

**PERMIT TO TAKE WATER**  
Surface and Ground Water  
NUMBER 8025-A9NQBU

*Pursuant to Section 34.1 of the Ontario Water Resources Act, R.S.O. 1990 this Permit To Take Water is hereby issued to:*

St. Marys Cement Inc. (Canada)  
55 Industrial Street  
Toronto, Ontario M4G 3W9  
Canada

*For the water taking from:* Settling Pond Network  
Pumping Well - PW  
Pumping Well - PW2

*Located at:* Lot 33, Concession 6, Geographic Township of Murray  
Brighton, County of Northumberland

*For the purposes of this Permit, and the terms and conditions specified below, the following definitions apply:*

**DEFINITIONS**

- (a) "Director" means any person appointed in writing as a Director pursuant to section 5 of the OWRA for the purposes of section 34.1, OWRA.
- (b) "Provincial Officer" means any person designated in writing by the Minister as a Provincial Officer pursuant to section 5 of the OWRA.
- (c) "Ministry" means Ontario Ministry of the Environment and Climate Change.
- (d) "District Office" means the Peterborough District Office.
- (e) "Permit" means this Permit to Take Water No. 8025-A9NQBU including its Schedules, if any, issued in accordance with Section 34.1 of the OWRA.
- (f) "Permit Holder" means St. Marys Cement Inc. (Canada).
- (g) "OWRA" means the *Ontario Water Resources Act*, R.S.O. 1990, c. O. 40, as amended.

*You are hereby notified that this Permit is issued subject to the terms and conditions outlined below:*

## **TERMS AND CONDITIONS**

### **1. Compliance with Permit**

- 1.1 Except where modified by this Permit, the water taking shall be in accordance with the application for this Permit To Take Water, dated February 20, 2016 and signed by Colin Evans, and all Schedules included in this Permit.
- 1.2 The Permit Holder shall ensure that any person authorized by the Permit Holder to take water under this Permit is provided with a copy of this Permit and shall take all reasonable measures to ensure that any such person complies with the conditions of this Permit.
- 1.3 Any person authorized by the Permit Holder to take water under this Permit shall comply with the conditions of this Permit.
- 1.4 This Permit is not transferable to another person.
- 1.5 This Permit provides the Permit Holder with permission to take water in accordance with the conditions of this Permit, up to the date of the expiry of this Permit. This Permit does not constitute a legal right, vested or otherwise, to a water allocation, and the issuance of this Permit does not guarantee that, upon its expiry, it will be renewed.
- 1.6 The Permit Holder shall keep this Permit available at all times at or near the site of the taking, and shall produce this Permit immediately for inspection by a Provincial Officer upon his or her request.
- 1.7 The Permit Holder shall report any changes of address to the Director within thirty days of any such change. The Permit Holder shall report any change of ownership of the property for which this Permit is issued within thirty days of any such change. A change in ownership in the property shall cause this Permit to be cancelled.

### **2. General Conditions and Interpretation**

- 2.1 Inspections  
The Permit Holder must forthwith, upon presentation of credentials, permit a Provincial Officer to carry out any and all inspections authorized by the OWRA, the *Environmental Protection Act*, R.S.O. 1990, the *Pesticides Act*, R.S.O. 1990, or the *Safe Drinking Water Act*, S. O. 2002.

## 2.2 Other Approvals

The issuance of, and compliance with this Permit, does not:

(a) relieve the Permit Holder or any other person from any obligation to comply with any other applicable legal requirements, including the provisions of the *Ontario Water Resources Act* , and the *Environmental Protection Act* , and any regulations made thereunder; or

(b) limit in any way any authority of the Ministry, a Director, or a Provincial Officer, including the authority to require certain steps be taken or to require the Permit Holder to furnish any further information related to this Permit.

## 2.3 Information

The receipt of any information by the Ministry, the failure of the Ministry to take any action or require any person to take any action in relation to the information, or the failure of a Provincial Officer to prosecute any person in relation to the information, shall not be construed as:

(a) an approval, waiver or justification by the Ministry of any act or omission of any person that contravenes this Permit or other legal requirement; or

(b) acceptance by the Ministry of the information's completeness or accuracy.

## 2.4 Rights of Action

The issuance of, and compliance with this Permit shall not be construed as precluding or limiting any legal claims or rights of action that any person, including the Crown in right of Ontario or any agency thereof, has or may have against the Permit Holder, its officers, employees, agents, and contractors.

