



February 6, 2018

Via: Email

Mayor Cornell and Members of Council
c/o Mr. Doug Luker, CAO
Township of Tiny
130 Balm Beach Road West
Tiny, ON L0L 2J0

Dear Mr. Luker:

**Re: Renewal of Permit to Take Water
5003-APFH26
EBR Registry Number 013-2282
Project No.: 300031221.0000**

Ontario Regulation 387/04 requires that the Ministry of the Environmental Climate Change (MOECC) notify municipalities of applications for Permit to Take Water (PTTW) to withdraw water from locations within their jurisdiction. The Township received an official email from the MOECC on January 30, 2018 to notify them of an application by CRH Canada Group Inc (CRH) to renew PTTW No. 5003-APFH26 for aggregate washing purposes at the Teedon Pit located at 90 Darby Road in Tiny Township. The application was posted on the Environmental Bill of Rights Registry (EBR) on January 23, 2018 and the comment period closes on February 22, 2018. The matter was posted on the January 29, 2018 Council Agenda and a number of residents spoke in opposition to the application. As a result, Council requested R.J. Burnside & Associates, Township Engineering Consultants, to review the application and provide comments.

Water takings in Ontario are governed by the *Ontario Water Resources Act* (OWRA) and the Water Taking Regulation (O. Reg. 387/04), which is a regulation under the Act. Section 34 of the OWRA requires anyone taking more than a total of 50,000 L of water (10,000 Imperial gallons) in a day, with some exceptions, to obtain a Permit from the MOECC. The purpose of the PTTW program is to ensure the conservation, protection, wise use and management of the waters of the Province of Ontario. Permits are controlled, and not issued if the taking of more water in a given area would adversely affect existing groundwater users or the environment.

Roles and Responsibilities

The MOECC is responsible for the review and approval of PTTW applications. Where required, proposals are posted on the EBR for a minimum 30-day commenting period and then the Director of the MOECC (Director) posts a Decision Notice to advise the outcome of the Ministry's consideration of an application and in a way that responds to comments received.

The MOECC PTTW Manual (2005) Section 7 of O. Reg. 387/04 requires the Director to notify municipalities and conservation authorities of PTTW applications that are subject to posting on the Environmental Registry under the Environmental Bill of Rights, 1993. This section is explicit

on the Director's authority to require an applicant to report to the MOECC on efforts that the applicant has made to resolve any concerns raised by persons or governmental authorities who are notified or consulted.

Municipalities and conservation authorities are notified of PTTW applications posted on the Environmental Registry in order to increase local awareness of permit activities. This enables municipalities and watershed-based authorities to serve as local sources of information about PTTWs for persons and groups in the community who have a strong interest in such matters. The EBR posting provides a 30-day window during which municipalities and residents can comment on the PTTW application. However, it is important to note that the municipality does not have any official jurisdiction in the review of the PTTW application or the approval process. The MOECC keeps a copy of the application and supporting documentation in the district office. The documents can be reviewed at the office, but no copies can be made and information cannot be recorded. Should an individual wish to obtain a copy of the report, they must follow the Freedom of Information (FOI) process.

The Director can also require an applicant to notify or consult with interested parties, and require the applicant to report to the Director on how the applicant has (or has attempted to) resolve any concerns raised by persons or governmental authorities who were notified or consulted. As the Townships engineering consultant, Burnside could review the documents prepared in support of the PTTW and provide the Township with comments. However, this review would be considered a duplication of work, considering the MOECC is responsible for the technical peer review of all material submitted and the cost for such a review would be in the order of \$8,000 to \$10,000.

Once the PTTW is issued, it is the obligation of the permit holder to ensure that there is no adverse impact on nearby groundwater or surface water resources. The MOECC is responsible for on-going compliance and enforcement of the PTTW.

1.0 Categories of Proposals for Permits to Take Water

Proposals for water taking are classified according to their anticipated risk to the environment; the greater the anticipated risk, the more evaluation required. Three proposal categories have been established:

- Category 1 Applications – unlikely to pose adverse environmental impacts and is typically renewal of an existing Permit.
- Category 2 Application – typically new or increased takings that do not meet Category 1 criteria or existing takings where the Director of the MOECC requires additional work / study.
- Category 3 Application – requires a detailed ecological / hydrological / hydrogeological study completed by a qualified person.

