

TERMS AND CONDITIONS OF APPROVAL

Nova Scotia Department of Environment and Labour

Project: Parker Mountain Aggregates Ltd.
Quarry
Tiverton, Digby County

Approval No: 2003-032388

File No: 92100-30

Map Series: 21B8

Grid Reference: E536295158 N491879637

PID # : 30176476

Reference Documents:

- Application dated Feb. 27, 2003 and attachments.

1. Definitions

- "Abandonment" means cessation of production of aggregate for a period of twelve (12) months.
- "Act" means the *Environment Act* S.N.S. 1994-1995, c.1 and includes all regulations made pursuant to the Act.
- "Active Area" means the area required to operate a quarry and includes the working face and associated works.
- "Associated works" means any building, structure, processing facility, pollution abatement system or stockpiles of aggregate.

- e) "Department" means the Western Region, Yarmouth Office, of the Nova Scotia Department of Environment and Labour located at the following address:

Nova Scotia Department of Environment and Labour
Environmental Monitoring and Compliance Division
Western Region, Yarmouth Office
13 First St.
Yarmouth, NS B5A 1S9

Phone: (902) 742-8985

Fax: (902) 742-7796

- f) "Disturbed Area" means any area on a quarry site that has been stripped of vegetation and is susceptible to erosion.
- g) "Facility" means the Quarry and associated works.
- h) "Minister" means the Minister of the Nova Scotia Department of Environment and Labour.
- i) "Rehabilitation" means restorative work performed or to be performed in accordance with the rehabilitation plan.
- j) "Structure" includes but is not limited to a private home, a cottage, an apartment building, a school, a church, a commercial building or a treatment facility associated with the treatment of municipal sewage, industrial or landfill effluent, an industrial building, infrastructure or construction, a hospital, and a nursing home, etc.

2. **Scope of Approval**

- a) This Approval (the "Approval") relates to the Approval Holder and their application and supporting documentation, as listed in the reference documents above, to construct and operate the Facility, situated at or near Tiverton, Digby County (the "Site").
- b) The Facility shall be constructed and operated as outlined in the application for industrial approval dated Feb. 27, 2003 and supporting documentation.
- c) The Site shall not exceed the area as outlined in the application and supporting documentation.

- d) Should the work authorized by this Approval not be commenced within a year, this Approval shall automatically be null and void, unless extended in writing by an Administrator.

3. General Terms and Conditions

- a) The Approval Holder shall construct, operate and reclaim its Facility in accordance with provisions of the:
 - i) *Environment Act* S.N.S. 1994-1995, c.1;
 - ii) Regulations pursuant to the above Act;
 - iii) Any future amendments to the Act and regulations.
- b) No authority is granted by this Approval to enable the Approval Holder to construct the Facility on lands which are not in the control or ownership of the Approval Holder. It is the responsibility of the Approval Holder to ensure that such a contravention does not occur. The Approval Holder shall provide, to the Department, proof of such control or ownership upon expiry of any relevant lease or agreement. Failure to retain said authorization will result in this Approval being null and void.
- c) If there is a discrepancy between the reference documents and the terms and conditions of this Approval, the terms and conditions of this Approval shall apply.
- d) The Minister or Administrator may modify, amend or add conditions to this Approval at anytime pursuant to Section 58 of the Act.
- e) This Approval is not transferable without the consent of the Minister or Administrator.
- f)
 - (i) If the Minister or Administrator determines that there has been non-compliance with any or all of the terms and conditions contained in this Approval, the Minister or Administrator may cancel or suspend the Approval pursuant to subsections 58(2)(b) and 58(4) of the Act, until such time as the Minister or Administrator is satisfied that all terms and conditions have been met.
 - (ii) Despite a cancellation or suspension of this Approval, the Approval Holder remains subject to the penalty provisions of the Act and regulations.

- g) The Approval Holder shall notify the Department prior to any proposed extensions or modifications of the Facility, including the active area, process changes or waste disposal practices which are not granted under this Approval. An amendment to this Approval will be required before implementing any change. Extensions or modifications to the Facility may be subject to the Environmental Assessment Regulations.
- h) Pursuant to Section 60 of the *Act*, the Approval Holder shall submit to the Administrator any new and relevant information respecting any adverse effect that actually results, or may potentially result, from any activity to which the Approval relates and that comes to the attention of the Approval Holder after the issuance of the Approval.
- i) The Approval Holder shall immediately notify the Department of any incidents of non-compliance with this Approval.
- j) The Approval Holder shall bear all expenses incurred in carrying out the environmental monitoring required under the terms and conditions of this Approval.
- k) Unless specified otherwise in this Approval, all samples required to be collected by this Approval shall be collected, preserved and analysed, by qualified personnel, in accordance with recognized industry standards and procedures.
- l) All samples required by this Approval shall be analysed by a laboratory that is:
 - i) Accredited by the Standards Council of Canada; or
 - ii) Accredited by another agency recognized by the Nova Scotia Department of Environment and Labour to be equivalent to the Standards Council of Canada; or
 - iii) Maintaining an acceptable standard in a proficiency testing program conducted by the Canadian Association for Environmental Analytical Laboratories for all parameters being reported; or
 - iv) Maintaining an acceptable standard in a proficiency or performance testing in another program considered acceptable to the Nova Scotia Department of Environment and Labour for all parameters being reported

