

Environmental Assessment Approval

Approval Date: *Original Dated May 29, 2006*

Marshall Road Sand Pit Expansion

Scotia Aggregates Limited, Proponent

Kings County, Nova Scotia

Marshall Road sand pit expansion (the "Undertaking"), proposed by Scotia Aggregates Limited (the "Proponent"), in Kings County, Nova Scotia 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, 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 Proponent must, within two years of the date of issuance of this approval, commence work on the undertaking unless granted a written extension by the Minister.
- 1.3 The Proponent must 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 must implement all mitigation and commitments in the Registration Document, unless approved otherwise by Nova Scotia Environment & Labour (NSEL).

2.0 Proximity to Residents & Public Involvement

- 2.1 The Proponent, as part of the application for Part V Approval under the *Environment Act*, must provide a contact person designated to deal with complaints from the public related to road safety, noise, dust, and potential impacts to water wells. The Proponent must provide a quarterly report to NSEL, identifying the complaints received and the action(s) taken to resolve them.

3.0 Transportation

- 3.1 The Proponent must address transportation related concerns, to the satisfaction of NSTPW, to ensure compliance and that appropriate mitigation has been implemented.

4.0 Flora & Fauna

- 4.1 The Proponent must meet the conservation commitments identified in the registration document including conservation areas, buffers, barriers, monitoring and mitigation.
- 4.2 The Proponent must maintain a 200 metre buffer from May 1 to August 1 in the first year of operation (in the Keddy pit), between the established nesting site and any site preparation and sand extraction.
- 4.3 The Proponent must adhere to a 100 metre vegetated buffer between active pit areas and Walker Brook (the edge of the defined watercourse).
- 4.4 The Proponent will not locate the active area of the pit within 50 metres of any Rockrose plants contained within a designated conservation area.
- 4.5 The Proponent must implement standard mitigative measures to minimize the environmental effects of the Project on plant communities including the use of native plants and/or seed mixtures free of noxious weeds.
- 4.6 Clearing and grubbing of areas to be used as pit sites must be conducted outside of the breeding season for Vesper Sparrows (late May to early July).

5.0 Groundwater Resources

- 5.1 The Proponent, as part of the application for Part V Approval under the *Environment Act*, must provide for review:
 - a) Details of a groundwater monitoring program including location of monitoring wells and parameters. This program must be designed to evaluate potential impacts to both groundwater levels and groundwater quality. Based on the results of the monitoring programs, the Proponent must make necessary modifications to mitigation plans and/or pit operations, to prevent continued unacceptable environmental effects, to the satisfaction of NSEL. The program

must be resubmitted over the lifetime of the project, at a schedule established by NSEL, and revised as determined by NSEL.

b) Details of Best Management Practices (BMP's) with respect to refuelling on site, developed in consultation with NSEL.

- 5.2 The Proponent must replace, at their expense, any water supply which has been lost or damaged as a result of sand pit operations.
- 5.3 The Proponent must apply and secure, from the Minister, an approval amendment prior to excavating below the watertable.

6.0 Surface Water

6.1 The Proponent, as part of the application for Part V Approval under the *Environment Act*, must provide for review:

a) Details regarding the program to monitor surface water, including location and parameters. Based on the results of monitoring programs, the Proponent must make necessary modifications to mitigation plans and/or pit operations, to prevent continued unacceptable environmental effects, to the satisfaction of NSEL.

b) Details of the erosion and sediment control plan.

- 6.2 All surface water protection and management programs must be resubmitted over the lifetime of the project, at a schedule to be established by NSEL, and revised as determined by NSEL.
- 6.3 The Proponent must not undertake any pit related activities within 30 metres of the edge of a defined watercourse, and 100 metres of Walker Brook - conservation buffer for Wood Turtles, without receiving all necessary approvals and/or authorizations from NSEL and all other applicable jurisdictions.
- 6.4 The Proponent must maintain a set back distance of 160 metres from the edge of a defined watercourse when refilling equipment with oils and other fluids or carrying out maintenance.

7.0 Archaeological Resources

- 7.1 The Proponent must maintain a 25 metre set-back distance between the active area of the pit and the cemetery and around the house feature.
- 7.2 The Proponent must cease work and contact the Director, Heritage Division, Nova Scotia Department of Tourism, Culture and Heritage, the Executive Director, Confederacy of Mainland Mi'kmaq and the Executive Director, Union of Nova Scotia Indians immediately upon discovery of an archaeological site or artifact unearthed during any phase of the proposed project.

8.0 Noise, Vibration & Dust

8.1 The Proponent, as part of the application for Part V Approval under the *Environment Act*, must provide for review:

a) Details of the dust monitoring programs. Based on the results of the monitoring programs, the Proponent must make necessary modifications to mitigation plans and/or pit operations to prevent continued unacceptable environmental effects to the satisfaction of NSEL.

b) Details of baseline and on-going noise monitoring programs. Based on the results of the monitoring programs, the Proponent must make necessary modifications to mitigation plans and/or pit operations to prevent continued unacceptable environmental effects to the satisfaction of NSEL.

8.2 Dust generated by truck movement on site must be minimized via speed control, proper truck loading, application of dust suppressants, proper construction of onsite roads, appropriate rehabilitation planning (including windscreens), and/or other means as required by NSEL.

9.0 Pit Plan and Operation

9.1 Overburden stockpiles must not be closer than 90 metres to any structure and 30 metres from an abutting property.

9.2 The active pit area must not be closer than 30 metres to the boundary of the pit property unless otherwise agreed to by the owner of the abutting property.

9.3 Pit operation is limited to Monday to Saturday, between the hours of 6:00 a.m. and 8:00 p.m., unless otherwise required or approved by NSEL.

9.4 The Proponent must operate the pit within all NSEL requirements.

9.5 The Proponent must plan and design the pit according to NSEL Pit and Pit Guidelines, 1999, and any subsequent updates.

9.6 No hazardous materials or petroleum products are to be stored on the site unless otherwise approved by NSEL.

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

9.8 The Proponent must apply for renewals to the Part V Approval at intervals established by NSEL, and provide additional information as deemed necessary by NSEL.

10.0 Site Reclamation

- 10.1 The Proponent, as part of the application for amendments to the Part V Approval under the *Environment Act*, must provide for review and approval a reclamation plan, that includes progressive reclamation and details of future land use options.
- 10.2 Pit operations must be completed and reclaimed to the satisfaction of NSEL and other appropriate regulatory departments.

11.0 Contingency Plans

- 11.1 As part of the application for Part V Approval under the *Environment Act*, the Proponent must provide an acceptable contingency plan that meets NSEL's Contingency Planning Guidelines, September 2004 and addresses:
- a) accidental occurrences, including but not limited to contingencies for spills, including spill equipment kept on-site and location of emergency phone numbers
 - b) training to be delivered to staff
 - c) procedures for responding to incidents occurring during times when the facility is not staffed (e.g. evenings, weekends, holidays).
 - d) impacts to domestic water supplies.

Original Signed By

Carolyn Bolivar-Getson
Minister of Environment and Labour