

Potential conditions under the *Canadian Environmental Assessment Act, 2012*

The Impact Assessment Agency of Canada is contemplating the following potential conditions in relation to the Laurentia Project: Port of Quebec Deep-Water Wharf – Beauport Sector (the Designated Project) located in Quebec for recommendation to the Minister of Environment and Climate Change (the Minister) for inclusion in a Decision Statement issued under the *Canadian Environmental Assessment Act, 2012*. If the Minister decides that the carrying out of the Designated Project is unlikely to cause significant adverse environmental effects as defined under subsections 5(1) and 5(2), or if the Minister decides that the Designated Project is likely to cause significant adverse environmental effects and the Governor in Council decides such effects are justified in the circumstances, the Designated Project would be allowed to proceed, and any conditions established by the Minister under the *Canadian Environmental Assessment Act, 2012* would become legally binding.

Pursuant to section 184 of the *Impact Assessment Act*, a Decision Statement issued by the Minister under subsection 54(1) of the *Canadian Environmental Assessment Act, 2012* is deemed to be a Decision Statement issued under subsection 65(1) of the *Impact Assessment Act*, other than for the purposes of section 70.

1 Definitions

- 1.1 *Adaptive management* means a planned and systematic process for continuously improving environmental management practices by learning about their outcomes.
- 1.2 *Agency* means the Impact Assessment Agency of Canada.
- 1.3 *Baseline* means the environmental conditions prior to initiating construction of the Designated Project.
- 1.4 *Construction* means the phase of the Designated Project during which the Proponent undertakes the site preparation (including dredging), building or installation of any components of the Designated Project, including periods during which these activities may temporarily cease.
- 1.5 *Days* means calendar days.
- 1.6 *Designated Project* means the Laurentia Project: Port of Quebec Deep-Water Wharf – Beauport Sector as described in section 2.2 of the draft environmental assessment report prepared by the Impact Assessment Agency of Canada (Canadian Impact Assessment Registry Reference Number 80107).
- 1.7 *Environment and Climate Change Canada* means the Department of the Environment as established under subsection 2(1) of the *Department of the Environment Act*.
- 1.8 *Environmental assessment* means “environmental assessment” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.

- 1.9 *Environmental effects* means “environmental effects” as described in section 5 of the *Canadian Environmental Assessment Act, 2012*.
- 1.10 *First Nations* means the following Aboriginal peoples: Huron-Wendat Nation, W8banaki Nation (First Nations Odanak and First Nations Wôlinak), Essipit First Nation, Pekuakamiulnuatsh First Nation (Mashteuiatsh), Pessamit First Nation, Mohawk First Nation of Kahnawà:ke, Mohawk First Nation of Kanesatake, Mohawk First Nation of Akwesasne and Wolastoqiyik (Maliseet) Wahsipekuk First Nation.
- 1.11 *Fish* means “fish” as defined in subsection 2(1) of the *Fisheries Act*.
- 1.12 *Fish habitat* means “fish habitat” as defined in subsection 2(1) of the *Fisheries Act*.
- 1.13 *Fisheries and Oceans Canada* means the Department of Fisheries and Oceans as established under subsection 2(1) of the *Department of Fisheries and Oceans Act*.
- 1.14 *Follow-up program* means “follow-up program” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.15 *Heritage value* means the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations.
- 1.16 *Invasive alien species* means a plant, animal or microorganism that is introduced outside its natural range and whose establishment or spread may pose a threat to the environment, the economy or society.
- 1.17 *Listed species at risk* means a species that is listed on the List of Wildlife Species at Risk set out in Schedule 1 of the *Species at Risk Act*.
- 1.18 *Migratory bird* means “migratory bird” as defined in subsection 2(1) of the *Migratory Birds Convention Act, 1994*.
- 1.19 *Ministère de l’Environnement et de la Lutte contre les changements climatiques* means the Ministère du Développement durable, de l’Environnement et des Parcs, as designated in the Loi sur le ministère du Développement durable, de l’Environnement et des Parcs and by Order 1280-2018 dated Octobre 18, 2018.
- 1.20 *Mitigation measures* means “mitigation measures” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.21 *Operation* means the phase of the Designated Project during which docking and undocking operations and container storage and handling activities take place at the Designated Project site, including periods during which these activities may temporarily cease.
- 1.22 *Potentially affected party* means a party identified as such by the Proponent pursuant to condition 9.1.
- 1.23 *Progressive reclamation* means reclamation which is carried out by the Proponent concurrently with all phases of the Designated Project to progressively return any physically

disturbed areas to a state as close to the baseline as possible, as soon after the disturbance as practical.

- 1.24 *Proponent* means Quebec Port Authority and its successors or assigns.
- 1.25 *Qualified individual* means someone who, through education, experience and knowledge relevant to a particular matter, provides the Proponent with advice within their area of expertise. Knowledge relevant to a particular matter may include community and Indigenous knowledge.
- 1.26 *Record* means “record” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.27 *Relevant authorities* means federal or provincial authorities that are in possession of specialist or expert information or knowledge, or that have a responsibility for the administration of a law or regulation, with respect to the subject matter of a condition set out in this document.
- 1.28 *Reporting year* means January 1 of a calendar year through December 31 of the same calendar year.
- 1.29 *Shorebird* means any bird that frequents the seashore.
- 1.30 *Structure, site or thing of historical, archaeological, paleontological or architectural significance* means a structure, site or thing that is determined by a qualified individual, on the basis of heritage value, to be associated with an aspect of the history or culture of the people of Canada, including Indigenous groups.
- 1.31 *Upstream hydraulically* means a higher point in terms of groundwater flow.
- 1.32 *Wetland* means land that is saturated with water long enough to promote wetland or aquatic processes as indicated by poorly drained soils, hydrophytic vegetation and various kinds of biological activity which are adapted to a wet environment and as further defined in the Canadian Wetland Classification System.
- 1.33 *Work site* means the area within which construction work and operation activities are occurring, as indicated on figure 3 of the draft environmental assessment report prepared by the Impact Assessment Agency of Canada (Canadian Impact Assessment Registry Reference Number 80107).

Potential Conditions

These conditions may be established for the sole purpose of the Decision Statement issued under the *Canadian Environmental Assessment Act, 2012*. They do not relieve the Proponent from any obligation to comply with other legislative or other legal requirements of the federal, provincial, or local governments. Nothing in this document shall be construed as reducing, increasing, or otherwise affecting what may be required of the Proponent to comply with all applicable legislative or legal requirements.

2 General conditions

- 2.1 The Proponent shall ensure that its actions in meeting the conditions set out in this document during all phases of the Designated Project are considered in a careful and precautionary manner, promote sustainable development, are informed by the best information and knowledge, including community and Indigenous knowledge, available at the time the Proponent takes action, are based on methods and models that are recognized by standard-setting bodies, are undertaken by qualified individuals and have applied the best available economically and technically feasible technologies.
- 2.2 The Proponent, when carrying out the Designated Project, shall do so as defined in 1.6 of this document.
- 2.3 The Proponent shall ensure that its actions in meeting the conditions set out in this document are taken in a way that is consistent with any applicable recovery strategy and action plans for listed species at risk.

Consultation

- 2.4 The Proponent shall, where consultation is a requirement of a condition set out in this document:
 - 2.4.1 provide a written notice of the opportunity for the party or parties being consulted to present their views and information on the subject of the consultation;
 - 2.4.2 provide all information available and relevant to the scope and the subject matter of the consultation and a period of time agreed upon with the party or parties being consulted, not to be less than 15 days, to prepare their views and information;
 - 2.4.3 undertake an impartial consideration of all views and information presented by the party or parties being consulted on the subject matter of the consultation; and
 - 2.4.4 advise in a timely manner the party or parties being consulted on how the views and information received have been considered by the Proponent, including a rationale for why the views have, or have not, been integrated.
- 2.5 The Proponent shall, where consultation with First Nations is a requirement of a condition set out in this document, communicate with each Nation with respect to the manner to satisfy the consultation requirements referred to in condition 2.4, including methods of notification, the type of information and the period of time to be provided when seeking input, the process to be used by the Proponent to undertake impartial consideration of all views and information presented on the subject of the consultation, and the period of time and the means to advise First Nations of how their views and information were considered by the Proponent.

Follow-up and adaptive management

- 2.6 The Proponent shall, where a follow-up program is a requirement of a condition set out in this document, determine, as part of the development of each follow-up program and in

consultation with the party or parties consulted for the development of the follow-up program, the following information:

- 2.6.1 the methodology, location, frequency, timing and duration of monitoring associated with the follow-up program;
 - 2.6.2 the scope, content and frequency of reporting of the results of the follow-up program;
 - 2.6.3 the frequency at which the follow-up program must be updated, unless otherwise required through the conditions;
 - 2.6.4 the levels of environmental change relative to baseline that would require the Proponent to implement modified or additional mitigation measure(s), including instances where the Proponent may require Designated Project activities to be stopped; and
 - 2.6.5 the technically and economically feasible mitigation measures to be implemented by the Proponent if monitoring conducted as part of the follow-up program shows that the levels of environmental change referred to in condition 2.6.4 have been reached or exceeded.
- 2.7 The Proponent shall update the information determined for each follow-up program pursuant to condition 2.6 during the implementation of each follow-up program, at the minimum frequency determined pursuant to condition 2.6.3 and in consultation with the party or parties consulted for the development of each follow-up program.
- 2.8 The Proponent shall provide the follow-up programs referred to in conditions 3.35 to 3.41, 4.5, 5.1, 6.10, 6.11, 8.6, 9.2 and 11.8 to the Agency and to the party or parties consulted for the development of each follow-up program prior to the implementation of each follow-up program. The Proponent shall also provide any update made pursuant to condition 2.7 to the Agency and to the party or parties consulted for the development of each follow-up program within 30 days of the follow-up program being updated.
- 2.9 The Proponent shall, where a follow-up program is a requirement of a condition set out in this document:
- 2.9.1 implement the follow-up program according to the information determined pursuant to condition 2.6;
 - 2.9.2 conduct monitoring and analysis to verify the accuracy of the environmental assessment as it pertains to the particular condition and/or to determine the effectiveness of any mitigation measure;
 - 2.9.3 determine whether modified or additional mitigation measure(s) are required based on the monitoring and analysis undertaken pursuant to condition 2.9.2; and
 - 2.9.4 if modified or additional mitigation measures are required pursuant to condition 2.9.3, develop and implement these mitigation measure(s) in a timely manner and monitor them pursuant to condition 2.9.2. The Proponent shall notify the Agency within 24 hours of any modified or additional mitigation measure being implemented. If the Proponent implements any additional or modified mitigation

measure not previously submitted to the Agency pursuant to condition 2.8, the Proponent shall submit a detailed description of the measure(s) to the Agency within 7 days of their implementation;

- 2.9.5 report all results of the follow-up program including all data collected, analyses, and monitoring reports to the Agency no later than March 31 following any reporting year during which the follow-up program is implemented and, subject to information determined pursuant to 2.6.2, to the party or parties being consulted for the development of the follow-up program.
- 2.10 Where consultation with First Nations is a requirement of a follow-up program, the Proponent shall discuss the follow-up program with each Nation and shall determine, in consultation with each Nation, opportunities for their participation in the implementation of the follow-up program, including the conduct of monitoring, the analysis and reporting of follow-up results and whether modified or additional mitigation measure(s) are required, as set out in condition 2.9.

