



**Environment
Office of the Minister**

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NOV 16 2017

Our File number: 23000-30-133/
10700-40-52259

[REDACTED]
Shubenacadie Watershed Environmental Protection Society
6857 Hwy#2
Enfield, NS B2T 1C8

Re: Shubenacadie Watershed Environmental Protection Society – Notice of Appeal from decision of an Administrator to authorize a quarry - Application for Approval - No. 2016-095664 – Approval for Construction, Operation and Reclamation – Quarry, Goffs, Halifax County, Nova Scotia

I am writing regarding your Appeal of the Administrator's decision dated June 19, 2017, to authorize the above Application, to Scotian Materials Limited (SML).

After careful review of the grounds for appeal, the information that was submitted in support of the appeal, and the applicable statutory provisions, your appeal has been dismissed.

Respecting Ground 1, concerns involving an asphalt plant were raised during the consultation process. SML did not apply for a separate asphalt/concrete plant approval or include an asphalt/concrete plant as part of their application for a quarry, nor were they required to do so. The current definition for facility and associated works does not include either plant. Both asphalt and concrete plants require their own separate approvals, and in the case of a concrete or cement plant, a separate environmental assessment is required.

Respecting Ground 2, you have recommended that the Annual report be posted on SML's website for ease of public access. The *Environment Act* ensures all information under the control of the department is accessible to the public, subject only to the *Freedom of Information and Protection of Privacy Act*. Any person can obtain monitoring information at any time through this process.

Further, the approval requires the commencement of a Community Liaison Community (CLC) to represent the community as an avenue for the mutual exchange of information between the parties. This forum will permit discussion, dialog and the disbursement of information to the community directly from SML. Accessing information is therefore part of the approval requirements.

Respecting Ground 3, no information was provided to support the position that the Soldier/Miller Lake watershed is a source of drinking water.

As noted in Ground 1, the current approval to operate a quarry does not include an asphalt or concrete plant.

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In review of the hydrological information, groundwater flowage from the SML quarry site is to the south and southwest away from residential areas. Soldier and Miller Lakes are not protected water areas; however, the adjacent Lake Major Watershed is and does provide potable water to thousands of residents. This watershed however is outside of the drainage basin for SML, therefore an impact on the surface water of this watershed is not possible.

The Environmental Assessment Regulations state quarries of 4 hectares or more are subject to an environmental assessment. The SML quarry is 3.9 hectares. Therefore, an Environmental Assessment is not required.

Respecting Ground 4, your recommendation to include a bond or insurance as a condition of the Approval, the Activities Designation Regulations require quarries to post security for reclaiming the quarry at the outset of the project (application stage). Nova Scotia Environment (NSE) is named in the security document and will utilize monies for reclamation should the approval holder fail to rehabilitate the site in a manner as prescribed by NSE. The Administrator has the option to utilize funds for remediation including the address of contamination.

For the reasons noted above, this appeal is dismissed.

Pursuant to Section 138 of the *Environment Act*, you have thirty (30) days to appeal this decision to the Supreme Court of Nova Scotia.

Yours truly,



Honourable Leo Glavine
Minister

c. Darlene Willcott, Solicitor, Justice