

**REGION OF NIAGARA
RAW WATER FOR IRRIGATION STUDY PHASE 2**

TECHNICAL MEMORANDUM

**TASK #4 - REGULATORY REQUIREMENTS AND RELATED
CONSIDERATIONS**

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NIAGARA RAW WATER FOR IRRIGATION STUDY PHASE 2
REGULATORY REQUIREMENTS AND RELATED CONSIDERATIONS

1.0 INTRODUCTION

Regional scale irrigation infrastructure and systems like those being considered in this study represent major undertakings. Because of their nature and scope, project approvals and ongoing operations will be subject to regulatory oversight by a number of government departments and ministries as well as by local agencies. The primary objective of this memorandum is to identify and discuss applicable resource and environmental protection legislation and associated regulatory requirements and to offer suggestions regarding project design that will ensure success in obtaining the required approvals.

Regulatory considerations impact decisions relating to source water selection, determination of design demands, choice of conveyance systems and routing, selection of irrigation technologies, implementation of monitoring techniques for deciding when and how much to irrigate, integration of flow allocations among individual growers and the monitoring and reporting of water usage.

Project proponents across all water use sectors are facing increased government and public pressure to demonstrate that shared water resources are being used wisely and efficiently with proper regard to preventing and mitigating potential adverse impacts to other users and the environment. These concerns continue to grow in response to uncertainty over the long term sustainability of current water resource development practices given the continued growth in the overall water demand and the anticipated impacts of climate change in reducing availability of supply.

Preparation of this memorandum has drawn upon, expanded and updated the regulatory policy analysis undertaken as part of Phase 1 of the feasibility study. It also reflects input received through more recent meetings, correspondence and phone conversations with key stakeholders.

2.0 ENVIRONMENTAL ASSESSMENT

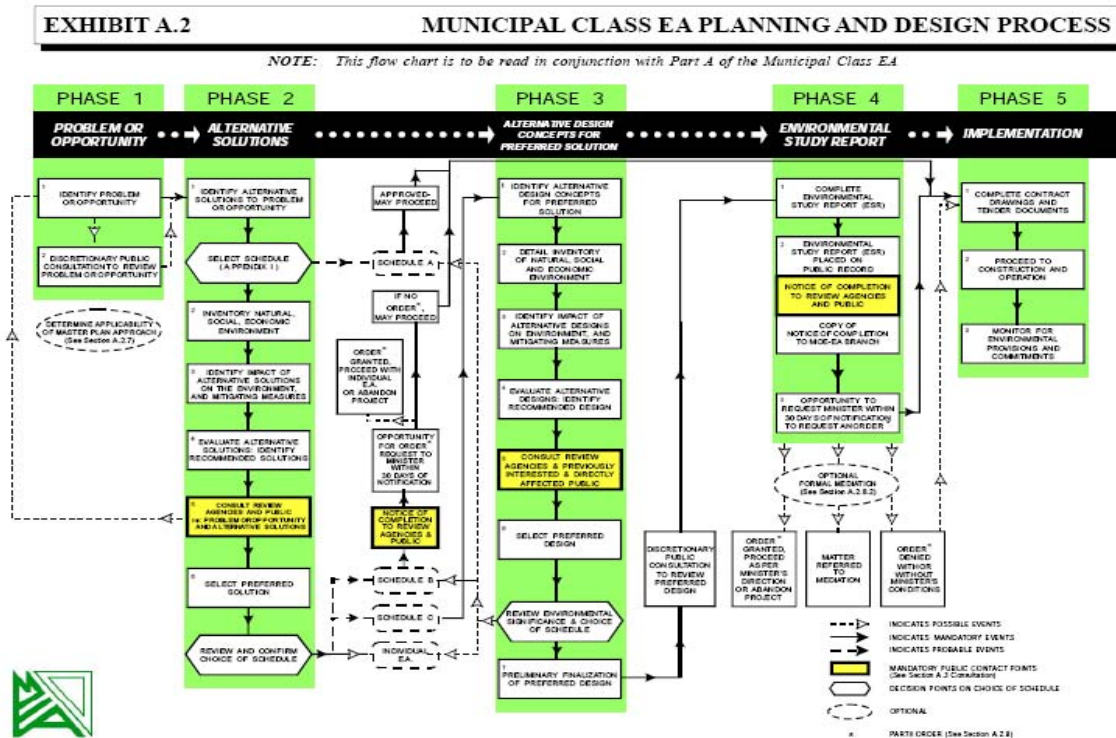
Municipal and other publicly sponsored water resource development projects are commonly subject to provincial and federal environmental assessment requirements. In Ontario, most municipal undertakings follow a Class EA process. Federal EA requirements apply less frequently but are a prerequisite if the proposed project is to receive funding support through a federal department or agency, if use or transfer of federal lands is involved or if a designated federal permit or approval is required.

