

Nova Scotia Environment and Labour (“NSEL”)

Environmental Assessment Approval

Approval Date: *Original dated December 29, 2004*

Kempton Road Quarry Expansion

Dexter Construction Ltd., Proponent

**Kempton, Colchester County,
Nova Scotia**

The Kempton Road Quarry Expansion (the “Undertaking”), proposed by Dexter Construction Ltd. (the “Proponent”) to be located at Kempton Road, Colchester County, Nova Scotia is given environmental assessment approval 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 Groundwater Resources

- 2.1 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) 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 quarry operations to prevent unacceptable environmental effects to the satisfaction of NSEL.
 - b) a contingency plan to address impacts to groundwater.
 - c) details of an evaluation of groundwater-surface water interactions and a mitigation/monitoring program, if required.

3.0 Surface Water

- 3.1 All discharges from the site must meet the NSEL 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 monitoring, maintenance and upgrading of the flow retention/siltation treatment areas. Design criteria shall include increased likelihood of more intense precipitation events in coming decades.
 - c) details regarding the program to monitor surface water, including location and parameters. Based on the results of monitoring programs, the Proponent shall make necessary modifications to mitigation plans and/or quarry operations to prevent continued unacceptable environmental effects to the satisfaction of NSEL.
- 3.3 All surface water protection and management programs shall be resubmitted over the lifetime of the project, at a schedule to be established

by the NSEL, and revised as determined by the NSEL.

- 3.4 The Proponent shall not undertake any quarry related activities within 30 metres of a watercourse without receiving all necessary approvals and/or authorizations from NSEL and all other applicable jurisdictions.

4.0 Blasting

- 4.1 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 of an updated blasting plan. The plan shall include an updated pre-blast survey for structures and water supplies within 800 metres of the blast area, a detailed blast monitoring plan and a full blast damage response policy.
 - b) details of an updated blast design plan. The plan shall demonstrate that air concussion and ground vibration limits are capable of being met at all proposed areas of the future quarry.
 - c) details of a flyrock mitigation and contingency plan.

5.0 Public Consultation

- 5.1 The Proponent shall form, at the request of the NSEL, a Community Liaison Committee (CLC) in consultation with the NSEL and with municipal and community representatives. The NSEL *Guidelines for the Formation of a Community Liaison Committee* shall be used for the guidance of the Proponent and community.

6.0 Terrestrial Resources

- 6.1 The Proponent shall maintain a 30 metre buffer between the edge of the proposed quarry activities and the tall shrub dominated basin swamp wetland.
- 6.2 The Proponent shall provide DNR Wildlife Division, for review and approval, a program to monitor and assess the impact of the quarry on the ecological character of the tall shrub dominated basin swamp wetland.

7.0 Archaeological Resources

- 7.1 The Proponent shall cease work and contact the Director, Heritage Division, Nova Scotia Department of Tourism, Culture and Heritage and the 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 Petroleum products shall not be used as a dust suppressant.
- 8.3 The Proponent shall monitor for noise and dust at the request of the NSEL.
- 8.4 The Proponent shall participate in future airshed management programs as required by the NSEL.
- 8.5 Hours of operation are limited to 7 days per week, 15 hours per day, unless otherwise approved by the NSEL.
- 8.6 The Proponent shall contact Transportation and Public Works and work with them to minimize and control the generation of dust along the Kemptown Road.

9.0 Transportation

91. The Proponent shall address transportation related concerns by ensuring that:
 - a) dust on quarry site roads will be stabilized using water or other means as required by the NSEL
 - 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., unless otherwise approved by the NSEL
 - c) site staff will ensure that trucks are free of loose material before leaving the quarry 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) trucking contracts stipulate adherence to speed limits, use of tarpaulins, vehicle maintenance requirements and periodic inspections.
- 9.2 The Proponent shall contact Transportation and Public Works and work with them to improve road conditions and to ensure that the roads are maintained in an acceptable condition.

10.00 Quarry Plan and Operation

- 10.1 The Proponent shall operate the quarry within all NSEL requirements
- 10.2 The Proponent shall plan and design the quarry according to the *NSEL Pit and Quarry Guidelines*, 1999.

- 10.3 No hazardous materials or petroleum products are to be stored on the site unless otherwise approved by the NSEL.
- 10.4 The Proponent, as part of the application for amendments to the Part V Approval, shall provide for review and approval:
- a) a plan completed by a licensed surveyor delineating the boundaries of the quarry and identifying all pertinent structures
 - b) details of site development
 - c) details of stockpiling (aggregate, sediment removed from settling ponds, and overburden piles), including, as a minimum, stockpile locations, stockpile volumes, length of duration of any stockpiling activity on-site, and erosion protection measures
 - d) plans for shutdowns
 - e) prior to asphalt production, the Proponent shall provide details of the asphalt plant and associated approvals to NSEL.
- 10.5 All plans related to quarry operation shall be resubmitted over the lifetime of the project, at a schedule to be established by the NSEL, and revised as determined by the NSEL.
- 10.6 The Proponent shall apply for renewals to the Part V Approval at intervals established by the NSEL and provide additional information as deemed necessary by the NSEL.

11.0 Site Reclamation

- 11.1 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.
- 11.2 Quarry operations must be completed and reclaimed to the satisfaction of the NSEL and other appropriate regulatory departments.

12.00 Contingency Plans

- 12.1 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) overflow from the quarry that exceeds the approved final effluent discharge limits or is sediment laden
 - c) training to be delivered to staff
 - d) procedures for responding to incidents occurring during times when the facility is not staffed (e.g. evenings, weekends, holidays).

Original Signed By

Kerry Morash
Minister of Environment and Labour