

Environmental Assessment Approval

Approval Date: February 13, 2023

WESTCHESTER QUARRY EXPANSION PROJECT

Chapman Bros. Construction Ltd.

Rose, Cumberland County, Nova Scotia

Terms and Conditions for Environmental Assessment Approval

1 Definitions

- 1.1 *Act* means Environment Act 1994-95, c.1, s.1, and includes, unless the context otherwise requires, the regulations made pursuant to the Act, as amended from time to time.
- 1.2 Department means the Department of Environment and Climate Change, and the contact for the Department for this Approval is:

Nova Scotia Environment and Climate Change
Central Region, Amherst Office
71 East Victoria Street
Amherst, Nova Scotia B4H 1X7
Phone: 902-667-6205 Fax: 902-667-6214
- 1.3 Minister means the Minister of Environment and Climate Change.
- 1.4 Commencement means the same as to commence work, as defined in the Environmental Assessment Regulations.
- 1.5 EA means Environmental Assessment.

2 Scope

- 2.1 This Approval (the "Approval") relates to the Approval Holder(s) and their Registration Documentation, which includes the Amendment, and all documentation submitted to the Department prior to the issuance of this approval for the Westchester Quarry Expansion Project, situated at or near

Rose, Cumberland County, Nova Scotia, hereafter referred to as the "Project."

- 2.2 The Approval Holder(s) shall ensure the Project is carried out in accordance with this Approval and Registration Documentation, which includes all reference documents and supporting documentation.

3 General

- 3.1 The Approval Holder shall conduct the Project in accordance with the Act, as amended from time to time.
- 3.2 The Approval Holder shall, within two years of the date of issuance of this Approval, commence work on the Project unless granted a written extension by the Minister.
- 3.3 The Approval Holder shall provide written notification to the Department of the commencement date of the Project, at a minimum 30 days prior to the commencement.
- 3.4 The Approval Holder shall provide to the Department a concordance table detailing the status of the EA terms and conditions on or before January 31 of each year until released in writing by the Department.
- 3.5 Prior to any proposed expansion, modification, or relocation of any aspect of the Project from that proposed in the Registration Documentation, the Approval Holder must submit the proposal to the EA Branch for review and may require an EA or amendment.
- 3.6 Nothing in this Approval relieves the Approval Holder of the responsibility for obtaining and paying for all other licenses, permits, approvals or authorizations necessary for carrying out the Project which may be required by municipal by-laws or provincial or federal legislation. The Minister does not warrant that such licenses, permits, approvals or authorizations will be issued.
- 3.7 No authority is granted by this Approval to enable the Approval Holder(s) to commence or continue the Project on lands which are not in the control or ownership of the Approval Holder(s). It is the responsibility of the Approval Holder(s) to ensure that such a contravention does not occur. Failure to

retain said authorization may result in this Approval being cancelled or suspended.

- 3.8 The Approval Holder shall not transfer, sell, lease, assign or otherwise dispose of this Approval without the written consent of the Minister. The sale of a controlling interest of a business or a transfer of this Approval from a parent company to a subsidiary or an affiliate is deemed to be a transfer requiring consent.
- 3.9 Upon any changes to the Registry of Joint Stock Companies information related to the Approval Holder, the Approval Holder shall provide a copy to the Department within 5 days of the changes.
- 3.10 If there is a discrepancy between the Registration Documentation and the terms and conditions of this Approval, the terms and conditions of this Approval shall apply.
- 3.11 Where a timeline is associated with a condition(s) of the Approval, the Approval Holder shall fulfil the requirements of the condition(s) within the prescribed timeline, unless otherwise authorized in writing by the Department.
- 3.12 The Approval Holder shall immediately notify the Department of any incidents of non-compliance with this Approval in accordance with the Act and Regulations.
- 3.13 The Approval Holder shall bear all expenses incurred in carrying out the environmental management and monitoring required under the terms and conditions of this Approval, the Act or the Regulations.
- 3.14 Unless specified otherwise in this Approval, all samples required to be collected by this Approval, the Act or the Regulations shall be collected, preserved, and analysed, by qualified personnel, in accordance with recognized industry standards and procedures and in accordance with any Standard under the Act or Regulations.
- 3.15 The Approval Holder shall ensure that this Approval, or a copy, is present at the Project site while personnel are on site and that personnel directly involved in the Project are made fully aware of the terms and conditions which pertain to this Approval.