The decision was made at the outset of the Niagara Raw Water for Irrigation Phase 1 Study to develop the project in accordance with the Municipal EA Master Planning Process as is commonly used for comprehensive water infrastructure initiatives involving production, storage and distribution. An undertaking of the scale being contemplated here would most probably lead to individual Class EAs for each of the four irrigation districts. The Class EAs would most likely be categorized as Schedule 'C' undertakings typical of projects involving the construction of new facilities or major expansions to existing facilities.

The Class EA can ultimately require the proponent to follow a 5-phased process as illustrated in Figure 1. The current master planning activities will permit completion of the 2nd phase of the Class EA process, i.e. selection of the preferred solution. At that point, a Notice of Completion is filed and a decision is made in consultation with MOE and with public input, on whether and how to proceed further toward project design and implementation. Proceeding could involve moving to Phase 3, i.e. alternative design concepts, per the Class EA process or potentially to an individual EA if ordered by the Minister.

Figure 1¹

Municipal Class EA and Master Planning Process (Ontario)



¹ Courtesy Municipal Engineers Association (MEA)

Due consideration and explanation of the purpose and rationale behind the proposed undertaking is an essential component in the EA process. It may be particularly so in this case. The idea for a regionally-based irrigation delivery system arose out of the findings and recommendations of the Niagara Region Agricultural Task Force². The task force concluded that the long-term viability of the tender fruit, grape, greenhouse and nursery industries and of their continuing contributions to regional and provincial economies was dependent on securing reliable sources and systems of irrigation water supply. Continuation of the current approach of meeting irrigation needs on an individual grower basis would limit the ability to develop new agricultural production opportunities on lands deemed suitable for crop production except for the absence of adequate water resources. It would also expose existing growers to ongoing competition over locally limited supplies and pose an increasing threat to aquatic environments and in-stream uses.

Development of regional/district irrigation infrastructure would appear to support provincial Greenbelt policies targeting the continued and enhanced viability of Niagara's agricultural industries. It would also provide a hedge against the anticipated adverse impacts of climate change on both water demand and water resource availability.

Federal EA requirements are likely to apply to one or more of the district-level proposals. The type or level of assessment could involve either screening or comprehensive study as determined by provisions in the *CEA Act* or regulations. Once the nature and scope of the recommended undertaking is determined for each district, the Canadian Environmental Review Agency would be consulted with respect to identifying the required level of assessment and the participating federal departments

² Region of Niagara, 2004. "Securing a Legacy for Niagara's Agricultural Lands: A Vision from One Voice". Report prepared by the Chair's Agricultural Task Force. May 2004.

3.0 SOURCE WATER SELECTION AND WATER USAGE

Selection of the preferred water source(s) can have a significant effect on the scope and nature of the regulatory processes involved in obtaining implementation approvals. The taking of water from certain water bodies such as the Niagara River, Welland Canal or power canals may involve authorizations linked to inter-jurisdictional treaty obligations along with a number of federal and provincial approvals. On the other hand, irrigation withdrawals from larger water courses like these are typically of less concern from an environmental or water-user interference perspective than takings from smaller surface watercourses and/or groundwater sources.

Justification of the type and scale of the water taking and the proponent's commitment to water conservation and water-use efficiency are also becoming major factors affecting the ease or difficulty in obtaining approvals. Governments and agencies all the way from the local level to the binational Great Lakes Basin level have increased the attention given to water conservation and water-use efficiency.

3.1 Boundary Waters Treaty of 1909

The Canada-US Boundary Waters Treaty of 1909 provides for the equal sharing of Great Lakes waters (from shore to shore) and prohibits the use or diversion of water by one country to the extent that it would result in adverse impact to “the natural level and flow of boundary waters on the other side of the [border]” (Article III). The Treaty established the International Joint Commission and conferred on it the power to assess and pass judgment on any use or diversion that would violate this principle (Article VIII). Article VIII establishes the following order of precedence with respect to water uses and stipulates that “no use shall be permitted which tends materially to conflict with or restrain any other use which has precedence over it ...”.

1. Uses for domestic and sanitary purposes
2. Uses for navigation, including the service of canals for the purposes of navigation
3. Uses for power and for irrigation purposes

Canada's obligations under the Boundary Waters Treaty are implemented through provisions of the *International Boundary Waters Treaty Act*. The Act gives the federal Environment Minister the power to investigate and regulate any proposed water use, within Canada, that could have an adverse effect on U.S. Great Lakes boundary water interests.

