

Ministry of
Natural Resources

Ministère des
Richesses naturelles



353 Talbot Street West
Aylmer ON N5H 2S8
Tel: 519-773-9241
Fax: 519-773-9014

353, rue Talbot Ouest
Aylmer ON N5H 2S8
Tél. : 519-773-9241
Télééc. : 519-773-9014

October 7, 2004

"Hand Delivered"

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

Attn: Gary Nichols

Re: Revocation of Licence under the Aggregate Resources Act R.S.O. 1990
Licence No. 103717
Nichols Gravel Limited
Lots 10, 11, 12, Con 12. Walpole Township. Haldimand County.

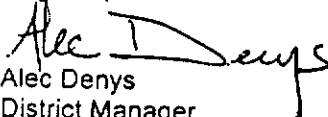
Dear Sir:

Attached is a Notice of Revocation for Licence No. 103717 signed by the Honourable David Ramsay, Minister of Natural Resources on September 30, 2004.

In accordance with subsection 20(4) of the Aggregate Resources Act R.S.O. 1990, you have 30 days after being served with the attached Notice to appeal to the Ontario Municipal Board. If no appeal has been received within 30 days of being served, then the revocation will be finalized.

Should you have any further questions, please contact the Aylmer District Office in order to set up an appointment to discuss these or any other issues.

Regards,


Alec Denys
District Manager
Aylmer District

ek/2004

I, David Ramsay Minister of Natural Resources,
Je, Ministre des Richesses naturelles,

do hereby revoke licence number 103717
révoque, par la présente le permis numéro

issued to Nichols Gravel Limited
délivré à

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

Nichols Gravel Limited has failed to adhere to the Notice of Suspension issued on October 1, 2003, with a deadline date of December 15, 2003, pursuant to subsection 22(1) of the Aggregate Resources Act R.S.O. 1990. Under the authority of subsection 20(1), Licence No. 103717 is hereby revoked for the following reasons:

1. As required by Conditions 27 and 28 of the licence, as of July 19, 2004 the licensee has failed to provide for the installation of monitoring well nests and electronic water level monitoring, 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.
2. 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. As of July 19, 2004, the licensee has failed to construct the internal water collection system.
3. 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. As of July 19, 2004, the licensee has failed to complete the required berming within Area 1a of the site.
4. As required by Condition 51 of the licence, the licensee will ensure that water polishing measures will be incorporated into the internal collection system. As of July 19, 2004, the licensee has failed to install the proposed rock check dams within the drainage swale and construct the south-east settling pond as specified on the site plan.
5. 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. As of July 19, 2004, the licensee has failed to construct the stormwater holding system (initial sump hole) within Area 1a of the site.
6. 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. As of July 19, 2004, the licensee has failed to provide documentation from the Municipality, to allow for the drainage discharge into the Harrop Drain.
7. 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. As of July 19, 2004, the licensee has failed to grade and slope the constructed berms within Area 1a of the site.
8. As of July 19, 2004, the licensee has failed to install perimeter fencing around Areas 1a, 1b and 2, as specified on the 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 installed. Fencing must be installed along the northern boundary of Area 1a, south of the farm house. The fencing located on the east side of the entrance road is currently erected in the incorrect location and must be moved to the west side of the road/entrance allowance. 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 and all required fencing along the east licence boundary Area 1b must be installed.

The interim berms surrounding the quarry area require sloping and seeding, in order to reduce dust in the

seeded to prevent erosion and to reduce dust. As of July 19, 2004, the licensee has failed to grade and stop the constructed berms within Area 1a of the site.

