

APPENDIX A
PROPERTY INFORMATION

Environmental Assessment Registration Document:
Gabarus Quarry Expansion
Gabarus Lake, Cape Breton Regional Municipality
Nova Scotia

APPROVAL

**Province of Nova Scotia
Environment Act, S.N.S. 1994-95, c.1 s.1**

APPROVAL HOLDER: DEXTER CONSTRUCTION COMPANY LIMITED

SITE PID: 15852478

APPROVAL NO: 2014-088454-01

EXPIRY DATE: November 14, 2024

Pursuant to Part V of the *Environment Act*, S.N.S. 1994-95, c.1 s.1 as amended from time to time, approval is granted to the Approval Holder subject to the Terms and Conditions attached to and forming part of this Approval, for the following activity:

Industrial - Construction - Quarry



Administrator: Doreen Mackley

Effective Date: August 21, 2017

The Minister's powers and responsibilities under the Act with respect to this Approval have been delegated to the Administrator named above. Therefore, any information or notifications required to be provided to the Minister under this Approval can be provided to the Administrator unless otherwise advised in writing.

TERMS AND CONDITIONS OF APPROVAL

Nova Scotia Environment

Approval Holder: DEXTER CONSTRUCTION COMPANY LIMITED

Project: Gabarus Quarry

Site:

PID	Civic #	Street Name	Street Type	Community	County
15852478	605	GRAND MIRA GABARUS	RD.	GABARUS LAKE	CAPE BRETON COUNTY

Approval No: 2014-088454-01

File No: 92100-30-SYD-2014-088454

Reference Documents

- Application submitted April 6, 2017 and attachments.

1. Definitions

- a. Abandonment means cessation of production of aggregate for a period of twelve (12) months, unless authorized by the Minister.
- b. Act means Environment Act, Chapter 1 of the Acts of 1994-95, and includes, unless the context otherwise requires, all regulations made pursuant to the Act.
- c. Active Area means the area required to operate the approved designated activity and includes the working face and associated works.
- d. Administrator means a person appointed by the Minister for the purpose of this Act, and includes an acting administrator.
- e. Approval means an Approval issued pursuant to this Act with respect to an activity.
- f. Associated Works means any building, structure, processing facility, pollution abatement system, (waste containment structure) or stockpiles of aggregate (material) associated with the Facility.
- g. Department means the Department of Environment, and the contact for the

Department for this approval is:
Nova Scotia Environment
Eastern Region, Sydney Office
1030 Upper Prince Street, Suite 2
Sydney, Nova Scotia B1P 5P6

Phone: (902) 563-2100
Fax: (902) 563-2387

- h. Disturbed Area means any area on the site of the approved designated activity that has been stripped of vegetation and is susceptible to erosion.
- i. Extension means an increase in size, volume or other physical dimensions of an activity such that the increase may cause an adverse effect if not properly mitigated.
- j. Facility means the Quarry and associated works.
- k. Minister means the Minister of Environment and includes any person appointed as a designate of the Minister.
- l. Modification means a change to an activity that may cause an adverse effect if not properly mitigated and includes, but is not limited to, the expansion of the same process, addition of product lines and replacement of equipment with different technology other than that presently in use.
- m. Reclamation means work performed or to be performed in accordance with an authorized plan, and includes rehabilitation of a site or facility.
- n. Site means the lands where an activity or proposed activity will take place.
- o. 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.
- p. Water Resource means all fresh and marine waters comprising all surface water, groundwater, and coastal water.
- q. Watercourse means the bed and shore of every river, stream, lake, creek, pond, spring, lagoon or other natural body of water, and the water therein, within the jurisdiction of the Province, whether it contains water or not, and all groundwater.
- r. Wetland means land commonly referred to as marsh, swamp, fen or bog that either periodically or permanently has a water table at, near or above the land's surface or that is saturated with water, and sustains aquatic processes as indicated by the presence of poorly drained soils, hydrophytic vegetation and

biological activities adapted to wet conditions.

2. Scope

- 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 Gabarus Lake, Cape Breton County (the "Site").
- b. The Facility shall be constructed and operated as outlined in the application for industrial approval dated January 7, 2014 and supporting documentation.
- c. The Site shall not exceed the area as outlined in the application and supporting documentation.

