

Nova Scotia Environment and Labour (“NSEL”)

Environmental Assessment Approval

Approval Date: *Original Dated December 20/2004*

Bond Road Sand Pit Operations

Twin Mountain Construction Ltd., Proponent

**Waterville,
Kings County**

The Bond Road Sand Pit Operations, proposed by Twin Mountain Construction Ltd. (the “Proponent”), Waterville, Kings County, is approved pursuant to Section 13(1)(b). This Approval is subject to the following conditions and obtaining all other necessary approvals, permits or authorizations required by municipal, provincial and federal acts, regulations, by-laws, guidelines, policies or standards before commencing work on the Undertaking. It is the responsibility of the Proponent to ensure that all such approvals, permits or authorizations are obtained before commencing work on the Undertaking.

This Environmental Assessment Approval is based upon the review of the conceptual design, environmental baseline information, impact predictions, and mitigation presented in the Registration Information.

Terms and Conditions for Environmental Assessment Approval

1.0 General Approval

- 1.1 The Environmental Assessment Approval for the project is limited to the project as described in the registration document. Any proposal by the Proponent for expansion, extension, modification or relocation of any aspect of the project from that proposed in the registration document must be submitted to the Environmental Assessment Branch for review and may require an environmental assessment.
- 1.2 The Environmental Assessment Approval shall expire within two years of the date of its issuance unless the Proponent commences work on the Undertaking by the end of the two year period, unless granted a written extension by the Minister.

- 1.3 The Proponent 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 an approval from a parent company to a subsidiary or an affiliate is deemed to be a transfer requiring consent.
- 1.4 The Proponent shall implement all mitigation and commitments in the Registration Document, unless approved otherwise by NSEL.

2.0 Pit Development and Operations

- 2.1 The Proponent shall not mix sand, soils or sewage sludge on the project site, or, import sand, soils or soil amendments to the site from other locations until such time as:
 - a) evidence is provided to NSEL that these activities are permitted under the *Land Use Bylaw of the Municipality of the County of Kings* and;
 - b) the approval required under Part V of the Environment Act permits these activities.
- 2.2 The Proponent shall not bring any bio-solid material to the site as committed to in the registration document.
- 2.3 The Proponent shall not extract sand within 100 metres of the foundation or base of a structure located off site, unless otherwise approved by NSEL.
- 2.4 The Proponent shall not locate the active area of the pit within 30 m of the property boundary unless otherwise approved by NSEL.
- 2.5 The Proponent shall ensure that all setbacks and buffer zones committed to in the registration document are clearly identified on the project site.
- 2.6 The Proponent shall operate the pit within all NSEL requirements including the limits of the *Nova Scotia Pit and Quarry Guidelines, 1999*.
- 2.7 The Proponent shall develop the sand pit in stages as described in the registration document.
- 2.8 The Proponent, as part of the application for Part V Approval, shall provide for review and approval:
 - a) details of site development
 - b) details of stockpiling (e.g. sand, sludge, and overburden piles),

including, as a minimum, stockpile locations, stockpile volumes, length of duration of any stockpiling activity on-site, and erosion protection measures

c) plans for shutdowns.

2.9 All plans related to pit operation shall be resubmitted over the lifetime of the project, at a schedule to be established by NSEL, and revised as determined by NSEL.

3.0 Ground Water Resources

3.1 The Proponent, as part of the application for Part V Approval under the *Environment Act*, shall provide for review and approval:

- a) a groundwater monitoring program for the purpose of establishing the local water table level and monitoring water quality. Based on the results of monitoring programs, the Proponent shall make necessary modifications to mitigation plans and/or pit operations to prevent unacceptable environmental effects to the satisfaction of NSEL
- b) a contingency plan to address impacts to groundwater.

3.2 The Proponent shall not excavate below the water table.

4.0 Surface Water

4.1 All discharges from the site must meet the NSEL requirements.

4.2 The Proponent, as part of the application for Part V Approval under the *Environment Act*, shall provide for review and approval:

- a) details regarding erosion and sediment control protection
- b) details regarding the program to monitor surface water (including Rochford Brook) quality, including sampling location and sampling parameters. Based on the results of monitoring programs, the Proponent shall make necessary modifications to mitigation plans and/or pit operations to prevent continued unacceptable environmental effects to the satisfaction of NSEL.
- c) details of a contingency plan to deal with potential encounters with and impacts of acid producing slate bedrock.