Annual reporting

- 2.11 The Proponent shall, commencing in the reporting year during which the Minister issues the Decision Statement for the Designated Project, prepare an annual report that sets out, for that reporting year:
 - 2.11.1 the activities undertaken by the Proponent to comply with each of the conditions set out in this document;
 - 2.11.2 how the Proponent complied with condition 2.1;
 - 2.11.3 for conditions set out in this document for which consultation is a requirement, how the Proponent considered any views and information that the Proponent received during or as a result of the consultation;
 - 2.11.4 the information referred to in conditions 2.6 and 2.7 for each follow-up program;
 - 2.11.5 the results of the follow-up program requirements identified in conditions 3.35 to 3.41, 4.5, 5.1, 6.10, 6.11, 8.6, 9.2 and 11.8;
 - 2.11.6 for any plan that is a requirement of a condition set out in this document, any updates to the plan made;
 - 2.11.7 any modified or additional mitigation measure implemented or proposed to be implemented by the Proponent, as determined pursuant to condition 2.9; and
 - 2.11.8 any change to the Designated Project for which the Proponent determined that conditions 2.16 and 2.17 did not apply, including a rationale for that determination, and any change to the Designated Project for which the Proponent determined that conditions 2.16 and 2.17 did apply.
- 2.12 The Proponent shall submit to the Agency the annual report referred to in condition 2.11, including a plain language executive summary in both official languages, no later than March 31 following the reporting year to which the annual report applies.

Information sharing

- 2.13 The Proponent shall publish on the Internet, or any medium which is publicly available, the annual reports and the executive summaries referred to in conditions 2.11 and 2.12, the soil management report referred to in condition 3.42, the shorebird compensation plan referred to in condition 4.3, the air emissions reduction plan referred to in condition 6.12 (including the quarterly inventories referred to in condition 6.12.1), the communication plans related to noise and socio-economic conditions referred to in conditions 8.1 and 10.8, the protocol for receiving complaints about exposure to noise referred to in condition 8.2, the feedback protocol related to the visual environment referred to in condition 11.7, the reports related to accidents and malfunctions referred to in conditions 12.5.4 and 12.5.5, the accident and malfunction communication plan referred to in condition 12.6, the schedules referred to in conditions 13.1 and 13.2, and any update or revision to the above documents, upon submission of these documents to the parties referenced in the respective conditions. The Proponent shall keep these documents publicly available for 15 years following their publication. The Proponent shall notify the Agency, the party(ies) referred to in each condition and First Nations of the availability of these documents within 48 hours of their publication.
- 2.14 When the development of any plan is a requirement of a condition set out in this document, the Proponent shall submit the final plan to the Agency prior to construction, unless otherwise required through the condition.

Change of Proponent

- 2.15 The Proponent shall notify the Agency and First Nations in writing no later than 30 days after the day on which there is any transfer of ownership, care, control or management of the Designated Project in whole or in part.

Change to the Designated Project

- 2.16 The Proponent shall consult with First Nations and relevant authorities prior to notifying the Agency, pursuant to condition 2.17, of any potential changes to the Designated Project.
- 2.17 The Proponent shall notify the Agency in writing of any potential change to the Designated Project that would result in a change to the Designated Project description included in this document or that may result in adverse environmental effects. In notifying the Agency, the Proponent shall provide a description of the change(s) to the Designated Project, the predicted adverse environmental effects and the proposed mitigation measures and follow-up requirements to be implemented by the Proponent in relation to the predicted adverse environmental effects. The Proponent shall also describe the results of the consultation with Indigenous groups and relevant authorities.

3 Fish and fish habitat

Important note: the potential conditions for fish and fish habitat are not a substitute for any other legislative or legal requirements applicable to fish and fish habitat, including those under the *Fisheries Act* and the *Species at Risk Act*. Nor are they a guarantee that an authorization or permit will be issued under these other acts or regulations. In the event that the Proponent receives a favourable decision

under the *Canadian Environmental Assessment Act, 2012*, the Proponent will be required to, amongst other things, develop a compensation plan to meet the requirements of the *Species at Risk Act* and the *Fisheries Act* to offset its impact on affected aquatic species and their habitats, in consultation with Fisheries and Oceans Canada.

- 3.1 The Proponent shall carry out activities in the aquatic environment associated with the Designated Project, including construction and maintenance dredging activities, outside sensitive periods for striped bass (*Morone saxatilis*), which is a listed species at risk, Atlantic sturgeon (*Acipenser oxyrinchus*), lake sturgeon (*Acipenser fulvescens*), American shad (*Alosa sapidissima*) and rainbow smelt (*Osmerus mordax*). In doing so, the Proponent shall determine, to the satisfaction of Fisheries and Oceans Canada, the start and end dates of the sensitive periods for each species for any year during which activities in the aquatic environment associated with the Designated Project, and notify the Agency of the dates before undertaking these activities.
- 3.2 The Proponent shall capture, to the satisfaction of Fisheries and Oceans Canada, any fish that are trapped in any confined area of the work site and immediately relocate them to an area outside the work area in a manner consistent with the *Fisheries Act* and its regulations.
- 3.3 The Proponent shall develop, to the satisfaction of Fisheries and Oceans Canada, and implement measures to mitigate the adverse environmental effects on fish and fish habitat of installing the piles required for the Designated Project. As part of these measures, the Proponent shall:
 - 3.3.1 use vibration instead of hammering, unless it is not technically feasible;
 - 3.3.2 if hammering is used, use a noise enclosure around each pile while it is being driven into the ground in order to reduce the sound power generated by at least 10 A-weighted decibels (dBA);
 - 3.3.3 gradually increase the power of the pile driving equipment at the beginning of any piledriving period that is preceded by a period of at least 20 minutes during which pile driving was not carried out; and
 - 3.3.4 recover drilling muds and dispose of this material on land.
- 3.4 The Proponent shall capture, prior to construction of the containment dike and in consultation with the Quebec Department of Forests, Wildlife and Parks, all freshwater mussels that could be adversely affected by the construction of the containment dike, and relocate them, prior to construction of the containment dike, to habitats outside the work area that are suitable for the captured species. In doing so, the Proponent shall:
 - 3.4.1 identify, in consultation with the Quebec Department of Forests, Wildlife and Parks, the areas where the Proponent must capture freshwater mussels and the suitable habitats to which it must relocate them;
 - 3.4.2 develop, in consultation with the Quebec Department of Forests, Wildlife and Parks, a methodology for capturing and relocating freshwater mussels and use this methodology during the capture and relocation activities; and

- 3.4.3 submit to the Agency, prior to construction of the containment dike, the areas and the habitats identified pursuant to condition 3.4.1 and the methodology pursuant to condition 3.4.2.
- 3.5 The Proponent shall carry out, prior to construction and to the satisfaction of Fisheries and Oceans Canada, an inventory in areas where the hickorynut (*Obovaria olivaria*), which is a listed species at risk, is likely to be present and that could be adversely affected by the Designated Project, in order to determine whether individuals of the species are present. If the Proponent finds some of these mussels during this inventory, the Proponent shall capture and relocate them to suitable habitats outside of these areas for the species, prior to construction and to the satisfaction of Fisheries and Oceans Canada. In doing so, the Proponent shall:
 - 3.5.1 identify, in consultation with Fisheries and Oceans Canada, the areas in which the hickorynut (*Obovaria olivaria*) is likely to be present and the suitable habitats to which the Proponent shall relocate the individuals identified during the inventory, as necessary;
 - 3.5.2 develop, in consultation with Fisheries and Oceans Canada, a methodology for capturing and relocating hickorynuts (*Obovaria olivaria*) and apply this methodology during the capture and relocation activities; and
 - 3.5.3 submit to the Agency, prior to construction, the areas and habitats identified pursuant to condition 3.5.1 and the methodology developed pursuant to condition 3.5.2.
- 3.6 The Proponent shall inspect all equipment required for construction of the Designated Project in the aquatic environment, including dredges and other vessels, before they are used in the work area, to ensure that the equipment does not harbour any aquatic invasive alien species. The Proponent shall document the results of all inspections.
- 3.7 The Proponent shall maintain, throughout construction in the aquatic environment, recognised and efficient devices for enclosing the work areas in order to contain suspended solids generated by the work and, in particular, to prevent suspended sediments from adversely affecting the Baie de Beauport.
- 3.8 The Proponent shall develop, prior to the start of the dredging required for the construction and to the satisfaction of Fisheries and Oceans Canada and Environment and Climate Change Canada, and implement, during dredging, measures for reducing emissions of contaminants and suspended solids within the aquatic environment caused by dredging, including measures for transporting and disposing of sediments and for managing dredged material and dewatering water. The Proponent shall submit these measures to the Agency before implementing them.
- 3.9 The Proponent shall conduct mechanical dredging of all contaminated sediments as part of the dredging required for the construction using the cone penetration method, or any other equivalent method that can be used to confirm that contaminated sediments do not spread beyond the defined dredged area. In doing so, the Proponent shall:

- 3.9.1 include a buffer area of 30 centimetres around all zones of contaminated sediment and treat all sediments present in the buffer area as if it were contaminated;
 - 3.9.2 use a leak-proof container for the dredging of contaminated sediments;
 - 3.9.3 minimize the distance between the dredge bucket and the barge when filling the barge to the smallest technically feasible distance;
 - 3.9.4 once all the contaminated sediments have been dredged, make an additional dredging pass to recover any contaminated sediment that may have been deposited at the base of the dredge cone;
 - 3.9.5 install a transshipment bund at dock 49 in order to prevent dredged material from being re-suspended during transshipment; and
 - 3.9.6 visually inspect the particle size distribution and colour of the dredged material from the dredge cone to check that all the contaminated sediments has been dredged.
- 3.10 The Proponent shall delineate, prior to the start of the dredging required for the construction, the areas in which dredging will be carried out. The Proponent shall not conduct dredging outside of these areas, to the extent that it is technically feasible, except where this is necessary to meet the safety requirements of the Designated Project.
- 3.11 The Proponent shall construct a watertight retention basin into which all sediment dredged mechanically as part of the Designated Project will be transferred, in order to collect the dredged material and water so that they do not enter the aquatic environment.
- 3.12 The Proponent shall develop, prior to construction, and implement measures to minimize the risk of release of concrete or contaminants into the aquatic environment when concrete caissons are being built on a submersible barge. The Proponent shall submit these measures to the Agency before implementing them.
- 3.13 The Proponent shall develop, prior to construction, and implement measures to limit the re-suspension of sediments during the installation of concrete caissons on the bed of the St. Lawrence River. The Proponent shall submit these measures to the Agency before implementing them.
- 3.14 The Proponent shall install, prior to the start of the dredging required for the construction, and use a mobile unit to treat effluents from the settling basin for contaminated sediment, before the effluents are released into the municipal sewer system, in a manner that is compliant with municipal regulations pertaining to the quality and quantity of wastewater released into the sewer system.
- 3.15 The Proponent shall develop, prior to the first maintenance dredging required for the Designated Project, a protocol for characterizing and managing the sediments to be dredged during maintenance dredging. As part of the development of the protocol, the Proponent shall:
- 3.15.1 identify how the Proponent will carry out the *in situ* characterization of sediments to determine the levels of contamination;

- 3.15.2 determine the management and disposal methods for sediments, dredged material and dewatering water that the Proponent can use during dredging, taking into account the results of the characterization; and
 - 3.15.3 submit the protocol to the Agency before the first maintenance dredging.
- 3.16 The Proponent shall characterize, before each period of maintenance dredging required for the Designated Project, the sediments to be dredged in keeping with the protocol referred to in condition 3.15. The Proponent shall select and implement methods for managing and disposing of sediments, dredged material and dewatering water, from the methods developed pursuant to condition 3.15.2, taking into account the characterization results, in order to mitigate environmental effects on fish and fish habitat from maintenance dredging.
- 3.17 The Proponent shall develop, prior to construction, and implement, during construction and operation, erosion and sediment control measures at the work site, in order to limit the migration of sediments to the aquatic environment during all activities associated with the Designated Project. The Proponent shall submit these measures to the Agency before implementing them. In doing so, the Proponent shall:
 - 3.17.1 take into account periods of flooding, period of heavy rain and periods of frost when developing these measures; and
 - 3.17.2 periodically maintain any measure implemented and repair any measure that is damaged as soon as technically feasible.
- 3.18 The Proponent shall collect and treat all runoff from the Designated Project during all phases of the Designated Project in a manner that meets applicable standards and legislated requirements, including the pollution prevention provisions of the *Fisheries Act*, before discharging it into the aquatic environment.
- 3.19 The Proponent shall promote that resurgence water be allowed to percolate into the ground during the excavation of contaminated soil carried out as part of the Designated Project.
- 3.20 The Proponent shall clean, in a wash area set aside for that purpose, all equipment or vehicles that are likely to transport contaminated soil or sediment, before they are used in the Designated Project, and shall treat all water collected from the wash area in a manner that meets applicable standards and legislated requirements, including the pollution prevention provisions of the *Fisheries Act*, before discharging it into the aquatic environment.
- 3.21 The Proponent shall operate the concrete plant in such a way as to mitigate environmental effects on fish and fish habitat, including by:
 - 3.21.1 collecting runoff from the site within which the concrete plant is located and directing it to the Proponent's existing storm water system and by installing sediment traps in the sumps;

- 3.21.2 collecting wash water in a watertight basin so that it can be recycled with the process water and transporting the excess wash water by tanker truck to a treatment basin; and
- 3.21.3 emptying the sludge by dump truck and manage it off-site by a specialized firm.
- 3.22 The Proponent shall install, prior to construction, sediment traps in the sumps located along any road that is used by dump trucks to transport contaminated sediments dredged as part of the Designated Project to the dewatering basin. During construction, the Proponent shall clean these roads continuously with a mechanical sweeper.
- 3.23 The Proponent shall dispose of all snow collected from the work site in an authorized location pursuant to Quebec's *Environment Quality Act* during any phases of the Designated Project.
- 3.24 The Proponent shall install equipment to collect suspended solids and surface oil on the new wharf associated with the Designated Project.
- 3.25 The Proponent shall take into account the *Canadian Soil Quality Guidelines* of the Canadian Council of Ministers of the Environment and the generic criteria for industrial soils set out in annex 2 of the *Guide d'intervention – Protection des sols et réhabilitation des terrains contaminés* of the Quebec Department of Environment and the Fight Against Climate Change, before re-using any soil that has been excavated during the Designated Project, such that concentrations in soils used for backfilling do not exceed concentrations in soils in areas that are backfilled and to respect the principle of avoiding degradation of soils. In doing so, the Proponent shall:
 - 3.25.1 take into account local ambient concentrations in the receiving environment so as not to increase contaminant concentrations in the receiving environment when reusing soil even if the quality of the soil is below the *Canadian Soil Quality Guidelines* of the Canadian Council of Ministers of the Environment;
 - 3.25.2 not have soil with contaminant concentrations above background levels near an aquatic environment;
 - 3.25.3 not reuse any excavated soil that exceeds Criterion "C" for industrial soils which is set out in annex 2 of the *Guide d'intervention – Protection des sols et réhabilitation des terrains contaminés* of the Quebec Department of Environment and the Fight Against Climate Change, and dispose of this soil at an approved disposal site; and
 - 3.25.4 not reuse any excavated soil to backfill around the back wharf or in any other area located within 10 meters or less of the high water mark (measured based on the two-year return interval prior to implementation of the Designated Project).
- 3.26 The Proponent shall backfill the back wharf area and any other zone located within 10 meters or less of the high water mark (measured based on the two-year return interval prior to implementation of the Designated Project) using only:
 - 3.26.1 dredged sediment that does not contain contaminants in concentrations exceeding the occasional effect level set out in the *Criteria for the Assessment of Sediment Quality in Quebec and Application Frameworks: Prevention, Dredging*

- and Remediation* (2008) of Environment and Climate Change Canada and the Quebec Department of Environment and the Fight Against Climate Change; or
- 3.26.2 land-sourced material coming from outside of the work site that meets Criterion “A” for industrial soils set out in annex 2 of the *Guide d’intervention – Protection des sols et réhabilitation des terrains contaminés* of the Quebec Department of Environment and the Fight Against Climate Change.
- 3.27 The Proponent shall not use any soil in the Designated Project that comes from levelling of the City of Québec’s used snow dump.
- 3.28 The Proponent shall reduce, during construction, erosion losses from bare soils due to wind or rain, including by:
- 3.28.1 backfilling bare soils continuously, including during site preparation and creation of the vegetated slope;
- 3.28.2 covering bare soil with watertight tarpaulins every day as soon as work finishes for the day.
- 3.29 The Proponent shall use biodegradable lubricants in the equipment that is used to backfill the back wharf.
- 3.30 The Proponent shall design and construct dewatering and collection basins in a manner that will ensure that they have a sufficient capacity to store contaminated sediments dredged as part of the Designated Project and that they are watertight, to the satisfaction of a qualified individual who is an engineer.
- 3.31 The Proponent shall use leak-proof dump trucks to transport all sediments dredged mechanically as part of the Designated Project to parcel 3.
- 3.32 The Proponent shall cover the surface of the back wharf to ensure that it is impervious and shall install a storm water system on the back wharf and maintain it during operation.
- 3.33 The Proponent shall develop, prior to construction, and implement, measures to stabilize, during any temporary suspension of construction, bare soils which pose a risk of erosion and sediment transport to the aquatic environment in the work area. In doing so, the Proponent shall:
- 3.33.1 take into account the conditions in the work area, the possible duration any work stoppage and the time of year at which work stoppage may occur when developing the stabilization measures;
- 3.33.2 submit the stabilization measures to the Agency prior to construction and indicate how the criteria referred to in condition 3.33.1 have been considered in the development of these measures; and
- 3.33.3 implement the stabilization measures upon the cessation of work and ensure their good working order and efficiency throughout the period of suspension of work.

