

PERMIT TO TAKE WATER
Ground Water
NUMBER 3133-C5BUH9

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

[REDACTED]

For the water taking from: One Drilled Well (TW3-80)

Located at: 101 Brock Rd S
Puslinch, County of Wellington

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 Guelph District Office.
- (e) "Permit" means this Permit to Take Water No. 3133-C5BUH9 including its Schedules, if any, issued in accordance with Section 34.1 of the OWRA.
- (f) "Permit Holder" means Triton Water Canada Holdings, 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 April 1, 2016 and signed by Andreanne Simard, 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 **November 15, 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:
1	TW3-80	Well Drilled	Bottled Water	Commercial	2,500	24	3,600,000	365	17 569053 4812797
						Total Taking:	3,600,000		

3.3 It is the responsibility of the Permit Holder to keep advised of any Low Water Advisory within the jurisdiction of the Grand River Conservation Authority. For the purpose of this condition, Low Water Advisory means a Level 1, Level 2, or Level 3 low water condition as defined by the Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDMNR) in their Low Water Response Program, as may be amended from time to time by the MNDMNR.

When a Low Water Advisory exists within the Grand River Conservation Authority watershed, the Permit Holder shall undertake measures outlined in the Low Water Response Plan, as described in **Item 6 of Schedule A**.

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 calculated in accordance with the method described in the application for this Permit, or as otherwise accepted by the Director. 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 records required by this condition to the ministry's Water Taking Reporting System.

4.2 The Permit Holder shall establish the following groundwater monitoring program for the duration of the Permit:

Bedrock Wells

(i) Continuous monitoring of groundwater levels in the following bedrock and overburden monitoring wells:

Upper Bedrock

- MW2C-07
- MW4B-07

- MW-D
- PCC-D
- MW6B-08
- MW7B-08
- MW8B-08
- MW10B-09
- MW14B-11
- MW14C-11
- MW15B-12
- MW16B-12
- MW17B-12
- MW18B-12
- MW19-18-7
- MW20-19-7
- MW21-18-4
- Private well "Y" MOE WWR #67-09669 (continuous monitoring is subject to owner's concurrence)
- MW-I

Lower bedrock

- TW3-80 (67-07290)
- TW2-11
- MW2A-07
- MW2B-07
- MW4A-07
- MW6A-07
- MW7A-08
- MW8A-08
- MW10C-09
- MW-10D-09
- MW14A-11
- MW15A-12
- MW16A-12
- MW17A-12
- MW18A-12
- MW19-18-4
- MW20-19-5
- MW21-18-3
- PW5 (continuous monitoring is subject to owner's concurrence)

Overburden Wells

- TW1-93
- MW-S
- PCC-S
- PCC-I

- MW2D-07
- MW2E-07
- MW4C-07
- MW10A-09

4.3 The Permit Holder shall establish the following surface water monitoring program for the duration of the Permit:

Surface Water Levels

(i) Continuous monitoring of water levels at the following locations:

- SW1
- SW2

(ii) Monthly monitoring of water levels at the following locations:

- SW3
- SW4
- SW5

Stream Flow

(iii) Monthly monitoring of flow, encompassing a range of flow conditions, and the development of a stage-discharge curve at the following surface water locations:

- SW1
- SW2

Multi-level Piezometers

(iv) Continuous monitoring of multi-level piezometers at the following locations:

- MP16S/D-08
- MP6S-08/D -04
- MP12S/D-04
- MP14S/D-07
- MP8S/D-04
- MP1-16S/D
- MP17S/D-11
- MP18S/D-11

Temperature

(v) Continuous monitoring of temperature at the sediment-water interface at the following locations:

- ST6-08
- ST1-05/AT-01
- ST2-05
- ST3-05
- ST4-05
- ST5-05

- 4.4 The Permit Holder shall undertake wetland monitoring and redd surveys as recommended in "2010 Biological Monitoring Program Final Report" by C. Portt and Associates dated January 28, 2011. Results from the wetland and redd surveys shall be submitted to the Director as a part of the annual monitoring report required under Condition 4.7.
- 4.5 Continuous monitoring shall be datalogged at 60 minute intervals and downloaded quarterly, however, the daily minimum water levels can be used to evaluate the water level variation with respect to pumping to improve the data handling and presentation.

Where monthly monitoring data is datalogged, this data shall also be downloaded on a quarterly basis.

- 4.6 The Permit Holder shall identify to the Director in writing, within 15 days of any monthly monitoring event, any monitoring locations identified in Conditions 4.2 and 4.3 which become permanently inaccessible and/or abandoned along with a recommendation for replacement monitoring locations. This shall exclude wells that become temporarily inaccessible, i.e., due to frozen conditions. Upon approval of the Director the monitoring program shall be appropriately modified.
- 4.7 The Permit Holder shall submit to the Director, an annual monitoring report which present and interprets the monitoring data to be collected under the Terms and Conditions of this Permit. This report shall be prepared, signed and stamped by a licensed professional geoscientist or a licensed professional engineer specializing in hydrogeology who shall take responsibility for its accuracy. Surface water impact assessment shall be conducted by a qualified surface water scientist who shall co-sign the report as responsibility for the accuracy of the surface water portion. The report shall be submitted to the Director by March 31 of each calendar year and include monitoring data for the 12 month period ending December 31 of the previous year.
- 4.8 The Permit Holder shall submit to the Director as part of the annual monitoring report, details of the bottling operations involved with water taking under this Permit to Take Water to indicate compliance with OWRA Section 34.3. These details shall include:
- Location and name of the facilities to which water is delivered in bulk containers greater than 20 L from this source,
 - If the bulk water is containerized at the receiving location,
 - The size of container(s) into which the water is transferred at the receiving location, and
 - Total volume of the water transported in bulk in each calendar year to each remote facility.
- 4.9.1 Prior to December 31, 2021, the Permit Holder shall establish a publicly accessible internet Website, with no user, access or registration fees, and shall maintain the website for the duration of this permit. Following the establishment of the Website, the Permit Holder shall notify the Director in writing, of the Website URL address.
- 4.9.2 By December 31, 2021, the Permit Holder shall upload and make available for download the following information:

