

PERMIT TO TAKE WATER
Surface and Ground Water
NUMBER 2746-BDCL67

Pursuant to Section 34.1 of the Ontario Water Resources Act, R.S.O. 1990 this Permit To Take Water is hereby issued to:

Enbridge Gas Inc.
500 Consumers Rd
Toronto, Ontario, M2J 1P8
Canada

For the water taking from: Dewatering system at DMZ1, DMZ2, DMZ3, DMZ4 and DMZ5

Located at: Fenelon Falls Natural Gas Pipeline
Brock, Regional Municipality of Durham

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, Conservation and Parks.
- (d) "District Office" means the York-Durham District Office.
- (e) "Permit" means this Permit to Take Water No. 2746-BDCL67 including its Schedules, if any, issued in accordance with Section 34.1 of the OWRA.
- (f) "Permit Holder" means Enbridge Gas Inc..
- (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 May 3, 2019 and signed by Michelle George, 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.

2.3 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 **December 31, 2020**. 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	Dewatering system at DMZ1	Pond Dugout	Construction	Dewatering Construction	1,000	24	450,000	365	17 654653 4902998
2	Dewatering system at DMZ2	Pond Dugout	Construction	Dewatering Construction	1,000	24	100,000	365	17 655553 4903307
3	Dewatering system at DMZ3	Pond Dugout	Construction	Dewatering Construction	1,000	24	450,000	365	17 656737 4903710
4	Dewatering system at DMZ4	Pond Dugout	Construction	Dewatering Construction	1,000	24	100,000	365	17 659829 4904753
5	Dewatering system at DMZ5	Pond Dugout	Construction	Dewatering Construction	1,000	24	450,000	365	17 661350 4905253
						Total Taking:			

4. Monitoring

- 4.1 Under section 9 of O. Reg. 387/04, and as authorized by subsection 34(6) of the *Ontario Water Resources Act*, 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 by manual measurements in the field based on the pump type, size and duration of pumping. 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 of every year, the daily water taking data collected and recorded for the previous year to the Ministry's Water Taking Reporting System.
- 4.2 The Permit Holder shall implement the proposed monitoring and mitigation measures and contingency plan as described in **Sections 4.0, 5.2, 6.0 and 6.1** of **Item 2** of **Schedule A** of this Permit. The Permit Holder shall keep **Item 2** of **Schedule A** and all monitoring records available for inspection and review upon request by a Ministry representative.
- 4.3 The Permit Holder shall acquire the service of a Qualified Person (PGO or equivalent) to weekly assess the monitoring results, identified in Condition 4.2 of this Permit, to ensure

the collected information is utilized in an effective manner. The Qualified Person must also verify the efficiency of the treatment facilities and recommend whether any modifications are needed. The Permit Holder shall immediately implement any modifications to the treatment facilities and report the modifications to the District Office.

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.

For Groundwater Takings

If 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 so doing, or shall reduce the rate and amount of taking to prevent 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 doing so.

If permanent interference is caused by the water taking, the Permit Holder shall restore the water supplies of those permanently affected.

5.3 The Permit Holder shall ensure that no groundwater be discharged directly to the local surface water features. When there is discharge of pumped groundwater to the natural environment or roadside ditches, it shall initially be discharged into a geotextile filter bag or a sediment removal basin or a settling tank, located a minimum of **30 metres** from any stream or wetland. After the treatment, water shall be discharged to a well vegetated area, a minimum of **30 metres** from any water body, to promote infiltration wherever possible.

5.4 The Permit Holder shall implement and maintain the necessary treatment mechanism(s) to remove particulate matter prior to discharge and ensure that the discharge water after the

treatment does not contain Total Suspended Solids (TSS) in excess of 25 mg/L. To ensure compliance with this condition, the Permit Holder shall measure and record turbidity in the discharge water in the field at a minimum frequency of once per day during days there is a water taking and discharge. A turbidity reading of 10 NTUs or less is considered in compliance with the requirement to keep TSS below 25 mg/L. Alternatively, the Permit Holder can establish the TSS - turbidity relationship by collecting five to seven water samples during the first week of dewatering and analysing them for both TSS and turbidity.

- 5.5 The Permit Holder shall regulate the rate of discharge such that there is no scouring or erosion of the receiving area and that there is no flooding in the receiving area, downstream water bodies or ditches caused or worsened by this discharge. If necessary, the Permit Holder shall employ flow control measures to distribute the flow to reduce velocity and eliminate erosion and turbidity during discharge periods.

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, the Environmental Review Tribunal and the Minister of the Environment, Conservation and Parks, within 15 days after receipt of this Notice, require a hearing by the Tribunal. The Minister of the Environment, Conservation and Parks will place notice of your appeal on the Environmental Registry. Section 101 of the Ontario Water Resources Act, as amended provides that the Notice requiring a 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:

- a. The name of the appellant;
- b. The address of the appellant;
- c. The Permit to Take Water number;
- d. The date of the Permit to Take Water;
- e. The name of the Director;
- f. 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
Email:
ERTTribunalsecretary@ontario.ca*

AND

*The Minister of the Environment,
Conservation and Parks
777 Bay Street, 5th Floor
Toronto, Ontario
M7J 2J3*

AND

*The Director, Section 34.1,
Ministry of the Environment,
Conservation and Parks
8th Floor
5775 Yonge St
Toronto ON M2M 4J1
Fax: (416) 325-6347*

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 instrument is subject to Section 38 of the **Environmental Bill of Rights** that allows residents of Ontario to seek leave to appeal the decision on this instrument. Residents of Ontario may seek to appeal for 15 days from the date this decision is placed on the Environmental Registry. By accessing the Environmental Registry, you can determine when the leave to appeal period ends.*

Dated at Toronto this 26th day of July, 2019.

A handwritten signature in cursive script, reading "Sonya Kleywegt".

Sonya Kleywegt
Director, Section 34.1
Ontario Water Resources Act , R.S.O. 1990

Schedule A

This Schedule "A" forms part of Permit To Take Water 2746-BDCL67, dated July 26, 2019.

1. Category 3 Application for Permit to Take Water dated May 03, 2019 and signed by Michelle George.
2. Report entitled: "Hydrogeologic Assessment reportt, Category 3 Permit to Take Water, Enbridge Gas Inc., Proposed Natural Gas Pipeline to Serve the Community of Fenelon Falls - Sunderland Segment". Final Report. April 23, 2019. File: 160950871. Prepared for: Enbridge Gas Inc. Prepared by: Stantec Consulting Ltd.
3. Stantec Geotechnical letter "Reference: Fenelon Falls Gas Pipeline - Sunderland Segment, Geotechnical comment in support of PTTW application (Ref # 8358-BBXQ5V)" dated July 23, 2019 signed by Khash Refahi and Shahram Siavash of Stantec Consulting Ltd.
4. Stantec response letter "Reference: Fenelon Falls Natural Gas Pipeline - Sunderland Segment, PTTW application (Ref # 8358-BBXQ5V)" dated July 10, 2019 signed by Lesley Veale of Stantec.