



Ministry of Natural Resources
Ministère des Richesses naturelles

353 Talbot Street West
Aylmer West, Ontario
N5H 2S8
(519)773-4747

"Registered Mail"

October 1, 2003

Arrel, Brown, Osier and Murray
Barristers and Solicitors
41 Caithness Street West
Caledonia, Ontario
N3W 2J2

Attention: Paul J. Osier

Dear Sir:

**Subject: Nichols Gravel Limited
Licence No. 103717
Notice of Suspension**

Thank-you for your letter dated September 19, 2003 in regards to your client Gary Nichols. After a formal review of your correspondence, this office has subsequently revised the Notice of Suspension issued on April 14, 2003 by Paul Cutmore. The attached revised Notice of Suspension, dated as of October 1, 2003, now supercedes the former Notice of Suspension. This order outlines the specific outstanding conditions that must be met by your client.

Once the licence has been formerly re-instated, your client remains responsible for meeting the remainder of the 56 conditions associated with his licence. Failure to comply with these conditions is a violation of Section 15 of the Aggregate Resources Act. Section 15 of the Aggregate Resources Act R.S.O. 1990 states that, "Every licensee shall operate the licensee's pit or quarry in accordance with the Act, the regulations, the site plan and the conditions of the licence".

Failure to comply with this revised Notice of Suspension by December 15, 2003, shall be deemed an offense under section 57(3) of the Aggregate Resources Act R.S.O. 1990. Failure to comply with this order may result in further charges or the revocation of this aggregate licence.

We look forward to hearing from you in the near future.

Sincerely,

A handwritten signature in black ink that reads "Dan Elliott". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Dan Elliott
Area Manager
Aylmer District

Atch.
ekuisma/2003

c.c. Gary Nichols- Nichols Gravel Limited.

**** REVISED ****



Ministry of Natural Resources / Ministère des Richesses naturelles

NOTICE OF SUSPENSION

Under the authority of Section 22(1), or 32(1) or 45(1) Aggregate Resources Act (ARA) R.S.O. 1990, Chapter A. 8, as amended

AVIS DE SUSPENSION DE PERMIS

Aux termes de l'article 22 (par.), 32 (par. 1) ou 45 (par. 1) de la Loi sur les ressources en agrégats (LRA), LRO 1990, Chap. A.8 en tenant compte des modifications

By the authority delegated to me by the Minister of Natural Resources, I
En vertu des pouvoirs qui m'ont été conférés par le ministre des Richesses naturelles, je

Emmilia Kuisma

Guelph/Aylmer District

Inspector / *Inspecteur*

Administrative District / *District administratif*

do hereby suspend licence / permit number **103717**
suspend, par la présente, le permis ou la licence numéro

issued to **Nichols Gravel Limited**
délivré à

for the following reasons:
et ce, pour les motifs suivants:

****THIS SUSPENSION ORDER SUPERCEDES THE FORMER SUSPENSION ORDER ISSUED ON APRIL 14, 2003 BY AGGREGATE INSPECTOR PAUL G. CUTMORE****

On April 1, 2003, a Class A Aggregate Licence (with fifty-six conditions) for the property located at Pt. Lots 10-12, Concession 12, Haldimand County (Walpole Township) was hand delivered to the main office of Nichols Gravel Limited in Delhi, Ontario. In the covering letter (attached to the Licence) instructions were included specifying that twenty-three conditions of the Licence had to be fulfilled prior to the operation of the quarry or removal of material from the licensed property. Following the issuance of the licence, material was removed from the licensed property.

Due to the removal of quarried material from the licensed property, without fulfilling the required licence conditions, Section 15 of the Aggregate Resources Act has been violated.

Section 15 of the Aggregate Resources Act states that, 'Every licensee shall operate the licensee's pit or quarry in accordance with the Act, the regulations, the site plan and the conditions of the licence'.

