

PERMIT TO TAKE WATER

Pumping Test NUMBER 8461-7CFLG5

Reference Number 4455-6U9MKG

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

St Marys Cement Inc. (Canada)

55 Industrial St.

Toronto, Ontario M4G 3W9

For the water Bedrock well TW14

taking from:

Located at:

Lot 3, Concession 11, East Flamborough

Hamilton

For the purposes of this Permit, and the terms and conditions specified below, the following definitions apply:

DEFINITIONS

- "Director" means any person appointed in writing as a Director pursuant to (a) section 5 of the OWRA for the purposes of section 34, OWRA.
- "Provincial Officer" means any person designated in writing by the Minister as a (b) Provincial Officer pursuant to section 5 of the OWRA.
- "Ministry" means Ontario Ministry of the Environment. (c)
- "District Office" means the Hamilton District Office. (d)
- "Permit" means this Permit to Take Water No. 8461-7CFLG5 including its (e) Schedules, if any, issued in accordance with Section 34 of the OWRA.
- "Permit Holder" means St Marys Cement Inc. (Canada). (f)
- "OWRA" means the Ontario Water Resources Act, R.S.O. 1990, c. O. 40, as (g) 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 28, 2006 and signed by Gunther H. Funk, P. Geo., 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.

2. General Conditions and Interpretation

Inspections

2.1 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.

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Other Approvals

- 2.2 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 OWRA, and the *Environmental Protection Act*, and any regulations made there-under; 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.

Information

- 2.3 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.

Rights of Action

2.4 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.

Severability

2.5 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.

Conflicts

2.6 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.

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3. Water Takings Authorized by This Permit

3.1 Expiry

This Permit expires on June 30, 2009. 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

	Categor y:	Minute (litres):	Taken per Day:	(litres):	Days Taken:	Northing:
Pumping Test	Misc	3125	24	-4,500,000	24	17 580712
1			Total	4,500,000		4809468
	1	Rumping Misc	Pumping Misc 3125	Pumping Misc 3125 24 Test	Pumping Misc 3125 24 44,500,000	Pumping Test Misc 3125 24 4,500,000 24 Total 4,500,000

Pumping Test Phased

- 3.3 Notwithstanding Table A, the Permit Holder shall take water in the following manner: the authorization of this Permit shall be for three (3) independent pumping tests. Each test shall be for an expected period of 6 days. The Director may extend each test period up to 8 days maximum upon request of the Permit Holder. Approval is given at this time for the first 6-8 day test. Prior to conducting both the second and third pumping tests, the Permit Holder shall seek and obtain written approval of the Director prior to initiating each of those tests. Approval shall be based on the results of the previous pumping test being acceptable to the Director; therefore, a report detailing those results shall be submitted with that request to proceed with the subsequent test. Contents of the report are set out in condition 4.22.
- Reports for the individual phases of the pumping tests shall be provided to the City of Hamilton Combined Aggregate Review Team (CART), the City of Hamilton Public Health Services Department, Conservation Halton, the Hamilton/Halton Source Protection Committee, and the Regional Municipality of Halton.

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Additional Water Taking Restrictions

3.5 Notwithstanding the Table A daily amount, the Permit Holder is not to exceed the following amounts for each individual test:

Pumping Test	Maximum taking from TW14
Test 1 Test 2	3,000,000 L/ day 4,500,000 L/ day
Test 3	4,500,000 L /day

Oversight of Groundwater Recirculation System Construction

The construction of the groundwater recirculation system (GRS) shall be conducted under the supervision of a licensed professional with experience in geotechnical excavation or well construction and who shall also be responsible for the design of the GRS. If, in the opinion of the licensed professional, the construction may impact the properties of adjacent land owners, then the Permit Holder shall cease operation until an acceptable method to remediate impacts and prevent such occurrences is found and instituted. As part of the design of the GRS, the Permit Holder shall prepare and submit to the Ministry a spill management, security and contingency plan for the GRS during the period between construction and decommissioning. This plan shall be approved by the Director prior to commissioning of the GRS.

