

Nova Scotia Environment and Labour (“DEL”)

Environmental Assessment Approval

Approval Date: *Original Date Stamped September 19, 2003*

Cambridge Aggregate Pit Expansion

Lawson Bennett Trucking Ltd., Proponent

**Cambridge, Kings County
Nova Scotia**

Cambridge Aggregate Pit Expansion (the “Undertaking”), proposed by Lawson Bennett Trucking Ltd. (the “Proponent”), Cambridge, 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 the DEL.

2.0 Groundwater Resources

- 2.1 The Proponent, as part of the application for Part V Approval under the *Environment Act*, shall provide for review and approval a groundwater monitoring program for the purpose of establishing the local water table level and water quality. 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 DEL.
- 2.2 The proponent shall not extract material below the local water table.

3.0 Surface Water

- 3.1 All discharges from the site must meet the DEL requirements.
- 3.2 The Proponent, as part of the application for amendments to the 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 wetlands) quality and quantity, including location and 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 DEL.
 - c) details of a contingency plan to deal with potential encounters with and impacts of with sulphide bearing materials.

- 3.3 The Proponent shall not undertake any pit operation or excavation activities within 30 metres of a watercourse or 50 m of a wetland.

4.0 Public Consultation

- 4.1 The Proponent shall form a Community Liaison Committee (CLC) in consultation with the DEL and with municipal and community representatives. The DEL *Guidelines for the Formation of a Community Liaison Committee* shall be used for the guidance of the Proponent and community.
- 4.2 The Terms of Reference should describe the CLC's degree of participation in, but not necessarily limited to, the following:
- a) noise and dust control measures, including road maintenance
 - b) trucking routes and schedules,
 - c) reclamation plans and
 - d) viewing of any environmental monitoring and testing procedures and associated environmental reports submitted to the appropriate government departments and agencies.

5.0 Terrestrial Resources

- 5.1 The Proponent shall maintain a setback of 30 m from the mixed woodland habitat immediately south of the existing gravel pit and proposed expansion area where Purple Trillium and Hooker's Orchid were identified in June 7th, 2003, botanical survey.
- 5.2 The Proponent shall not extend the gravel pit north of the existing gravel pit area.
- 5.3 Site preparation and reclamation activities of the sand and gravel pits shall be limited to the period of August through November of each year to avoid nesting birds.
- 5.4 Visual surveys for ground nesting species in the sand and gravel pits shall be done before excavation of an area and nests shall be avoided while they are active.
- 5.5 Material shall not be removed from sand or gravel pit embankments with

active nests.

- 5.6 If Northern Goshawk or Long-eared Owls are found to be nesting on or adjacent to the site, crushing activities shall be rescheduled to avoid their early nesting period.

6.0 Archaeological Resources

- 6.1 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.

7.0 Noise and Dust

- 7.1 All equipment is to be operated with standard noise suppression exhaust systems and kept in good repair.
- 7.2 Petroleum products shall not be used as a dust suppressant.
- 7.3 The Proponent shall monitor for noise and dust at the request of the DEL.
- 7.4 Hours of construction and operation are limited to Monday to Friday, between the hours of 7:00 a.m. and 7:00 p.m., and to Saturday between the hours 8:00 a.m. and 5:00 p.m., unless otherwise approved by the DEL.
- 7.5 The Proponent shall establish and maintain a treed buffer at the northern edge of the property to a schedule and form acceptable to DEL Western Region.

8.0 Transportation

- 8.1 The Proponent shall address transportation related concerns by ensuring that:
- a) dust on pit site roads will be stabilized using water or calcium chloride or other means as required by the DEL
 - b) transportation of material from the site is limited to Monday to Friday, between the hours of 7:00 a.m. and 7:00 p.m., and to Saturday

between the hours 8:00 a.m. and 5:00 p.m., unless otherwise approved by the DEL

- c) site staff shall ensure that trucks are free of loose sand and gravel before leaving the pit site
- d) ongoing vehicle inspections shall be undertaken to ensure that all contracted haulers have properly functioning engine noise muffling devices and other operating equipment
- e) all trucks leaving the pit site shall be fitted with tarpaulins to cover loads
- f) trucking routes and schedules as determined in consultation with the CLC are adhered to.

9.0 Pit Plan and Operation

- 9.1 The Proponent shall maintain the active area of the proposed sand pit 100 metres from the nearest foundation, and the active area of the gravel pit 500 metres from the nearest foundation, unless otherwise approved by DEL
- 9.2 The Proponent shall operate the pit within all DEL requirements including the limits of the *DEL Pit and Quarry Guidelines*, 1999, and any future requirements.
- 9.3 No hazardous materials or petroleum products are to be stored on the site unless otherwise approved by the DEL.
- 9.4 The Proponent shall develop the sand and gravel pits in stages as described in the EA document.
- 9.5 The Proponent, as part of the application for amendments to the Part V Approval, shall provide for review and approval:
 - a) details of site development
 - b) details of stockpiling (e.g. sand, aggregate, 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.
- 9.6 All plans related to pit operation shall be resubmitted over the lifetime of the project, at a schedule to be established by the DEL, and revised as determined by the DEL.

10.0 Site Reclamation and Agricultural Productivity

- 10.1 The Proponent shall leave a depth, as determined by the DEL, of subsoil materials over the clay layer to support root zones of future crops.
- 10.2 The Proponent shall undertake progressive site reclamation as described in the EA document.
- 10.3 The Proponent, as part of the application for amendments to the Part V Approval under the *Environment Act*, shall provide for review and approval a preliminary reclamation plan, that includes progressive reclamation, and compaction and nutrient testing.
- 10.4 Pit operations must be completed and reclaimed to the satisfaction of the DEL and the appropriate regulatory departments.

11.0 Contingency Plan

- 11.1 As part of the application for amendments to the Part V Approval under the *Environment Act*, the Proponent shall provide an acceptable contingency plan that 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).
- 11.2 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