

# Environmental Assessment Approval

Approval Date: January 16, 2023

## TOTE ROAD QUARRY EXPANSION PROJECT

Scotian Materials Company Ltd.

Head of St. Margarets Bay, HRM, Nova Scotia

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### Terms and Conditions for Environmental Assessment Approval

#### 1 Definitions

- 1.1 *Environment Act* means Environment Act 1994-95, c.1, s.1, and includes, unless the context otherwise requires, the regulations made pursuant to the Act, as amended from time to time.
- 1.2 Department means the Department of Environment and Climate Change, and the contact for the Department for this Approval is:  
  
Nova Scotia Environment  
Central Region, Bedford Office  
30 Damascus Street, Nova Scotia B4A 0C1  
Phone : (902) 424-7773 Fax : (902) 424-0597
- 1.3 Minister means the Minister of Environment and Climate Change.
- 1.4 Commencement means the same as to commence work, as defined in the Environmental Assessment Regulations.
- 1.5 EA means Environmental Assessment.

#### 2 Scope

- 2.1 This Approval (the "Approval") relates to the Approval Holder(s) and their Registration Document, and all documentation submitted to the Department prior to the issuance of this approval for the Tote Road Quarry Expansion Project, situated situated at or near Head of St. Maragarets Bay, Halifax Regional Municipality, Nova Scotia, hereafter referred to as the "Project."
- 2.2 The Approval Holder(s) shall ensure the Project is carried out in accordance with this Approval and reference documents, including the Registration

Documents and supporting documentation.

### **3 General**

- 3.1 The Approval Holder shall conduct the Project in accordance with the Environment Act, as amended from time to time.
- 3.2 The Approval Holder shall, within two years of the date of issuance of this Approval, commence work on the Project unless granted a written extension by the Minister.
- 3.3 The Approval Holder shall provide written notification to the Department of the commencement date of the Project, at a minimum 30 days prior to the commencement.
- 3.4 The Approval Holder shall provide to the Department a concordance table detailing the status of the EA terms and conditions on January 31 of each year until released in writing by the Department.
- 3.5 Prior to any proposed expansion, modification, or relocation of any aspect of the Project from that proposed in the Registration Document and its Addendum, the Approval Holder must submit the proposal to the EA Branch for review and may require an EA or amendment.
- 3.6 Nothing in this Approval relieves the Approval Holder of the responsibility for obtaining and paying for all other licenses, permits, approvals or authorizations necessary for carrying out the Project which may be required by municipal by-laws or provincial or federal legislation. The Minister does not warrant that such licenses, permits, approvals or authorizations will be issued.
- 3.7 No authority is granted by this Approval to enable the Approval Holder(s) to commence or continue the Project 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. Failure to retain said authorization may result in this Approval being cancelled or

suspended.

- 3.8 The Approval Holder 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 this Approval from a parent company to a subsidiary or an affiliate is deemed to be a transfer requiring consent.
- 3.9 Upon any changes to the Registry of Joint Stock Companies information related to the Approval Holder, the Approval Holder shall provide a copy to the Department within 5 days of the changes.
- 3.10 If there is a discrepancy between the Registration Documentation and the terms and conditions of this Approval, the terms and conditions of this Approval shall apply.
- 3.11 Where a timeline is associated with a condition(s) of the Approval, the Approval Holder shall fulfil the requirements of the condition(s) within the prescribed timeline, unless otherwise authorized in writing by the Department.
- 3.12 The Approval Holder shall notify the Department of any incidents of non-compliance with this Approval immediately and in accordance with the Act and Regulations.
- 3.13 The Approval Holder shall bear all expenses incurred in carrying out the environmental management and monitoring required under the terms and conditions of this Approval, the Act or the Regulations.
- 3.14 Unless specified otherwise in this Approval, all samples required to be collected by this Approval, the Act or the Regulations shall be collected, preserved, and analysed by qualified personnel, in accordance with recognized industry standards and procedures and in accordance with any Standard under the Act or Regulations.
- 3.15 The Approval Holder shall ensure that this Approval, or a copy, is present at the Project site while personnel are on site and that personnel directly involved in the Project are made fully aware of the terms and conditions which pertain to this Approval.
- 3.16 The Approval Holder shall update and/or revise any of the plans, programs or other documents required in this Approval to reflect the progressive development of the Project, and at any time at the request of the Department and make them available to the Department upon request.

- 3.17 Based on the results of the monitoring required in this Approval or otherwise completed for the Project, or at any time as determined by the Department, the Approval Holder shall make necessary modifications to mitigation plans and/or changes to Project operations to prevent unacceptable environmental effects, as required by the Department.
- 3.18 The Approval Holder shall provide to the Department a summary table detailing the results of the monitoring required in this Approval, or otherwise completed for the Project, on January 31 of each year until released in writing by the Department. The results shall clearly identify and summarize any exceedances.
- 3.19 Where a condition of this Approval requires the Approval Holder to consult a particular party or parties, the condition will be considered complete once the Approval Holder provides a written confirmation letter from the party or parties that the consultation is complete. If there is a conflict between the Approval Holder and a party or parties regarding the consultation, the Department will determine if suitable consultation has been completed and/or if further action is required.