Groundwater Recirculation System Decommissioning

3.7 Within 30 days of completion of the final stage of the water taking, the Permit Holder shall submit to the Director a plan for decommissioning the groundwater recirculation system (GRS). Upon approval from the Director, the GRS shall be decommissioned in such a manner that it does not act as a vertical conduit for contaminant migration and shall be conducted under the supervision of the same licensed professional involved in the GRS construction.

4. Monitoring

4.1 Notification to Well Owners

The Permit Holder shall make reasonable effort to identify all wells within the area of the anticipated potential cone of influence, or within 1000 metres of the test site, whichever is greater. At least 7 days prior to beginning the pumping test, the Permit Holder shall provide written notification to the owners of the wells identified above. The notification shall include the expected date, time and duration of the pumping test, and both a complaint protocol, should interference with normal use occur, and a contact telephone number that may be used to report

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any interferences with normal use of water supplies. Copies of the complaint protocol shall also be provided to the Ministry, the City of Hamilton, Hamilton Public Health Services Department and the Regional Municipality of Halton at the same time it is presented to local residents.

Independent Testing Oversight and Reporting

4.2 The Permit Holder shall retain the services of one or more independent third party consulting firms, or groups of consultants, to act in an oversight role for the water taking activities on a 24-hour basis for the duration of each water taking period. The third party consulting firm, or group, must include at minimum one P.Geo or P.Eng with expertise in physical hydrogeology, one qualified hydrologist, and several environmental technicians specializing in groundwater and surface water field work. A biologist qualified in wetland ecology is recommended. The third party consultant shall provide expert advice at the daily technical meeting required under condition 4.11 and produce an independent report on pumping test activities to CART, the City of Hamilton Public Health Services Department, Conservation Halton, the Regional Municipality of Halton, and the Hamilton/ Halton Source Protection Committee within 60 days of the completion of the final pumping test.

Groundwater Monitoring

Door to Door Survey of Residential Wells

- 4.3 Prior to taking water under the authorization of this permit, the Permit Holder shall complete the door to door groundwater use survey and public notification process outlined in Section 3.2.5 of the March 2008 Hydrogeological Work Plan.
- 4.4 At least 15 days prior to commencing the first pumping test, the Permit Holder shall submit a letter report to the Director, discussing the results of the door to door survey as they relate to the suitability of the target levels for protecting private water supply wells in the vicinity of the site. The letter report shall also be submitted to the Regional Municipality of Halton. The letter report shall include but not be limited to the following:
 - 1. A figure including location of on-site monitoring wells, approximate location of off-site private wells included in the door to door survey, the private wells selected for continuous monitoring and the 5-day modeled drawdown contours used to establish target levels at on-site monitoring wells.
 - -2. A tabulation of the private wells indicating estimated available drawdown and identifying which private wells are to be included in the monitoring program and indicating for each private well, which on-site monitored well acts as surrogate.

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- 3. For each private well included in the off property monitoring program, report on available information (e.g. well record, field assessment, owner survey, etc.) to establish, to the extent possible, normal use performance which can be used to investigate and validate interference with normal use complaints and form the basis for deciding to substantially reduce or cease pumping during any phase of the testing.
- 4. A discussion of the suitability of the target levels at on-site monitoring wells for protecting the local water supply wells identified in the door to door survey.
- 5. Recommendations for changes to targets of on-site monitoring wells, if appropriate.

The pumping test shall not proceed until the letter report and monitoring surrogates and the final on-site monitoring well target levels are acceptable to the Director.

Production Well and GRS Monitoring

- 4.5 The Permit Holder shall monitor the water taking using a flow meter installed at the production well. In addition, the dates, times, duration and pumping rates shall be recorded. The flow meter shall have been calibrated within the 12-month period prior to the first pumping test and the calibration records shall be kept on site and shall be made available to the Ministry upon request.
- 4.6 The Permit Holder shall monitor the amount of water discharged to the GRS using a totalizing flow meter. For the third phase of the test, the rate of recharge in the open boreholes of the GRS shall be recorded using a flow rate meter.