8. As of July 19, 2004, the licensee has failed to install perimeter fencing around Areas 1a, 1b and 2, as specified on the 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 installed. Fencing must be installed along the northern boundary of Area 1a, south of the farm house. The fencing located on the east side of the entrance road is currently erected in the incorrect location and must be moved to the west side of the road/entrance allowance. 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 and all required fencing along the east licence boundary Area 1b must be installed.
9. The interim berms surrounding the quarry area require sloping and seeding, in order to reduce dust in the local area. Interim berm height must be a minimum of 6m in height above the bedrock floor as per the site plan. As of July 19, 2004, the licensee has failed to erect, slope and seed berms surrounding the quarry area (Area 1a), as per the locations and heights specified on the site plan.
10. The roadway entrance and weigh scale is incorrectly located and must be moved eastward of the existing location. As of July 19, 2004, the licensee has failed to move the roadway entrance and weigh scale to the location specified on the site plan.

AND FURTHER TAKE NOTICE that this revocation is effective from the time of service of this notice upon you.
EN OUTRE, VEUILLEZ ÊTRE AVISÉ que la révocation entre en vigueur dès que le présent avis vous est servi.

AND FURTHER TAKE NOTICE that all activities associated with the pit or quarry authorized by the above licence are prohibited. Continuing any activities without the authority of a licence, 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).

EN OUTRE, VEUILLEZ ÊTRE AVISÉ que toute activité liée à l'exploitation du puits ou de la carrière visé(e) par le permis ou la licence mentionné(e) 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 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).

AND FURTHER TAKE NOTICE that you, the licensee, are entitled to a hearing by the Ontario Municipal Board, if, within 30 days of service of this Notice, you serve the Minister with a Notice that a hearing is required. (The appeal Notice may be served at the local Ministry of Natural Resources office for which the pit or quarry is located.)

EN OUTRE, VEUILLEZ ÊTRE AVISÉ qu'en tant que titulaire de permis, vous avez droit à une audience devant la Commission des affaires municipales de l'Ontario si, dans les 30 jours suivant réception de présent avis, vous ramenez au ministre un avis l'informant que vous exigez une audience. (L'avis peut être signifié au bureau local du ministère des richesses naturelles duquel relève le puits d'extraction ou la carrière.)

AND FURTHER TAKE NOTICE that despite the fact a hearing is required, the revocation of the licence remains effective. The Board may confirm the revocation of the licence or direct the Minister to rescind the revocation.

EN OUTRE, VEUILLEZ ÊTRE AVISÉ qu'indépendamment de la nécessité d'assister à une audience, la révocation reste en vigueur. La Commission peut confirmer la révocation de permis ou aviser le Ministre d'annuler la révocation.

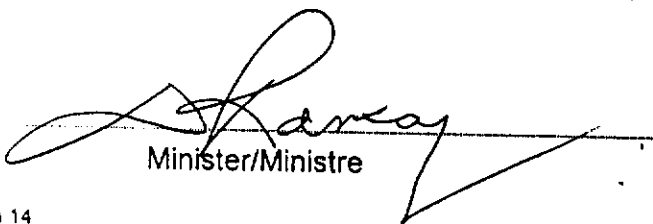
AND FURTHER TAKE NOTICE that you must rehabilitate the entire site immediately or, the agents of the Trust in accordance with subsection 6.1 (5) of the Act, may enter the land to carry out such rehabilitation as the Trustee considers necessary.

EN OUTRE, VEUILLEZ ÊTRE AVISÉ que vous devez immédiatement réhabiliter le terrain complet, ou les Agents du fonds, conformément au paragraphe 6.1 (5) de la Loi, peuvent pénétrer sur le terrain et y entreprendre telle réhabilitation selon que le fiduciaire le juge nécessaire.

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.

EN OUTRE, VEUILLEZ ÊTRE AVISÉ que, conformément au paragraphe 6.1 (6) de la Loi, tout montant dépensé par le fonds aux travaux de réhabilitation du terrain est une dette en votre nom, en tant que titulaire de dernière date, au compte du fonds.

Dated at Toronto this 30th day of Sept, year 2004
Fait à _____ en ce _____ jour du mois de _____ de l'année _____


Minister/Ministre