

APPENDIX B

EXISTING INDUSTRIAL APPROVALS





Department of the Environment
& Labour
Central Regional Office

Suite 224, Sunnyside Mall
1595 Bedford Highway
Bedford NS B4A 3Y4

Tel: (902) 424-3862
Fax: (902) 424-0597
File: 92100-30-Bed/-55

December 7, 2001

Marc Belliveau
Stewart McKelvey Stirling Scales
Purdy's Wharf Tower One
1959 Upper Water Street
Suite 900, P.O. Box 997
Halifax, N.S.
B3J 2X2

Dear Mr. Belliveau:

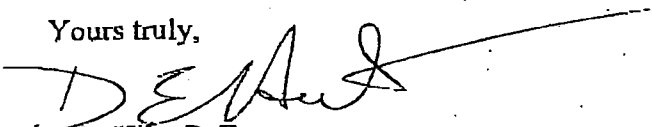
Re: Assignment Indenture for Transfer of Industrial Approval # 84-73

Please find enclosed the three original assignment indenture documents signed by the Administrator on behalf of the Minister of the Department of Environment & Labour authorizing the transfer of Industrial Approval # 84-073 from Tidewater Construction Company Ltd. to 3057565 Nova Scotia Ltd..

Please also find enclosed the original Quarry Permit Bond and Addendum in the name of the Assignee which was subsequently replaced, the signed acknowledgment letter of bond replacement for CGU Insurance Company of Canada, the original Quarry Permit Bond submitted by Tidewater Construction Company Ltd. and three signed Industrial Approval certificates in the name of the Assignee.

Should you have any questions I can be contacted at (902) 424-3862.

Yours truly,


D.E. Hiltz P. Eng.
Manager/Administrator

cc. S. Cameron
B. Matlock
C. Mosher
S. Morash

CGU | Surety

CGU Insurance Company
of Canada
Surety Department
99 Wyse Road, Suite 1600
Dartmouth, Nova Scotia B3A 4S5
Telephone: (902) 460-3100
Fax: (902) 461-2417

October 29, 2001

Minister of the Environment
P.O. Box 2107
Halifax, Nova Scotia
B3J 3B7

Re: Bond No.: 61152-92 – Quarry Permit Bond
Principal: Tidewater Construction Company Limited

Dear Sir or Madam:

Please be advised that we wish to terminate our liability under the above captioned bond effective October 29, 2001.

Also please find attached Quarry Permit Bond No.: 73093-01 which replaces the above as The Quarry located at Metro Aggregates Property, Rocky Lake Drive, Waverley, Nova Scotia has been purchased by 3057565 Nova Scotia Limited.

We hope to receive an acknowledgment of this notice at your earliest convenience.

Yours truly,

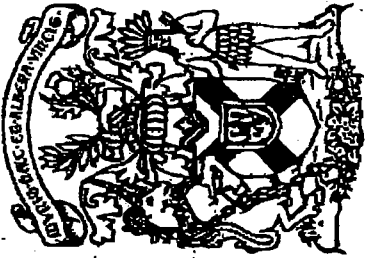
Julie Tully
Julie Tully
Surety Department

Acknowledgement by: *DELLA*

Date: *Dec 10/01*

For your convenience, we will receive you fax reply at the number listed as part of our company address, or in the alternative, please utilize the attached self addressed stamped envelope.





Nova Scotia

DEPARTMENT OF THE ENVIRONMENT & LABOUR

Industrial Approval

Pursuant to the Environment Act and Regulations made pursuant thereto, and subject to the terms and conditions contained in the approval, this approval is granted to 3057565 Nova Scotia Limited to operate and reclaim a quarry at Rocky Lake Drive, Waverley, Halifax Regional Municipality in the Province of Nova Scotia.

Granted at Bedford, Halifax Regional Municipality, Province of Nova Scotia, this 21st day of November, A.D. 2001.

#84-073 (transfer)

APPROVAL NUMBER

A handwritten signature in black ink, appearing to read 'D. E. Ash'.

