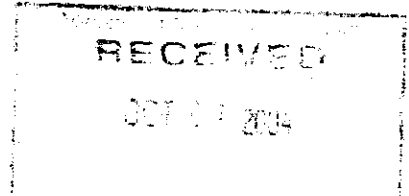


EXPLANATORY NOTE TO ACCOMPANY DOCUMENTS FOR SIGNING

DATE: August 9, 2004  
 OCMS #: MNR450IT-2004-876  
 DIVISION: Field Services  
 DISTRICT: Aylmer, Southern Region



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

Riding: Haldimand-Norfolk

**Source of Legal Authority to sign:**

*Under subsection 20 (1) of the Aggregate Resources Act, the Minister may revoke a licence for any contravention of the Act, the regulations, the site plan and the conditions of the licence.*

**Background/Explanation of Document Development:**

Nichols Gravel Limited was issued a Class A licence under the Aggregate Resources Act on March 25, 2003 to operate a quarry on Lots 10, 11, 12, Concession 12, Walpole Township in Haldimand County.

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

Pursuant to subsection 20 (1) the Minister may revoke a licence for any contravention of this Act, the regulations, the site plan, or the conditions of the licence.

**Action Taken to Date:**

On April 14, 2003, Licence No. 103717 was suspended for failing to comply with several conditions of the licence and for several site plan infractions.

FALSE  
A.I.A.

On October 1, 2003, a revised Notice of Suspension was issued for Licence No. 103717 allowing for the completion of required licence conditions and site plan infractions to be met by December 15, 2003. Each violation was described and the remedial action date of December 15, 2003 was established in order to bring operations back into compliance with the licence conditions and the site plan.

Inspections of the licence on April 5, 2004 and April 6, 2004 revealed that several of these violations had not been brought back into compliance.

On April 7, 2004 a Notice of Intent to Revoke was issued for Licence No. 103717 and was delivered via registered mail. On April 8, 2004 the registered letter was received by Nichols Gravel Limited.

An inspection on July 19, 2004, revealed that the majority of the required licence conditions and site plan infractions had not been addressed. As of July 19, 2004 ten licence/site plan infractions remain outstanding. A detailed list of the infraction items is included on the attached Notice of Revocation of Licence.

← \*FALSE  
A.I.W.

**Ministry Position:**

Since the 90 day period allowed for the Notice of Intent to Revoke has now passed and all of the specified violations and licence conditions have not been addressed, it is recommended that the licence be revoked.

Two copies of the Notice of Revocation of Licence are attached for the Minister's signature.

Upon receiving the Notice of revocation of Licence, the Licensee has 30 days to request a hearing by the Ontario Municipal Board.

**Return Signed Document To:**

Alec Denys, District Manager, Aylmer District

**Contact:**

Emmilia Kuisma, Aggregate Resources Inspector, Aylmer District, 519-773-4747

**Approvals:**

Original signed by Alec Denys, District Manager, Aylmer- August 9/04

*Ron Running* Aug 11/2004  
Date: 11/2004  
For Ron Running, Regional Director, Southern Region

*[Signature]* 04 08 16  
Date: 04 08 16  
Manager, Aggregate & Petroleum Resources Section

*[Signature]* Aug 11/04  
Date: Aug 11/04  
Director, Legal Services Branch

*[Signature]* Aug 24/04  
Date: Aug 24/04  
Assistant Deputy Minister, Field Services

*[Signature]* 1 Sep 2004  
Date: 1 Sep 2004  
Deputy Minister for Gail Beggs

cc: Regional Director, Southern Region

APPROVAL SHEET

Log Number: MNR1205MC-2004-2485

Final Due Date: August 10, 2004

Prepared By: Emilia Kuisma

Position: Aggregate Inspector

District/Region: Aylmer District

Division: Field Services Division

Telephone Number: (519) 773-4747

Date Prepared: July 23, 2004

Interim Response Sent:

Approved By	Name	Date
Manager	Alec Denys	July 26, 2004
Correspondence Unit	Janet Francis	July 28, 2004
Director, Legal Services Branch	Approved with revisions/K. Lintell	July 29, 2004
ADM, Field Services (Required)		
Minister's Office		
Special Instructions:		



Ministry of Natural Resources / Ministère des Richesses naturelles

NOTICE OF REVOCATION FOR LICENCE Under the authority of Section 20(1), Aggregate Resources Act (ARA) R.S.O. 1990, Chapter A. 6, as amended AVIS DE RÉVOCATION DE PERMIS Aux termes de l'article 20 (par 1) de la Loi sur les ressources en agrégats (LRA) LRO 1990, chap. A. 6 en tenant compte des modifications

I, David Ramsay, Minister of Natural Resources, / Je, Ministère 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.
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 mentionnée) 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 titulaires du permis, vous avez droit à une audience devant la Commission des affaires municipales de l'Ontario si, dans les 30 jours suivant réception du présent avis, vous remettez 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 du 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 la juge nécessaire.

AND FURTHER TAKE NOTICE that in accordance with subsection 6.1 (5) 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 (5) 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 30<sup>th</sup> day of August, year 2004  
Fait à \_\_\_\_\_ en ce \_\_\_\_\_ jour du mois de \_\_\_\_\_ de l'année \_\_\_\_\_

  
Minister/Ministre

cc: Regional Director, Southern Region

APPROVAL SHEET

Log Number: MNR1205MC-2004-2485  
Final Due Date: August 10, 2004

Prepared By: Emmilia Kuisma

Position: Aggregate Inspector  
District/Region: Aylmer District  
Division: Field Services Division

Telephone Number: (519) 773-4747

Date Prepared: July 23, 2004

Interim Response Sent:

Approved By	Name	Date
Manager	Alec Denys	July 26, 2004
Correspondence Unit	Janet Francis	July 28, 2004
Director, Legal Services Branch	Approved with revisions/K. Lintell	July 29, 2004
ADM, Field Services (Required)		
Minister's Office		
Special Instructions:		

Vieraitis, Donna (MNR)

---

**From:** Vieraitis, Donna (MNR)  
**Sent:** Tuesday, August 10, 2004 4:11 PM  
**To:** Kindree, Nancy (MNR)  
**Subject:** EN - Document for Signing - MNR450IT-2004-576 - Nichols Grave

Hi Nancy!

Attached please find the electronic version of the subject Explanatory Note to Accompany Document for Signing dated August 9, 2004. The original EN was signed by Alec and is in today's courier along with two copies of the Notice of Revocation for Licence Non. 103717 for signature.

Thanks-

*(Faint, illegible text)*

*Donna Vieraitis*

*(Faint, illegible text)*  
Administrative Assistant  
Ministry of Natural Resources  
Muir District  
301 Talbot Street West  
Winnipeg, MB R4H 2R8  
Tel: (204) 975-4755  
Fax: (204) 975-0004