

### **Scotian Materials Grounds for Appeal #3**

Ground #1:

**The Approval fails to take into account and is contradictory to S. 2, S.2(a), S. 2(b)ii, S. 2(b) iv. and S. 2(b) vi of the Environment Act. More specifically:**

**a. The Approval fails to maintain environmental protection. allows for unnecessary risk to public health and safety. and is not in accordance with the socio-economic well-being of society.**

**b. The Approval fails to take into account the precautionary principle.**

**c. The Approval fails to take into account the negative economic impact on the owners/tenants of the Aero Tech Business Park, in which the proposed quarry is located, and the nearby residents who are likely to experience devaluation of their properties.**

**d. The Approval fails to take into account the linkage between the economy and the environment, and is contrary to the long-term economic prosperity of the Aero Tech Business Park.**

Ground#2:

**The Approval fails to take into account the groundwater chemical analysis, which has been provided to the department by the proponent, and which is addressed in a letter dated 10 February 2017 by Tom Mills, Shubenacadie Watershed Environmental Protection Society, to Katherine MacLeod, P. Eng., which shows exceedingly high levels of arsenic, uranium, calcium, aluminum, lead, and cadmium, and the interaction of these chemicals. For example, Test hole MW 16-2 shows Aluminum at 110,000, arsenic at 190, lead at 3,400. Ten of the readings exceed the CDWQ guidelines.**

Ground #3

**The Approval is not in accordance with S. 52(2) of the Environment Act in that the Administrator failed to take into consideration the location of the quarry due to its environmental sensitivity is unacceptable, and the likely adverse side effects from the quarry operations are also unacceptable.**

Ground #4

**The Approval is not in accordance with the Environmental Assessment Regulations in that the public consultation was deficient in the following respects"**

**a. The location of the footprint of the quarry shown at the public consultation was incorrect as the footprint had been moved as a result of wetland encroachment.**

**b. The proponent had confirmed both orally and in writing that it would not quarry below the water table, whereas, unbeknownst to the public at the time, it had amended its application to quarry below the water table.**

Ground #5

**The Approval allows for a significant increase of water flow from the quarry which will increase the flow of groundwater through the downstream marshlands, ultimately finding its way into Soldiers Lake and Miller Lake. This will result in the reducing the tertiary filtration of chemicals and sedimentation which will flow into the said lakes. It should be noted that Soldiers Lake is a source of water supply for Dartmouth, and some area residents take their water from Miller Lake.**

Ground #6

**The Approval fails to take into account the impact of blasting on area wells, both in terms of water quantity and quality, and the application is deficient in that the proponent failed to conduct a well survey to determine the baseline data supporting the present flow rates and water quality of the area wells. The Approval also fails to take into account the potential future costs to the Province and Municipality if they are required to extend the water service boundary to provide potable water to the area residents should their wells be impacted by the quarry operations.**

Ground #7

**The Approval is inconsistent with S. 213 of the Halifax Regional Municipality Charter whereas this provision requires the Minister (or his delegate) to take into account the planning documents of the municipality before authorizing any development. The quarry is clearly inconsistent with the Municipality Planning Strategy (MPS) for Districts 14 & 17 (now District 2) and the Aero Tech Business Park policies set out in the said MPS. It should be noted that while the Nova Scotia Court of Appeal ruled that certain sections of the Land Use By-Law were ultra vires the municipality, it did not address or in any way void any sections set out in the MPS, particularly those dealing with the Aero-Tech Business Park.**