- 3.16 The Approval Holder shall update any of the plans, programs or other documents required in this Approval to reflect the progressive development of the Project, and these documents shall be made available to the Department upon request. The Approval Holder shall make any changes that the Department deems necessary.
- 3.17 Based on the results of the monitoring required in this Approval or otherwise completed for the Project, or at any time as determined by the Department, the Approval Holder shall make necessary modifications to mitigation plans and/or changes to Project operations to prevent unacceptable environmental effects, as required by the Department.
- 3.18 The Approval Holder shall provide to the Department a summary table detailing the results of the monitoring required in this Approval, or otherwise completed for the Project, on January 31 of each year until released in writing by the Department. The results shall clearly identify and summarize any exceedances.
- 3.19 Where a condition of this Approval requires the Approval Holder to consult a particular party or parties, the condition will be considered complete once the Approval Holder provides a written confirmation letter from the third party or parties that the consultation is complete.

If there is a conflict between the Approval Holder and a party or parties regarding the consultation, the Department will determine if suitable consultation has been completed and/or if further action is required.

4 Industrial Approval

- 4.1 The Approval Holder shall apply for an amendment to their current Industrial Approval under the Environment Act (i.e., Industrial Approval 2014-088699-02) that includes, but is not limited to, the information identified in this approval. Prior to commencing the undertaking, the amended Industrial Approval must be issued by the Department.

5 Water Resources

- 5.1 The Approval Holder shall not conduct any Project activities or remove

vegetation within 30 metres of a surface watercourse and/or a wetland unless otherwise authorized in writing by the Department.

- 5.2 The Approval Holder shall ensure that the following activities take place at a distance of a minimum of 30 metres from a surface watercourse or wetland in an area such that a release will not enter a surface watercourse or wetland:
 - Fuel storage, refueling, and/or lubrication of equipment;
 - Washing of machinery or equipment; and
 - Storage of equipment, excavated material, and potential contaminants.
- 5.3 The Approval Holder shall submit a surface water management plan detailing surface water quality and quantity monitoring as part of the application to amend the current Industrial Approval as noted in Section 4.1. This plan shall include the approaches to collect necessary data during the proposed Project to calibrate the water balance model used and support reasonable prediction and assessment of impacts of the proposed Project, and subsequently to support ongoing planning and implementation of mitigation measures. This plan shall be developed by a qualified professional engineer licensed to practice in Nova Scotia and shall consider the potential impacts of climate change in sizing requirements.
- 5.4 The Approval Holder shall submit a detailed sediment and erosion control plan as part of the application to amend the current Industrial Approval as noted in Section 4.1. The plan shall be designed by a qualified professional engineer licensed to practice in Nova Scotia.
- 5.5 The Approval Holder shall submit details of the settling pond as part of the application to amend the current Industrial Approval as noted in Section 4.1. The plan shall be designed by a qualified professional engineer licensed to practice in Nova Scotia and shall include but is not limited to:
 - Details of settling and treatment capacity.
 - An explanation of how the settling pond(s) will be updated and/or enlarged as progressive quarry expansion phases proceed.
 - Approaches to monitor settling pond performance during various operational phases (including shutdown periods).
 - Methods for removal of Total Suspended Solids.
 - Details on the minimization of impacts to water resources.
- 5.6 The Approval Holder shall submit a site groundwater management plan as

part of the application to amend the current Industrial Approval as noted in Section 4.1. The plan shall be designed by a qualified hydrogeologist licensed to practice in Nova Scotia. The groundwater management plan shall be designed to include assessment of groundwater quality and quantity (groundwater levels), obtained through a comprehensive, industry standard groundwater monitoring well network.

- 5.7 The groundwater monitoring network shall be designed, installed with initial baseline results obtained and reported as part of the application to amend the current Industrial Approval. The plan shall include a description of initial baseline monitoring results, assessment of these results and a methodology to evaluate the effects of the quarry activity on groundwater table elevations, groundwater quality and on groundwater-surface water interactions (including wetlands and watercourses) over time. For any potential adverse impacts predicted, or identified, mitigation options shall be presented.
- 5.8 If the initial baseline groundwater assessment indicates the undertaking will operate below the water table, the Department may require further work. This may include the requirement for a water withdrawal approval if predicted, or actual, groundwater dewatering rates exceed regulatory trigger rates for withdrawals, as identified in the *Activity Designation Regulations*.
- 5.9 Throughout the life of the Project, the Approval Holder shall conduct any additional surface water or groundwater monitoring or studies, as required by the Department.
- 5.10 Although acid generating bedrock was not identified on the site, as part of the undertaking the Approval Holder shall provide additional analytical data for Acid Rock Drainage sampling to satisfy the Sulphide Bearing Material Disposal Regulations at a minimum frequency of at least two samples per hectare of the lands to be developed. The additional analytical data can be provided to the Department sequentially as the expansion proceeds and additional bedrock is exposed. Sample selection and frequency for Acid Rock Drainage should account for changing geological, groundwater and/or water balance conditions.
- 5.11 The Approval Holder shall immediately contact the Department should sulphide bearing material be encountered on the Project site, and at the

request of the Department, develop and implement a plan to manage the sulphide bearing material.