3.2 Niagara Treaty (1950)

The 1950 Niagara Treaty elaborates on the principles and rules governing the shared use and management of waters exiting Lake Erie via the Niagara River, Welland Canal and New York State Barge Canal. It deals in particular with how water flows are to be maintained for scenic purposes over the Falls, allocated for navigation, domestic and sanitary purposes, and shared for power production purposes.

The Treaty does not speak directly to the question of other uses such as industrial, commercial, outdoor recreational and crop irrigation usage. Nevertheless, water is being taken from treaty-related waters on both sides of the border in support of these other uses. Examples include several industrial manufacturing and cooling water withdrawals, golf course irrigation and the current Niagara on the Lake irrigation system takings. Water withdrawal approvals have been issued for these uses and governments appear to be considering new permit applications on a continuing basis.

Niagara Region has approached the Canada Department of Foreign Affairs through the International Niagara Committee to seek clarification around any water taking restrictions and conditions that could impact on its potential selection of Treaty-related waters as preferred source alternatives. The long-established water use interests of the St Lawrence Seaway Management Corporation (SLSMC) and Ontario Power Generation (OPG) are a prominent consideration that must be factored in. Foreign Affairs has examined the legal implications of the Region's request and is currently conferring with the U.S. State Department regarding a shared policy directive that could guide both government's consideration of this and future proposals. A response is expected sometime this month.

3.3 Great Lakes Charter

The Great Lakes Charter 1985, Annex 2001 and the Great Lakes – St Lawrence Sustainable Water Resources Agreement (2005) have been put in place by the partner jurisdictions that border the Great Lakes – St Lawrence River system. This includes Ontario, Quebec and the eight (8) Great Lakes States. The purposes of the Charter are to³:

- Conserve the levels and flows of the Great Lakes and their tributary and connecting waters
- Protect and conserve the environmental balance of the Great Lakes Basin ecosystem
- Provide for cooperative programs for the management of the water resources of the Great Lakes Basin by the signatory States and Provinces
- Make secure and protect present developments within the region, and
- Provide a secure foundation for future investment and development within the region.

The Sustainable Water Resources Agreement (SWRA) signed in December 2005 elaborates on government commitments and decision-making procedures applicable to new water resource development projects. It contains provisions that will:

- Prohibit diversions out of the Great Lakes Basin and between individual lake basins with limited exceptions
- Require each jurisdiction to manage and regulate water withdrawals and consumptive uses. A proposal which involves a new or increased consumptive use of greater than 19 million litres per day (19 ML/d) will require the originating jurisdiction to provide prior notice to the other nine (9) parties and invite comments to be filed within a 90-day period. The proposal will be evaluated against the SWRA 'decision-making standard'.
- Require each jurisdiction to develop and implement a comprehensive water conservation and water use efficiency (WC/WUE) program intended to meet basin-wide WC/WUE objectives. The program is intended to promote and/or require application of integrated 'environmentally sound and economically feasible water conservation measures' to all new and existing water uses.
- Require each jurisdiction to gather and share information on all water withdrawals, consumptive uses and diversions of greater than 379,000 L/d (30-day average). Water use data is to be recorded on a monthly basis and reported annually.

On the question of diversions and intra-basin transfers, the SWRA treats the Niagara River and its tributary watershed (excluding Lake Erie) as part of the Lake Ontario basin. Since the irrigation source water alternatives under consideration in the study involve only Niagara

³ Council of Great Lakes Governors. Great Lakes Charter 1985

River and Lake Ontario it will not be necessary to seek an exception to the general prohibition of diversions.

Based on the peak water demands arrived at in the Phase 1 feasibility study, it is likely that the proposed irrigation takings for the West District Zone A and the East District will invoke the SWRA consumptive use provisions, i.e. they are in excess of the 19 ML/d threshold. Ontario will be required to notify the other jurisdictions prior to issuing any approvals and the proposed takings will be evaluated against the SWRA decision-making standard as outlined in Figure 2.

Figure 2

Sustainable Water Resources Agreement Decision-Making Standard

ARTICLE 203
THE DECISION-MAKING STANDARD FOR
MANAGEMENT OF WITHDRAWALS AND
CONSUMPTIVE USES

The following criteria constitute the Decision-Making Standard for management of new or increased Withdrawals and Consumptive Uses:

1. All Water Withdrawn shall be returned, either naturally or after use, to the Source Watershed less an allowance for Consumptive Use;
2. The Withdrawal or Consumptive Use shall be implemented so as to ensure that the Proposal will result in no significant individual or cumulative adverse impacts to the quantity or quality of the Waters and Water Dependent Natural Resources and the applicable Source Watershed;
3. The Withdrawal or Consumptive Use shall be implemented so as to incorporate Environmentally Sound and Economically Feasible Water Conservation Measures;
4. The Withdrawal or Consumptive Use shall be implemented so as to ensure that it is in compliance with all applicable municipal, State and federal laws as well as regional interstate and international agreements, including the Boundary Waters Treaty of 1909;
5. The proposed use is reasonable, based upon a consideration of the following factors:
 - a. Whether the proposed Withdrawal or Consumptive Use is planned in a fashion that provides for efficient use of the Water, and will avoid or minimize the waste of Water;
 - b. If the Proposal is for an increased Withdrawal or Consumptive Use, whether efficient use is made of existing Water supplies;
 - c. The balance between economic development, social development and environmental protection of the proposed Withdrawal and use and other existing or planned withdrawals and Water uses sharing the water source;
 - d. The supply potential of the Water source, considering quantity, quality, and reliability and safe yield of hydrologically interconnected water sources;
 - e. The probable degree and duration of any adverse impacts caused or expected to be caused by the proposed Withdrawal and use under foreseeable conditions, to other lawful consumptive or non-consumptive uses of water or to the quantity or quality of the Waters and Water Dependent Natural Resources of the Basin, and the proposed plans and arrangements for avoidance or mitigation of such impacts; and,
 - f. If a Proposal includes restoration of hydrologic conditions and functions of the Source Watershed, the Party may consider that.

At the time of preparing this memorandum, the Province was in the process of identifying regulatory additions and changes required to implement certain provisions of the SWRA.

Implementation of these measures is anticipated to begin in early 2007. They can be expected to add to and clarify provincial regulatory requirements applicable to water takings and water use.

3.4 Ontario Permit to Take Water – OWRA s.34

Section 34 of the *Ontario Water Resources Act (OWRA)* s.34 is the primary regulatory tool for allocating and managing surface and ground water use in Ontario. Its significance relates not only as a mechanism for protecting other water users and the natural environment in the vicinity of the proposed taking but also as a vehicle used to implement Ontario's broader commitments in the Great Lakes Basin. Because of its importance it is dealt with separately and in detail in section 6.0 of this memorandum.

3.5 Other

A number of additional factors can also bear on the selection of a waterbody as a suitable source alternative and on the exact location of the taking. Environmental considerations favour avoidance of intake works and construction activities that would disrupt a designated natural heritage area or critical habitat. The Seaway Management Corporation has also requested that any proposal to withdraw irrigation water from the Welland Canal focus on the area upstream of Lock 6 in order to protect the authority's plans to increase its hydropower production operations.

Beyond the regulatory policy considerations, cost and technical attractiveness may favour source water alternatives that make use of waters from above the escarpment, i.e. they can be delivered under pressure through gravity flow and may be perceived to be of higher or more consistent quality and availability.

4.0 CHOICE OF CONVEYANCE SYSTEMS

Apart from the substantial capital cost differences and the influences on irrigation water quality, the choice between piped and open channel conveyance systems raises a number of issues with respect to the required magnitude of water withdrawals, the efficiency of use, and the potential for other impacts on surface and ground water resources. These issues are likely to be looked at as part of the regulatory approvals process.

By their very nature open channel systems necessitate larger water withdrawals at source (i.e. to make up for evaporative and infiltration losses) and may impact on existing watercourses and habitats. This may be of particular concern where an existing river or stream is proposed as part of the conveyance system. On the other hand, channel waters that infiltrate into the local shallow groundwater system may help supplement summer baseflows in area streams. Federal *Fisheries Act* considerations could play an important role in assessing the relative merits and concerns of the open channel approach.

Piped water systems are generally considered more environmentally friendly but are not without potential concern in relation to design and construction practices involving stream crossings, wetlands and other terrestrial habitats.

Regardless of which system(s) is/are put forward, route selection is a key consideration. Most agencies including the Niagara Peninsula Conservation Authority and the Niagara Escarpment Commission favour alignments that avoid designated natural heritage areas and make use of existing rights-of-way. Use of the CN rail corridor as a possible route in bringing water to West District Zone A or other similar routing will require negotiation and approval of the owner to obtain a suitable easement. CN officials have been approached regarding the procedures for securing a potential easement.

5.0 SYSTEM OPERATIONS AND MANAGEMENT

This study includes examination of a variety of irrigation system management and operating scenarios. The combined consideration of financial, administrative and accountability issues should take into account regulatory policies and expectations. Who should own and operate the systems? On what basis will capital and operating costs be shared? At what level will water use monitoring and reporting occur? How will government requirements for water conservation and efficient use be administered?

Existing and pending legislation including the *Ontario Water Resources Act*, *Clean Water Act* and *Sustainable Water and Sewage Systems Act* may come into play. In the event that a decision is made that one or more of the systems would be owned and operated by a local municipality, it may be necessary to seek special legislative approval similar to that currently held by the Town of Niagara on the Lake for its irrigation system.