ADMINISTRATOR

AD

THIS ASSIGNMENT INDENTURE made this 31st day of October, 2001.

BETWEEN: **TIDEWATER CONSTRUCTION COMPANY LIMITED**, a body corporate, with its head office in Halifax, in the County of Halifax, Province of Nova Scotia (hereinafter referred to as the "Assignor")

OF THE FIRST PART

- and - **3057565 NOVA SCOTIA LIMITED**, a body corporate, with its head office in Halifax, in the County of Halifax, Province of Nova Scotia, a wholly-owned subsidiary of **MUNICIPAL ENTERPRISES LIMITED** (hereinafter referred to as the "Assignee")

OF THE SECOND PART

WHEREAS the Assignor and Her Majesty the Queen (the "Province") represented by the Minister of the Environment executed an Industrial Waste Treatment Works Approval Number 84-73 dated the 18th day of December, 1986, respecting the operation of a rock quarry at or near Rocky Lake Drive, Waverley, Nova Scotia, a copy of which is attached hereto as Schedule "A" (hereinafter referred to as the "Approval");

AND WHEREAS the Assignor now wishes to assign its rights, obligations and liabilities under the Approval to the Assignee;

AND WHEREAS on or about this date, the Administrator of the Department of the Environment & Labour, on behalf of the Province, executed a consent to the Assignment of the Approval herein contained.

NOW THEREFORE WITNESSETH that for consideration of One Dollar (\$1.00) now paid by the Assignee to the Assignor, the receipt whereof is hereby acknowledged, the Assignor does hereby grant and assign unto the Assignee the said Approval and all the benefits and advantages to be derived therefrom, subject to the following conditions:

1. **TO HAVE AND TO HOLD** the same unto the Assignee subject to the observance and performance of the obligations required of the Assignor as outlined in the said Approval attached hereto as Schedule "A".
2. The Assignor covenants with the Assignee that the Approval is a valid and subsisting Approval, that fees and rates, if any, have been paid to date, and that all covenants, provisos and conditions have been duly observed and performed to the date hereto and that the Assignor is entitled to assign the Approval.
3. That subject to the observance and performance of the covenants, provisos and conditions of the Approval, the Assignee may enjoy the benefits of the Approval without interruption by the Assignor or any person claiming through them and the Assignor shall at all times hereafter at the request of the Assignee execute such further assurances in respect of this Assignment as the Assignee may reasonably require.
4. The Assignee assumes all legal and financial responsibilities for the Assignor under the Approval.
5. The Assignee covenants with the Assignor that it will pay the fees and rates quoted, if any, at the times and in the manner provided and observe and perform the covenants, provisos and conditions on the part of the Assignor therein set forth and will indemnify and save harmless the Assignor from all actions, suits, costs, losses, damages and expenses in respect of such covenants, provisos and conditions.
6. Unless advised otherwise, any notices to the Assignee are to be sent to the

following addresses:


3057565 Nova Scotia Limited
P.O. Box 48100
Bedford, NS B4A 3Z2

Telephone: (902) 835-3381
Fax: (902) 835-3434

7. The Assignee has provided the Province with any financial security required by the Province.

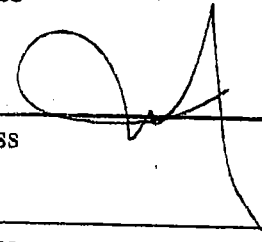
IN WITNESS WHEREOF the parties have hereunto set their hands and affixed their seals of the day and year first above written.

SIGNED, in the presence of)



Witness)

Witness)



Witness)

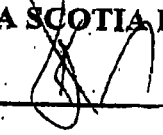
Witness)

**TIDEWATER CONSTRUCTION
COMPANY LIMITED**

Per: 
_____)

Per: _____)

3057565 NOVA SCOTIA LIMITED

Per: 
_____)

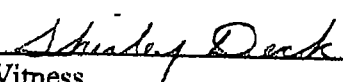
Per: _____)

MINISTERIAL CONSENT

The undersigned, Don Hiltz on behalf of the Minister of the Environment & Labour for the Province of Nova Scotia, hereby consents to the Assignment of the Approval dated the 18th day of December, 1986, from the Assignor to the Assignee, reserving against the Assignor all rights, rentals, charges, money or claims of whatever nature or otherwise accrued to or arising under the Approval to the date of the Assignment.


