

# Environmental Assessment Approval

Approval Date: *Original Dated April 1, 2010*

## Mulgrave Quarry Fines Storage Development Martin Marietta Materials, Approval Holder

Guysborough County, Nova Scotia

---

The Mulgrave Quarry Fines Storage Development (the "Undertaking"), proposed by Martin Marietta Materials Limited (the "Approval Holder"), Guysborough County, Nova Scotia is approved pursuant to Section 40 of the *Environment Act* and Section 13(1)(b) of the *Environmental Assessment Regulations*. 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 or by-laws, before commencing work on the Undertaking. It is the responsibility of the Approval Holder 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 undertaking is limited to the undertaking and commitments as described in the Registration Document. Expansion, modification or relocation of any aspect of the undertaking 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 Approval Holder must commence work on the Undertaking within 2 years of the date of issuance of this approval, unless granted a written extension by the Minister.

1.3 The Approval Holder 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.

#### 2.0 Groundwater Resources

2.1 As part of the application for Part V Approval under the Environment Act, the Approval Holder must provide the following for review and consideration:

a) A groundwater monitoring program including location of monitoring wells and monitoring 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 as proposed, the Approval Holder must make necessary modifications to mitigation plans and/or operations, as required by NSE.

b) A monitoring program to determine the potential for and extent of sulphide bearing material and plan to manage any exposed acid generating material and associated drainage (in consultation with NSE).

**2.2** The Approval Holder must replace, at their expense, any water supply which has been lost or damaged as a result of site operations as determined by NSE.

### **3.0 Surface Water & Wetlands**

**3.1** As part of the application for Part V Approval under the Environment Act, the Approval Holder must provide the following for review and consideration:

a) A surface water monitoring program including sampling locations and parameters. Based on the results of the monitoring programs as proposed, the Approval Holder must make necessary modifications to mitigation plans and/or operations as required by NSE.

b) Plans for erosion and sediment control.

c) Settling pond details including monitoring, maintenance, replacement and/or upgrading of the settling ponds. Settling pond design criteria must recognize increased likelihood of more intense precipitation events in coming decades.

d) Baseline water quality/quantity data and details of pre and post development water quality and quantity monitoring program. Sampling methods and/or protocols must be provided as required by NSE.

**3.2** The Approval Holder must not conduct work activities within 30m of a wetland or stream banks, unless otherwise specified by NSE.

**3.3** All discharges from the site must meet NSE requirements.

### **4.0 Species of Conservation Concern**

**4.1** Clearing of areas must be conducted outside of the breeding season for most bird species (April 1 to August 1), unless otherwise approved by NSE.

**4.2** The Approval Holder must implement standard mitigative measures to minimize the environmental effects of the Undertaking on plant communities including the use of native plants and/or seed mixtures free of noxious weeds to the satisfaction of NSE.

## **5.0 Air Quality & Noise**

**5.1** The Approval Holder must develop and implement an air quality and/or dust monitoring plan, at the request of NSE. This plan must include but not be limited to sampling locations, parameters, monitoring methods, protocols and frequency. Based on the results of the monitoring programs, the Approval Holder must make necessary modifications to mitigation plans and/or operations, as required by NSE.

**5.2** The Approval Holder must monitor noise levels, at the request of NSE. Based on the results of the monitoring program, the Approval Holder must make necessary modifications to mitigation plans and/or operations, as required by NSE.

**5.3** The undertaking and associated activities must comply with Guidelines for Environmental Noise Measurement and Assessment.

## **6.0 Archaeological & Heritage Resources**

**6.1** Prior to construction, the Approval Holder must complete an archaeological impact assessment and submit the result to Nova Scotia Tourism, Culture and Heritage, Heritage Division, for review.

**6.2** The Approval Holder must cease work and contact the Director, Heritage Division, Nova Scotia Department of Tourism, Culture and Heritage immediately upon discovery of an archaeological site or artifact unearthed during any phase of the proposed Undertaking. If the find is of certain or suspected Mi'kmaq origin, the Approval Holder must also contact the Executive Director of the Kwilmu'kw Maw-klusuaqn Negotiation Office.

## **7.0 Public Involvement**

**7.1** The Approval Holder must appoint a contact person designated to deal with complaints from the public, and must provide the contact information to NSE 30 days prior to the commencement of any work. Records of any complaints and associated actions must be made available to NSE upon request.

## **8.0 Quarry Operations**

**8.1** The Approval Holder must operate the undertaking in accordance with the NSEL Pit and Quarry Guidelines (as amended from time to time).

**8.2** As part of the application for Part V Approval under the Environment Act, the Approval Holder must provide the following for review and consideration:

a) An Environmental Protection Plan (EPP) for the construction, operation and maintenance of the Project.

- b) The locations and construction details for proposed new roads and associated infrastructure.
- c) Details of site development
- d) Plans for shutdowns
- e) Such other information as required by NSE.

**8.3** As part of the application for Part V Approval under the Environment Act, the Approval Holder must provide for review and consideration a contingency plan that meets NSE's Contingency Planning Guidelines and addresses (including but not limited to):

- a) accidental occurrences, and includes the location of spill equipment kept on-site and emergency phone numbers;
- b) training to be delivered to staff, including contractors;
- c) procedures for responding to incidents occurring during times when the facility is not staffed, if applicable;
- d) impacts to watercourses and water resources and domestic water supplies;
- e) releases of dangerous goods or waste dangerous goods;
- f) petroleum and hazardous material spills and surface water control structure failure; and
- g) such other information as required by NSE.

**8.4** The Approval Holder must adhere to the EPP once finalized and approved by NSE.

## **9.0 Site Reclamation**

**9.1** Unless otherwise specified by NSE, one year prior to projected decommissioning, the Approval Holder must develop a reclamation plan in consultation with the CLC (if applicable) and NSE. The plan must be approved by NSE prior to implementation.

*Original Signed By*

---

Sterling Belliveau  
Minister of Environment