6.0 APPLYING FOR THE PERMIT TO TAKE WATER

6.1 Background Information

The *OWRA* permit to take water is the single most essential element in the regulatory process. Without the PTTW permit the proposed irrigation undertakings could not proceed in any manner. Changes made to the permit application and review process in recent years have strengthened the consideration of other water use interests and protection of ecological functions. This provides the PTTW applicant with greater assurance that a successful permit application will increase the probability of success in obtaining other approvals associated with the water taking proposal.

The proposed regional approach to irrigation supply also offers important cost savings and administrative advantages (i.e. compared to having hundreds of individual grower submissions) to agricultural producers and the ministry alike. It should reduce the collective grower/applicant costs in undertaking the environmental background studies needed to support the application process and will significantly ease the burden on government in application review and processing and in ongoing permit administration.

The following subsections describe each component in the permit application and review process. Additional detail is provided in the Attachments to the memorandum. This includes copies of s.34 of the Act and of ministry guidelines intended to assist water taking proponents in preparing a proper and complete application.

6.2 Classification of the Application

Every PTTW application is assigned to one of three categories depending on the perceived significance of potential the resulting impacts on other water uses and the environment. A quick examination of the classification criteria suggests that the Niagara raw water irrigation system applications will be placed into Category 2 or 3 depending on the scale of the taking and the proposed water source. The criteria applied in assigning an application to a particular category and a description of differences in how the application is assessed by the Ministry are illustrated in Figures 3 and 4.

Figure 3

Classification of Permits To Take Water	
<p>Table 1: Classification Criteria for Categories for Groundwater and Surface Water Takings (Note for more complete description of the criteria, please refer to the appropriate sections on groundwater and surface water.)</p>	
<p>Groundwater</p>	<p>Surface Water</p>
<p>Category 1</p>	<p>Category 1</p>
<p>Renewal (same or lesser amount, same purpose, same location, same source, no past interference/impacts, and no scientific study required as part of renewal).</p>	<p>Renewal (same or lesser amount, same purpose, same location, same source, no past interference/impacts, and no scientific study required as part of renewal).</p>
<p>Ponds (e.g. irrigation and agriculture)</p> <ul style="list-style-type: none"> • not connected to nor receiving water from surface water; and • <4m deep and >100m from the nearest stream or wetland; or • <7m deep and >250m from the nearest stream or wetland 	<p>Ponds <1,500 cubic metres in volume that collect runoff and that are not drawing from groundwater, watercourses, wetlands, other lakes or ponds.</p>
<p>Category 2</p>	<p>Category 2</p>
<p>Short-term, non-recurring taking less than 7 days (e.g. pumping test or hydrostatic test).</p>	<p>Great Lakes or connecting channels takings less than the Great Lakes Charter threshold</p>
<p>Short-term, non-recurring taking less than 30 consecutive days and less than 400,000 litres/day (e.g. construction dewatering and dust suppression).</p>	<p>Takings from sources with previous assessments (i.e. further to a previous study and implementing previously established controls)</p>
	<p>River and Streams (3rd order or higher order) taking <5% of 7Q₂₀</p>
	<p>Transitional Permits where the Director previously required upgrades/modifications to water taking</p>
	<p>Takings and Returns where water is removed for a short time only and water is returned to a nearby point with no significant change to water quantity or quality (i.e. for cooling, hydrostatic testing, hydraulic lake dredging)</p>
	<p>Lakes and Ponds takings <1,000,000L/day twice per week or less from water bodies >10ha in size that are not on-stream and not part of the headwaters of any watercourse. More frequent takings require supporting studies.</p>
<p>Category 3</p>	<p>Category 3</p>
<p>All groundwater takings that do not meet Category 1 or Category 2 criteria.</p>	<p>All surface water takings that do not meet Category 1 or Category 2 criteria and new takings from 1st or 2nd order watercourses, wetlands, intermittent streams, new on-stream reservoirs, impoundments and ponds, groundwater sources that potentially affect surface waters.</p>

Figure 4

Classification of Permits To Take Water		
Table 2: Category Screening and Evaluation		
Category	Applicant Submits	Ministry Action
1	<ul style="list-style-type: none"> Completed Application Form. Information required by conditions of previous permit. 	<ul style="list-style-type: none"> Ministry staff will check the information submitted by the applicant for completeness. Technical Screening: Check whether existing permit requirements and screening criteria are met. Check to ensure conformity with O. Reg. 387/04 requirements (e.g., High Use Watersheds, Great Lakes Charter, water conservation and complete required notifications).
2	<ul style="list-style-type: none"> Completed Application Form. Information required by conditions of previous permit. Scientific evaluation completed by a qualified person. 	<ul style="list-style-type: none"> Ministry staff will check the information submitted by the applicant for completeness. Technical Screening (as in Category 1). Ministry staff will check the scientific evaluation (schedule 2 and/or 3) prepared by a qualified person for completeness and may undertake audits to determine if the requirements are being met.
3	<ul style="list-style-type: none"> Completed Application Form. Information required by conditions of previous permit. Scientific study (hydrogeological and/or hydroecological study) completed by a qualified person. 	<ul style="list-style-type: none"> Ministry staff will check the information submitted by the applicant for completeness. Technical Screening (as in Category 1). Ministry staff will conduct a scientific review of studies prepared by a qualified person.

