

February 27th, 2006

Mr. Abdul Quyum, M.Sc., P. Ego.
Hydrogeologist
Ministry of the Environment
West Central Region
119 King Street West, 12th Floor
Hamilton, Ontario
L8P 4Y7

Phone: (905) 521-7817
Fax: (905) 521-7786
Email: abdul.quyum@ene.gov.on.ca

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Re: Ministry Reference Number: 3600-6JNT4M
Flamborough Springs Permit to Take Water Application 160 Concession 11 East
EBR IA05E1857

Additional Comments from FORCE

Further to our letter of January 15th, 2006, which forms part of the official record for this application, we wish to offer the following additional comments on this matter. We have attached a copy of our earlier letter here for your convenience.

Protection for Groundwater must include all Known and Potential Threats

The impact on groundwater can be both widespread and cumulative. We continue to request that consideration of this application include the potential impact from the proposed Limestone Quarry by Lowndes Holdings Corp. We request that you co-ordinate your evaluation with Ms. Barbara Ryter an Environmental Assessment and Planning Officer in the Hamilton MOE office who has commented on the proposed quarry application through MMAH File No. 25-DP-0190-04010. In her written comments Ms. Ryter raises a number of concern areas that would need to be addressed before any conclusions can be drawn. We suggest that any decision to increase the Water Taking Permits in this area without a final determination of the potential impact from all known or proposed groundwater threats would be premature.

Rational for Increased Volume

As mentioned in our earlier correspondence and reinforced through both our direct conversations with the applicant and comments attributed to the applicant in the Flamborough Review February 24th edition, *"Flood of issues surrounds water-taking"*

permit application", there is no current need by Flamorough Springs to raise its existing maximum water taking volume by such a significant amount. In fact the January 18th letter to Flamorough Springs from Paul Odom – West Central Region Supervisor of Water Resources - indicates just how little water was actually taken in 2005. During conversations, the applicant continues to indicate that the requested increase in volume is to "give them the flexibility" to grow their business.

We feel that this request to reserve water volume for future business growth is in direct conflict with the Permit to Take Water regulations. According to publication PIBS 5046e – Guide To Permit to Take Water Application Form:

"The Permit to Take Water program is not intended for water reservation. There has to be a reasonable prospect that the water will be used in the near future. You cannot reserve water for future use."

Conclusion

FORCE continues to request that a full and thorough evaluation of this application be completed with consideration of all of the relevant factors. Impacts on groundwater are known to be both cumulative and far reaching. While the City of Hamilton, through consultants, has completed Groundwater Characterization Studies for Freelon and Carlisle, no action plans have been completed, to date. Source water protection plans, as contemplated by your Ministry's new *Clean Water Act*, are barely at the preliminary planning stages with the area conservation authorities. Adequate supplies of quality groundwater are essential to all forms of life. It is critical, therefore, that groundwater is afforded the highest level of protection possible, through the most thorough evaluation of all the risks and relevant factors that can be done when Permit to Take Water applications are preceding this other evaluative work .

Yours sincerely,



Graham Flint, B.A.Sc., P.Eng.
FORCE Chair & Spokesperson

cc:

The Honourable Laurel C. Broten - Minister of the Environment
Mr. Paavoo Kivisto – Deputy Minister of the Environment
Mr. Carl Slater - Manager, Technical Support MOE West Central Region
Mr. Paul Odom - Supervisor, Water Resources MOE West Central Region
Ms. Nicola Crawhall – Special Assistant to the Minister, Water Policy