

Ministry of  
Natural Resources

Ministère des  
Richesses naturelles



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April 7, 2004

*"Registered Mail"*

Nichols Gravel Limited  
P.O. Box 172  
Delhi, Ontario  
N4B 2W9

Attention: Gary Nichols

Dear Sir:

**Subject: Nichols Gravel Limited  
Licence No. 103717  
Lots 10, 11, 12, Con 12. Walpole Township. Haldimand County  
Notice of Intention to Revoke under the Aggregate Resources Act**

In correspondence dated October 1, 2003, a revised "Notice of Suspension" was issued for your licence. Under subsection 22.3 of the Aggregate Resources Act, the licensee shall comply with the notice within the period of the suspension. Failure to comply with the Notice of Suspension is a violation of the Aggregate Resources Act. To this date, fourteen (14) licence infractions remain outstanding.

You are subsequently being served with the following "Notice of Intention to Revoke". You will have **90 days** to complete the outstanding items, as described within the "Notice of Intent", in order to bring you licence into Compliance under the Aggregate Resources Act. **Failure to do so will result in the revocation of your licence.**

If you have any questions regarding the outstanding items to be completed, please contact Emmilia Kuisma of this office at your earliest opportunity, to schedule a meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Alec Denys".

Alec Denys  
District Manager  
Aylmer District  
Ministry of Natural Resources

Ek/2004/attch

# NOTICE OF INTENTION TO REVOKE

## UNDER THE AGGREGATE RESOURCES ACT

**TAKE NOTICE THAT** pursuant to subsection 20(2) of the Aggregate Resources Act, R.S.O.1990, Chapter A.8 as amended:

I, Alec Denys, District Manager, Ministry of Natural Resources, hereby give notice of intention to revoke licence number **103717** issued to **Nichols Gravel Limited**, herein referred to as "the licensee", for the following reasons:

-Contravention of section 22.3 of the Aggregate Resources Act which demands that you shall comply with a Notice of Suspension.

**AND FURTHER TAKE NOTICE** that if the following conditions of the suspension order are not completed within 90 days after being served with this notice, the licence will be revoked.

1. **As required by Condition 20 of the licence, the monitoring results of the first six quarry blasts monitored at a minimum of 4 locations in accordance with the recommendations of the Licensee's consultant, along with the consultant's analysis and recommendations, shall be submitted to the local offices of MNR and MOE. Provide this office with documentation that these results have been forwarded to the Ministry of the Environment.**
2. **As required by Conditions 27 and 28 of the licence, the licensee will provide for the installation of monitoring well nests with up gradient, down gradient and cross-gradient wells at the top of the Bois Blanc Formation, to the base of the Bois Blanc Formation and into the Bertie Formation at the property boundaries. Provide this office with conformation that electronic water level monitors have been installed with the well nests and the results/documentation of the monitoring.**
3. **As required by Condition 49 of the licence, the licensee will ensure that the internal water collection system within the quarry will incorporate component storage for groundwater and surface runoff. Construct the internal water collection system.**
4. **As required by Condition 50 of the licence, external berming will be constructed around the quarry to prevent any surface water spillage into the quarry. Complete the berming requirement as noted on the approved site plans. Berms located within Area 1a, 1b, and Area 2 of the licence is currently incomplete. Existing berming must be moved to the locations noted on the site plan and must be properly graded and seeded.**

5. **As required by Condition 51 of the licence, the licensee will ensure that water polishing measures will be incorporated into the internal collection system. Incorporate the water polishing measures into the internal collection system. Install the proposed rock check dams within the drainage swale and construct the south-east settling pond as per the licence site plans.**
6. **As required by Condition 52 of the licence, the licensee will ensure that the stormwater holding system be designed such that sufficient capacity is provided to hold a 100 year storm with zero discharge. Construct the stormwater holding system within Area 1a of the licence.**
7. **As required by Condition 53 of the licence, the licensee will obtain any required approvals, pursuant to the provision of the Drainage Act, for discharge of water to the Harrop Drain. Provide this office with documentation showing approvals, from the Municipality, to allow for the current drainage discharge into the Harrop Drain.**
8. **As required by Condition 55 of the licence, all berms shall be graded smooth to a stable (2:1) slope and seeded to prevent erosion and to reduce dust. All berms within Areas 1a, 1b and Area 2, as delineated on the site plan, must be graded, sloped and seeded.**
9. **As required by Condition 25 of your licence, residences within 300 metres of the quarry site, which will have been thoroughly inspected in accordance with the recommendations of the Licensee's consultant, shall be re-examined following the initial six blasting operations. Copies of the original examinations records and of the re-examination results shall be submitted to the property owner concerned. Provide this office with written confirmation/records that these results have been forwarded to the property owners.**
10. **Perimeter fencing must be erected around Areas 1a, 1b and 2, as detailed on the licence site plan. Fencing along the west side of Area 2 must be repaired or replaced. Fencing along the north boundary of Area 2 must be installed. Fencing along the southern boundary of Areas 2, 1a and 1b must be erected. Fencing must be installed along the northern boundary of Area 1a, south of the farm house. The current fencing located on the east side of the entrance road is currently located in the incorrect location and must be moved to the west side of the road/entrance allowance. Fencing located along the west licence boundary, adjacent to R1, must be located as per the current licence site plan. A gate and/or fencing must be installed along the 13.2 m area along the north east boundary of Area 1b, to allow for access to the gas well.**
11. **The interim berms surrounding the quarry area require sloping and seeding, in order to reduce dust in the local area. Interim berm height should be higher as per site plan details (minimum 6m above bedrock floor). Erect, slope and seed berms surrounding the quarry area (Area 1a), as per the locations noted on the approved site plans.**
12. **The fuel tank must be relocated adjacent to the scale house as specified in the site plan. Move and locate the fuel tank adjacent to the scale house, as per the approved site plans.**

13. The roadway entrance and weigh scales must be moved eastward of the existing location. Move the roadway entrance and weigh scales to the location delineated on the approved site plans.
14. As per section 5.22 of the Operational Standards and Section 7 of Regulation 244/97, of the Aggregate Resources Act which requires the installation of a sign at the entrance/exit that is a minimum of 0.5 metres by 0.5 metres and contains wording that "this site is licensed under the Aggregate Resources Act, Licence reference number". The current licence sign at the entrance must be repaired to show the current Licence Reference Number 103717.

**AND FURTHER TAKE NOTICE** that if the licence is revoked, agents of the Trust, in accordance with subsection 6.1(5) of the Act, may enter the land to carry out such rehabilitation as the trustee considers necessary.

**AND FURTHER TAKE NOTICE** that in accordance with subsection 6.1(6) of the Act, any amount spent by the Trust on the rehabilitation of the land is a debt due to the Trust by you, the most recent licensee.

Dated at Aylmer, this

7<sup>th</sup> Day of April, 2004.

  
District Manager  
Aylmer District