The MOECC indicates that it will post “designated documents” on the EBR, but is not specific on what criteria is used. The PTTW to be issued by the MOECC will:

- Identify the water taker and sources.
- Specify taking purposes (e.g., irrigation).
- Permit water taking in accordance with the application, unless modified.
- Establish an expiry date (up to 10 year term).
- Specify maximum taking rate (L/min), duration (hrs/day; days/yr) and amount (L/day).
- Require monitoring and record keeping of water taking events.
- Require notification of complaints and actions taken to resolve same.

- Require any taking not to cause flow to be stopped or reduced to a rate that causes negative impact; not to cause any negative impact to any groundwater supplies in prior use.
- Allow the Ministry to suspend or reduce the permitted taking.
- Be subject to the Ministry's inspections (planned / responsive), investigation and enforcement actions.

2.0 CRH EBR Listing

A summary of the EBR posting for the Teedon Pit PTTW renewal is below:

This proposal is to renew the Permit To Take Water No. 5003-APFH26 for aggregate washing purposes. Water will be taken from one (1) pond and one (1) well to operate a wash plant. The amendment adds the well source.

Details of the water taking are as follows:

Source of water: Well PW1-09

Purpose of taking: Industrial – Aggregate Washing

- *Period of Water Taking: 10 Years*
- *Maximum rate per minute (litres): 1,136 (250 igpm)*
- *Maximum number of hours of taking per day: 24*
- *Maximum volume per day (litres): 1,635,840 (359,842 gallons)*
- *Maximum number of days of taking per year: 210*
- *Earliest calendar date of taking (mm/dd): 01/01*
- *Latest calendar date of taking (mm/dd): 12/31*
- *Source of water: Wash Pond*

Purpose of taking: Industrial – Aggregate Washing

Source of water: wash Pond

- *Period of Water Taking: 10 Years*
- *Maximum rate per minute (litres): 7,274 (1600 igpm)*
- *Maximum number of hours of taking per day: 12*
- *Maximum volume per day (litres): 5,237,280 (1,152,063 gallons)*
- *Maximum number of days of taking per year: 210*
- *Earliest calendar date of taking (mm/dd): 01/01*
- *Latest calendar date of taking (mm/dd): 12/31*

Permit type:

Renewal of Permit Number 5003-APFH26

Length of Taking: 10 years

As indicated above, there are two sources of water: Well PW1-09 and the Wash Pond. The well is used to supply water to the wash pond at a rate of 1,136 L/min (250 igpm) for 24 hours per day, 210 days per year. Water is pumped from the wash pond at a rate of 7,274 L/min (1600 igpm) for 12 hours per day, 210 days per year. The EBR does not indicate the category

of the application nor provide any supporting documentation. However, the MOECC confirmed via email on February 5, 2018 that they consider the PTTW to be a Category 3 application.

Burnside initially provided comments on the proposed Ministry of Natural Resources and Forestry (MNRF) Site Plan Amendment application for the Teedon Pit in a February 24, 2016 letter. The comments were based on water takings that are the same as those proposed in the PTTW amendment. The proponent subsequently provided a response to the Burnside comments. After reviewing the proponent's response, the final Burnside recommendations were provided in a letter dated April 15, 2016. It is noted that these recommendations were not included by the MNRF in the Site Plan approval.

Since the rates and sources listed on the EBR are unchanged from the current PTTW, the April 15, 2016 Burnside comments on the proposed water taking are still applicable and are provided below:

- The current condition of nearby domestic wells should be established, including the well depth and condition of the casing / screen, and the well yield and general water quality. The work should be completed by the proponent using an independent qualified consultant.
- The monitoring network at the Teedon Pit should be expanded to include a staff gauge in the wash pond, a nested well with screens completed at a variety of depths (to monitor change in gradients during use of the wash pond), along with a number of wells completed in the aquifer(s) that are used by domestic wells in the area. A professional geoscientist (or equivalent) should be present during the drilling of the wells to describe the geology and select the intervals for monitoring well completion.

Next Steps

Burnside recommends to Council that the Township provide these comments to the MOECC before the February 22, 2018 deadline.

We trust that you will find the above to be in order. Should you have questions regarding the above, I will be present at the February 12, 2018 Council meeting.

Yours truly,

R.J. Burnside & Associates Limited



Dave Hopkins
DH:sr

cc: Shawn Persaud, Director of Planning & Development for the Township of Tiny (Via: Email)
Tim Leitch, Director of Public Works for the Township of Tiny (Via: Email)
Cecil Gratrix, R.J. Burnside & Associates (Via: Email)

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