branch, Department of the Environment;


(h) prior to commencement of operation of the landfill, an environmental management plan shall be developed and approved by the Director, Environmental Planning and Sciences Branch, Department of the Environment, which shall contain a detailed contingency plan and environmental protection plan;

(i) in the event that groundwater becomes contaminated as a direct result from landfill operations, the Fundy Region Solid Waste Commission will ensure that the residents affected by the contamination will have a safe, uninterrupted and adequate water supply;

- (j) the Fundy Region Solid Waste Commission shall develop a drinking water well baseline monitoring program; the baseline data must be collected and analyzed for organic and inorganic compounds relative to the Canadian Drinking Water Guidelines and the program must be approved by the Director of Environmental Planning and Sciences, New Brunswick Department of the Environment, prior to implementation and must be conducted prior to site construction;
- (k) the Fundy Region Solid Waste Commission shall develop an enhanced groundwater monitoring program through the installation of monitoring well nests upgradient and downgradient from the landfill; the downgradient well nests shall be installed in three tiers: one tier immediately adjacent to the fill cells and leachate pretreatment ponds, the second tier shall be between the site and Highway #7, and the third tier shall be downgradient from Highway #7; the specific locations of the well nests shall be identified on site by staff of the Department of the Environment prior to construction of the facility; and the monitoring frequency of the wells shall be determined in consultation with Departmental staff and approved by the Director of Operations Branch, Department of the Environment;
- (l) the Fundy Region Solid Waste Commission shall establish a Community Environmental Monitoring Committee where membership, terms of reference and mandate shall be determined in consultation with the Department of the Environment; the Committee shall be established prior to initiating construction of the facility; and the Department of the Environment shall have the authority to review the results of the monitoring programs and make appropriate recommendations;

(m) the Fundy Region Solid Waste Commission shall ensure that appropriate traffic access and highway signage is in place prior to initiating operation of the facility, and the design of the interchange shall be approved by New Brunswick Department of Transportation and New Brunswick Department of the Environment; and

(n) the Fundy Region Solid Waste Commission shall encourage public access to, and enjoyment of, portions of the site not dedicated to waste management and shall fund these amenities from a dedicated portion of the tipping fee; these amenities shall be developed and maintained by the Commission, for this purpose.


Margaret Norrie McCain
Lieutenant-Governor

September 11, 1996.