6 Habitat, Flora and Fauna

- 6.1 Prior to commencement of the Project, the Approval Holder shall provide the Wildlife Division and Regional Services, Department of Natural Resources and Renewables (DNRR) with digital way points and shape files revealing precise locations for wetlands, and species listed under the Species at Risk Act (SARA) and/or Endangered Species Act (ESA), as well as Species of Special Concern (i.e. species assessed by the Committee on the Status of Endangered Wildlife in Canada as at risk, but not listed under SARA or ESA, and all S1, S2 and S3 listed species under the Atlantic Canada Conservation data Centre) identified during field work. The data provided to DNRR shall include, at minimum, the date of the field observances and habitat description.
- 6.2 Prior to commencement of the Project, the Approval Holder shall develop a Wildlife Management Plan in consultation with NSDNRR and Environment and Climate Change Canada (ECCC).

7 Air Quality, Dust, Noise, and Light

- 7.1 At the request of the Department, the Approval Holder shall develop and implement an air quality and/or dust monitoring plan. This plan shall include, but not be limited to, sampling locations, parameters, monitoring methods, protocols, and frequency.
- 7.2 At the request of the Department, the Approval Holder shall develop and implement a plan to monitor noise levels. The plan shall include, but not be limited to, sampling locations, parameters, monitoring methods, protocols, and frequency.
- 7.3 The Approval Holder shall ensure that noise emissions at the property boundaries do not contribute to an exceedance of the maximum permissible sound levels limits specified in the Nova Scotia Environment and Labour “Guidelines for Environmental Noise Measurement and Assessment” dated 18, 2005, as amended from time to time.

8 Archaeological and Heritage Resources

- 8.1 Prior to commencement, the Approval Holder shall develop and implement an Archaeological and Heritage Resources protection plan. This plan shall be developed in consultation with the Nova Scotia Department of Communities, Culture, Tourism and Heritage (CCTH) to include, but not limited to, the protection of the suspected historic structure.
- 8.2 The Approval Holder shall cease work and contact the Special Places Coordinator, Nova Scotia Department of Communities, Culture, Tourism and Heritage (CCTH) immediately upon discovery of an archaeological, or paleontological site, artifact or fossil specimen unearthed during any phase of the Project. If the find is of certain or possible Mi'kmaq origin, the Approval Holder shall also contact the appropriate Mi'kmaq representatives as advised by CCTH.

9 Public Engagement

- 9.1 Prior to commencement of the Project, the Approval Holder shall develop and implement a comprehensive complaint resolution plan for receiving and responding to complaints related to the Project. This plan will include, but not be limited to, a reporting system which records all complaints received, sets out a timeline for responding to complaints and establishes a recording system that details all corrective measures taken to alleviate the cause and prevent its recurrence. The plan shall be made available to the Department upon request.
- 9.2 Prior to commencement of the Project, the Approval Holder shall appoint a contact person designated to address complaints and shall provide the contact information to the Department.
- 9.3 At the request of the Department, the Approval Holder shall develop and implement a plan for the formation and operation of a Community Liaison Committee (CLC) including terms of reference, which meet the Department's Guide for the Formation and Operation of a Community Liaison Committee, as amended from time to time. The Approval Holder shall operate the CLC for the duration of the Project or until released in writing by the Department.

10 Engagement with the Mi'kmaq of Nova Scotia

- 10.1 The Approval Holder shall develop and implement a Mi'kmaq

Communication Plan, which will include but not be limited to a process for communication Project details and seeking input from the Mi'kmaq of Nova Scotia on the development and implementation of Project mitigation and monitoring plans. The plan shall be updated regularly and be made available to the Department upon request.

11 Contingency Plan

11.1 The Approval Holder shall submit a comprehensive contingency plan to the Department as part of the application to amend the current Industrial Approval which meets the Department's Contingency Planning Guidelines, as amended from time to time. The plan shall provide prevention measures and address accidental occurrences including, but not limited to, spills of hydrocarbons or other hazardous materials, failure of erosion and sediment control measures, fires, and vehicular collisions. The Plan shall be maintained and updated over the life of the project.

11.2 The Contingency Plan shall include:

- Specific surface water and groundwater contingency plans;
- Timeline outline;
- Monitoring network action triggers (levels); and,
- Mitigation measures to be taken prior to the occurrence of unacceptable effects to surface water or groundwater quality or quantity.

11.3 The Contingency Plan shall be kept at the Project site at all times when personnel are on site and made available to the Department upon request.

12 Rehabilitation

12.1 This Approval is subject to progressive rehabilitation at the existing Project site being completed as required by the Department.

12.2 Project operations shall be completed and rehabilitated as required by the Department.

12.3 Re-vegetation shall be limited to the use of native species, unless otherwise authorized in writing by the Department.



Honourable Timothy Halman, MLA
Minister of Environment and Climate Change