Observation Well Monitoring

4.7 One week prior to and continuing until one week after water taking ceases, the Permit Holder shall collect water level data, either continuously at measurement intervals no greater than 15 minutes with data downloaded once daily, or manually with measurements taken twice daily (minimum), from the on-site monitoring wells identified in the table titled "Monitoring Well Instrumentation and Proposed Target Water Levels in Selected Wells; CBM Mountsberg Quarry."

Private Well Monitoring

4.8 The Permit Holder shall offer and, upon concurrence of the well owner, attempt to take water level measurements at all private wells within 1000 meters of the pumping wells. Daily collection of continuously monitored private well water level data shall be completed where possible.

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- 4.9 All private wells included in the monitoring program shall be sampled for water quality prior to and after the water taking for the parameters listed in Table 4 of the report "Hydrogeological Work Plan St. Mary's Flamborough Quarry Site" compiled March 2008 by Gartner Lee Ltd. An additional sample, for bacteriological analysis only, shall also be taken following installation of water level monitoring equipment at all private wells included in the monitoring program.
- 4.10 The Permit Holder will, upon request from Stonebrook Estates and Wentworth Standard Condominium Corporation, carry out observation well monitoring, supply water and install a turbidity meter.

Daily Data Review, Reporting and Decision Meeting

- 4.11 The Permit Holder shall compile and review monitored private well and on-site monitoring well water level data on a daily basis during the water taking period. This data shall be plotted on histographs for quick comparison of modeled target drawdown levels with actual drawdown levels seen at target monitoring wells. In addition, water level monitoring under conditions 4.7 and 4.8 shall be tabulated. Following this compilation, plotting and tabulation, the Permit Holder shall convene a daily meeting between the Permit Holder's Qualified Persons, the independent consultants and the Ministry to evaluate the monitoring results.
- 4.12 The Permit Holder shall make daily data from on-site monitoring wells publicly available through a method suitable to the Director.
- 4.13 The Permit Holder shall make daily data from private wells available to the private well owner upon request of that private well owner.
- 4.14 The Permit Holder shall sample monitoring wells for groundwater quality in accordance with Table 5 of the report "Hydrogeological Work Plan St. Mary's Flamborough Quarry Site" compiled March 2008 by Gartner Lee Ltd.
- 4.15 The Permit Holder shall sample monitoring wells MWB21, MWB7, MWB10, MWO14 and MWO10 for PCBs prior to the startup of each phase of the testing, and at the end of each phase of the testing.
- 4.16 The Permit Holder shall sample monitoring wells MWB10, MWB21 and MWO14 for Copper prior to the startup of each phase of the testing and at the end of each phase of the testing.
- 4.17 The Permit Holder shall sample the discharge water once per day during each test for the parameters outlined in Table 4 of report "Hydrogeological Work Plan St. Mary's Flamborough Quarry Site" compiled March 2008 by Gartner Lee Ltd. In addition to the parameters outlined in Table 4, the Permit Holder shall sample the

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discharge water daily for a full suite of volatile organic compounds as per US Environmental Protection Agency protocol 846, for Copper and for PCBs. During the second and third pumping tests, the sample of the discharge water shall be taken at a point prior to discharge to the trench.

Surface Water Monitoring

- 4.18 The Permit Holder shall monitor water levels in Mountsberg Creek on a continuous basis (15 minute intervals) at the following established surface water monitoring stations (GLL Report): SWT3, SW-MC, SW-MC2, SW-MC3, SWM2, SWTD and SWMC4 for the duration of the pumping test(s). The three on-site ponds (Pond 1, Pond 2, and Pond 3) and prominent seeps (Seep S3, Seep S3a, and Seep S5a) shall also be monitored on a continuous basis (15 minute intervals). The continuous monitoring of surface water levels at these 13 locations shall be initiated one week prior to each pumping test and continue for one week after each pumping test has been completed. Flow measurement (hydrometry) shall be completed at each of these stations under a range of flow/water level conditions to ensure that accurate and representative flow curves are developed. A qualified hydrologist shall evaluate the hydrometric data from these surface water stations and determine the effect of the pumping test(s) on:
 - the flows in Tributary A and Mountsberg Creek;
 - the water levels in the nearby ponds;
 - areas of surface water/groundwater interaction; and
 - the water levels in the wetland.