- 3.34 The Proponent shall identify, prior to construction and in consultation with the First Nations, the Nations that the Proponent shall consult, pursuant to conditions 2.6 to 2.10, during the development of each of the follow-up programs referred to in conditions 3.35 to 3.41.
- 3.35 The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, other relevant authorities and any First Nation identified pursuant to condition 3.34, and implement a follow-up program in order to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures with respect to the adverse environmental effects on fish and fish habitat caused by suspended solids generated by the Designated Project. As part of the implementation of the follow-up program, the Proponent shall:
- 3.35.1 establish, prior to the start of dredging and backfilling work of the back wharf associated with the Designated Project, the baseline conditions in terms of turbidity and ambient suspended solids at the work site. The Proponent shall submit these baseline conditions to the Agency and the parties consulted for the development of the follow-up program, before the start of the dredging and backfilling work of the back wharf;
 - 3.35.2 conduct *in situ* calibration, at the start of the dredging and backfilling work of the back wharf, of the turbidity-suspended solids curve established by the Proponent, in order to verify that it is representative of conditions within the site at that time;
 - 3.35.3 monitor, during dredging and backfilling work of the back wharf, the maximum variations in concentrations of suspended solids, using turbidity meters which are positioned depending on the location of the progress of dredging and backfilling activities;
 - 3.35.4 monitor, in real time using additional continuously connected turbidimeters, the ambient conditions for suspended solids outside of the Designated Project's zone of influence; and
 - 3.35.5 develop and implement, in consultation with the parties consulted for the development of the follow-up program, modified or additional mitigation measures if the results of the monitoring referred to in condition 3.35.3 show that there is an exceedance of the management criteria for suspended solids established by the Proponent in Table 9-5 of Information sheet 09 (Canadian Impact Assessment Registry Reference Number 80107, Document Number 335) and that modified or additional measures are required to mitigate the adverse environmental effects on fish and fish habitat. The Proponent shall take into account the ambient conditions measured pursuant to condition 3.35.4 when determining whether modified or additional measures are required.
- 3.36 The Proponent shall develop, prior to construction and in consultation with relevant authorities and any First Nation identified pursuant to condition 3.34, and implement a follow-up program in order to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures with respect to the adverse environmental effects on fish and fish habitat caused by the dredging of contaminated

sediments associated with the Designated Project. As part of the implementation of the follow-up program, the Proponent shall:

- 3.36.1 carry out characterization of the sediments present in any parcel to be hydraulically dredged, between 24 hours and 48 hours before the parcel is to be dredged, in order to verify that the sediments are not contaminated;
 - 3.36.2 continuously monitor during hydraulic dredging the sediments that are pumped into the settling basin, to detect any signs of contamination; and
 - 3.36.3 develop and implement modified or additional mitigation measures, which may include the temporary suspension of dredging, if the results of monitoring referred to in condition 3.36.2 show signs of contamination in the dredged sediments.
- 3.37 The Proponent shall develop, prior to construction and in consultation with competent authorities and any First Nation identified pursuant to condition 3.34, and implement a follow-up program in order to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures with respect to the adverse environmental effects on fish and fish habitat caused by the exposure of seabed sediments due to dredging required for construction. As part of the implementation of the follow-up program, the Proponent shall:
- 3.37.1 monitor the quality of the sea bottom sediments that are exposed as a result of dredging; and
 - 3.37.2 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 3.37.1 show that exposed sediments present a concentration of any contaminant exceeding the occasional effect level set out in the *Criteria for the Assessment of Sediment Quality in Quebec and Application Frameworks: Prevention, Dredging and Remediation (2008)* of Environment and Climate Change Canada and the Quebec Department of Environment and the Fight Against Climate Change. Among these measures, the Proponent may dredge the contaminated sediments or cap the residual contaminated zone.
- 3.38 The Proponent shall develop, prior construction and in consultation with Environment and Climate Change Canada, the other relevant authorities and any First Nation identified pursuant to condition 3.34, and implement a follow-up program in order to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures with respect to the adverse environmental effects on fish and fish habitat caused by the use of the settling basin for non-contaminated sediments. As part of the implementation of the follow-up program, the Proponent shall:
- 3.38.1 Monitor, on a daily basis, the suspended solids concentrations at the spillway of the settling basin; and
 - 3.38.2 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 3.38.1 show that there is an exceedance of the alert thresholds established by the Proponent in response to comment MP-11 in Information sheet 06 (Canadian Impact Assessment Registry

Reference Number 80107, Document Number 342) and that modified or additional measures are needed to mitigate the adverse environmental effects on fish and fish habitat. Among these measures, the Proponent may reduce the opening speed of the evacuation valves on the hydraulic dredge, reduce the discharge speed of dredge pumps or install one or more additional devices to contain the suspended solids.

- 3.39 The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, the other relevant authorities and any First Nation identified pursuant to condition 3.34, and implement a follow-up program in order to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures with respect to the adverse environmental effects on fish and fish habitat caused by the use of the dewatering basin for contaminated sediment. As part of the implementation of the follow-up program, the Proponent shall:
- 3.39.1 monitor, by collecting samples from the dewatering basin and characterizing them in a laboratory after the solids in the samples have settled, the quality of the water in the dewatering basin, including the water quality parameters in relation to the minimum requirements for discharge into the City of Quebec's sanitary sewer system as outlined by the Proponent in Table 6-3 of Information Sheet 06 (Canadian Impact Assessment Registry Reference Number 80107, Document Number 342). The Proponent shall carry out sampling on a daily basis, unless the monitoring shows that water quality meets the minimum requirements during a period of at least two weeks, in which case the Proponent may conduct sampling weekly; and
 - 3.39.2 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 3.39.1 show that there is an exceedance of the minimum requirements for discharge to the City of Quebec's sanitary sewer system outlined by the Proponent in Table 6-3 of Information Sheet 06 (Canadian Impact Assessment Registry Reference Number 80107, Document Number 342) and that modified or additional measures are needed to mitigate the adverse environmental effects on fish and fish habitat.
- 3.40 The Proponent shall develop, prior to the start of construction and in consultation with Environment and Climate Change Canada, the other relevant authorities and any First Nation identified pursuant to condition 3.34, and implement a follow-up program in order to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures with regard to the adverse environmental effects on fish and fish habitat caused by runoff from the Designated Project. As part of the implementation of the follow-up program, the Proponent shall:
- 3.40.1 monitor, during construction, concentrations of suspended solids and petroleum hydrocarbons C₁₀ to C₅₀ at the outlet of the storm sewer system in parcel 4;
 - 3.40.2 monitor, during construction, concentrations of suspended solids and petroleum hydrocarbons C₁₀ to C₅₀ and the pH level at the outlet of the storm sewer system in the parcel where the concrete plant is located;
 - 3.40.3 monitor, during operation, concentrations of suspended solids, petroleum hydrocarbons C₁₀ to C₅₀, metals and metalloids, polycyclic aromatic hydrocarbons

and parameters representative of winter de-icing activities. The Proponent conduct this monitoring at the overflow effluents of the stormwater system in the St. Lawrence River; and

- 3.40.4 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 3.40.1, 3.40.2 or 3.40.3 show that modified or additional measures are needed to mitigate the adverse environmental effects on fish and fish habitat caused by surface runoff from the Designated Project.
- 3.41 The Proponent shall develop, prior to construction and in consultation with relevant authorities and any First Nation identified pursuant to condition 3.34, and implement a follow-up program in order to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures with respect to the adverse environmental effects on fish and fish habitat of changes in the quality of groundwater caused by the Designated Project. The Proponent shall implement a follow-up program during construction and operation. As part of the implementation of the follow-up program, the Proponent shall:
- 3.41.1 monitor petroleum products (PH (C₁₀-C₅₀), F1-BTEX, F2-F4, PAHs and COVs), the pH level, sulphides, phenolic compounds, available cyanides, polychlorinated biphenyls, ammonia nitrogen, chlorides, total fluorides, phthalates and metals and metalloids in groundwater using six observation wells upstream hydraulically of the Designated Project and additional observation wells located at the work site. The Proponent shall conduct this monitoring monthly during construction and semi-annually during operation; and
 - 3.41.2 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 3.41.1 show that modified or additional measures are needed to mitigate the adverse environment effects on fish and fish habitat from changes to groundwater quality.
- 3.42 The Proponent shall submit to the Agency, relevant authorities and First Nations, no later than 90 days after the end of construction, a report concerning the Proponent's management of contaminated and non-contaminated soils and sediments dredged during construction. The Proponent shall provide the following information:
- 3.42.1 a summary of contaminated soils disposed of off-site (including in terms of volume, source, place of disposal, environmental quality and carrier used);
 - 3.42.2 a summary of non-contaminated soils that were moved and reused at the work site (including in terms of volume and environmental quality);
 - 3.42.3 a summary of sediments dredged and managed at the work site (including in terms of volume and environmental quality); and
 - 3.42.4 one or more maps of the work site showing the location of the soils and sediments referred to in conditions 3.42.2 and 3.42.3.

4 Birds (including migratory birds)

- 4.1 The Proponent shall carry out the Designated Project in a manner that protects migratory birds and avoids harming, killing or disturbing migratory birds, or destroying, disturbing or taking their nests or eggs. In this regard, the Proponent meets Environment and Climate Change Canada's *Avoidance Guidelines* in order to reduce risk to migratory birds. The Proponent's actions when carrying out the Designated Project shall be in compliance with the *Migratory Birds Convention Act, 1994*, the *Migratory Birds Regulations* and the *Species at Risk Act*.
- 4.2 The Proponent shall not undertake any activity associated with the Designated Project that could adversely affect the nesting of birds during the breeding season. In so doing, the Proponent shall determine the breeding season dates of birds for any year during which activities associated with the Designated Project that could adversely affect nesting are carried out, and notify the Agency of the dates before undertaking these activities.
- 4.3 The Proponent develop, prior to construction and to the satisfaction of Environment and Climate Change Canada, and implement a compensation plan that meets Environment and Climate Change Canada's *Operational Framework for Use of Conservation Allowances* to offset any loss of high tide shorebird roosting habitat caused by the Designated Project. In doing so, the Proponent shall:
 - 4.3.1 establish, as part of the development of the compensation plan, a calendar for the implementation of the plan;
 - 4.3.2 submit the final compensation plan to the Agency before construction;
 - 4.3.3 implement the compensation plan to the satisfaction of Environment and Climate Change Canada and according to the calendar established pursuant to condition 4.3.1; and
 - 4.3.4 maintain the offset roosting habitat on completion of its implementation and during operation.
- 4.4 The Proponent shall maintain, during construction and operation, the nest box installed by the Proponent shown on Map 13-2 of Information Sheet 13 (Canadian Impact Assessment Registry Reference Number 80107, Document Number 337) in a condition such that it can be used by bank swallows (*Riparia riparia*), including by leaving the areas in front and above the nest box open and without vegetation.
- 4.5 The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada and the Huron-Wendat Nation, and implement a follow-up program for verifying the accuracy of the environmental assessment and determining the effectiveness of the mitigation measures implemented by the Proponent to avoid causing adverse environmental effects on birds. As part of the development of the follow-up program, the Proponent shall identify bird species that are to be monitored from the start of construction. The Proponent shall update the follow-up program during construction and operation if the status of monitored species that are identified by the Committee on the Status of Endangered Wildlife in Canada and listed in the *Species at Risk Act* changes during implementation of the Designated Project. The Proponent implements the follow-up program during construction and operation. As part of the implementation of the follow-up program, the Proponent shall:

- 4.5.1 monitor adverse environmental effects on migratory birds, including effects on bank swallows (*Riparia riparia*) from noise generated by the Designated and mortality at the feet of at-risk infrastructures (overhead structures);
- 4.5.2 monitor, annually during construction and the first three years following completion of construction and every five years during the remaining of operation, use by bank swallows (*Riparia riparia*) of the nest box referred to in condition 4.4;
- 4.5.3 monitor the integrity and use of the high tide shorebird roosting habitat constructed as part of the compensation plan referred to in condition 4.3;
- 4.5.4 present the results of the monitoring referred to in conditions 4.5.1, 4.5.2 and 4.5.3 to Environment and Climate Change Canada, in accordance with the terms established by the Proponent in consultation with Environment and Climate Change Canada prior to construction; and
- 4.5.5 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 4.5.1, 4.5.2 or 4.5.3 demonstrate that modified or additional mitigation measures are required to mitigate the environmental effects of the Designated Project on birds.

5 Wetlands

- 5.1 The Proponent shall develop, prior to operation and in consultation with Environment and Climate Change Canada, Fisheries and Oceans Canada, the Quebec Department of Environment and the Fight Against Climate Change and the Huron-Wendat Nation, a follow-up program to verify the accuracy of the environmental assessment as it pertains to the adverse environmental effects on wetlands caused by the Designated Project, including the evolution of erosion and sedimentary movement processes along the shoreline of the Baie de Beauport beach site and the southwest embayment and the evolution of the surface area and the floristic composition of wetlands. The Proponent shall implement the follow-up program during operation. As part of the implementation of the follow-up program, the Proponent shall:
 - 5.1.1 monitor, during summer of years 1, 3, 5, 7 and 10 of operation, changes in the area and boundaries and plant composition of wetland numbers 1 (American bulrush marsh), 2 (broad-leaved arrowhead marsh) and 3 (northern wild rice marsh) indicated in Figure 7 in the draft environmental assessment report by taking into account the principles of the simplified botanical method set out in the 2015 guide *Identification et délimitation des milieux humides du Québec méridional* [Identification and delineation of wetlands in southern Quebec] produced by the Quebec Department of Environment and the Fight Against Climate Change and by documenting:
 - 5.1.1.1 the plant species present (including new species) and the percent cover of each of these species;
 - 5.1.1.2 substrate composition;
 - 5.1.1.3 interannual changes between each year for which monitoring is conducted and relative to baseline conditions;

- 5.1.2 monitor, during years 1, 3, 5, 7 and 10 of operation, erosion and sedimentary movement processes along the shoreline of the Baie de Beauport beach site and the southwest embayment;
- 5.1.3 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 5.1.1 or 5.1.2 demonstrate that modified or additional mitigation measures are required to maintain the composition and delineation of the wetlands being monitored, including if changes to the sedimentary balance of the Baie de Beauport are of greater magnitude than that predicted during the environmental assessment, and to maintain the Baie de Beauport beach and its recreational use without harming wetlands, including the southwest embayment wetlands; and
- 5.1.4 before the end of the tenth year of operation, determine, in consultation with parties consulted for the development of the follow-up program based on the results of the monitoring referred to in conditions 5.1.1 and 5.1.2, if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and shall implement the additional follow-up requirements.

6 Air quality and greenhouse gases

- 6.1 The Proponent shall implement measures to mitigate the air emissions from the Designated Project during all phases of the project, including by:
 - 6.1.1 designing the work site and optimizing operation activities such that the travel times and distances between sites and equipment movements area are minimized;
 - 6.1.2 reducing, during construction, to the greatest extent that is technically and economically feasible, the size, power and operation times of the equipment required for construction;
 - 6.1.3 promoting the use of rail transportation to import fill materials required for the Designated Project;
 - 6.1.4 using, during construction, zero-emissions equipment and vehicles or, if a zero-emissions model of a given type of equipment or vehicle is not available or if its use is not technically or economically feasible, justifying this rationale to the Agency and using a piece of equipment or vehicle that:
 - 6.1.4.1 runs on diesel or low-carbon diesel fuel while meeting Tier 4 emissions standards if technically and economically feasible, or, at a minimum, Tier 3 emissions standards and is equipped with diesel particulate filters, and its motors and filters shall be checked and maintained in accordance with the manufacturer's maintenance guidelines; or
 - 6.1.4.2 uses low-carbon fuel, such as natural gas, propane or hydrogen, while meeting Tier 4 emissions standards, if technically and economically feasible, or, at a minimum, Tier 3 emissions standards and is maintained in accordance with the manufacturer's maintenance guidelines;

- 6.1.5 using, during operation, electric-powered quay gantry cranes, rail cranes and cantilever rail cranes and hybrid motor-powered automated tractor trucks, automated horizontal transport vehicles, stacking cranes and empty container carts;
 - 6.1.6 minimizing container loading and unloading times during operation;
 - 6.1.7 implementing, during construction and operation, a policy prohibiting idling of mobile equipment and road vehicles within the work site and require and ensure that all persons comply with this policy, unless prevented from doing so by health and safety constraints;
 - 6.1.8 operating switching locomotives that meet, as a minimum, the Tier 4 emissions standards as set out in the *Locomotive Emission Regulations*; and
 - 6.1.9 implementing incentives to train operators serving the Designated Project with locomotives equipped with automatic stop and restart devices to use these devices while on the work site, unless prevented from doing so by health and safety constraints.
- 6.2 The Proponent shall implement, during all phases of the Designated Project, measures to reduce dust emissions resulting from the Designated Project. The Proponent shall take into account current climatic conditions conducive to dust emissions (such as drought or sustained wind conditions) when implementing these measures. As part of these measures, the Proponent shall:
- 6.2.1 cover open container loads of granular materials;
 - 6.2.2 use tarpaulins to cover dikes, settling basin walls, gravel and sand piles, and dredged sediment stockpiles located within the work site and ensure that the covers remain waterproof throughout the entire duration of their use;
 - 6.2.3 use dust suppressants that prevent dust from being lifted into the air and transported beyond the boundaries of the property;
 - 6.2.4 pave the entire work site, including access roads and running surfaces, within the shortest technically and economically feasible time frame, and repair any damaged sections of pavement as soon as technically feasible;
 - 6.2.5 continuously clean and water down as required surfaces at the work site (including areas where stripping and grading activities occur, areas where fill materials are unloaded and traffic areas) to reduce dust emissions from surfaces;
 - 6.2.6 avoid handling granular materials in sustained winds of over 19 km/h or when the wind is blowing towards sensitive receptors indicated on Figure 2-1 of Information Sheet 02 (Canadian Impact Assessment Registry Reference Number 80107, Document Number 342). If the Proponent must handle granular materials in these weather conditions, the Proponent shall implement additional measures, such as the use of dust suppressants, to reduce airborne particulates produced by handling activities;
 - 6.2.7 set maximum speed limits of 15 km/h on traffic routes located within the work site and require and ensure that all persons abide by the speed limits; and

- 6.2.8 minimize, to the greatest extent that is technically feasible, the drop height during loading and unloading of all material required for the Designated Project.
- 6.3 The Proponent shall temporarily cease all activities associated with the Designated Project when weather conditions are conducive to dust emissions (e.g. drought and sustained winds) and may cause dust from these activities to travel towards sensitive receptors indicated on Figure 2-1 of Information Sheet 02 (Canadian Impact Assessment Registry Reference Number 80107, Document Number 342). The Proponent shall resume activities when weather conditions permit.
- 6.4 The Proponent shall install the concrete plant required for the Designated Project, to be equipped with a dust collector, and operate it such that fugitive dust emissions from plant operations are minimized. In doing so, the Proponent shall:
 - 6.4.1 install the concrete plant in an area where there is minimal exposure to prevailing winds;
 - 6.4.2 store all granular materials required to manufacture concrete which have a particle size of less than three mm in silos;
 - 6.4.3 maintain a high moisture content in aggregates required to manufacture concrete;
 - 6.4.4 maintain all piles of granular materials, including aggregates, such that they are protected from wind erosion. To do so, the Proponent shall design piles so as to minimize surface areas exposed to wind and shall install and maintain windscreens around the piles;
 - 6.4.5 minimize the number of transfer points for materials that are required to manufacture concrete, and use waterproof structures to partially or fully enclose transfer points; and
 - 6.4.6 minimize, to the greatest extent that is technically feasible, the drop height of conveyors and hoppers.
- 6.5 The Proponent shall regularly service all devices installed to reduce dust emissions from the Designated Project (including the dust collector for the concrete plant referred to in condition 6.4), and shall repair any damaged devices as soon as technically feasible.
- 6.6 The Proponent shall service all vehicles and equipment operated by it as part of the Designated Project in accordance with the manufacturer's maintenance guidelines to keep them in good working order. The Proponent shall ensure that emission control technologies are not removed from the vehicles and equipment, unless their removal is required for repair and maintenance activities, in which case the technologies shall be reinstalled or replaced before the vehicle or equipment is returned to service.
- 6.7 The Proponent shall implement incentives to encourage truck operators serving the Designated Project to transport containers to use the Félix-Leclerc and Dufferin-Montmorency Highways to reach the Designated Project, except for local deliveries or when traffic on the Félix-Leclerc or Dufferin-Montmorency Highways is rerouted, in which case truck operators may use Henri-Bourassa Boulevard.