3. General

- a. The Approval Holder(s) shall construct, operate and reclaim the Facility in accordance with the following provisions:
 - i. Environment Act S.N.S. 1994-1995, c.1, s.1 as amended from time to time
 - ii. Regulations pursuant to the above Act, as amended from time to time
 - iii. Nova Scotia Environment and Labour Pit and Quarry Guidelines, 2003, or latest revision unless otherwise varied by condition of approval
- b. No authority is granted by this Approval to enable the Approval Holder(s) to construct or operate the Facility on lands which are not in the control or ownership of the Approval Holder(s). It is the responsibility of the Approval Holder(s) to ensure that such a contravention does not occur.
- 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. Any request for renewal or extension of this Approval is to be made in writing, to the Department, at least ninety (90) days prior to the Approval expiry.
- e. The Minister may modify, amend or add conditions to this Approval at any time pursuant to Section 58 of the Act.
- f. This Approval is not transferable without the consent of the Minister.
 - i. If the Minister determines that there has been non-compliance with any or all of the terms and conditions contained in this Approval, the Minister may cancel or suspend the Approval pursuant to subsections 58A(1) and 58A(2) of the Act, until such time as the Minister is satisfied that all terms and conditions have been met

- ii. If the Minister cancels or suspends this Approval, the Approval Holder(s) remains subject to the penalty provisions of the Act and regulations
- g. The Approval Holder(s) shall notify the Department prior to any proposed extensions or modifications to the Facility, including, but not limited to, the active area, operating area, processing changes or waste disposal practices which are not granted under this Approval. An amendment to this Approval may be required before implementing any change.
- h. Extensions or modifications to the Facility may be subject to the Environmental Assessment Regulations. Written approval from the Minister may be required before implementing a change.
- i. Pursuant to Section 60 of the Act, the Approval Holder(s) shall submit to the Minister 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(s) after the issuance of the Approval.
- j. The Approval Holder(s) shall immediately notify the Department of any incidents of non-compliance with this Approval.
- k. The Approval Holder(s) shall bear all expenses incurred in carrying out the environmental monitoring required under the terms and conditions of this Approval.
- l. 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.
- m. Unless written authorization is received otherwise from the Minister, all samples required by this Approval shall be analysed by a laboratory that meets the requirements of the Department's Policy on Acceptable Certification of Laboratories as amended from time to time.
- n. The Approval Holder(s) may 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.
- o. The Approval Holder(s) 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.
- p. Upon any changes to the Registry of Joint Stock Companies information, the Approval Holder(s) shall provide a copy to the Department.

4. Sound Levels

- a. Sound levels measured at the Site property boundaries shall not exceed the following equivalent sound levels (Leq):
 - i. 65 dBA 0700-1900 hours
 - ii. 60 dBA 1900-2300 hours
 - iii. 55 dBA 2300-0700 hours
- 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 a qualified person retained by the Approval Holder(s) and submitted to the Department for approval, this may include point(s) beyond the property boundary of the Site.

5. Separation Distances

- a. The Approval Holder(s) shall not locate the Active Area of the Site within the following separation distances unless otherwise exempted or varied by conditions of this approval:
 - i. 30 m of the boundary of a public or common highway
 - ii. 30 m of the bank or ordinary high water mark of any watercourse or wetland
 - iii. 30 m of the property boundary that does not form part of the Site Active Area
- 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.
 - iv) 15 m of the property boundary when a structure on the abutting property is not involved.

6. Particulate Emissions (Dust)

- a. Particulate emissions shall not contribute to an ambient concentration of total suspended particulate matter that exceed the following limits (in micrograms per cubic metre of air) at or beyond the Site property boundaries:
 - i. Daily Average (24 hr.) 120 μ /m³
 - ii. Annual Geometric Mean 70 μ /m³

- b. The use of oil as a dust suppressant is prohibited.
- c. Monitoring of ambient total suspended particulate matter shall be conducted at the request of the Department. The location of the monitoring station(s) for suspended particulate matter will be established by a qualified person retained by the Approval Holder(s) and submitted to the Department for approval; this may include point(s) beyond the property boundary of the Site.
- d. When requested, ambient total suspended particulate matter shall be measured in accordance with EPA standard; EPA/625/R-96/010a; Sampling of Ambient Air for Total Suspended Particulate Matter (SPM) and PM10 shall be done using a High Volume (HV) Sampler.