## 2.5 Severability

The requirements of this Permit are severable. If any requirements of this Permit, or the application of any requirements of this Permit to any circumstance, is held invalid or unenforceable, the application of such requirements to other circumstances and the remainder of this Permit shall not be affected thereby.

## 2.6 Conflicts

Where there is a conflict between a provision of any submitted document referred to in this Permit, including its Schedules, and the conditions of this Permit, the conditions in this Permit shall take precedence.

# 3. Water Takings Authorized by This Permit

## 3.1 Expiry

This Permit expires on **June 10, 2026**. No water shall be taken under authority of this Permit after the expiry date.

### 3.2 Amounts of Taking Permitted

The Permit Holder shall only take water from the source, during the periods and at the rates and amounts of taking specified in Table A. Water takings are authorized only for the purposes specified in Table A.

**Table A**

	Source Name / Description:	Source: Type:	Taking Specific Purpose:	Taking Major Category:	Max. Taken per Minute (litres):	Max. Num. of Hrs Taken per Day:	Max. Taken per Day (litres):	Max. Num. of Days Taken per Year:	Zone/ Easting/ Northing:
1	Settling Pond Network	Pond Dugout	Aggregate Washing	Industrial	9,092	12	6,546,240	313	18 277983 4893013
2	Pumping Well - PW	Well Drilled	Aggregate Washing	Industrial	60	24	86,400	313	18 277897 4892840
3	Pumping Well - PW2	Well Drilled	Aggregate Washing	Industrial	60	24	86,400	313	18 277928 4892971
							<b>Total Taking:</b>	6,719,040	

## 4. Monitoring

4.1 The Permit Holder shall maintain a record of all water takings. This record shall include the dates and times of water takings and the total measured amounts of water taken per day for each day that water is taken under the authorization of this Permit. A separate record shall be maintained for each source. The Permit Holder shall keep all required records up to date and available at or near the site of the taking and shall produce the records immediately for inspection by a Provincial Officer upon his or her request.

4.2 The total amounts of water taken shall be measured using a flow meter and totalizer.

4.3 The "Performance Monitoring Program" shall be undertaken as described in the application for this Permit however the following two changes shall also be incorporated into the program:

1) The domestic wells at 230 Old Wooler Road and 22 Ferguson Hill Road shall be explicitly added to the monitoring program and the frequency of water level measurement shall be quarterly at these wells (with the permission of the well owner); and,

2) Groundwater trigger depths shall be determined for the domestic wells at 230 Old Wooler Road and 22 Ferguson Hill Road. This information shall be determined prior to any water taking at pumping wells PW or PW2. These domestic wells shall be added to the overall monitoring, assessment and contingency programs described in the application for this Permit.

If the domestic well owners that are part of the "Performance Monitoring Program" for the site do not provide access for monitoring of their well(s), this information shall be

provided to the Director in writing within 60 days of the refusal to provide access.

4.4 The Permit Holder shall retain a qualified person to prepare and submit a report to the MOECC on an annual basis prior to March 31 of each year: The report shall include (but not be limited to) the following items:

- an analysis of the monitoring results and daily water takings; and,
- provide conclusions and make recommendations based on the monitoring results.

## **5. Impacts of the Water Taking**

### **5.1 Notification**

The Permit Holder shall immediately notify the local District Office of any complaint arising from the taking of water authorized under this Permit and shall report any action which has been taken or is proposed with regard to such complaint. The Permit Holder shall immediately notify the local District Office if the taking of water is observed to have any significant impact on the surrounding waters. After hours, calls shall be directed to the Ministry's Spills Action Centre at 1-800-268-6060.

### **5.2 For Surface-Water Takings**

The taking of water (including the taking of water into storage and the subsequent or simultaneous withdrawal from storage) shall be carried out in such a manner that streamflow is not stopped and is not reduced to a rate that will cause interference with downstream uses of water or with the natural functions of the stream.

#### **For Groundwater Takings**

If the taking of water is observed to cause any negative impact to other water supplies obtained from any adequate sources that were in use prior to initial issuance of a Permit for this water taking, the Permit Holder shall take such action necessary to make available to those affected, a supply of water equivalent in quantity and quality to their normal takings, or shall compensate such persons for their reasonable costs of so doing, or shall reduce the rate and amount of taking to prevent or alleviate the observed negative impact. Pending permanent restoration of the affected supplies, the Permit Holder shall provide, to those affected, temporary water supplies adequate to meet their normal requirements, or shall compensate such persons for their reasonable costs of doing so.