- 6.8 The Proponent shall implement, during operation, monitoring and communications practices to notify vessels serving the Designated Project that are releasing excessive amounts of smoke, including in terms of colour of the smoke and the duration of the smoke occurrence. The Proponent document all observed smoke occurrences and any action taken by the Proponent in response to each smoke occurrence.
- 6.9 The Proponent shall provide and maintain, during operation, electrical power so that all ships serving the Designated Project and that is equipped to plug into land-based electrical power while berthed can do so.
- 6.10 The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures with respect to the adverse environmental effects from greenhouse gas emissions from the Designated Project. The Proponent shall implement the follow-up program during construction and operation. As part of the development of the follow-up program, the Proponent shall establish measurable objectives for reducing greenhouse gases from the Designated Project. As part of the implementation of the follow-up program, the Proponent shall:
- 6.10.1 monitor greenhouse gas emissions from the Designated Project at a frequency that takes into account the nature of the activities carried out as part of the Designated Project and representative periods of activity and peak periods and compare monitoring results against the objectives established during the development of the follow-up program;
 - 6.10.2 periodically review, in accordance with condition 2.7, the frequency with which the monitoring referred to in condition 6.10.1 is conducted, taking into account the volume of Designated Project operation activities, and carry out subsequent monitoring at the revised frequency, as applicable; and
 - 6.10.3 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 6.10.1 demonstrate that modified and additional mitigation measures are required to mitigate the adverse environmental effects from greenhouse gas emissions from the Designated Project and to meet the objectives established during the development of the follow-up program.
- 6.11 The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, Health Canada and the Quebec Department of Environment and the Fight Against Climate Change, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures with respect to the adverse environmental effects of changes to air quality caused by the Designated Project. As part of the development of the follow-up program, the Proponent shall develop a method which will be used to determine, in consultation with the parties consulted for the development of the follow-up program, whether the Designated Project is responsible for any exceedance of air quality criteria observed during the implementation of the follow-up program. As part of the implementation of the follow-up program, the Proponent shall:

- 6.11.1 install, prior to construction and taking into account the *Lignes directrices concernant les stations de surveillance de la qualité de l'air* [guidelines concerning air quality monitoring stations] of the Quebec Department of Environment and the Fight Against Climate Change and the *Ambient Air Monitoring Protocol for PM_{2.5} and Ozone* of the Canadian Council of Ministers of Environment, new sampling stations to monitor emissions from the Designated Project at the Baie de Beauport beach site and emissions from the concrete plant;
 - 6.11.2 monitor, during construction, concentrations of fine particulate matter (PM_{2.5}), breathable particulates (PM₁₀), total particulate matter (PMT), formaldehyde, nitrogen dioxide and nickel at the sampling stations used during the environmental assessment and at the new stations referred to in condition 6.11.1 and dust deposition;
 - 6.11.3 monitor, during operation, concentrations of fine particulate matter (PM_{2.5}), breathable particulates (PM₁₀), total particulates (PMT), acetaldehyde and nitrogen dioxide at the sampling stations used during the environmental assessment and the new stations referred to in condition 6.11.1 and dust deposition. The Proponent conduct the monitoring at a frequency that takes into account the nature of the activities carried out as part of the Designated Project and representative periods of activity and peak periods;
 - 6.11.4 compare the results of the monitoring referred to in conditions 6.11.2 and 6.11.3 against the most restrictive criteria for individual contaminants as set out in the Canadian Council of Ministers of the Environment's *Canadian Ambient Air Quality Standards (2020 and 2025)* and the *Quebec Clean Air Regulation*;
 - 6.11.5 if any comparison made pursuant to condition 6.11.4 shows an exceedance of the most restrictive criterion for a given contaminant based on the *Canadian Ambient Air Quality Standards (2020 and 2025)* and the *Quebec Clean Air Regulation*, determine, in consultation with the parties consulted for the development of the follow-up program, whether the Designated Project is responsible for the exceedance. If the Proponent determines that the Designated Project is the source of the exceedance, it shall develop and implement modified or additional mitigation measures to mitigate the environmental effects of changes to air quality caused by the Designated Project; and
 - 6.11.6 if the results of the monitoring referred to in condition 6.11.2 or 6.11.3 show a degradation of air quality in the La Cité-Limoilou borough, develop and implement, in consultation with the Comité intersectoriel sur la contamination environnementale dans l'arrondissement La Cité-Limoilou [committee on intersectoral environmental contamination in the La Cité-Limoilou borough] (or any equivalent stakeholder which aims to improve air quality in the La Cité-Limoilou borough), modified or additional mitigation measures under its control to mitigate the environmental effects of changes to air quality caused by the Designated Project.
- 6.12 The Proponent shall develop, prior to operation and in consultation with Environment and Climate Change Canada, and implement, during operation, an air emissions reduction plan aimed at achieving a continuous improvement in air emissions, including greenhouse gases,

from all port activities undertaken by the Proponent, including emissions of specific non-threshold contaminants associated with engine exhaust (including diesel particulates). As part of the development of the plan, the Proponent shall define measurable objectives for reducing emissions and identify the reduction measures that will be implemented to achieve these objectives (including the measures set out in this document and all other related initiatives undertaken by the Proponent or in which it participates during the lifespan of the Designated Project). The Proponent shall submit the plan to the Agency before operation. As part of the implementation of the plan, the Proponent shall:

- 6.12.1 publish a quarterly inventory of air emissions, including greenhouse gases, resulting from the Proponent's port activities;
 - 6.12.2 present, in the annual report referred to in condition 2.11, the progress made during the reporting year in terms of reducing air emissions, including greenhouse gases, and meeting the objectives defined during the development of the plan; and
 - 6.12.3 review the plan, in consultation with Environment and Climate Change Canada, after the fifth year of operation and thereafter at a time to be determined during each review. If the Proponent updates the plan, the Proponent shall submit any updated plan to the Agency and Environment and Climate Change Canada within 30 days of the plan(s) being updated.
- 6.13 The Proponent shall continue to implement and participate in, during all phases of the Designated Project and in consultation with the Comité intersectoriel sur la contamination environnementale dans l'arrondissement La Cité-Limoilou [committee on intersectoral environmental contamination in the La Cité-Limoilou borough] (or any equivalent stakeholder which aims to improve air quality in the La Cité-Limoilou borough), in initiatives aimed at achieving a continual improvement of air quality in the La Cité-Limoilou borough.

7 Terrestrial environment

- 7.1 The Proponent shall delineate in the field, prior to the start of tree clearing activities, the areas where clearing required for the Designated Project will take place, and shall not clear any trees outside these areas, unless required for safety reasons.
- 7.2 The Proponent shall delineate in the field, prior to construction, the areas colonized by invasive alien plant species at the work site.
- 7.3 The Proponent shall implement measures, during construction, to prevent the introduction and spread of invasive alien plant species, including by:
 - 7.3.1 requiring third party contractors associated with the Designated Project to use granular backfill materials from sources that are free of invasive alien plant species;
 - 7.3.2 cleaning the machinery used in areas colonized by invasive alien plant species delineated pursuant to condition 7.2 in washing areas that are located in sectors not conducive to the germination of invasive alien plant species and that are 30

metres or more from any wetland or watercourse before using this machinery outside these habitats; and

7.3.3 eliminating all visible invasive alien species at the work site by burying them in a ditch, at least 2 m deep and under at least 1 m of clean materials or, if on-site burial is not technically or economically feasible, disposing of them off-site in a technical landfill site operated pursuant to the Quebec's *Environment Quality Act*.

7.4 The Proponent shall undertake progressive reclamation of the areas disturbed by the Designated Project, including the landscaped slopes and bare surfaces. The Proponent shall use species that are native to Designated Project region, including milkweed species, for the revegetation work required during the progressive reclamation. The Proponent shall follow the manufacturer's instructions with respect to the quantity of seeds needed based on the area to be covered.

8 Human health

8.1 The Proponent shall develop, prior to the construction and in consultation with the potentially affected parties, a communication plan for sharing information related to exposure to noise from the Designated Project. The Proponent shall implement the plan during construction and operation. Prior to construction, the Proponent shall provide the plan to the Agency and the potentially affected parties. The Proponent shall disseminate the following information as part of the plan:

8.1.1 the schedule of activities associated to the Designated Project that produce noise, and any updates to the schedule;

8.1.2 the results of the noise follow-up program referred to condition 8.6, including any modified or additional attenuation measure implemented by the Proponent or that the Proponent intends to implement based on the results of the follow-up program;

8.1.3 the manner in which the Proponent shall inform the local community if any activity associated to the Designated Project must be conducted during the evening, at night, on weekends, or on a statutory holiday, pursuant to conditions 8.4 or 8.5; and

8.1.4 the details of the protocol for receiving complaints about exposure to noise implemented pursuant with condition 8.2, including how to file a complaint.

