

**AMENDED PERMIT TO TAKE WATER**  
Surface and Ground Water  
NUMBER 4317-87CNZN

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

Cedarhurst Quarries & Crushing Limited  
3300 King Vaughan Townline  
King City Ontario  
L7B 1B2

*For the water taking from:* PW1-09 & Wash Pond

*Located at:* Lot: 79, 80, Concession: 1, Original Township of Tiny, 90 Darby Road  
Tiny, County of Simcoe

*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 Barrie District Office.
- (e) "Permit" means this Permit to Take Water No. 4317-87CNZN including its Schedules, if any, issued in accordance with Section 34 of the OWRA.
- (f) "Permit Holder" means Cedarhurst Quarries & Crushing Limited.
- (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 April 29, 2010 and signed by Robert E. Graham, 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 **April 30, 2018**. 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	PW1-09	Well Drilled	Aggregate Washing	Industrial	1,136	24	1,635,840	210	17 592343 4945072
2	Wash Pond	Pond Dugout	Aggregate Washing	Industrial	7,274	12	5,237,280	210	17 591900 4944960
						<b>Total Taking:</b>	6,873,120		

#### 4. Monitoring

- 4.1 The Permit Holder shall install and maintain flow meters on each source listed in Table A. Meter readings for each source shall be recorded daily and available for inspection by a Provincial Officer upon his or her request.
- 4.2 The Permit Holder shall install and maintain a continuous water level recorder within production well, PW1-09 prior to the start of any taking of water from that source. Additional water level recorders shall be installed and maintained in at least one onsite well of comparable depth to PW1-09 and one onsite well terminating within the shallower aquifer unit underlying this site. Data collected shall be available to Ministry staff at any time upon request.
- 4.3 Any request for an amendment or renewal of this Permit shall be accompanied by a report by a Qualified Person (P.Geo. or equivalent) assessing all data collected under the Conditions of this Permit. The report shall include an electronic version of the monitoring data collected.

## **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.

**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*

AND

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

AND

*The Director, Section 34  
Ministry of the Environment  
8th Floor  
5775 Yonge St  
Toronto ON M2M 4J1  
Fax: (416)325-6347*

***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](http://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.*

**This Permit cancels and replaces Permit Number 0503-7D4PX7, issued on 2008/04/18.**

**Dated at Toronto this 23 rd day of July, 2010.**



**Kathryn Baker  
Director, Section 34  
*Ontario Water Resources Act* , R.S.O. 1990**

### **Schedule A**

This Schedule "A" forms part of Permit To Take Water 4317-87CNZN, dated July 23, 2010.

1. Permit amendment application signed by Robert E. Graham on April 29, 2010.
2. Alpha Environmental Services Inc. report entitled "Aggregate Wash Water Supply Pumping Test Results, Teedon Pit, Waverly Ontario" dated April 2010.
3. E Mail clarification on proposed site monitors locations from Ross Campbell to MOE / MNR dated July 19, 2010.