



PERMIT TO TAKE WATER

Surface Water

NUMBER 3528-AE6PEM

Pursuant to Section 34.1 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 Ave
Fort Frances, Ontario, P9A 3P9
Canada

*For the water
taking from:* Rainy River

Located at: 901 Colonization Rd E
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 34.1, 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 Kenora District Office.
- (e) "Permit" means this Permit to Take Water No. 3528-AE6PEM including its Schedules, if any, issued in accordance with Section 34.1 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 September 12, 2016 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 **September 27, 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:
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1	Rainy River	River	Municipal	Water Supply	12,000	24	17,000,000	365	15 472938 5384735
						Total Taking:	17,000,000		

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 31st 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 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
655 Bay Street, 15th Floor
Toronto ON
M5G 1E5
Fax: (416) 326-5370*

AND

*The Director, Section 34.1, Ministry of the
Environment and Climate Change
331-435 James St S
Thunder Bay ON P7E 6S7
Fax: (807) 475-1754*

Email: ERTTribunalsecretary@ontario.ca

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

This Permit cancels and replaces Permit Number 7280-6UAMD9, issued on 2006/10/05.

Dated at Thunder Bay this 27th day of September, 2016.



Carrie Hutchison
Director, Section 34.1
Ontario Water Resources Act , R.S.O. 1990

Schedule A

This Schedule "A" forms part of Permit To Take Water 3528-AE6PEM, dated September 27, 2016.

Permit To Take Water 7280-6UAMD9, dated October 5, 2006.