8.2 The Proponent shall develop, prior to construction and in consultation with the potentially affected parties, a protocol for receiving complaints about exposure to noise from the Designated Project. The Proponent shall implement the protocol during construction and operation. Prior to construction, the Proponent shall provide the protocol to the Agency and the potentially affected parties. As part of the implementation of the protocol, the Proponent shall:

8.2.1 acknowledge any complaint about exposure to noise attributable to the Designated Project as quickly as possible, or within 48 hours of receiving the complaint, and implement any corrective measure within the Proponent's

- control in response to any complaint received, as soon as technically feasible;
 - and
- 8.2.2 take into account the results of the noise follow-up program referred to condition 8.6 when determining if any corrective measure is needed to reduce noise exposure.
- 8.3 The Proponent shall implement, during construction and operation, measures to mitigate exposure to noise from the Designated Project, including:
 - 8.3.1 using broadband frequency travel alarms that comply with safety standards for vehicles and equipment operated by the Proponent as part of the Designated Project;
 - 8.3.2 operating vehicles and equipment with noise- and vibration-control devices and keeping these devices in good operating order through a program of regular inspection and maintenance;
 - 8.3.3 prohibiting the use of engine brakes on the work site;
 - 8.3.4 prohibiting the slamming of the rear panels of trucks when unloading materials; and
 - 8.3.5 housing fixed mechanical equipment that generates noise during operation (including pumps and motors) in closed buildings.
- 8.4 The Proponent shall limit pile-driving activities and any other activity associated with the Designated Project that causes tonal or impulsive sounds to Mondays through Fridays during the day (7:00 a.m. to 7:00 p.m.), except if this is not technically or economically feasible. If the Proponent must carry out any pile-driving activity or any other activity that causes tonal or impulsive sounds from Mondays through Fridays in the evening or at night (7:00 p.m. to 7:00 a.m.), or on Saturdays, Sundays or statutory holidays, the Proponent shall notify the community before carrying out the activity, in accordance with the communication plan implemented pursuant to condition 8.1.
- 8.5 The Proponent shall conduct transportation activities in residential areas and train maneuvers and assembly activities during the day (between 7:00 a.m. and 7:00 p.m.), except if this is not technically or economically feasible. If the Proponent must conduct any transportation activity in residential areas or any train maneuver or assembly activity in the evenings or at night (7:00 p.m. to 7:00 a.m.), the Proponent shall notify the community before carrying out the activity, in accordance with the communication plan implemented pursuant to condition 8.1.
- 8.6 The Proponent shall develop, prior to construction and in consultation with Health Canada and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures with respect to the adverse environmental effects on human health of exposure to noise from the Designated Project. As part of the implementation of the follow-up program, the Proponent shall:

- 8.6.1 monitor, during construction and operation, sound levels (including low-frequency noises) emitted by the Designated Project. The Proponent shall conduct the monitoring during the day, at night, and in every season; and
- 8.6.2 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 8.6.1 demonstrate that modified and additional mitigation measures are required to mitigate the adverse environmental effects on human health of exposure to noise from the Designated Project. The Proponent shall take into account complaints received as part of the protocol for receiving complaints about exposure to noise from the Designated Project referred to in condition 8.2 when determining whether modified and additional mitigation measures are required.

9 Current use of lands and resources for traditional purposes

- 9.1 The Proponent shall develop, prior to construction and in consultation with First Nations, a communication protocol for the purpose of communicating information related to the Designated Project to the First Nations and receiving and responding to any feedback from the First Nations concerning the Designated Project and the environmental effects attributed to it. The Proponent shall implement the communication protocol and keep it up to date during construction and operation. The communication protocol shall include procedures, including a schedule, for sharing information on the following:
 - 9.1.1 the timing and location of each activity associated with the construction and operation of the Designated Project in terrestrial and marine environments which may affect the practice of traditional activities by First Nations; and
 - 9.1.2 ways for First Nations to provide feedback to the Proponent about the Designated Project and the environmental effects that it is likely to cause and ways for the Proponent to respond to any feedback received in a timely manner.
- 9.2 The Proponent shall develop, prior to construction and in consultation with First Nations and relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects caused by the Designated Project on traditional fishing activities, including fishing for striped bass (*Morone saxatilis*), which is a listed species at risk, Atlantic sturgeon (*Acipenser oxyrinchus*), lake sturgeon (*Acipenser fulvescens*) and American shad (*Alosa sapidissima*). The Proponent shall implement the follow-up program during construction and operation.

10 Socio-economic effects

- 10.1 The Proponent shall identify, prior to construction, the parties potentially affected by the Designated Project or by any environmental effect of the Designated Project, including representatives from local and municipal administrations, residents and users of the immediate surroundings and community, environmental, recreational/tourism and economic organizations. The Proponent shall provide the list of potentially affected parties, including their contact information, to the Agency before construction, and shall provide an updated list to the Agency upon request during any phase of the Designated Project.

- 10.2 The Proponent shall delineate using signage, prior to construction, the roads accessing the recreational/tourism area of the Baie de Beauport located within the work site that will remain accessible to the public during construction, and maintain that signage during construction.
- 10.3 The Proponent shall delineate and maintain, during construction, a safety perimeter around the work sites in marine and terrestrial environments.
- 10.4 The Proponent shall review, prior to construction, the navigation measures for recreational boaters and commercial vessels docking at the port of Québec and the Ross-Gaudreault cruise terminal during construction and operation so that they take into account the Designated Project.
- 10.5 The Proponent shall delineate and maintain, during operation, a zone within which navigation other than commercial navigation is prohibited when ships are being loaded and unloaded.
- 10.6 The Proponent shall implement, during construction and operation, programs and tools to support navigation in order to reduce the effects of increased marine traffic caused by the Designated Project on navigational safety.
- 10.7 The Proponent shall revise, prior to construction, the City of Québec's prediction model for the quality of swimming water in the Baie de Beauport so that the model takes into account the final detailed engineering of the Designated Project.
- 10.8 The Proponent shall develop, prior to construction and in consultation with First Nations and potentially affected parties, a communication plan to share information related to the Designated Project to First Nations and potentially affected parties. The Proponent shall implement the communication plan and keep it up-to-date during construction and operation. The communication plan shall include procedures and a schedule for sharing the following information:
 - 10.8.1 the location and size of permanent and temporary work related to any dredging required for the Designated Project, including disposal sites in marine and terrestrial environments, and the type, volume and level of contamination of any dredged sediment;
 - 10.8.2 during construction, the scheduled start and end dates (month and year) and the schedules of activities related to building the containment dike, backfilling the area behind the wharf and installing the visual and acoustic barrier, and of any other activity related to the Designated Project that requires temporary access restrictions, including for the recreational/tourism area of the Baie de Beauport;
 - 10.8.3 the location of signage referred to in condition 10.2 and the safety perimeter referred to in condition 10.3;
 - 10.8.4 during operation, the schedule of the ships docking and the schedule of ship loading and unloading activities;
 - 10.8.5 any restriction, measure or tool related to navigation implemented by the Proponent during any phase of the Designated Project to take into account the

Designated Project, including the restrictions, measures and tools referred to in conditions 10.4, 10.5 and 10.6

- 10.8.6 the quality of swimming water in the Baie de Beauport; and
 - 10.8.7 any other information of interest to First Nations or the potentially affected parties.
- 10.9 The Proponent shall implement, in consultation with First Nations and potentially affected parties, measures to support the continuous use of the recreational/tourism area of the Baie de Beauport. In doing so, the Proponent shall:
- 10.9.1 set up and keep accessible, during construction, a temporary storage area for recreational vessels;
 - 10.9.2 set up and maintain, during operation, a permanent storage area for recreational vessels;
 - 10.9.3 install and maintain, during operation, an access ramp for launches and floating docks while maintaining user safety during high and low tides;
 - 10.9.4 permanently relocate, prior to construction, the lookout to an area not affected by the Designated Project and that allows to meet the safety requirements of the site; and
 - 10.9.5 maintain continuous and safe public access to the Baie de Beauport during construction and operation while making improvements to existing access roads, including by building an overpass over the railways.
- 10.10 The Proponent shall develop, prior to operation and in consultation with the Québec Hunting and Fishing Federation, and implement, during operation, measures to enhance recreational and commercial fishing opportunities on the territory under the Proponent's responsibility.

11 Natural and cultural heritage, and constructions, locations or items of significance on a historical, archeological, paleontological or architectural level

- 11.1 The Proponent shall use materials and colours for the structures associated to the Designated Project, including the cranes, which blend into the environment surrounding the Designated Project.
- 11.2 The Proponent shall design, prior to construction and in consultation with potentially affected parties, a visual barrier that comprises a barrier-wall and vegetation that is indigenous to the Designated Project's region in order to mitigate the visual impact of storing containers on the Baie de Beauport beach site. The Proponent shall maintain the visual barrier in place during operation.
- 11.3 The Proponent shall give a qualified individual, namely a certified underwater archeologist, the responsibility of implementing, prior to and during construction, the *Plan d'intervention archéologique subaquatique* [underwater archeological intervention plan] included in Appendix A of Information Sheet 20 (Canadian Impact Assessment Registry Reference

Number 80107, Document Number 333). As part of the implementation of the plan, the Proponent shall:

- 11.3.1 identify, prior to construction, any underwater archeological target located in the marine portion of the work site. In doing so, the Proponent shall:
 - 11.3.1.1 conduct a geophysical inventory of the areas that have not been assessed as part of the environmental assessment, including areas of shallow water (less than two metres), and survey, verify and document any information collected in the inventory;
 - 11.3.1.2 develop any additional measure required to mitigate any adverse environmental effect likely to be caused by the Designated Project in any underwater archeological target identified during the inventory referred to in condition 11.3.1.1;
 - 11.3.1.3 submit to the Agency, the Parks Canada Agency and First Nations any information collected pursuant to condition 11.3.1.1 et any additional measure referred to in condition 11.3.1.2; and
- 11.3.2 implement measures adapted to the heritage value of any archeological target discovered by chance by the Proponent during construction in the work site to protect the target(s) and ensure their conservation.
- 11.4 The Proponent shall give a qualified individual, namely a certified underwater archeologist, the responsibility of conducting, during any dredging required for the Designated Project, an archeological survey of any abnormality with strong archeological potential that has not been verified before.
- 11.5 The Proponent shall inform annually the Agency, as part of the annual report referred to in condition 2.11, the Parks Canada Agency and First Nations of any measure implemented pursuant to condition 11.3.2 during the reporting year and of the results of any archeological survey conducted in the reporting year pursuant to condition 11.4.
- 11.6 The Proponent shall develop, prior to construction, and implement, at least during the first 15 years of operation, a regular maintenance program for Designated Project components, including port buildings, structures and infrastructure, the barrier-wall referred to in condition 11.2 and the vegetation established as part of the progressive reclamation referred to in condition 7.4. As part of the implementation of the maintenance program, the Proponent shall:
 - 11.6.1 conduct, annually every autumn, a visual inspection of the integrity of all Designated Project components, including port buildings, structures and infrastructure, the barrier-wall referred to in condition 11.2 and the vegetation established as part of the progressive reclamation referred to in condition 7.4;
 - 11.6.2 if an inspection reveals that the integrity of any component has degraded in the previous year, implement any necessary corrective measure as soon as technically feasible to restore its integrity, which may include replacing plants if the vegetation degrades or replacing any damaged components; and
 - 11.6.3 submit to the Agency the results of all inspections, including a description of any degradation observed and any corrective measure implemented by the

Proponent or that the Proponent is planning to implement within 30 days following each inspection performed by the Proponent.

