

**AMENDED PERMIT TO TAKE WATER**Ground Water  
NUMBER 4606-ACXNEU

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

CRH Canada Group Inc.  
2300 Steeles Ave W 4th Floor  
Concord, Ontario, L4K 5X6  
Canada

*For the water*

*taking from:* Acton Quarry: Phase 1, Phase 2/5 East, Phase 3/5 West/6 and Phase 4

*Located at:* Lot 20 through 25, Concession 3 and 4, Geographic Township of Esquesing  
Halton Hills, Regional Municipality of Halton

*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 Halton-Peel District Office.
- (e) "Permit" means this Permit to Take Water No. 4606-ACXNEU including its Schedules, if any, issued in accordance with Section 34.1 of the OWRA.
- (f) "Permit Holder" means CRH Canada Group 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 August 28, 2015 and signed by Enzo Bertucci, 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 **October 31, 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	Acton Quarry- from Phase 1 and/ or Phase 2/5E for Discharge of Excess Water to Black Creek via Location SW1	Pond Pit	Pits and Quarries	Dewatering	6,000	24	8,640,000	365	17 580220 4830360
2	Acton Quarry- from Phase 1 and/ or Phase 2 /5E for Discharge of Excess Water to 16 Mile Creek via Location SW2	Pond Pit	Pits and Quarries	Dewatering	1,200	24	1,728,000	365	17 580220 4830360
3	Acton Quarry- from Phase 1 and/ or Phase 3/5W/6 for Discharge of Excess Water to 16 Mile Creek via Location SW3	Pond Pit	Pits and Quarries	Dewatering	1,920	24	2,764,800	365	17 580710 4829130
4	Acton Quarry from all phases for Mitigation Activities	Pond Pit	Pits and Quarries	Dewatering	22,400	24	32,256,000	365	17 579710 4830250
						<b>Total Taking:</b>			

**Explanatory Notes:**

- Sources 1 to 3 in Table A above allow taking water from the various phases of the quarry

*for purposes of normal quarry dewatering (i.e. removal of excess water from the quarry) for off-site discharge via the indicated locations.*

- *Source 4 in Table A allows water taking from the various phases of the quarry for purposes of supplying water to environmental and/ or water supply mitigation activities, as described in the application and the Adaptive Management Plan or AMP (Items No. 2 and 3 of Schedule A of this Permit). The mitigation activities include: discharge of water via multiple diffused release points; discharges via recharge wells and the existing escarpment seep maintenance system established to the east of Phase 2.*
- *The rate and amount reflected in Table A for the taking under Source 4 are aggregate values to account for the water needs for all potential mitigation activities. It is unlikely that all mitigation water taking will be required at the same time. The water taking authorized under Source 4 in Table A is not intended to increase the rate and amount of water taken for the normal quarry dewatering operations (authorized under Sources 1 -3). Mitigation water taking is to occur only when justified by the ongoing monitoring and evaluation and as per the mitigation plans outlined in the application supporting documents (including Items 2 and 3 of Schedule A of this Permit).*
- *In addition to the water takings described in Table A above (i.e. takings for off-site discharge of excess water and takings to supply water for required mitigation purposes), water management at the quarry includes the following which are not considered water taking for purposes of this PTTW and not required to be monitored as a condition of this PTTW:*
  - *various on-site uses, including for: aggregate washing via a closed loop system, dust control, rehabilitation and watering of vegetated/ landscaped areas);*
  - *dewatering during on-site construction activities (e.g. during construction of the water management works) that will be contained within the storage facilities on-site; and*
  - *the movement of water internally within a phase as well as in between phases for storage and/ or lake filling. The on-site uses of water and internal movements of water.*

#### **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 from Sources 1-3 shall be measured by flow meters. The Permit Holder shall also obtain records of the daily volume of water taken for mitigation purposes (Source 4), including documentation showing the locations for which mitigation by supplying water is required and how the total daily volume used for mitigation purposes is calculated. For weekend or statutory holiday pumping, or in the

event of equipment malfunction, the daily volume of water taken may be interpolated from the ensuing meter readings (or alternate record for Source 4) following the absence. The Permit Holder shall keep all records required by this condition current and shall produce the records 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> of every year, the daily water taking data collected and recorded for the previous year to the ministry's Water Taking Reporting System.