#### **4 Industrial Approval**

- 4.1 The Approval Holder shall apply for an amendment to their current Industrial Approval under the Environment Act (i.e., Industrial Approval 2014-090423-01)) that includes, but is not limited to, the information identified in this approval. Prior to commencing the undertaking, the amended approval must be issued by the Department.

#### **5 Access Road**

- 5.1 The Approval Holder shall obtain an authorization from the Department of Natural Resources and Renewable (Land Administration) for use and maintenance of the access road section located within Crown Land.

#### **6 Water Resources**

- 6.1 The Approval Holder shall not conduct any Project activities or remove vegetation within 30 metres of a watercourse and/or a wetland unless otherwise authorized in writing by the Department.
- 6.2 Refueling shall not be conducted within 30 metres of any surface water resource.

- 6.3 The Approval Holder shall maintain a vegetation buffer around Wetland 1 as specified in the registration documentation, unless otherwise approved by the Department.
- 6.4 Prior to any project activities involving wetland alteration, the Approval Holder shall obtain a Wetland Alteration Approval under the *Environment Act*. The application to obtain this approval shall include, but is not limited to, a detailed ecological and hydrological monitoring plan for Wetlands 2, 3 and 4, and integration of surface water and groundwater monitoring data, wherever appropriate.
- 6.5 The Approval Holder shall submit a plan to monitor the settling pond as part of the application to amend the current Industrial Approval as noted in Section 4.1. The plan shall be designed by a qualified professional engineer licensed to practice in Nova Scotia and shall include but is not limited to:
- Details of settling and treatment capacity.
  - Monitoring of surface water quantity for the settling pond and its discharge to validate predicted hydrological changes and associated impact assessment.
  - An explanation of how the settling pond will be updated and/or enlarged as progressive quarry expansion phases proceed.
  - Approaches to monitor settling pond performance during various operational phases (including shutdown periods).
  - Methods for removal of Total Suspended Solids.
  - Details on the minimization of impacts to water resources.
- 6.6 The Approval Holder shall submit a detailed surface water quality and quantity monitoring plan as part of the application to amend the current Industrial Approval as noted in Section 4.1. This plan shall include, but is not limited to, a description of the methodology to be used to collect the necessary data during the proposed Project to calibrate the water balance model being used, support the reasonable prediction and assessment of impacts of the proposed Project, and subsequently, to support ongoing planning and implementation of mitigation measures.
- 6.7 The Approval Holder shall submit a detailed surface water management plan as part of the application to amend the current Industrial Approval as noted in Section 4.1. This plan shall be developed by a qualified professional engineer licensed to practice in Nova Scotia and shall consider the potential impacts of climate change in sizing requirements.

- 6.8 As part of the application to amend the current Industrial Approval as noted in Section 4.1, the Approval Holder shall provide detailed information regarding the pit lake expected to be created at reclamation conditions, including clarifying whether the pit lake will perform to a state equal to or better than its performance prior to ground disturbance.
- 6.9 Prior to any disturbance of any land in the sub watershed located to the east of the Wetland 4 catchment area and south of the Wetland 3 catchment area, the Approval Holder shall assess the potential impacts to its associated water resources. If impacts to this sub watershed and any associated surface water resources are expected to occur, the Approval Holder shall implement mitigation and monitoring measures, as deemed acceptable by the Department.
- 6.10 The Approval Holder shall submit a detailed groundwater quality and quantity management and monitoring plan as part of the application to amend the current Industrial as noted in section 4.1. The plan shall be designed by a professional qualified hydrogeologist licensed to practice in Nova Scotia. The groundwater management plan shall be designed to assess the effects of the quarry activity on groundwater table elevations, groundwater quality and on groundwater-surface water interactions (including wetlands and watercourses) over time. For any potential adverse impacts predicted, or identified, mitigation options shall be presented.
- 6.11 If groundwater dewatering exceeds the regulatory trigger for water withdrawal rates, as identified in the Activities Designation Regulations, the Approval Holder shall obtain a water withdrawal approval from the Department.
- 6.12 The Approval Holder shall submit a detailed erosion and sediment control plan as part of the application to amend the current Industrial Approval as noted in section 4.1. The plan shall be designed by a professional engineer licensed to practice in Nova Scotia.
- 6.13 Throughout the life of the Project, The Approval Holder shall conduct any additional surface water or groundwater monitoring or studies, as required by the Department.
- 6.14 As part of the undertaking the Approval Holder shall provide analytical data for Acid Rock Drainage sampling to satisfy the Sulphide Bearing Material Disposal Regulations. The analytical data shall be provided to the Department sequentially as the expansion proceeds and additional bedrock is exposed. Sample selection and frequency for Acid Rock Drainage should account for changing geological, groundwater and/or water balance conditions.