7. Surface Water

- a. The Site shall be developed and maintained to prevent surface water contaminants from being discharged into a watercourse, wetland, water resource, or beyond the property boundary, in excess of the following criteria:
 - i. Total Suspended Solids, Clear Flows (Normal Background Conditions):
 - (a) Maximum increase of 25 mg/l from background levels for any short term exposure (24 hour or less);
 - (b) Maximum average increase of 5 mg/l from background levels for longer term exposure (inputs lasting between 24 hours and 30 days).
 - ii. Total Suspended Solids, High Flow (Spring Freshets and Storm Events):
 - (a) Maximum increase of 25 mg/l from background levels at any time when background levels are between 25 mg/l and 250 mg/l.
 - (b) Maximum increase of 10% over background levels when background is >250 mg/l.
 - iii. pH (Outfall):
 - (a) Maximum 5 to 9 in grab sample;
 - (b) Maximum 6 to 9 as a Monthly Arithmetic Mean.
- b. The Approval Holder(s) shall ensure surface water is monitored at the locations and frequencies listed in the Surface Water Monitoring Location and Frequency table.
- c. Erosion and sedimentation control devices shall be installed prior to construction at the Site and shall remain in place and be maintained until disturbed areas are stabilized.

- d. The Department reserves the right to require modifications including, but not limited to, monitoring locations, monitoring frequency, contaminants of concern, and surface water criteria.
- e. No authority is granted by this Approval to enable the Approval Holder(s) to discharge surface water onto adjoining lands without the authorization of the affected landowner(s). It is the responsibility of the Approval Holder(s) to ensure authorizations are current and valid.
- f. The Approval Holder(s) shall immediately contact the Department should sulphide bearing material be encountered on the Site and shall include planned remedial measures in conformance with the Sulfide Bearing Material Disposal Regulations.

8. Groundwater

- a. The Approval Holder(s) shall replace at their expense any water supply which has been lost or damaged as a result of extracting aggregate.
- b. The Approval Holder(s) shall notify the Department prior to excavating below the water table. An amendment to this approval and/or written authorization from the Minister may be required before excavating below the water table.
- c. If so directed by the Department, the Approval Holder(s) shall be required to prepare and implement a groundwater monitoring program.

9. Blasting

- a. The Approval Holder(s) shall conduct a pre-blast survey of all structures within 800 metres of the point of blast including a water quality analysis of any wells serving these structures. 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 blasting on the Site. Additional water quality parameters may be required by the Department staff.
- b. The Approval Holder(s) shall call the nearest weather office, to assess and record the climatic conditions prior to conducting any blasting. No blasting will be permitted if thermal inversion conditions are anticipated at the time of the proposed blast.
- c. 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(s) shall ensure that all blasts are monitored for concussion and ground vibration to ensure that the limits in the Blasting Limits table are not exceeded.
- e. The monitoring station for blasting shall be as indicated in the Blasting Limits

table. Additional monitoring stations for blasting may be specified as required by the Department.

- f. 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.
- g. At the request of the Department, the Approval Holder shall submit a copy of the blast design.
- h. At the direction of the Department, the Approval Holder shall modify or cease blasting.
- i. The Approval Holder shall submit a record of individual blast results if so directed by the Department.

10. Reporting

- a. On an annual basis, the Approval Holder shall submit a Report to the Department not later than May 1st.
- b. The Report shall summarize the following information for the previous calendar year, as a minimum:
 - i) All blast and other site monitoring results, including interpretation by a qualified person
 - ii) Any non-compliances, including corrective action taken and results of corrective actions
 - iii) Any communications with the Mi'kmaq of Nova Scotia and/or public consultation
 - iv) Any complaints received including corrective actions taken to address complaints
 - v) Hectares disturbed and/or rehabilitated to date
 - vi) Estimate of hectares planned for disturbance or rehabilitation in the current calendar year

11. Reclamation

- 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 March 12, 2015.
- 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 12, 2015. 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 Clause 11 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 Clause 11 c) or other terms as specified by the Department.
- f. Nova Scotia Environment 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 Facility will be adequately marked, cut out and/or clear of new growth. Permanent visible markers shall be placed at changes in direction and be no more than 100 metres between markers along the Facility boundary.
- b. The Approval Holder(s) shall be required to establish a Community Liaison Committee (CLC) at the direction of the Department.
- c. A permanent marker no less than four feet high shall be placed on the 3.99 HA footprint boundary line between Corner 1 and Corner 2. The permanent marker shall be at the location where the 800 meter structure setback line intersects the line between Corner 1 and Corner 2.
- d. Any request for renewal or extension of this Approval is to be made in writing, to the Department, at least ninety (90) days prior to the Approval expiry.
- e. At the request of NSE, the Approval Holder shall collect and analyze representative samples of aggregate material to determine if the sulphide sulphur

content exceeds 0.4%. Results of the analysis shall be submitted the Department within 30 days of the request.

- f. The Approval Holder shall, at commencement of quarry activities, fill and subsequently maintain the base of the quarry workings a minimum of 300 millimetres above the measured seasonally high water table. Unless otherwise approved by the Department, the in-filling operation shall use engineered fill derived on-site.
- g. Prior to the in-filling operation identified in Clause 12 e), the standing water shall be removed from the existing excavation in accordance with correspondence from H2OGEO Environmental Services Inc. dated September 2, 2014.

