

APPENDIX B-2

PERMIT TO TAKE WATER NO. 72-P-0397



Ministry
of the
Environment

Ministère
de
l'Environnement

PERMIT TO TAKE WATER
Number 72-P-0397
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Notice of Terms and Conditions
Section 100, *Ontario Water Resources Act*, R.S.O. 1990, Chapter O.40

Pursuant to Section 34 of the *Ontario Water Resources Act*, R.S.O. 1990, Chapter O.40
permission is hereby granted

TO: Utilities Kingston
211 Counter Street
Kingston, ON
K7L 4X7

for the taking of water from Lake Ontario located at 80 Sunny Acres Road in the
City of Kingston, Ontario, for municipal water supply. The rate of
taking shall not exceed 56,000 litres per minute, or 39,560,000 litres per day.

Except where modified by this Permit the water taking shall be in accordance with the
application dated February 8, 2002, and signed by Joe M. Lewis, Group
Leader.

You are hereby notified that this Permit is issued to you subject to the following Definitions.
General Conditions and Special Conditions.

DEFINITIONS

1. (a) "Director" means a Director, Section 34, *Ontario Water Resources Act*, R.S.O. 1990, Chapter O.40.
- (b) "District Office" means Kingston District, Eastern Region, Ontario Ministry of the Environment.
- (c) "District Manager" means District Manager, Kingston District, Eastern Region, Ontario Ministry of the Environment.
- (d) "Ministry" means Ontario Ministry of the Environment.
- (e) "Permit" means this entire Permit to Take Water including its schedules, if any, issued in accordance with Section 34 of the *Ontario Water Resources Act*, R.S.O. 1990, Chapter O.40.
- (f) "Permit Holder" means Utilities Kingston.

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GENERAL CONDITIONS

2. This Permit shall be kept available at the offices of Utilities of Kingston, 211 Counter Street, Kingston, ON, with a copy to be kept on-site at the Kingston West Water Treatment Plant for inspection by Ministry staff at all times.
3. The Director may, from time to time, where a situation of interference or anticipated interference with water supplies exists, or in a situation requiring information on water takings for purposes of water resource inventory and planning, give written notice to the Permit Holder to undertake any of the following actions. The Permit Holder shall comply with any such notice:
 - (a) To establish and maintain a system for the measurement of the quantities of water taken;
 - (b) To operate such a system and to record measurements of the quantities of water taken on forms provided by the Director, with such frequency or for such time periods as the Director may specify;
 - (c) To return to the Director records made pursuant to clause 3(b) at such times or with such frequency as the Director may specify; and
 - (d) To keep records made pursuant to clause 3(b) available for inspection until such time as they are returned to the Director pursuant to clause 3(c).
4. The Permit Holder shall immediately notify the District Manager 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.
5. 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 stream flow 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. For Ground-Water Takings, if the taking of water is forecast to cause any negative impact, or 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 the forecast negative impact 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 so doing.

7. The Permit Holder shall report to the Director any changes of address or telephone number, or change of ownership of the property for which this Permit is issued and shall report to the Director any changes in the general conditions of water taking from those described in the Permit application within thirty days of any such change. The Permit Holder shall not assign his rights under this Permit to another person without the written consent of the Director.
8. No water may be taken under authority of this permit after the expiry date of this Permit, unless the Permit is renewed, or after the expiry date shown on any subsequent renewal of this permit, unless it is likewise renewed.
9. This Permit does not release the Permit Holder from any legal liability or obligation and remains in force subject to all limitations, requirements, and liabilities imposed by law. 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.
10. The Permit Holder must forthwith, upon presentation of credentials, permit Ministry personnel, or a Ministry authorized representative(s) to carry out any and all inspections authorized by Section 15, 16 or 17 of the *Ontario Water Resources Act*, R.S.O. 1990, Chapter O.40, Section 156, 157 or 158 of the *Environmental Protection Act*, R.S.O. 1990 of Section 19 or 20 of the *Pesticides Act*, R.S.O. 1990.
11. The Director may, at times of drought or water shortage in the locality of the taking, give notice to the Permit Holder to suspend or reduce the taking to an amount or threshold specified by the Director. The suspension or reduction in the taking shall be effective immediately and may be revoked at any time upon notification by the Director. This condition does not affect the right to appeal the notice to the Environmental Review Tribunal under the *Ontario Water Resources Act*, R.S.O. 1990, Chapter O.40, Subsection 100(3).
12. The Permit does not abrogate the Permit Holder's responsibility to comply with all applicable legislation, including O.Reg. 285/99, which provides, among other things, that no person shall use water by transferring it out of a water basin (as defined in the Regulation) in a container having a volume greater than 20 litres. The Regulation divides Ontario into three water basins, being the Great Lakes - St. Lawrence, the Nelson and Hudson Bay Basins.

SPECIAL CONDITIONS

13. The Permit Holder shall measure and record daily water takings and shall ensure copies of these records are kept at the offices of Utilities of Kingston, 211 Counter Street, Kingston, ON, with a copy to be kept on-site at the Kingston West Water Treatment Plant until this Ministry requests them to be submitted or states otherwise.
14. No water shall be taken under authority of this Permit after March 1, 2012.

The reason for the imposition of Special Condition 13 is to establish a record of water taking.

The reason for the imposition of Special Condition 14 is to ensure that this Ministry has an opportunity to review the continued availability of water to be taken under authorization by this Permit as it relates to interference with other established uses.

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, Chapter 0.40, 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.

The Notice should also include:

3. The name of the appellant;
4. The address of the appellant;
5. The Permit number;
6. The date of the Permit;
7. The name of the Director;
8. The municipality within which the taking is located;

And the Notice should be signed and dated by the appellant.

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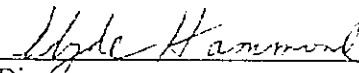
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This notice must be served upon:

The Secretary
Environmental Review Tribunal
P.O. Box 2382
2300 Yonge Street, 12th Floor
TORONTO, Ontario
M4P 1E4

AND The Director
Section 34, *Ontario Water Resources Act*
Ministry of the Environment
133 Dalton Avenue, Box 820
KINGSTON, Ontario
K7L 4X6

Dated at Kingston this 1st day of March, 2002.



Director
Section 34, Ontario Water Resources Act
Ministry of the Environment.