5.0 Terrestrial Resources

5.1 The Proponent shall maintain a clearly marked 50 m protective setback around Eastern White Cedar unless otherwise approved by the Nova Scotia Department of Natural Resources.

- 5.2 The Proponent shall maintain a 30m setback on either side of Rochford Brook as committed to in the environmental assessment registration document.
- 5.3 Site preparation and removal of vegetative cover shall only occur between the months of August and March.
- 5.4 The Proponent shall conduct a yearly nesting survey for the Long-Horned Owl as committed to in the registration document.
- 5.5 Visual surveys for ground nesting species in the pit shall be done before excavation of an area.
- 5.6 If bird nesting areas are encountered, the Proponent shall consult with the Nova Scotia Department of Natural Resources and the Canadian Wildlife Service to establish appropriate protective setbacks.
- 5.7 Material shall not be removed from pit embankments containing active bird nests.
- 5.8 In the event that wood turtles are observed on site, the Proponent shall contact the Nova Scotia Department of Natural Resources and establish mitigation measures as required.

6.0 Site Reclamation and Agricultural Productivity

- 6.1 The Proponent, as part of the application for Part V Approval under the *Environment Act*, shall provide for review and approval a progressive reclamation plan. This plan shall include all reclamation measures committed to in the environmental assessment registration document.
- 6.2 Pit operations must be reclaimed to the satisfaction of NSEL and the appropriate regulatory agencies.

7.0 Archaeological and Cultural Resources

- 7.1 Prior to operation, the Proponent shall submit an archaeological assessment for review and consideration by the Curator of Special Places, Heritage Division, Nova Scotia Department of Tourism and Culture. The assessment shall include:
 - a) background study documenting historical land use
 - b) reconnaissance survey of the property; and if warranted, surface archaeological testing
- 7.2 The Proponent shall cease work and contact the Curator of Special Places, Heritage Division, Nova Scotia Department of Tourism and

Culture, and Executive Director, Confederacy of Mainland Mi'kmaq immediately upon discovery of an archaeological site or artifact unearthed during any phase of the proposed project.

8.0 Noise and Dust

- 8.1 All equipment is to be operated with standard noise suppression exhaust systems and kept in good repair.
- 8.2 The Proponent shall monitor for noise and dust at the request of NSEL.
- 8.3 Dust on pit site roads shall be stabilized using water or other means as required by NSEL.
- 8.4 Hours of operation are limited to Monday to Saturday between the hours of 6:00 a.m. and 7:00 p.m., unless otherwise approved by NSEL.

9.0 Public Consultation

- 9.1 The Proponent shall form a Community Liaison Committee (CLC) in consultation with NSEL and with county and community leaders. The *NSEL Guidelines for the Formation of a Community Liaison Committee* shall be used for the guidance of the Proponent and community.

10.0 Transportation

- 10.1 Prior to operation, the Proponent shall, in consultation with Nova Scotia Transportation and Public Work's Area Manager, construct a rock apron at the site entrance.
- 10.2 Transportation of materials to and from the site shall be limited to Monday to Saturday between the hours of 6:00 a.m. and 7:00 p.m. unless otherwise approved by NSEL.
- 10.3 All trucks used to move material to and from the site shall be tarped, as committed to in the environmental assessment registration document.

11.0 Contingency Plans

- 11.1 As part of the application for Part V Approval under the *Environment Act*, the Proponent shall provide an acceptable contingency plan that includes and addresses:
 - a) details of any fuels, lubricants or other hazardous materials to be stored on site
 - b) procedures for any refuelling of vehicles or equipment occurring on site

- c) accidental occurrences, including but not limited to contingencies for spills, including spill equipment kept on-site and location of emergency phone numbers
 - d) training to be delivered to staff
 - e) procedures for responding to incidents occurring during times when the facility is not staffed (e.g. evenings, weekends, holidays).
- 11.2 No hazardous materials or petroleum products are to be stored on the site unless otherwise approved by NSEL.
- 11.3 Refuelling will not be conducted within 100 metres of any surface water and equipment operators will remain with the equipment at all times during refuelling.

Original signed by

—

Kerry Morash
Minister of Environment and Labour