

## Appendix D-1

### Permits to Take Water for the Municipal Wells

**PERMIT TO TAKE WATER**  
Ground Water  
NUMBER 2218-8Y8KYD

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

The Public Utilities Commission of the City of Sault Ste. Marie  
765 Queen St E  
Sault Ste. Marie, Ontario, P6A 2A8  
Canada

*For the water taking from:*

- 1). Lorna Well No. 1
- 2). Lorna Well No. 2
- 3). Steelton Well
- 4). Goulais Well No. 1
- 5). Goulais Well No. 2

*Located at:* Lawrence Subdivision intersection of Queen St. East and Lorna Drive TARENTORUS Township  
Sault Ste. Marie, District of Algoma

Lawrence Subdivision intersection of Queen St. East and Lorna Drive TARENTORUS Township  
Sault Ste. Marie, District of Algoma

391 Second Line W KORAH Township  
Sault Ste. Marie, District of Algoma

8 Hare Ave KORAH Township Lot 19 McGaig Subdivision  
Sault Ste. Marie, District of Algoma

8 Hare Ave KORAH Township Lot 19 McGaig Subdivision  
Sault Ste. Marie, District of Algoma

*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 Sault Ste. Marie District Office.
- (e) "Permit" means this Permit to Take Water No. 2218-8Y8KYD including its Schedules, if any, issued in accordance with Section 34 of the OWRA.
- (f) "Permit Holder" means The Public Utilities Commission of the City of Sault Ste. Marie.
- (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 June 22, 2012 and signed by Dan Tonon, 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.

2.2.1 Prior to the taking of any water under the authorization of the Permit to Take Water, the Permit Holder shall ensure full compliance with the *Safe Drinking Water Act*, 2002 and its regulations. At no time does this permit authorize the taking of water when out of compliance with the *Safe Drinking Water Act*, 2002 and its regulations.

### **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 **September 30, 2022**. 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	Lorna Well No. 1	Well Drilled	Municipal	Water Supply	5,055	24	7,279,200	365	16 710350 5154085
2	Lorna Well No. 2	Well Drilled	Municipal	Water Supply	5,055	24	7,279,200	365	16 710350 5154085
3	Steelton Well	Well Drilled	Municipal	Water Supply	5,700	24	8,208,000	365	16 701700 5156835
4	Goulais Well No. 1	Well Drilled	Municipal	Water Supply	4,588	24	6,606,000	365	16 700720 5156750
5	Goulais Well No. 2	Well Drilled	Municipal	Water Supply	2,366	24	3,407,000	365	16 700720 5156750
							<b>Total Taking:</b>	32,779,400	

**4. Monitoring**

4.1 The Permit Holder shall, on each day water is taken under the authorization of this Permit,

record the date, the volume of water taken on that date and the rate at which it was taken. The daily volume of water taken shall be measured by a flow meter or calculated in accordance with the method described in the application for this Permit or as otherwise accepted by the Director. A separate record shall be maintained for each source. The Permit Holder shall keep all records required by this condition current 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. The Permit Holder, unless otherwise required by the Director, shall submit, on or before March 31<sup>st</sup> in every year, the daily water taking data collected and recorded for the previous year to the ministry's Water Taking Reporting System.

## **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 and the Environmental Review Tribunal within 15 days after receipt of this Notice, require a hearing by the Tribunal. Section 101 of the Ontario Water Resources Act, R.S.O. 1990, as amended, provides that the Notice requiring the 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) 314-4506  
Email: [ERTTribunalsecretary@ontario.ca](mailto:ERTTribunalsecretary@ontario.ca)*

AND

*The Director, Section 34  
Ministry of the Environment  
331-435 James St S  
Thunder Bay ON P7E 6S7  
Fax: (807)475-1754*

***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 Permit cancels and replaces Permit Number 78-P-5116, issued on 2002/08/13.

Dated at Thunder Bay this 27th day of September, 2012.



Don Hamilton  
Director, Section 34  
*Ontario Water Resources Act* , R.S.O. 1990



## **Schedule A**

This Schedule "A" forms part of Permit To Take Water 2218-8Y8KYD, dated September 27, 2012.

- Email from Dan Tonon, Ste Sault Marie Public Utilities Commission, dated September 10, 2012, Re: confirmation to combine three (3) permits into one (1) permit which includes Lorna Wells, Goulais Wells and Steelton Well.

Ministry of Environment and Energy

**PERMIT TO TAKE WATER**

No.: 78 - P - 5115 "Renewal"

MINISTRY OF THE ENVIRONMENT

MAY 10 2004

Under Section 34 of The Ontario Water Resources Act, R.S.O. 1990, this permit is issued to:

The Corporation of the City of Sault Ste. Marie

whose address for all purposes pertaining to this permit is:

Public Utilities Commission  
765 Queen St. East  
SAULT ST. MARIE, Ontario, P6A 6P2

for the taking of water in accordance with the terms and conditions set out below and on the back of this form.

**TERMS AND CONDITIONS**  
PARTICULARS

**SOURCE(s):** One well, groundwater, known as the Shannon Well

**LOCATION(s):** SE Portion of Lot 13, River Range, South of Highway 17 East,  
and East of Dacey Road

**PURPOSE:** Municipal water supply

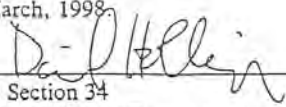
**TAKING TO COMMENCE ON:** April 1<sup>st</sup>, 1998

**PERMIT EXPIRES:** April 30<sup>th</sup>, 2018

**RATE OF WATER TAKING NOT TO EXCEED:**

4,860 l/minute (1070 Imp.g/m), 7,000,000 l/day (1,539,829 Imp.g/d), 24 hours/day,  
366 days/year for the duration of the Permit

Dated at Thunder Bay, Ontario this the 23<sup>rd</sup> day of March, 1998.

  
\_\_\_\_\_  
Director, Section 34  
Ontario Water Resources Act

See over...