A summary of these data shall be included in each report due under condition 4.22.

The Permit Holder shall ensure that the discharge from the pumping test(s) does 4.19 not result in unacceptable impacts on the water quality in Mountsberg Creek. During the pumping test(s), the water quality at SWT3, SWMC and SWMC3 shall be monitored daily in the field for pH, water temperature, dissolved oxygen, conductivity and turbidity. The Permit Holder shall collect water samples from these locations prior to initiating pumping, on day 2 and day 6 of the first pumping test and submit them for analysis of general chemistry and metals. If the in-situ indicator parameters at the surface water stations downstream of the discharge differ significantly from that measured upstream in Mountsberg Creek, and the pumping test discharge is determined to be the cause of the variation, the Permit Holder shall also collect a water sample from each of these stations and submit them for volatile organic compounds at a CAEAL accredited facility. All water quality monitoring shall be summarized and the impact assessed by aqualified hydrologist, or other discipline related to surface water science as part of the reporting under condition 4.22.

- 4.20 The Permit Holder shall monitor the channel stability and potential for sediment movement in Mountsberg Creek from Tributary A to SWMC3. Rapid Geomorphic Assessment techniques shall be used to calculate the potential for sediment entrainment prior to and during the pumping test(s) to evaluate the role the pumping test discharge has on sedimentation dynamics in the creek. A qualified hydrologist shall undertake this work prior to initiating the first pumping test, as well as twice during each pumping test(s), and these results shall be incorporated into each report due under condition 4.22.
- 4.21 The Permit Holder shall examine the general conditions in the wetland that will receive the discharge from the pump test, both prior to and following each pump test conducted under this Permit. This field investigation shall consider the following: uprooting, siltation, displacement or any other evidence of stress to wetland vegetation; extent of inundation; and, evidence of scour in the vicinity of the discharge. Where possible, if impacts are noted, mitigative or corrective measures shall be taken as soon as possible to correct the damage. The wetland information shall be collected and evaluated by a biologist qualified in wetland ecology, and the final report shall include a photographic record of the conditions pre/post each pumping test.

Reporting

- 4.22 Within 30 days of the completion of each phase of the testing program, the Permit Holder shall submit to the Director a report, with the geoscientific portions prepared by a hydrogeological consultant, qualified under the Ontario PGA or PEA and the surface water portions prepared by a qualified hydrologist, or appropriate discipline related to surface water science, which includes but is not limited to:
 - a) Histographs showing water level changes with time at all target wells.
 - b) Histographs showing water level changes with time for all private wells monitored as part of the water taking.
 - c) A figure, or set of figures, showing contoured water level elevation data which indicates the interpreted area of impact of pumping for each day the test was running.
 - d) Detailed documentation of all interference complaints and how they were resolved.
 - e) Interpretation of findings of the groundwater monitoring program.
 - f) Hydrographs for each of the surface water data-logger stations identified in condition 4.18.
 - g) Interpretation of the surface water monitoring program.
 - h)— Identification and interpretation of any erosion or sedimentation identified under conditions 4.20 and 4.21.
 - i) Compilation and analysis of water quality data collected from the test wells, the on-site wells, the off-site wells and the surface water sampling points.

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5. Impacts of the Water Taking

Notification

5.1 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.

Restoration of Water Supply

Where 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 doing so.

Restoration of Damage to Wells or Equipment

5.3 If the water taking is observed to cause damage to water well equipment in private, communal or municipal wells then the Permit Holder shall take such action necessary to repair or replace the damaged equipment with that of equivalent quality, or compensate such persons for their reasonable cost of repair or replacement of the damaged equipment.