If permanent interference is caused by the water taking, the Permit Holder shall restore the water supplies of those permanently affected.

### **5.3 Prevention of Adverse Effects:**

The Permit Holder shall ensure the taking of water under authority of this Permit does not result in an adverse effect on area waters.

### **5.4 Prevention of Structural Adverse Effects:**

The Permit Holder shall take all measures necessary to prevent damage to buildings, bridges,

structures, roads and/or railway lines that may be impacted either directly or indirectly by this taking.

**6. Director May Amend Permit**

The Director may amend this Permit by letter requiring the Permit Holder to suspend or reduce the taking to an amount or threshold specified by the Director in the letter. The suspension or reduction in taking shall be effective immediately and may be revoked at any time upon notification by the Director. This condition does not affect your right to appeal the suspension or reduction in taking to the Environmental Review Tribunal under the *Ontario Water Resources Act*, Section 100 (4).

*The reasons for the imposition of these terms and conditions are as follows:*

1. Condition 1 is included to ensure that the conditions in this Permit are complied with and can be enforced.
2. Condition 2 is included to clarify the legal interpretation of aspects of this Permit.
3. Conditions 3 through 6 are included to protect the quality of the natural environment so as to safeguard the ecosystem and human health and foster efficient use and conservation of waters. These conditions allow for the beneficial use of waters while ensuring the fair sharing, conservation and sustainable use of the waters of Ontario. The conditions also specify the water takings that are authorized by this Permit and the scope of this Permit.

In accordance with Section 100 of the Ontario Water Resources Act, R.S.O. 1990, you may by written notice served upon me, the Environmental Review Tribunal and the Environmental Commissioner, **Environmental Bill of Rights**, R.S.O. 1993, Chapter 28, within 15 days after receipt of this Notice, require a hearing by the Tribunal. The Environmental Commissioner will place notice of your appeal on the Environmental Registry. Section 101 of the Ontario Water Resources Act, as amended provides that the Notice requiring a hearing shall state:

1. The portions of the Permit or each term or condition in the Permit in respect of which the hearing is required, and;
2. The grounds on which you intend to rely at the hearing in relation to each portion appealed.

In addition to these legal requirements, the Notice should also include:

3. The name of the appellant;
4. The address of the appellant;
5. The Permit to Take Water number;
6. The date of the Permit to Take Water;
7. The name of the Director;
8. The municipality within which the works are located;

*This notice must be served upon:*

The Secretary  
Environmental Review Tribunal  
655 Bay Street, 15th Floor  
Toronto ON  
M5G 1E5  
Fax: (416) 326-5370  
Email:  
ERTTribunalsecretary@ontario.ca

AND

The Environmental Commissioner  
1075 Bay Street  
6th Floor, Suite 605  
Toronto, Ontario M5S 2W5

AND

The Director, Section 34.1,  
Ministry of the Environment and  
Climate Change  
1259 Gardiners Rd, PO Box  
22032  
Kingston, ON  
K7P 3J6

**Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal:**

by Telephone at

(416) 212-6349

Toll Free 1(866) 448-2248

by Fax at

(416) 326-5370

Toll Free 1(844) 213-3474

by e-mail at

www.ert.gov.on.ca

*This instrument is subject to Section 38 of the **Environmental Bill of Rights** that allows residents of Ontario to seek leave to appeal the decision on this instrument. Residents of Ontario may seek to appeal for 15 days from the date this decision is placed on the Environmental Registry. By accessing the Environmental Registry, you can determine when the leave to appeal period ends.*

Dated at Toronto this 14th day of June, 2016.



Greg Faaren

Director, Section 34.1

*Ontario Water Resources Act*, R.S.O. 1990

## Schedule A

This Schedule “A” forms part of Permit To Take Water 8025-A9NQBU, dated June 14, 2016.

The following tables and figures of the Technical Support Document should be attached in the PTTW as Schedule A:

- Table 1 - Monitoring Program Summary, Codrington Pit;
- Table 6 - Groundwater Level Triggers, Codrington Pit;
- Table 7 - Surface Water Flow Triggers, Codrington Pit;
- Table 8 - Groundwater Quality Triggers, Codrington Pit;
- Table 9 - Surface Water Quality Triggers, Codrington Pit;
- Figure 9 - Surface Water Flow Assessment Process;
- Figure 10 - Water Quality Assessment Process; and,
- Figure 11 - Water Well Complaint Resolution Process.