- 6.15 The Approval Holder shall immediately contact the Department should sulphide bearing material be encountered on the Project site, and at the request of the Department, develop and implement a plan to manage the sulphide bearing material.

## **7 Habitat, Flora and Fauna**

- 7.1 Prior to commencement of the Project, the Approval Holder shall provide the Wildlife Division and Regional Services, Department of Natural Resources and Renewables (DNRR) with digital way points and shape files revealing precise locations for wetlands, and species listed under the Species at Risk Act (SARA) and/or Endangered Species Act (ESA), as well as of Species of Special Concern (i.e. species assessed by the Committee on the Status of Endangered Wildlife in Canada as at risk, but not listed under SARA or ESA, and all S1, S2 and S3 listed species under the Atlantic Canada Conservation data Centre) identified during field work. The data provided to DNRR shall include, at minimum, the date of the field observations and habitat description.
- 7.2 Prior to commencement of the Project, the Approval Holder shall develop a Wildlife Management Plan in consultation with NSDNRR and Environment and Climate Change Canada (ECCC).
- 7.3 The Approval Holder shall maintain a vegetation buffer around any occurrence of Blue Felt Lichen and Frosted Glass Whisker Lichen as stated in the registration documents, unless otherwise approved by the Department.
- 7.4 The Approval Holder shall report observations and records from 2021 field surveys to the Atlantic Canada Conservation Data Centre.

## **8 Air Quality, Dust, and Noise**

- 8.1 At the request of the Department, the Approval Holder shall develop and implement an air quality and/or dust monitoring plan. This plan shall include, but not be limited to, sampling locations, parameters, monitoring methods, protocols, and frequency.
- 8.2 At the request of the Department, the Approval Holder shall develop and implement a plan to monitor noise levels. The plan shall include, but not be limited to, sampling locations, parameters, monitoring methods, protocols, and frequency.
- 8.3 The Approval Holder shall ensure that noise emissions at the property

boundaries do not contribute to an exceedance of the maximum permissible sound levels limits specified in the Nova Scotia Environment and Labour “Guidelines for Environmental Noise Measurement and Assessment” dated 18, 2005, as amended from time to time.

## **9 Archaeological and Heritage Resources**

9.1 The Approval Holder shall cease work and contact the Special Places Coordinator, Nova Scotia Department of Communities, Culture, Tourism and Heritage (CCTH) immediately upon discovery of an archaeological, or paleontological site, artifact or fossil specimen unearthed during any phase of the Project. If the find is of certain or possible Mi’kmaq origin, the Approval Holder shall also contact the appropriate Mi’kmaq representatives as advised by CCTH.

## **10 Public Engagement**

10.1 Prior to commencement of the Project, the Approval Holder shall develop and implement a comprehensive complaint resolution plan for receiving and responding to complaints related to the Project. This plan shall include, but not be limited to, a reporting system which records and documents the steps taken to determine the cause of complaint, timelines for responding to complaints and timelines for implementing corrective measures that will alleviate the cause and prevent the recurrence of the issue. The plan shall be made available to the Department upon request.

10.2 Prior to commencement of the Project, the Approval Holder shall appoint a contact person designated to deal with complaints and shall provide the contact information to the Department.

10.3 At the request of the Department, the Approval Holder shall develop and implement a plan for the formation and operation of a Community Liaison Committee (CLC) including terms of reference, which meet the Department’s Guide for the Formation and Operation of a Community Liaison Committee, as amended from time to time. The Approval Holder shall operate the CLC for the duration of the Project or until released in writing by the Department.

## **11 Engagement with the Mi’kmaq of Nova Scotia**

11.1 Prior to commencement of the Project, the Approval Holder shall develop and implement a Mi’kmaq Communication Plan for the Project, which will include a process for communicating Project details and seeking input from the Mi’kmaq community.



## 12 Contingency Plan

- 12.1 The Approval Holder shall submit a comprehensive contingency plan to the Department as part of the application to amend the current Industrial as noted in section 4.1. This plan shall meet the Department's latest Contingency Planning Guidelines. The Plan shall be maintained and updated over the life of the project.
- 12.2 The Contingency Plan shall include:
- Prevention measures and address accidental occurrences;
  - Specific surface water and groundwater contingency plans;
  - Timeline outline;
  - Monitoring network action triggers (levels); and,
  - Mitigation measures to be taken prior to the occurrence of unacceptable effects to surface water or groundwater quality or quantity
- 12.3 The Contingency Plan shall be kept on the Project site at all times when personnel are on site and made available to the Department upon request.

## 13 Rehabilitation

- 13.1 This Approval is subject to progressive rehabilitation at the existing Project site being completed as required by the Department.
- 13.2 Project operations shall be completed and rehabilitated as required by the Department.
- 13.3 Re-vegetation shall be limited to the use of native species, unless otherwise authorized in writing by the Department.



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Honourable Timothy Halman, MLA  
Minister of Environment and Climate Change