DATED this 10th day of December, 2001.

SIGNED, in the presence of)



Witness)

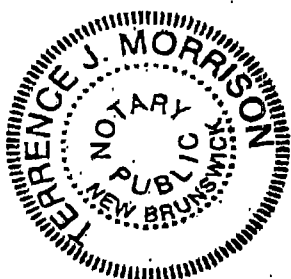
**HER MAJESTY THE QUEEN IN RIGHT
OF THE PROVINCE OF NOVA SCOTIA,**
represented by the Administrator of the
Department of the Environment & Labour, on
behalf of the Minister of the Environment &
Labour

Per: 

Administrator of the Department of the
Environment & Labour, on behalf of the
Minister of the Environment & Labour

**PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX**

On this 3rd day of December A.D. 2001, before me, the subscriber personally came and appeared Geoff Colter, a subscribing witness to the foregoing Indenture who, having been by me duly sworn, made oath and said that **TIDEWATER CONSTRUCTION COMPANY LIMITED**, one of the parties thereto, duly executed the same in his presence by affixing hereto its corporate seal identified by the signature of George Colter, its Chairman, duly authorized officer in that regard.



[Signature]
A Barrister of the Supreme Court of
Nova Scotia Notary Public in
and for the Province of
New Brunswick

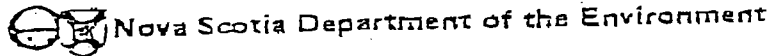
**PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX**

On this 4th day of December A.D. 2001, before me, the subscriber personally came and appeared MARC J. BELLIVEAU, a subscribing witness to the foregoing Indenture who, having been by me duly sworn, made oath and said that **3057565 NOVA SCOTIA LIMITED**, one of the parties thereto, duly executed the same in his presence by affixing hereto its corporate seal identified by the signature of KURT JACOB, its SECRETARY, duly authorized officer in that regard.

[Signature]
A Barrister of the Supreme Court of
Nova Scotia
JOHN D. HOPE

SCHEDULE "A"

(Existing Approval)



Application for Approval

of

Industrial Waste Treatment Works

TIDEWATER CONSTRUCTION LIMITED..

(Name of Company or Other Owner)

File No.:-

11-85-0034-09.2

Approval No.:-

84-73

Project Description:-

Rock quarry - Waverley, Halifax County - as per plans and specifications prepared by Underwood McLellan Limited.

Total Estimated Cost:-

N/A

Stipulations:-

Please see attached sheet.

Recommended:



[Signature]
DEPARTMENT OF THE ENVIRONMENT
12/86

Approved:

[Signature]
MINISTER OF THE ENVIRONMENT

Date Approved:

~~12/86~~
Dec 15, 1986

STIPULATION SHEETNOVA SCOTIA DEPARTMENT OF THE ENVIRONMENT

PROJECT: Tidewater Construction Company Limited Rock Quarry and Crusher, Rocky Lake Drive, Halifax County, Nova Scotia

MAXIMUM PRODUCTION RATE: 90,000 tonnes per year

FILE NUMBER: 1670-HAL-T9 - Application Number: 84-73

RECOMMENDATION: This application is recommended for approval subject to the following stipulations.