6.3 Matters to be Considered by the Permitting Director

In assessing an application, the *OWRA* permitting director is required to consider several factors. These include:

- Protection of natural ecosystem functions including potential interference with the natural variability of water levels and flows, with the minimum stream flow or with the interrelationship between surface and groundwater systems, and
- Potential effects on water availability including impacts on water balance, sustainable aquifer yield and other extractive uses. This would also include determining whether the source waters are subject to recurring low water conditions, are designated as high use waters or will be used to service the future water needs of approved municipal growth, and
- The intended scope and nature of the proposed water use including whether the proponent is committed to water conservation in accordance with best practices standards within the relevant water-use sector, and
- The interests of other persons who may be impacted by or have an interest in the proposed water taking, and
- Ensuring that Ontario's obligations under the Great Lakes Charter are complied with.

6.4 Notice and Consultation

The permitting director may give notice of the application to a variety of interests including municipalities, the conservation authority, other Great Lakes jurisdictions or other parties and/or may require the proponent to notify and consult directly with these interests.

6.5 Monitoring and Reporting of Water Usage

Every permit holder must monitor and record actual levels of water use on a daily basis using methods acceptable to the director. Water usage for the full year must be reported to the Ministry on or before March 31st of the following year.

7.0 SUMMARY AND CONCLUSIONS

Implementation of regional or district level irrigation systems as being considered can involve a number of regulatory approvals as highlighted in the table at the end of this section. The *OWRA* permit to take water is the most significant of these and should be the primary focus of ongoing and subsequent investigations leading up to selection of the preferred alternative(s) and development of the system design. Early clarification of the need for any special authorizations associated with the potential use of source waters covered by the Niagara Treaty would assist in getting on with this work.

Determination of the full range of regulatory approvals that may be required can only be made after the preferred servicing solution is identified for each irrigation district. The scope and nature of regulatory requirements will depend on the source water, the magnitude of withdrawals, the type and alignment of conveyance systems, and the specifics of system ownership and operations.

The Municipal Class EA master planning process must be followed through to the end of Phase 2 after which time a collaborative decision should be made on next steps. Appropriate federal and or provincial authorizations will be needed in the event that waters governed by the Boundary Waters or Niagara treaties are to be used as sources of supply. *OWRA* s.34 permits to take water will be required for all points of water withdrawal and will involve completion of detailed applications addressing the full extent of sustainable water use and environmental protection factors described in O. Reg. 387/04.

A number of other approvals and authorizations will be required as governed by final design concepts. These can require the proponent to address issues relating to the prevention or mitigation of aquatic and terrestrial impacts and interference with other uses and interests, the granting of easements, and the implementation of cost recovery processes.

Table 1

Legislation Potentially Impacting on the Niagara Raw Water for Irrigation Project

Legislation	Admin. Authority	Relevant Provisions	Potential Project Impact
Federal			
<i>Canadian Environmental Assessment Act</i>	CEAA	-Prior environmental assessment of a project is required if it includes certain kinds of federal involvement - s.5. (1) -Projects may be assigned a different type/level of assessment including screening, comprehensive study, mediation or review panel. -Each federal department with a mandate bearing on the project must assess the significance of any environmental implications	-An EA will be required if federal funding is to be provided in support of project implementation, if the use of federal lands is involved, and/or if an 'included' federal permit/approval is required. -The district-level irrigation systems as being proposed would be subject to screening and potentially to comprehensive study. -Federal departments that may be involved include DFO, AAFC, DOT and EC.
<i>Fisheries Act</i>	DFO-NPCA	-No person may undertake work that results in harmful alteration, disruption or destruction of fish habitat unless such work has been authorized by the Minister or through regulation – s.35 (1) and (2)	-May require authorization of works in or impacting on waters containing fish habitat
<i>Navigable Waters Protection Act</i>	DOT	-No work shall be built or placed in navigable waters without permission of the Minister - s.5. (1) -The Minister may exempt from approval works not likely to interfere 'substantially' with navigation - s.5. (2)	-May require approval of intake structures and other marine works