- 4.2 The Permit Holder shall implement an appropriate surface water and groundwater monitoring program that is consistent with the environmental monitoring program outlined in the AMP (Item No. 3 of Schedule A of this Permit), or as may be amended in the future.
- 4.3 The Permit Holder shall implement the private water supply well monitoring program and well interference complaint investigation & mitigation protocol described in Part II, Section C of the AMP (Item No. 3 of Schedule A of this Permit). The residential well monitoring program shall include the following wells which were part of the quarry's past well monitoring program but not explicitly included in the AMP: RW10, RW11, RW17, and RW34 (shown on Figure C.1 in Part II of Item No. 3 of Schedule A of this Permit), provided access is granted by the well owners. In the event these wells are no longer available for monitoring, the Permit Holder shall make reasonable efforts to obtain access to alternative water supply wells in the area. The adequacy of the private well monitoring program (including consideration of the need to include additional private wells that were part of the historical monitoring program) shall be periodically evaluated by a qualified person and shall be discussed in the annual monitoring reports.
- 4.4 The Permit Holder may make reasonable modifications to the surface water and groundwater monitoring program and the residential well monitoring program (described above under Condition 4.3) without amendment of the PTTW. However, any modification shall maintain (or expand) the intended scope of the monitoring program, be approved at the time of the change by a responsible qualified professional, and be documented in the annual monitoring report along with the justification for the modification. The Permit Holder needs to be aware that changes to the monitoring programs included in the AMP may require additional approvals from other agencies.
- 4.5 The Permit Holder shall prepare an annual monitoring report which includes the following:
  - all monitoring data collected under this Permit. The data shall be presented in appropriate format (graphical and tabular) along with the historical data. Maps prepared at appropriate scales that clearly identify the various monitoring locations, including historical ones, shall be included;
  - an evaluation of the quarry operation and analysis and interpretation of all monitoring data collected under this Permit to determine if the quarry operation has resulted in any undesirable environmental impacts. The report shall contain conclusions with

respect to any effects of quarry operation on groundwater resources; surface water resources and wells. It shall also describe any problems/ complaints encountered, how these were investigated and any actions taken.

- any proposed changes to the monitoring programs or the Permit Conditions, along with the justification for the modification.

The report shall be prepared by qualified individual(s), and submitted to the Director and the District no later than May 31<sup>st</sup> of the each 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 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) 326-5370  
Email: [ERTTribunalsecretary@ontario.ca](mailto:ERTTribunalsecretary@ontario.ca)*

AND

*The Director, Section 34.1, Ministry of the  
Environment and Climate Change  
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) 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](http://www.ert.gov.on.ca)

This Permit cancels and replaces Permit Number 7326-A4TRQ3, issued on 2016/01/08.

Dated at Toronto this 29th day of November, 2016.



Karoly Tajnay  
Director, Section 34.1  
*Ontario Water Resources Act* , R.S.O. 1990

## **Schedule A**

This Schedule “A” forms part of Permit To Take Water 4606-ACXNEU, dated November 29, 2016.

1. Application for a Permit to Take Water signed by Mr. Enzo Bertucci and dated August 28, 2015.
2. Report entitled “Applications to Amend OWRA Approvals for Acton Quarry Extension: S53 Environmental Compliance Approval and S34 Permit-To-Take Water”, prepared by GHD for Dufferin Aggregates, dated August 26, 2015.
3. Report entitled “Updated Performance-Based Adaptive Management Plan (AMP) Acton Quarry Extension – Town of Halton Hills, Ontario”, prepared by Conestoga-Rovers and Associates (CRA, now GHD) and Goodban Ecological Consulting Inc. (GEC), and dated November, 2014 (including any amendments of the AMP in the future).