1. The applicant (Tidewater Construction Company Limited) shall develop and operate the rock quarry, crusher and associated facilities in accordance with the provisions of the:
 - Environmental Protection Act, C.6, SNS 1973 as amended
 - Water Act, C.335, RSNS 1967 as amended
 - Proposed Pit and Quarry Regulations, 1978
 - Proposed Regulations for the Storage and Handling of Gasoline and Associated Products
 2. The applicant shall either obtain written agreement from affected landowners for the quarry¹ to operate less than 800 metres from any existing property in or restricted to residential use or relocate the quarry site to a location not less than 800 metres from properties in residential use.
 3. The applicant shall segregate clean storm runoff from storm runoff originating from disturbed areas of the operation.
 4. The applicant shall revise designs for the wash ponds and settling basin. Revisions shall be submitted to and approved by the Nova Scotia Department of the Environment prior to aggregate production².
1. Quarry: An excavation, requiring the use of explosives, for the purpose of removing consolidated rock from the environment.
 2. Aggregate production: The quarrying and crushing of rock for sale or off site use.

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5. The final location of temporary sediment control structures for the construction phase, including construction of the access road and water main, shall be approved by Departmental staff prior to the start of construction.
6. The applicant shall complete and submit required baseline data to the Department for review. A biological survey of the receiving water at the entrance to Power Mill Lake is to be conducted to determine the environmental significance and sensitivity of flora and fauna, complete with an evaluation of any negative impacts expected to be related to this quarry project. An assessment of air quality, noise and ground vibrations levels, sufficient to establish existing conditions, is required prior to aggregate production.
7. The Department has proposed objective operational limits for liquid effluents, particulate emissions, noise and seismic vibration. These limits shall apply to the proposed operation unless alterations or additions are recommended by the Monitoring Board³. The applicant is responsible for generating the monitoring data and is required to file the information with the department on a monthly basis.

(f) Liquid Effluents

Sampling locations: at the last location the applicant has control of the effluent i.e. the discharge from treatment facilities.

<u>PARAMETERS</u>	<u>LIMIT</u>	<u>COMMENTS</u>
pH	5.0-9.0	total alkalinity must exceed total acidity
iron	1 mg/L	maximum
suspended solids	35 mg/L 70 mg/L	maximum arithmetic mean maximum concentration in any single sample
arsenic (total)	0.5 mg/L	maximum
oil & grease	15 mg/L	maximum

(iii) Particulate Emissions (Dust)

Sampling locations: a maximum of 3 locations on the property boundary, precise locations to be determined in consultation with the Monitoring Board.

- 3 A Monitoring Board has been established to oversee the development and operation of the quarry. The Board reports to the Minister of the Environment and includes a total of four persons representing Tidewater Construction Company, the Waverley Ratepayers' Association and the Nova Scotia Department of the Environment. The Board is chaired by a Departmental representative.

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<u>PARAMETERS</u>	<u>LIMIT</u>	<u>COMMENTS</u>
Suspended Particulates	60-70 ug/m ³ 0-120 ug/m ³ /24 hrs	maximum annual geometric mean
Arsenic	25 ug/m ³ /24 hrs	maximum
Silica	0.1 mg/m ³ /24 hrs	maximum

(iii) Noise

Sampling locations: at points on the property boundary. Noise levels will be periodically monitored by the Department of the Environment.

Noise levels (Leq)	65 dBA (0700-1900 hours)
	60 dBA (1900-2300 hours)
	55 dBA (2300-0700 hours)
Air Concussion 128 dBA	128 dBA (Maximum)

(iv) Seismic Vibration

Monitoring location: one permanent recorder on site between the quarry and the nearest residential development. Additional monitoring may be required off site in areas where complaints originate.

Peak Particle Velocity 12.5 mm (0.5 inches) per second (maximum). Details of blasting methods and procedures are to be filed with the department.

(v) Rock Analysis

The applicant has offered to conduct a continuing monitoring program to determine arsenic concentrations in the rock. The results of such analyses shall be filed with the department no later than one week after receipt by the applicant.

8. Progressive site rehabilitation will be guaranteed by a security bond filed with the Department prior to the start of site development. The bond shall be in the amount of \$75,000 covering a maximum area of 15 hectares. If an area in excess of the 15 hectares is to be disturbed, the applicant shall notify the Department and provide additional security at the rate of \$5,000 per hectare. The bond shall be portable and can be applied to a new development area on site following successful rehabilitation of an abandoned area.