Legislation	Admin. Authority	Relevant Provisions	Potential Project Impact
Provincial			
<i>Clean Water Act</i>	MOE	-Any activity that could adversely impact on municipal drinking water quality or quantity at source may require preparation of a risk management plan	-Given the scope and nature of the proposed irrigation undertakings in relation to municipal source waters it is unlikely that the project would be considered as presenting a significant risk or threat.
<i>Conservation Authorities Act</i>	NPCA	-Through regulation, CA approval is required prior to undertaking any works that might alter or interfere with the water flow in any watercourse or impact on a wetland or other natural area as designated - s.28	-The placement of flow diversion, intake or conveyance works in or through a watercourse, wetland or other natural area or the taking of groundwater in a manner that could have an adverse impact on them may require an approval and the development of a mitigation plan.
<i>Environmental Assessment Act</i>	MOE	-Designated public undertakings are subject to completion of an EA prior to approval -Municipal water projects are required to follow the MEA Municipal Class EA process. -Projects involving new construction or system expansion are designated as Schedule C and may be subject to 'bump-up' to a full EA.	-The Niagara Raw Water for Irrigation study is following the Class EA process. -Upon completion of Phase 2, a Notice of Completion will be filed -Continuation under Schedule C would depend on Regional authorization to proceed to project design and is subject to MOE approval.
<i>Greenbelt Act</i>	MMAH	-The Act designates and delineates Niagara Region lands that are to be protected (from other development) for grape and tender fruit production. -This protection is intended in part to increase the long-term viability of agricultural production activities in the Niagara area.	-The proposed irrigation system would appear to be consistent with the purposes of the Act and of the Greenbelt Plan. -This should enhance opportunities in seeking provincial funding assistance to cover some of the capital infrastructure costs.
<i>Lakes and Rivers Improvement Act</i>	MNR	-No person may construct a 'dam' in any lake or river without written approval of the Minister - s.14. (1). A dam is defined as any structure or work intended to forward, hold back or divert water.	-This section may apply to the construction of any weir, intake or other structure used to divert the flow of water for irrigation.
<i>Municipal Act</i>	MMAH	-All upper tier municipalities have the exclusive right over the 'production, treatment and storage of water' in the operation of a public utility - s.11. (2). It is not clear, however, whether a water system owned and operated by a municipality and used solely for agricultural irrigation purposes would be considered to be a 'utility' under the Act. -By a Bill of the Legislature, the Town of Niagara-on-the-Lake obtained the right to own and operate a utility/system for the purposes of providing irrigation waters to its customers -The Region of Niagara <u>and</u> its lower-tier municipalities may jointly share in the 'distribution' of water - s.11. (2)	-It may be necessary to seek legislative approval if a local municipality elects to be the owner/operator of a proposed irrigation system/utility.

Legislation	Admin. Authority	Relevant Provisions	Potential Project Impact
<i>Niagara Escarpment Planning and Development Act</i>	NEC	<p>-O. Reg. 828/90 (as amended) under the Act requires that a development permit be obtained for certain works and activities involving NE planning area lands</p> <p>-Many/most agricultural activities including the 'installation or operation of a water irrigation system' are permitted uses and are exempt from the permit requirement.</p> <p>-A permit may be required for construction of a farm pond or if alterations are being made to a watercourse or wetland.</p> <p>-Niagara Escarpment Plan 2005 'development criteria' require that any new development must protect the quality and quantity of surface and ground water resources. See Part 2, s.2.6 - <u>New Development Affecting Water Resources</u>.</p>	<p>-An NEC development permit may be required wherever an irrigation storage pond is being proposed or where construction involved an 'escarpment natural area.</p> <p>-Wherever irrigation infrastructure must cross a natural area, NEC would prefer that it be located within an existing right-of-way.</p> <p>-It is unlikely that development of the proposed irrigation systems would require application for amendment to the NE Plan</p>
<i>Ontario Water Resources Act</i>	MOE	-Any taking of water in excess of 50,000 L/d requires the water user to apply for, obtain and comply with the conditions of a 'permit to take water' (PTTW) - s.34	-Permit applications will be required for each point of water taking.
<i>Planning Act</i>	MMAH	-The Provincial Policy Statement (PPS), under Part III of the Act, requires municipalities to account for the wise and efficient use of water and for the protection of surface and ground water resources and other natural heritage system components in making planning decisions. See policies 1.6.4 (Sewage and Water), 2.1 (Natural Heritage) and 2.2 (Water).	-PPS policies will apply in connection with municipal planning of the proposed irrigation systems.
<i>Public Lands Act</i>	MNR	-Minister's authorization is required for the use or occupation of any Crown land - Part I	-Placement of intake structures, pipes or other works on, over or under the bed of a lake or stream may require MNR approval.
<i>Sustainable Water and Sewage Systems Act</i>	MOE	<p>-Municipalities will be required to prepare plans for securing the financial resources necessary for ensuring the ongoing sustainability of its water and sewage infrastructure.</p> <p>-Municipalities will be empowered to raise funding through user charges.</p> <p>-Until the Act's regulations are written and promulgated, it is not clear whether the Act would apply to a municipal system supplying water solely for irrigation purposes.</p>	

