

Environmental Assessment Approval

Approval Date: *August 3, 2007*

Glenholme Gravel Pit Expansion

M.S.D Enterprises Limited, Proponent

Colchester County, Nova Scotia

Glenholme Gravel Pit Expansion (the "Undertaking"), proposed by M.S.D Enterprises Limited (the "Proponent"), in Colchester County, Nova Scotia 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, 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 Proponent must, within two years of the date of issuance of this approval, commence work on the undertaking unless granted a written extension by the Minister.
- 1.3 The Proponent must 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 must implement all mitigation and commitments in the Registration Document, unless approved otherwise by Nova Scotia Environment & Labour (NSEL).

2.0 Surface Water

- 2.1 The Proponent, as part of the application for Part V Approval under the *Environment Act*, must provide for review and approval:
- a) A detailed program to monitor surface water quality and quantity, including monitoring locations, parameters, and evaluation criteria. The program shall be developed with consideration of baseline monitoring data. Based on the results of monitoring programs, the Proponent must make necessary modifications to mitigation plans and/or pit operations if required to prevent continued unacceptable environmental effects, to the satisfaction of NSEL.
 - b) A detailed erosion and sedimentation control plan including design details and locations of all proposed mitigation measures.
- 2.2 The Proponent shall conduct fish habitat surveys as committed to in the registration document to ensure mitigative measures adopted are successful. The results of these surveys shall be submitted to DFO for review.
- 2.3 The Proponent must not undertake any pit related activities within 30 metres of the edge of a defined watercourse.

3.0 Groundwater

- 3.1 The Proponent, as part of the application for Part V Approval under the *Environment Act*, must provide for review and approval:
- a) A detailed groundwater monitoring program including location of monitoring wells and monitoring parameters. This program must be designed to evaluate potential impacts to both groundwater levels and groundwater quality. Based on the results of the monitoring programs, the Proponent must make necessary modifications to mitigation plans and/or pit operations, to prevent continued unacceptable environmental effects, to the satisfaction of NSEL.
 - b) Results of a well survey completed for residences within 200 m of property boundaries, including a water sample analysis.
- 3.2 The Proponent must replace, at their expense, any water supply which has been lost or damaged as a result of pit operations to the satisfaction of NSEL.
- 3.3 The Proponent shall not excavate below the water table, and shall submit details of how potential interaction with the water table will be monitored and prevented.

4.0 Flora and Fauna

- 4.1 Prior to aggregate extraction on the South property, the Proponent shall conduct a breeding bird survey to the satisfaction of NSDNR Wildlife Division. The results of the survey shall be used to develop appropriate mitigation measures to prevent adverse effects on breeding birds if required.

5.0 Wetlands

- 5.1 The Proponent, as part of the application for Part V Approval under the *Environment Act*, must provide for review and approval:
- a) details of all wetland protection measures including setback distances;
 - b) a plan for monitoring potential impacts of the project on surrounding wetlands

6.0 Archaeological & Heritage Resources

- 6.1 The Proponent must cease work and contact the Director, Heritage Division, Nova Scotia Department of Tourism, Culture and Heritage, the Executive Director, Confederacy of Mainland Mi'kmaq and the Executive Director, Union of Nova Scotia Indians immediately upon discovery of an archaeological site or artifact unearthed during any phase of the proposed project.

7.0 Dust and Noise

- 7.1 The Proponent, as part of the application for Part V Approval under the *Environment Act*, must provide for review and approval, a detailed dust management program including dust management measures and techniques, and protocols for determining when management measures will be used.
- 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 NSEL.
- 7.4 Prior to conducting operations on a 24 hour basis, the proponent shall submit for review and acceptance of NSEL a noise management plan for addressing noise generated between the hours of 10 pm and 6 am.
- 7.5 All equipment is to be operated with standard noise suppression exhaust systems and kept in good repair.

8.0 Project Operation

- 8.1 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 Process for the Formation of a Community Liaison Committee* shall be used for the guidance of the Proponent and community.
- 8.2 The Proponent shall operate the pit within all NSEL requirements.
- 8.3 The Proponent shall plan and design the pit according to the *NSEL Pit and*

Quarry Guidelines.

- 8.4 No hazardous materials or petroleum products are to be stored on the site except as otherwise approved by NSEL.
- 8.5 The Proponent, as part of the application for Part V Approval, shall provide for review and approval:
- a) a plan completed by a licensed surveyor delineating the boundaries of the pit 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
- 8.6 All plans related to pit operation shall be resubmitted over the lifetime of the project, at a schedule to be established by the NSEL, and revised as determined by NSEL.
- 8.7 The Proponent shall apply for renewals to the Part V Approval at intervals established by NSEL and provide additional information as deemed necessary by NSEL.

9.0 Contingency Plans

- 9.1 As part of the application for Part V Approval under the *Environment Act*, the Proponent shall provide an acceptable contingency plan that meets NSEL's Contingency Planning Guidelines, September 2004 and 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).

10.0 Site Reclamation

- 10.1 The Proponent, as part of the application for Part V Approval under the *Environment Act*, shall provide for review and approval a progressive reclamation plan to be updated throughout the life of the project.
- 10.2 Reclamation revegetation shall be conducted using native species.
- 10.3 Pit operations must be completed and reclaimed to the satisfaction of the NSEL and other appropriate regulatory departments.

Mark Parent
Minister of Environment and Labour