- 11.7 The Proponent shall develop, prior to construction, a feedback protocol related to adverse environmental effects of the Designated Project on the visual environment. The Proponent shall implement the protocol during construction and operation. The Proponent shall submit the protocol to the Agency prior to construction. As part of the implementation of the protocol, the Proponent shall:
- 11.7.1 make public, prior to construction, the details of the protocol, including ways for the public to share feedback with the Proponent;
 - 11.7.2 respond to any feedback received within 48 hours of receiving it and implement any corrective measure under the control of the Proponent required to mitigate the negative environmental effects of the Designated Project on the visual environment as soon as technically feasible; and
 - 11.7.3 make public, as part of the annual report referred to in condition 2.11, a registry of all the feedback received during the reporting year and any corrective measure implemented by the Proponent or that the Proponent is planning to implement.
- 11.8 The Proponent shall develop, prior to operation, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures related to the environmental effects of the Designated Project on the visual environment. The Proponent shall implement the follow-up program during operation. As part of the implementation of the follow-up program, the Proponent shall:
- 11.8.1 monitor the environmental effects of the Designated Project on the visual environment using photographs taken from similar perspectives to those used by the Proponent in the visual simulations created for the environmental assessment and listed in Table 15 of the draft environmental assessment report. The Proponent shall take the photographs every two years during the 10 first years following the end of construction, and then every 5 years until 25 years following the end of construction;
 - 11.8.2 monitor the growth, composition and abundance of the vegetation established as part of the progressive reclamation referred to in condition 7.4;
 - 11.8.3 assess, using recognised methods, the impacts felt by potentially affected parties of changes to the visual environment caused by the Designated Project; and
 - 11.8.4 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in conditions 11.8.1 or 11.8.2 or of the assessment referred to in condition 11.8.3 demonstrate that modified or additional mitigation measures are required to mitigate the adverse environmental effects of the Designated Project on the visual environment.

12 Accidents and malfunctions

- 12.1 The Proponent shall take all reasonable measures to prevent accidents and malfunctions that may result in adverse environmental effects and mitigate any adverse environmental effect from accidents and malfunctions that does occur. In doing so, the Proponent shall:
- 12.1.1 subdivide, during construction, the drainage area of the terminal into containment zones in such a manner that a given area can be isolated in the event that a hazardous material spill occurs there, and shall install and maintain, during operation, oil, water and sediment separator equipment with shut-off valves in a downstream location in each of these zones;
 - 12.1.2 design the container storage area for dangerous goods associated with the Designated Project to allow the area to be segregated, taking into account the risks related to existing port operations, including the operation of the International-Matex Tank Terminals facilities;
 - 12.1.3 indicate, prior to the dredging required for the construction, the start of the dredging area by means of buoy K168 and keep the buoy in place for the duration of the dredging;
 - 12.1.4 set a train speed limit of a maximum of 15 kilometres/hour within the administrative limits of the Québec Port Authority and require and ensure that all trains abide with the speed limit;
 - 12.1.5 establish, in consultation with the Laurentian Pilotage Authority, an approach and berthing area so that any vessel associated with the Designated Project can approach the wharf at reduced speed;
 - 12.1.6 set, in consultation with the Laurentian Pilotage Authority, a maximum wind speed for berthing and undocking that takes into account the structure of the vessels associated with the Designated Project and set a corresponding maximum wind speed in excess of which loading and unloading of containers associated with the Designated Project are halted;
 - 12.1.7 store, during construction and operation, response equipment in case of an accidental contaminant spill in the work site, including equipment that can be quickly deployed for containing and recovering the floating phases;
 - 12.1.8 install, prior to construction, and maintain, during construction and operation, a fire protection system on the work site that includes:
 - 12.1.8.1 a pump station with two pumps with a minimum total discharge of at least 8,000 gallons per minute;
 - 12.1.8.2 an underground duct connecting the pump station described in condition 12.1.8.1 and the entrance to the existing bulk liquid terminals;
 - 12.1.8.3 at least seven fire hydrants located throughout the work site to respond to a wharf fire;
 - 12.1.9 conduct preventive inspections of containers to ensure they comply with safe rail transport practices; and
 - 12.1.10 for each dangerous containerized cargo, take inventory of the dangerous containerized goods that are stored and transhipped as part of the Designated

Project by class and maximum authorized quantity to be stored on site, in accordance with the *International Maritime Dangerous Goods Code*.

- 12.2 The Proponent shall consult, prior to construction, First Nations and relevant authorities on the measures to be implemented to prevent accidents and malfunctions, including the measures referred to in condition 12.1.
- 12.3 The Proponent shall develop, prior to construction and in consultation with First Nations and relevant authorities, an accident and malfunction response plan in relation to the Designated Project. The accident and malfunction plan shall include:
 - 12.3.1 a description of the types of accidents and malfunctions that may cause adverse environmental effects during any phase of the Designated Project; and
 - 12.3.2 the measures under the control of the Proponent to be implemented in response to each type of accident and malfunction referred to in condition 12.3.1 to mitigate any adverse environmental effect caused by the accident or malfunction.
- 12.4 The Proponent shall maintain up-to-date the accident and malfunction response plan referred to in condition 12.3 during all phases of the Designated Project. The Proponent shall submit any updated accident and malfunction response plan to the Agency and to the parties being consulted for the development of the plan within 30 days of the plan being updated.
- 12.5 In the event of an accident or malfunction with the potential to cause adverse environmental effects, including an accident or a malfunction referred to in condition 12.3.1, the Proponent shall immediately implement the measures appropriate to respond to the accident or malfunction, including any measure referred to in condition 12.3.2, and shall:
 - 12.5.1 implement the communication plan referred to in condition 12.6 as it relates to accidents and malfunctions;
 - 12.5.2 notify, as soon as possible and pursuant to the communication plan referred to in condition 12.6, First Nations and potentially affected parties of the accident or malfunction, and notify the Agency in writing no later than 24 hours following the accident or malfunction. For the notification to First Nations, potentially affected parties and the Agency, the Proponent shall specify:
 - 12.5.2.1 the date when and location where the accident or malfunction occurred;
 - 12.5.2.2 a summary description of the accident or malfunction; and
 - 12.5.2.3 a list of any substance potentially released into the environment as a result of the accident or malfunction.
 - 12.5.3 notify the relevant authorities with responsibilities related to emergency response (including environmental emergencies) in accordance with applicable regulatory and legislative requirements;
 - 12.5.4 submit a written report to the Agency no later than 30 days after the day on which the accident or malfunction occurred. The written report shall include:

- 12.5.4.1 a detailed description of the accident or malfunction and of its adverse environmental effects;
 - 12.5.4.2 a description of the measures that were taken by the Proponent to mitigate the adverse environmental effects caused by the accident or malfunction;
 - 12.5.4.3 any view from First Nations and potentially affected parties and advice from relevant authorities received with respect to the accident or malfunction, its adverse environmental effects and the measures taken by the Proponent to mitigate these adverse environmental effects;
 - 12.5.4.4 a description of any residual adverse environmental effect and any modified or additional measure required by the Proponent to mitigate residual adverse environmental effects; and
 - 12.5.4.5 details concerning the implementation of the accident or malfunction response plan referred to in condition 12.3.
- 12.5.5 submit a written report to the Agency no later than 90 days after the day on which the accident or malfunction occurred that includes a description of the changes made to avoid a subsequent occurrence of the accident or malfunction and of the modified or additional measure(s) implemented by the Proponent to mitigate and monitor residual adverse environmental effects and to carry out any required progressive reclamation, taking into account the information submitted in the written report pursuant to condition 12.5.4. The report shall include all additional views from First Nations and potentially affected parties and advice from relevant authorities received by the Proponent since the views and advice referred to in condition 12.5.4.3 were received by the Proponent.
- 12.6 The Proponent shall develop, in consultation with First Nations and potentially affected parties, a communication plan for accidents and malfunctions occurring in relation to the Designated Project. The Proponent shall develop the communication plan prior to construction and shall implement and keep it up-to-date during all phases of the Designated Project. The plan shall include:
- 12.6.1 the types of accidents and malfunctions requiring the Proponent to notify First Nations and potentially affected parties;
 - 12.6.2 the manner by which First Nations and potentially affected parties shall be notified by the Proponent of an accident or malfunction and of any opportunity to assist in the response to the accident or malfunction; and
 - 12.6.3 the contact information of the Proponent that representatives of First Nations and potentially affected parties may contact and of the representatives of the First Nations and potentially affected parties to which the Proponent shall provide notification.

13 Schedules

- 13.1 The Proponent shall submit to the Agency a schedule for all conditions set out in this document no later than 60 days prior to the start of construction. This schedule shall detail all activities planned to fulfill each condition set out in this document and the

commencement and estimated completion month(s) and year(s) for each of these activities.

- 13.2 The Proponent shall submit to the Agency a schedule outlining all activities required to carry out all phases of the Designated Project no later than 60 days prior to the start of construction. The schedule shall indicate the commencement and estimated completion month(s) and year(s) and duration of each of these activities.
- 13.3 The Proponent shall submit to the Agency in writing an update to schedules referred to in conditions 13.1 and 13.2 every year no later than March 31.
- 13.4 The Proponent shall provide First Nations with the schedules referred to in conditions 13.1 and 13.2 and any update to the initial schedule made pursuant to condition 13.3 at the same time the Proponent provides these documents to the Agency.

14 Record keeping

- 14.1 The Proponent shall maintain all records relevant to the implementation of the conditions set out in this document. The Proponent shall provide the aforementioned records to the Agency upon demand within a timeframe specified by the Agency.
- 14.2 The Proponent shall retain all records referred to in condition 14.1 at a facility in Canada and shall provide the address of the facility to the Agency. The Proponent shall notify the Agency at least 30 days prior to any change to the physical location of the facility where the records are retained, and shall provide to the Agency the address of the new location.
- 14.3 The Proponent shall notify the Agency of any change to the contact information of the Proponent.