- all technical documentation submitted to support the Permit To Take Water application, items listed in Schedule A of this Permit;
- a plain language executive summary of the water taking activity; and,
- the well interference protocol.

4.9.3 By March 31 of each calendar year (until March 31, 2027) the Permit Holder shall upload and make available for download the following information to the Website:

- the monitoring report required by Condition 4.7 for the 12-month period ending December 31 of the previous year.
- The daily water taking records collected as required by Condition 4.1, uploaded in a suitable electronic format (e.g. Microsoft Excel) for the 12-month period ending December 31 of the previous year.

4.10 By September 30 of each calendar year (until September 30, 2027), the Permit Holder shall host an annual stakeholder meeting. The meeting will provide an opportunity for the Permit Holder to inform stakeholders of the Permit and the results of the annual monitoring report (for the 12-month period ending December 31 of the previous year), to receive submissions from stakeholders and the public, and to answer questions concerning the water taking.

The Permit Holder shall also directly notify the following stakeholders:

- The Director
- The City of Guelph
- The Grand River Conservation Authority
- Credit Valley Conservation Authority
- The Township of Puslinch
- The Six Nations of the Grand River
- The Mississaugas of the New Credit First Nation
- The Haudenosaunee Confederacy Chiefs Council (via the Haudenosaunee Development Institute)
- The Wellington Water Watchers
- Council of Canadians

The meeting may be held virtually and/or at suitable accessible and public venue within the County of Wellington.

A copy of the meeting invitations, agenda and minutes shall be submitted to the Director within 30 days of the meeting.

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 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.

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).

6.1 Subsection 4 (4) in the Water Taking and Transfer Regulation (Ontario Regulation 387/04) (“Regulation”) sets out priorities of water use that the Director will take into account as a last resort to avoid or resolve conflict among water users in the event of a shortage of water resources in an area. The four priority of use categories set out in subsection 4 (2) of the regulation, are as follows:

- Priority 1 – Environment, drinking water, and Farm animal production;
- Priority 2 – Agricultural;
- Priority 3 – Industrial and commercial and other (including water bottling); and
- Priority 4 – Aesthetic

In the event of an urgent shortage of water resources in the Puslinch area, the Director may amend this Permit prioritize water takings in Priority categories 1 and 2.

The Director may also require the Permit Holder to investigate and resolve interferences that occur between existing water takings, working with the affected water users to identify potential solutions.

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
Floor 1, 135 St Clair Ave W
Toronto, ON
M4V 1P5*

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.*

This Permit cancels and replaces Permit Number 1381-95ATPY, issued on 2013/12/19.

Dated at Toronto this 15th day of November, 2021.

A handwritten signature in blue ink, appearing to read 'G. Meek', written in a cursive style.

Gregory Meek
Director, Section 34.1
Ontario Water Resources Act , R.S.O. 1990

Schedule A

This Schedule "A" forms part of Permit To Take Water 3133-C5BUH9, dated November 15, 2021.

1. Report titled "Nestle Waters Canada – Aberfoyle, Technical Study for Permit to Take Water Renewal Application", signed by Greg Padusenko, M.Sc., P.Eng., P.Geo. and John Piesol, M.Sc., P.Eng. of Golder Associates Ltd., Christopher J. Neville, M.Sc., P.Eng. of S.S. Papadopoulos & Associates, Inc. and Ken Ursic, M.Sc. of Beacon Environmental, dated June 2019.
2. Report titled "Nestle Waters of Canada Aberfoyle Site, 2020 Annual Monitoring Report", signed by Greg Padusenko, M.Sc. P.Eng., P.Geo, and Kevin MacKenzie, P.Eng. and John Piersol, M.Sc. P.Geo. of Golder Associates Limited, dated March 2021.
3. Memo titled "Nestle Waters Canada Aberfoyle 2016 Annual Monitoring Report", prepared by Sarah Day, Surface Water Specialist, Technical Support Section, West Central Region, Ministry of the Environment and Climate Change, dated September 18, 2017.
4. Report titled "Examination of the Temperature Suitability of Aberfoyle Creek for Resident Fish: 2006 to 2020:", signed by Cam Portt and Jim Reid of C. Portt & Associates, dated February 2021.
5. Report titled "2020 Biological Monitoring Program, Nestle Waters Canada, Aberfoyle Property", signed by Anna Cunningham, B. Sc, and Ken Ursic, M. Sc. of Beacon Environmental Limited, dated February 2021. Project No. 216114.
6. Technical Memorandum "Low Water Response Plan For Aberfoyle TW3-80" prepared by Greg Padusenko and John Piersol of Golder Associates Ltd., dated October 19, 2021, Project No. 20449101 (1000).