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

Surface Water Monitoring Location and Frequency Table	
Monitoring Locations	Frequency
As directed by the Department	As directed by the Department

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Business/Organization Name:	DEXTER CONSTRUCTION COMPANY LIMITED
Registry ID:	1109762
Type:	Extra-Provincial Corporation
Nature of Business:	
Status:	Active
Jurisdiction:	New Brunswick
Registered Office:	900-1959 UPPER WATER STREET Halifax NS Canada B3J 3N2
Mailing Address:	PO BOX 997 Halifax NS Canada B3J 2X2

PEOPLE

Name	Position	Civic Address	Mailing Address
Carl B. Potter	Director	927 Rocky Lake Drive Bedford NS B4A 3Z2	
Carl B. Potter	Chairman	927 Rocky Lake Drive Bedford NS B4A 3Z2	
HAROLD JOHNSON	VICE PRESIDENT	927 Rocky Lake Drive Bedford NS B4A 3Z2	
Sondra Clegg	Assistant Secretary	927 Rocky Lake Drive Bedford NS B4A 3Z2	
David Pangman	Vice President, Finance	927 Rocky Lake Drive Bedford NS B4A 3Z2	
David A. Wood	VP, CFO AND TREASURER	927 Rocky Lake Drive Bedford NS B4A 3Z2	
KEN MACLEAN	VP AND SECRETARY	927 Rocky Lake Drive Bedford NS B4A 3Z2	
CHRISTINE C. POUND	Recognized Agent	900-1959 UPPER WATER STREET Halifax NS B3J 3N2	PO BOX 997 Halifax NS B3J 2X2

ACTIVITIES

Activity	Date
Annual Renewal	2017-12-04
Annual Statement Filed	2017-12-04
Change of Directors	2017-10-18
Annual Renewal	2016-12-13
Annual Statement Filed	2016-12-13
Annual Renewal	2015-12-18
Annual Statement Filed	2015-12-18
Address Change	2015-08-25
Appoint an Agent	2015-08-25
Change of Directors	2015-07-10
Annual Renewal	2014-12-09
Annual Statement Filed	2014-12-09
Annual Statement Filed	2013-11-29
Annual Renewal	2013-11-26
Change of Directors	2013-09-12
Change of Directors	2013-03-18
Annual Statement Filed	2012-11-26
Annual Renewal	2012-11-26
Change of Directors	2012-06-22
Annual Statement Filed	2012-01-05
Annual Renewal	2011-12-14
Annual Renewal	2010-11-08
Annual Statement Filed	2010-11-08
Change of Directors	2010-05-14
Annual Renewal	2009-12-22
Annual Statement Filed	2009-12-22
Change of Directors	2009-07-21
Annual Renewal	2008-12-04
Change of Directors	2008-02-01
Annual Renewal	2007-11-23
Annual Statement Filed	2007-11-23

Annual Renewal	2006-11-14
Annual Statement Filed	2006-11-14
Change of Directors	2006-09-25
Annual Renewal	2005-11-22
Annual Statement Filed	2005-11-22
Annual Renewal	2004-11-04
Annual Statement Filed	2004-11-04
Annual Renewal	2003-11-13
Annual Statement Filed	2003-11-13
Annual Renewal	2002-12-17
Annual Statement Filed	2002-12-17
Change of Directors	2002-04-03
Annual Renewal	2002-01-21
Annual Statement Filed	2002-01-21
Annual Renewal	2000-11-27
Annual Statement Filed	2000-11-27
Annual Renewal	1999-11-29
Annual Statement Filed	1999-11-29
Annual Renewal	1998-11-16
Annual Statement Filed	1998-11-16
Annual Renewal	1997-12-03
Annual Statement Filed	1997-12-03
Annual Renewal	1997-01-30
Annual Statement Filed	1997-01-30
Annual Report Filed	1995-12-27
Registered Office Change	1994-12-29
Reinstated	1989-03-07
Revoked for Non-Payment	1988-12-30
Agent Filed	1983-04-28
Change of Directors	1981-03-09
Registered	1977-11-18
In Business Since	1977-11-18
Incorporated in Other Jurisdiction	1961-12-22

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RELATED REGISTRATIONS

This Company ...	
DEXTER PAVING	Registered
NOVA SCOTIAN UTILITY CONSTRUCTION CORP.	Registered
LENIHAN'S PAVING	Registered
ROAD REDI	Registered