AND FURTHER TAKE NOTICE that this suspension is effective from the time of service of this notice upon you and shall continue in effect until you take or desist from taking, as the case may be, the following action(s) to my satisfaction:
EN OUTRE, VEUILLEZ ÊTRE AVISÉ que la présente suspension entre en vigueur dès que l'avis vous est signifié et ne sera pas levée tant et aussi longtemps que vous n'aurez pas pris ou n'aurez pas renoncé à prendre les mesures suivantes:

Complete the following by December 15, 2003:

1. Copies of the Spills Contingency Program, as required by Condition 5 of your licence, must be provided to this office by December 15, 2003.
2. As required by Condition 12 of your licence, all blast monitoring reports must be provided to this office by December 15, 2003.
3. As required by Condition 14 of your licence, all residences within 300 metres of the edge of the extraction area shall be thoroughly inspected by the licensee's consultant prior to the start of quarry blasting operations. Provide this office with copies/records of these inspections by December 15, 2003.


4. As required by Condition 15 of your licence, the first six quarry blasts shall be monitored for both vibration and over pressure (noise) at a minimum of four locations for each blast in order to accumulate site-specific data quickly. Provide this office with copies/records of the first six quarry blasts by December 15, 2003.
5. As required by Condition 17 of your licence, careful blast records shall be maintained. Provide this office with all blast records, post issuance of your aggregate licence 103717, by December 15, 2003.
6. As required by Condition 20 of your 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 copies of the monitoring results and documentation that these results have been forwarded to the Ministry of the Environment by December 15, 2003.
7. 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 this condition has been met, by December 15, 2003.
8. As required by Condition 27 of your licence, the licensee will provide for the installation of monitoring well nests with upgradient, downgradient, 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. Documentation/records that these wells have been installed must be supplied to this office, by December 15, 2003.
9. As required by Condition 29 of your licence, upon issuance of the quarry licence, the licensee's consultant will commence, with the permission of the property owner, monitoring of all water wells within 120 m of the quarry property boundary, and the wells presently owned by D.Wilson, D.Greenfield, and M.Roulson. Provide this office with records/documentation that monitoring of all water wells has begun, by December 15, 2003.
10. As required by Condition 49 of your 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 by December 15, 2003.
11. As required by Condition 50 of your licence, external berming will be constructed around the quarry to prevent any surface water spillage into the quarry. Complete the berming requirement by December 15, 2003.
12. As required by Condition 51 of your 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 by December 15, 2003.
13. As required by Condition 52 of your 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 by December 15, 2003.
14. As required by Condition 53 of your 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 copies of the required approvals by December 15, 2003.
15. As required by Condition 55 of your licence, all berms shall be graded smooth to a stable (2:1) slope and seeded to prevent erosion and to reduce dust. All berms must be graded, sloped and seeded by December 15, 2003.
16. Perimeter fencing is required around Phase 1a, 1b and 2, as detailed on your site plan. Erect all required fencing by December 15, 2003.

- 17. 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, as per your approved site plans, by December 15, 2003.
- 18. The fuel tank existing in the quarry areas should be relocated near the scale house as specified in the site plan. Move and locate the fuel tank, as per your approved site plans, by December 15, 2003.
- 19. The roadway entrance and weigh scales should be moved eastward of the existing location, as an acoustic berm is required along the boundary of the adjacent farm residence. Move the roadway entrance and weigh scales to the location delineated on your approved site plans by December 15, 2003.

AND FURTHER TAKE NOTICE that all activities associated with the pit or quarry authorized by the above licence (or permit) are prohibited. Continuing any activities during the suspension is a contravention of the Aggregate Resources Act and is punishable upon conviction by a fine of not less than \$500.00 and not more than \$30,000.00 for each day on which the offence continues (section 58, ARA) and could result in cancellation of your licence (or permit) (s. 22(4) or s. 32(5) or s. 45(5).

EN OUTRE, VEUILLEZ ÊTRE AVISÉ que toute activité liée à l'exploitation du puits ou de la carrière visé par le permis ou la licence mentionné ci-dessus est interdite. Le fait de poursuivre toute activité pendant la période de suspension constitue une infraction à la Loi sur les ressources en agrégats et est pas passible, sur inculpation, d'une amende minimale de 500 \$ et maximale de 30 000 \$ pour chaque journée pendant laquelle se poursuit l'infraction (article 58, LRA), et qu'il peut entraîner la révocation du permis ou de la licence aux termes de l'article 22 (paragraphe 4), 32(paragraphe 5) ou 45 (paragraphe 5).

Dated at Aylmer this 1st day of October, year 2003
 Fait à en ce jour du mois de octobre, année 2003


 Inspector / Inspecteur

Aylmer
 Administrative District / District administratif