



Ministry of the
Environment
Ministère de
l'Environnement

PERMIT TO TAKE WATER
Ground Water
NUMBER 2856-6N7MQK

Pursuant to Section 34 of the Ontario Water Resources Act, R.S.O. 1990 this Permit To Take Water is hereby issued to:

Flamborough Springs Inc.
PO Box 117
Waterdown, Ontario
L0R 2H0

For the water taking from: One drilled well (Well#2-WWR#6811368)
Located at: Lot 10, Concession 10, E. Flamborough
Hamilton

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, 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.
- (d) "District Office" means the Hamilton District Office.
- (e) "Permit" means this Permit to Take Water No. 2856-6N7MQK including its Schedules, if any, issued in accordance with Section 34 of the OWRA.
- (f) "Permit Holder" means Flamborough Springs Inc..
- (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 November 28, 2005 and signed by W. Ian S. Hendrie, 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 **March 31, 2009**. 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	Well #2 WWR# 6811368	Well Drilled	Bottled Water	Commercial	566	4	118,860	365	17 579692 4806474
							Total Taking:	118,860	

- 3.1 Notwithstanding Table A, the amount of taking shall not exceed 58,000 liters per day (LPD) from the date of issuance of the permit while the detailed monitoring program outlined in Condition 4.2 is being conducted in order to establish current ground and surface water conditions (including creek temperature monitoring) and until a satisfactory aquifer test is conducted. Following the aquifer test and until condition 3.3 is satisfied, the amount of taking shall not exceed 58,000 liters per day (LPD).
- 3.2 Notwithstanding Table A, the amount of taking may increase from 58,000 to 118,860 LPD for a period of up to 30 consecutive days between May 1 and August 31 2006, in order to conduct a full aquifer test as specified in condition 4.3.
- 3.3 Notwithstanding Table A, the amount of taking may increase from 58,000 to 118,860 LPD for the remaining duration of the permit subject to the Director providing acceptability of the findings of the aquifer test as well as concurrence with the long-term monitoring program.

4. Monitoring

- 4.1 The Permit Holder shall measure daily water takings using a totalizing flow meter installed at the production well. In addition, the dates, times, pumping rates and amount shall be recorded. The records shall be submitted as required under Ontario Regulation 387/04 or any superceding legislation.
- 4.2 Within one month of the issuance of the Permit, the permit holder or its agent shall submit to the Director for approval a revised ground and surface water monitoring program for the Ministry's review and approval. The approved monitoring plan shall be implemented within one month after receiving the approval of the Director.
- 4.3 In order for the Permit Holder to increase the taking to the full authorized amount of this permit, the permit holder shall conduct an aquifer test to the satisfaction of the Director. In order to do so, the Permit Holder shall submit a test plan for approval which will define the extent of impact on area ground (including neighbouring private wells with permission) and surface water levels (including any impact on the streambed upwellings). The test shall be conducted between May 1 and August 31, 2006.

- 4.5 The Permit Holder shall prepare a written protocol to address well interference complaints and provide the protocol to the Director and to the Manager, MOE Hamilton District Office and to the Clerk, City of Hamilton, within one month of the issuance of the Permit.
- 4.6 The Permit Holder shall identify the following information on an annual basis:
- i. Location and name of the facilities to which the water is delivered in bulk (containers greater than 20 L) from this source.
 - ii. If the bulk water transported is containerized at the receiving location identified in 4.6 (i), the size of the container(s) into which the water is transferred.
 - iii. Total volume of the water transported in bulk in each calendar year to each remote facility.
 - iv. Details of any complaint(s) and the resolution.
- 4.7 The Permit Holder shall submit to the Director, an annual monitoring report which presents and interprets the monitoring data in Conditions 4.1 to 4.6. This report shall be prepared, signed and stamped by a licensed professional geoscientist or a licensed professional engineer specializing in hydrogeology who shall take responsibility for its accuracy. The report shall be submitted to the Director by April 30 of each calendar year and include monitoring data for the 12 month period ending December 31 of the previous year.

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 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.

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
2300 Yonge Street, Suite 1700
Toronto, Ontario M4P 1E4*

AND

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

AND

*The Director, Section 34
Ministry of the Environment
12th Floor
119 King St W
Hamilton ON L8P 4Y7
Fax: (905)521-7820*

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

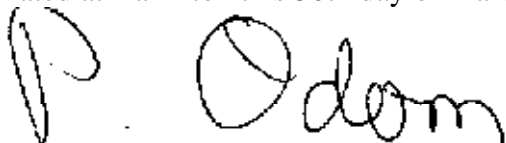
by telephone at (416) 314-4600

by fax at (416) 314-4506

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 Hamilton this 30th day of March, 2006.



Paul Odom
Director, Section 34
Ontario Water Resources Act, R.S.O. 1990

Schedule A

This Schedule "A" forms part of Permit To Take Water 2856-6N7MQK, dated March 30, 2006.