- m) The Approval Holder shall submit any monitoring results or reports required by this Approval to the Department. Unless specified otherwise in this Approval, All monitoring results shall be submitted within 30 days following the month of monitoring.
- n) The Approval Holder shall ensure that this Approval, or a copy, is kept on Site at all times and that personnel directly involved in the Facility operation are made fully aware of the terms and conditions which pertain to this Approval.
- o) The Approval Holder will be required to register their project under Part IV of the *Environment Act* should the Facility and associated works including access roads exceed an area of four (4) hectares.
- p) The proponent shall retain a licensed surveyor to survey and delineate the exact location, corners and boundaries of the active area and forward this information to the Department. The survey must also exhibit all applicable separation distances for quarry operations. This shall be completed no later than 60 days following issuance of this approval.

4. **Construction of Facility**

- a) All erosion and sedimentation controls are to be in place prior to construction at this Facility. The Nova Scotia Department of the Environment "Erosion and Sedimentation Control Handbook For Construction Sites" shall serve as the reference document for all erosion control measures. These measures are minimum requirements and additional controls shall be implemented if Site runoff exceeds the discharge limits contained herein.
- b) All erosion and sedimentation controls are to be maintained and remain in place until the disturbed areas are stabilized.
- c) All water leaving the Site during the construction phase shall be in compliance with total suspended solids limits of 50 mg/l grab or 25 mg/l monthly arithmetic mean.
- d) Appropriate signage including the hours of operation, emergency telephone numbers and contacts are to be posted at the entrance to the Facility.
- e) The generation of dust from the Site shall be suppressed by the application of water sprays, or the application of other suitable approved dust suppressants as required.

5. **Particulate Emissions (Dust)**

- a) Particulate emissions shall not exceed the following limits at or beyond the Site property boundaries:

Annual Geometric Mean 70 g/m³

Daily Average (24 hr.) 120 g/m³

- b) The generation of fugitive dust from the Site will be suppressed by the application of water sprays, or the application of other suitable dust suppressants approved by the Department.
- c) Site access road(s) shall be maintained to minimize dust generation. The use of used oil is not permitted.
- d) Monitoring of particulate emissions shall be conducted at the request of the Department. The location of the monitoring station(s) for particulate will be established by the Administrator and may include point(s) beyond the property boundary of the quarry.
- e) When requested, suspended particulate matter shall be measured by the high volume method as described in report No. E.P.S. 1-AP-73-2.

6. **Sound Levels**

- a) Sound levels measured at the Site property boundaries shall not exceed the following equivalent sound levels (Leq):

Leq 65 dBA 0700-1900 hours (Days)

60 dBA 1900-2300 hours (Evenings)

55 dBA 2300-0700 hours (Nights)

- b) Monitoring of sound levels shall be conducted at the request of the Department. The location of the monitoring station(s) for sound will be established by the Administrator and may include point(s) beyond the property boundary of the quarry.

7. Surface Water

- a) The Site shall be developed and maintained to prevent siltation of the surface water which is discharged from the property boundaries into the nearest watercourse or beyond the property boundary. The Nova Scotia Department of the Environment "Erosion and Sedimentation Control Handbook For Construction Sites" shall serve as the reference document for all erosion control measures. These measures are minimum requirements and additional controls shall be implemented if Site runoff exceeds the discharge limits contained herein.
- b) No authority is granted by this Approval to enable the Approval Holder to discharge surface water beyond the property boundary and onto adjoining lands without the authorization of the affected landowner(s). It is the responsibility of the Approval Holder to ensure that the authorization of said landowner(s) is current and valid. Failure to retain said authorization will result in this Approval being null and void. The Approval Holder shall provide, to the Department, proof of the continued authorization of the adjoining landowner(s) when the current agreement has expired.
- c) All erosion and sedimentation control devices shall be installed prior to any excavation of material.
- d) The Approval Holder shall ensure the liquid effluent levels in Table 1 are met and that the effluent is monitoring at the frequency and locations indicated.

Table 1				
Final Effluent Discharge Limits				
Parameters	Maximum in a Grab Sample	Monthly Arithmetic Mean	Monitoring Frequency	Monitoring Station
Total Suspended Solids	50 mg/l	25 mg/l	weekly/rain event	As designated by the Department.
pH	5 - 9	6 - 9	weekly /rain event	As designated by the Department.

- e) If it becomes necessary to drain the Site, the wastewater shall be drained to settling ponds for appropriate treatment to meet the suspended solids limits outlined in Table 1.
- f) All wash water systems shall be arranged in closed circuit.
- g) Additional monitoring stations for liquid effluent may be specified as required by the Department.
- h) A monthly summary of results of monitoring shall be submitted to the Department.

