



Department of Environment & Labour

Environmental Monitoring and Compliance Division
Yarmouth District Office

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file number: 92100-30-/YAR-032388

December 15, 2004

Mr. Michael Lowe
478 Parker Mountain Road
PO Box 97
Annapolis Royal, NS
B0S 1A0

Dear Mr. Lowe :

RE: Tiverton Quarry - Approval No. 2003-032388-R01

In response to your fax dated December 8, 2004 and our conversation earlier that day, I have reviewed the file for this approval and offer the following comments related to your request for NSDEL requirements to extend this approval.

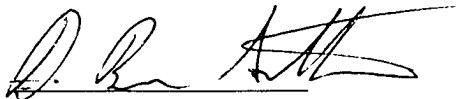
1. The scope of the approval as stated in Section 2 (a) "relates to the Approval Holder and their application and supporting documentation, as listed in the reference documents above"..... Those reference documents included the application dated Feb. 27, 2003 and attachments. The letter from yourself on the same date exists as one of those attachments. That letter states that this "quarry is being developed exclusively for two very specific projects for Public Works." This represents a restriction on the use of the quarry and, since those specific projects have now been completed, the Approval is no longer valid for extraction of material for other use even though the expiry date of March 24, 2005 has not yet occurred.
2. The NSDEL Pit and Quarry Guidelines prohibit blasting within 800 metres of the foundation of an off-site structure. This distance can be reduced with written consent from all individuals owning structures within 800 metres. Parker Mountain Aggregates obtained the necessary written permission for the above approval. However, several of those permissions were specifically related to extraction for the two projects aforementioned. Since these projects are now complete the necessary written approvals would need to be renewed prior to any consideration of an approval for further quarry operation at the site.
3. The lease agreement between Parker Mountain Aggregates and Orlie and Janet Dixon for access and use of their land that accompanied the application was specific for the two aforementioned projects. A new or revised lease would be required by the Department prior to any consideration of an approval for further quarry operation at the site.

4. NSDEL is aware of opposition within the community to further quarry operation at the site. Prior to any consideration of an approval for further quarry operation at the site NSDEL would require that a public consultation process be followed. Attached are procedures related to the Department's *Consultative Process for Approvals* that should be used.
5. Other standard quarry application requirements would need to be updated and resubmitted to the Department. These requirements include but are not limited to: a description of the project including its purpose; an aerial photograph; a description of blasting methods and schedule; a revised site plan showing the location of the former quarry and any rehabilitation as well as the new location and proposed development, abandonment and rehabilitation plans.

On the basis of the above, NSDEL would not be able to renew the existing approval. While an amendment to the approval may be possible, in view of the Department's requirements it appears that the preferred course of action, should you wish to resume operation at or near the present site, would be to submit a new application for approval.

If you have any specific questions regarding any of the above information, please contact me at (902) 742-8985.

Sincerely,



D. Bruce Arthur, P. Eng.
Regional Engineer

cc: B. Petrie
J. Cook