

**NOTICE OF SUSPENSION**  
**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

**Paul G. Cutmore**
**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:

On April 1<sup>st</sup>, 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 your main office 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 licenced property. Following the issuance of the Licence, we have received information that material was removed from the licenced property.

Due to the removal of quarried material from the licenced property, without fulfilling the required licenced conditions, the following Section of the Aggregate Resources Act was violated :

1. **Contravention of Section 15 of the Aggregate Resources Act which 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", which is specifically, the attached Schedule 'A' list of twenty-three licence conditions, and the attached Schedule 'B' list of four site plan infractions.**

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:

1. **Complete the list of twenty-three licence conditions, as specified on the attached Schedule 'A' to the satisfaction of the Ministry of Natural Resources, as per Aggregate Resources Inspector Paul Cutmore, by September 30, 2003.**
2. **Resolve the list of four (4) site plan contraventions, as specified on the attached Schedule 'B' to the satisfaction of the Ministry of Natural Resources, as per Aggregate Resources Inspector Paul Cutmore, by September 30, 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 14th day of April, year 2003  
Fait à en ce jour du mois de année



Inspector / Inspecteur

Aylmer District

Administrative District / District administratif

**Schedule "A" – (Notice of Suspension – Licence 103717)**

**Specific Pre-Operational Conditions**  
**Nichols Gravel Limited – Licence No. 103717**

**March 31, 2003**

The following licence conditions must be satisfactorily completed prior to the commencement of quarry operations or the removal of quarried material from the licenced property. The condition numbers relate exactly to the list attached to the licence:

5. A Spills Contingency Program will be developed prior to site preparation.
7. If required, a Certificate of Approval will be obtained for the discharge system should water be discharged off site.
8. If required, a Certificate of Approval will be obtained for processing equipment to be used on site.
9. If required, a Permit to Take Water will be obtained for utilizing ground and/or surface water.
10. The licensee will monitor all blasts for ground vibrations and blast overpressure and will operate to ensure compliance with current provincial guidelines.
12. All blast monitoring reports must be retained by the licensee and made available upon request by the Ministry of Natural Resources for audit purposes.
14. 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 (with the owners permission)- It is recommended that as extraction proceeds north in Area IA, that the closest homes (identified as R1, R2 and R3 on the site plans) be checked within the first five years of operation and that additional checks be phased in for other homes on the perimeter of the site.
15. 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. This data will be used to plan subsequent blasting operations. This will also allow- subsequent blasts to be designed specifically for this location air well within MOE Guidelines.. All subsequent blasts shall be monitored at the closest buildings to the blast size with at least two seismographs.
17. Careful blast records shall be maintained. The body of the blast, report should contain the information as recommended by MOE.
20. 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.

25. Residents 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 examination records and of the re-examination results shall be submitted to the property owner concerned.
27. 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. It is expected that BH-1, BH-2, and the Barn well could be incorporated as part of the three well nests. These wells and new well locations would have to be accessed and instrumented so that they monitor discreet zones within the underlying bedrock
29. Upon issuance of the quarry license, 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. Roulston. This radius is based on the projected water level drawdown of 3.0 m in the vicinity of the quarry after 25 years of quarry operation - base case scenario. Water level monitoring will be conducted three times a year. As the life of the quarry proceeds, and the data is collected and evaluated over time, the adequacy and requirement for this extent of monitoring shall be reviewed in the annual report.
37. All crushing and screening shall be done in the central processing area with the processing plant at the pit floor, elevation not more than 206m a.s.l. acoustical screening should be in place as specified whenever a crushing/screening plant is operating. The screening shall be in the form of stockpiles, berms, a quarry face, other barrier.
38. If processing is required during the start-up phase before the C.P.A on the pit floor has been prepared, an interim crushing/screening plant may be installed at an intermediate elevation, as low as practical, with a face and berm or other form of barrier not less than 7m above the crusher floor level and not more than 15m from the crusher in an arc from the southwest to southeast.
45. The licensee shall conduct surface water monitoring of quarry discharges to the Harrop Drain. The Licensee's consultant will conduct quarterly flow monitoring of the Harrop Drain upstream of the site, at the site, and downstream of the site. At a minimum one quarterly monitoring event will coincide with the wet season (early spring). Water quality monitoring of the Harrop Drain will be undertaken by the licensee's consultant, upstream of the site, at the site, and downstream of the site

(3)

45. (Cont.) once per year. The following parameters will be monitored pH, conductivity, alkalinity, calcium, magnesium, sodium, potassium, chloride, sulphate, nitrate, nitrite, un-ionized ammonia, iron, manganese, copper, zinc, orthophosphate, silica, turbidity, total suspended solids, dissolved organic carbon, hardness, and oil and grease.
49. The licensee will ensure that the internal water collection system within the quarry will incorporate component storage for groundwater and surface runoff. The surface runoff internal to the quarry will be designed such that internal quarrying, buildings/roads, and actively used areas be set above and outside of the limits of flooding.
50. External berming will be constructed around the quarry to prevent any surface water spillage into the quarry, any surface water collected external to the quarry be directed to its existing outlet.
51. The licensee will ensure that water polishing measures will be incorporated into the internal collection system, in order that sediment and fines from the quarrying operation are settled out prior to discharge to the Harrop Drain.
52. 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. The dewatering rate (due to any combination of groundwater and stormwater inflows) is not to exceed the peak flow rate which would naturally emanate from the subject property during a 25mm depth 24 hour rainfall event under existing land use.
53. The Licensee will obtain any required approvals, pursuant to the provisions of the Drainage Act, for discharge of water to the Harrop Drain.
55. All berms shall be graded smooth to a stable (2:1) slope and seeded to prevent erosion and to reduce dust. Wherever possible suitable plants be established such as Crown Vetch (*Coronilla varia*) or other suitable seed mixtures to promote a deep root system and enhance soil structure. Seed mixture may be modified due to availability and soil structure. Any seed mixture shall be designed to limit the propagation of weed species onto adjacent agricultural lands. All vegetation shall be maintained in a healthy, vigorous growing condition for the lifetime of the license.

**Schedule "B" (Notice of Suspension – Licence 103717)**

**Nichols Gravel Limited – Licence No. 103717**  
**Licensed Property / Site Plan Infraction Items**

**March 31, 2003**

An Inspection of your licenced property was conducted on March 10, 2003. According to the accompanying site plans the following items require improvement or correction prior to commencing quarrying operations or removal of material from the property:

- 1) Perimeter fencing is required around Phase 1a, 1b and 2, as detailed on the site plan.
- 2) The interim berms surrounding the quarry area required 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).
- 3) The fuel tank existing in the quarry area should be relocated near the scale house as specified in the site plan.

- FIND** → (4) 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.