

Ministry of the Environment

Northern Region
Technical Support Section
Water Resources
331-435 James St S
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Ministère de l'Environnement

Bureau principal de la région du Nord
Section du Soutien Technique
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331-435 rue James S
Thunder Bay ON P7E 6S7
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October 5, 2006

The Corporation of the Town of Fort Frances
320 Portage Avenue
Fort Frances, Ontario, P9A 3P9
Canada

Attention: Douglas Herr

RE: Permit to Take Water 7280-6UAMD9
Reference Number 6071-6S5JT7

Dear Mr. Herr,

Please find attached Permit to Take Water (PTTW) 7280-6UAMD9, which renews PTTW 86-P-6003 and grants the taking of water from the Rainy River, in the Original Geographic Township of McIrvine, Town of Fort Frances, District of Rainy River, for the purpose of municipal supply. The rate of taking shall not exceed a maximum of 12,000 litres per minute or 17,000,000 litres per day. The Permit is valid until October 5, 2016.

The Terms and Conditions are shown on pages 2-5 of the Permit.

This Permit does not relieve you, or The Corporation of the Town of Fort Frances as the proponent, from compliance with provisions of any of the applicable Federal or Provincial statutes, regulations or other legal requirements.

Should you have any questions or concerns, please contact this office as soon as possible.

Yours truly,

A handwritten signature in cursive script, reading "Jacinth Gilliam-Price", written over a horizontal line.

Jacinth Gilliam-Price
Pttw Coordinator
Northern Region

File Storage Number: TS 31-02 PTTW 86-P-6003 (Fort Frances, The Corporation of the Town of)



Ministry of the
Environment

Ministère de
l'Environnement

PERMIT TO TAKE WATER
Surface Water
NUMBER 7280-6UAMD9

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

The Corporation of the Town of Fort Frances
320 Portage Avenue
Fort Frances, Ontario, P9A 3P9
Canada

For the water taking from: Rainy River

Located at: 901 Colonization Road East, McIrvine Geo. Twp.
Fort Frances, District of Rainy River

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 Kenora District Office.
- (e) "Permit" means this Permit to Take Water No. 7280-6UAMD9 including its Schedules, if any, issued in accordance with Section 34 of the OWRA.
- (f) "Permit Holder" means The Corporation of the Town of Fort Frances.
- (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 July 12, 2006 and signed by Douglas Herr, 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 **October 5, 2016**. 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	Rainy River	River	Municipal	Water Supply	12,000	24	17,000,000	365	15 473000 5384717
						Total Taking:	17,000,000		

4. Monitoring

- 4.1 The Permit Holder shall maintain a record of all water takings. This record shall include the dates and times of water takings, and the total measured amounts of water pumped per day for each day that water is taken under the authorization of this Permit. The Permit Holder shall keep all required records up to date 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.

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.

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

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

This Permit cancels and replaces Permit Number 86-P-6003, issued on 1999/03/22.

Dated at Thunder Bay this 5th day of October, 2006.



**Dave Hollinger
Director, Section 34
Ontario Water Resources Act, R.S.O. 1990**

Schedule A

This Schedule "A" forms part of Permit To Take Water 7280-6UAMD9, dated October 5, 2006.

- Permit to Take Water 86-P-6003, issued on March 22, 1999
- Amendment to Permit to Take Water 86-P-6003, issued on October 15, 2001