Complaint Response

- The Permit Holder shall respond to complaints in accordance with the Complaint Response Protocol outlined in the report "Hydrogeological Work Plan St. Mary's Flamborough Quarry Site" dated March 2008 by Gartner Lee Ltd. and a copy of the protocol shall be provided to: all private well owners identified in condition 4.4, the City of Hamilton, the local municipal councilor 's constituency office, the Hamilton Public Health Services Department, the Regional Municipality of Halton and the Director prior to the first pumping test.
- 5.5 If monitoring data in a private off-site well established in condition 4.4 indicates anomalies or a professional judgment of the potential for the loss of normal use, the circumstances shall be immediately investigated and a decision made as to whether the pumping should proceed or be substantially reduced or ceased until such time as the private well recovers.

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- If, at any time through the water taking period, an interference complaint concerning the loss of normal use of domestic or livestock water supply cannot be deemed invalid, then, as a precautionary principle, the pumping rate shall be decreased to such a rate that allows that private water supply to be restored and the following enhanced groundwater monitoring shall be immediately implemented at the surrogate wells outlined in the table titled "Monitoring Well Instrumentation and Proposed Target Water Levels in Selected Wells; CBM Mountsberg Quarry":
 - a) Manual water level measurements shall be taken every 4 hours.
 - b) Continuous monitoring data shall be downloaded twice daily.
 - c) Water level data shall be reviewed twice daily.

Actions for Groundwater

- 5.7 If target drawdown levels, as outlined in the table titled "Monitoring Well Instrumentation and Proposed Target Water Levels in Selected Wells; CBM Mountsberg Quarry", are reached then the Permit Holder shall implement the following enhanced groundwater monitoring in the first 24-hour period following the time of data download and review where a target drawdown has been reached or exceeded, or immediately if a manual reading indicates that a target drawdown has been reached or exceeded:
 - 1) Manual water level measurements shall be taken every 4 hours.
 - 2) Continuous monitoring data shall be downloaded twice daily.
 - 3) Water level data shall be reviewed twice daily.

If stable conditions occur within the 24-hour enhanced monitoring period, and no valid interference complaints have been received in that period, then monitoring may continue as it was prior to the target being reached.

If drawdown continues to increase through the 24-hour enhanced monitoring period, and no valid interference complaints have been received during that time, then the pumping rate shall be decreased to such a rate that a steady state condition is reached. Enhanced monitoring shall continue until a steady state condition is reached and drawdown stabilizes.

Actions for Surface Water

5.8 The Permit Holder shall regulate the discharge at such a rate as to ensure that the discharge from the pumping test(s) does not result in flooding downstream areas adjacent Mountsberg Creek as monitored in condition 4.18. The Permit Holder shall not commence discharge of the pumping test water unless water levels at SW-MC are below 283.3 metres above sea level. After the pumping test

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commences, if the water levels indicate that flooding of downstream areas may be imminent, which shall be interpreted as the water level at SW-MC reaching or exceeding a level of 284.0 metres above sea level, representing bankfull flows at that location, the discharge from the pumping test shall be immediately terminated.

- 5.9 The Permit Holder shall ensure that the discharge of water from the pumping test is controlled in such a way as to avoid erosion and sedimentation in the receiving stream and there be no discharge of turbid water to the stream or flows which physically alter the stream channel or banks. The Permit Holder shall install, inspect (on a daily basis during each pumping test) and maintain adequately sized filtration and/or energy dissipation devices.
- 5.10 The Permit Holder shall obtain any required permits from Conservation Halton with respect to the discharge of water from the pumping test to the receiving stream or the adjacent wetlands prior to taking of water under the authorization of this permit.

6. Director May Amend Permit

The Director may amend this Permit verbally or by letter requiring the Permit Holder to suspend or reduce the taking to an amount or threshold specified by the Director verbally or 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.

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In accordance with Section 100 of the <u>Ontario Water Resources Act</u>, 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 <u>Ontario Water Resources Act</u>, 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

The Director, Section 34
Ministry of the Environment
119 King St. W., 12th Floor
Hamilton, ON
L8P 4Y7

Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal:

by phone at (416) 314-4600 / by fax at (416) 314-4506 / by e-mail at www.ert.gov.on.ca

DATED AT HAMILTON THIS 8TH DAY OF JULY, 2008.

Director, Section 34

Ontario Water Resources Act, R.S.O. 1990

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