8. Groundwater

- a) The Approval Holder shall replace at their expense any water supply which has been lost or damaged as a result of extracting aggregate.
- b) The Approval Holder shall secure from the Administrator an approval amendment prior to excavating below the watertable.

9. Separation Distances

- a) The Approval Holder shall not locate the Active Area of the quarry within:
 - i) 30 m of the boundary of a public or common highway.
 - ii) 30 m of the bank of any watercourse or ordinary high water mark.
 - iii) 30 m of the boundary of the quarry property.
- b) The Approval Holder shall not blast within:
 - i) 30 m of the boundary of a public or common highway.
 - ii) 30 m of the bank of any watercourse or ordinary high water mark.
 - iii) 800 m of the foundation or base of a structure located off site, unless written consent is obtained from all individuals owning structures within 800 m.

- iv) 15 m of the property boundary when a structure on the abutting property is not involved.

10. Blasting

- a) The Approval Holder shall have a technical blast design prepared by a qualified person which ensures the ground vibration and air concussion limits in this Approval can be achieved.
- b) The Approval Holder shall conduct a pre-blast survey including a water quality analysis of all structures within 800 metres of the Facility. The survey shall be conducted in accordance with the Department's "Procedure For Conducting a Pre-Blast Survey" and the results of this survey sent to the Department prior to any blasting on the Site. Water quality parameters will be determined by NSDEL staff.
- c) The Approval Holder shall call the nearest weather office, to assess the climatic conditions prior to conducting any blasting. No blasting will be permitted if a thermal inversion is anticipated at the time of the proposed blast.
- d) No blasting shall occur on Sunday, on a statutory holiday prescribed by the Province, or on any day between 1800 and 0800 hours.
- d) The Approval Holder shall ensure that all blasts are monitored for concussion and ground vibration to ensure that the limits in Table 2 are not exceeded:

Table 2			
Blasting Limits			
Parameters	Maximum	Monitoring Frequency	Monitoring Station
Concussion (Air Blast)	128 dBL	Every Blast	Within 7 m of the nearest structure not located on the Site
Ground Vibration	0.5 in/sec (12.5 mm/s)	Every Blast	Below grade or less than 1 m above grade in any part of the nearest structure not located on the Site

- e) The monitoring station for blasting shall be as indicated in Table 2. Additional monitoring stations for blasting may be specified as required by the Department.
- f) A monthly summary of results of monitoring shall be submitted to the Department.

11. Rehabilitation

- a) The Approval Holder shall post an interim security in a form acceptable to the Department in the amount of \$2,500.00 an acre of disturbed area on or before April 1, 2003.
- b) The interim security shall not exceed one (1) year unless otherwise agreed in writing by the Administrator.
- c) The Approval Holder shall submit a rehabilitation plan to the Department for review by September 1, 2003. The rehabilitation plan shall be revised and updated every three year thereafter and submitted for review. The rehabilitation plan shall include the estimated total cost for labour, equipment, supplies and services of a third party contractor to undertake the following activities:
 - i) surface contouring
 - ii) establishing proper drainage
 - iii) revegetation work
 - iv) any work necessary to reclaim the quarry
- d) Before the expiry of the interim security, the Approval Holder shall post a final security which shall be calculated using the rehabilitation plan and factors in item c) above. The final security shall be revised every three years in accordance with the revised rehabilitation plan.
- e) The Approval Holder shall rehabilitate the Site within twelve (12) months of abandonment and in accordance with the rehabilitation plan submitted by the Approval Holder in 11 (c) or other terms as specified by the Department,
- f) The Nova Scotia Department of Environment and Labour shall release the security to the Approval Holder after final rehabilitation of the Site has been completed to the satisfaction of the Minister or Administrator. The Approval Holder shall notify the Department when rehabilitation has been completed.

- g) The Approval Holder shall ensure that any security posted for rehabilitation be kept valid for the term of the Approval.

12. Site Specific Conditions

- a) The boundaries of the Site will be cut out and kept reasonably clear of new growth and the corner boundaries shall be clearly marked with permanent markers no less than four feet high.

13. Public Communications

- a) - At the request of the Department, the proponent shall undertake a public information program accepted by the Department which will include but is not limited to:
 - i) size and nature of the project;
 - ii) description of processes involved;
 - iii) anticipated environmental effects and proposed mitigation;
 - iv) future of the project;
 - v) any other information requested by the Department;
- b) At the request of the Department, the proponent shall establish a community liaison committee and:
 - i) The proponent shall submit a plan for the establishment of a CLC based upon the document "*Guidelines for the Formation of a CLC*" October 28, 1993, available from the Nova Scotia Department of Environment and Labour.
 - ii) Upon acceptance of the plan by the Department, the proponent shall implement the plan and adhere to its requirements.