8.0 NEXT STEPS

While it is premature to start preparation of specific applications for approval there are important tasks that should be initiated and/or completed to ensure that proper background work is done. Suggested next steps include:

1. Clarify Niagara Treaty authorization requirements regarding use of the Niagara River, Welland Canal and/or the hydropower canals / reservoirs as potential sources of supply. Negotiate, as necessary, the nature and location of the proposed irrigation takings with other stakeholder interests including the St Lawrence Seaway Management Corporation and Ontario Power Generation.
2. Complete the demand analysis, economic evaluation and other components of the Phase 2 study leading to selection of the preferred solution for each Irrigation District.
3. Complete Phase 2 of the Municipal Master Planning process by convening a Public Consultation Centre and filing a Notice of Completion.
4. Consult and clarify with the Canadian Environmental Assessment Agency the specifics regarding the type or level of federal EAs that will be required.
5. Seek Regional Council approval to proceed to detailed design for one or more of the proposed district systems.
6. Proceed with the next phase(s) of the Municipal Class EA (individual project) and the appropriate level of federal EA.
7. Prepare submissions in support of a request for capital infrastructure funding assistance from federal and provincial governments.
8. Complete all other investigations required in support of the permit to take water application(s) and other approvals and permits as required.

ATTACHMENTS

- A. Permit to Take Water Requirements
 - A.1 *OWRA* s.34
 - A.2 O. Reg. 387/04 Water Taking and Transfer
 - A.3 PTTW Application
 - A.4 Water Conservation Planning Requirements
 - A.5 Qualified Persons Certification for Completing Application
 - A.6 PTTW Miscellaneous

- B. Niagara Escarpment Commission Development Permit Application

ATTACHMENT A.1

ONTARIO WATER RESOURCES ACT s.34

Taking of water Interpretation

34. (1) In this section, reference to the taking of water for use for domestic or farm purposes means the taking of water by any person other than a municipality or a company public utility for ordinary household purposes or for the watering of livestock, poultry, home gardens or lawns, but does not include the watering or irrigation of crops grown for sale.

Idem

(2) In subsection (4), the reference to the taking of water for the watering of livestock or poultry does not include the taking of surface water into storage for the watering of livestock or poultry.

Taking of water regulated

(3) Despite any general or special Act or any regulation or order made thereunder and subject to subsection (5), no person shall take more than a total of 50,000 litres of water in a day,

(a) by means of a well or wells that are constructed or deepened after the 29th day of March, 1961; or

(b) by means of an inlet or inlets from a surface source of supply, where the inlet or inlets is or are installed in the source of supply or is or are enlarged after the 29th day of March, 1961; or

(c) by means of a structure or works constructed after the 29th day of March, 1961 for the diversion or storage of water; or

(d) by any combination of the means referred to in clauses (a), (b) and (c),

without a permit issued by a Director.

Where taking of water interferes with other person's interest in water

(4) Despite any general or special Act or any regulation or order made thereunder, where the taking of water for any purpose, other than the taking of water by any person except a municipality or company public utility for use for ordinary household purposes or for the watering of livestock or poultry and other than the taking of water by any person for firefighting, interferes, in the opinion of a Director, with any public or private interest in any water, the Director may, by notice served on or sent by registered mail to the person who is taking or is responsible for the taking of water that so interferes, prohibit the person from so taking water without a permit issued by the Director.

Application to domestic and farm use

(5) Subsection (3) does not apply to the taking of water by any person for use for domestic or farm purposes or for firefighting.

Permit

(6) A Director may in his or her discretion issue, refuse to issue or cancel a permit, may impose such terms and conditions in issuing a permit as he or she considers proper and may alter the terms and conditions of a permit after it is issued.

Flowing or leaking of water from well, etc., regulated

(7) Where the flowing or leaking of water from a well, or the diversion, flowing or release of water from or by means of a hole or excavation made in the ground for any purpose other than the taking

of water, interferes, in the opinion of a Director, with any public or private interest in any water, the Director may, by notice served on or sent to the person who constructed or made such well, hole or excavation or to the registered owner of the land in which such well, hole or excavation is located, require the person or owner to stop or regulate such flowing, leaking, diversion or release of water in such manner and within such time as the Director may direct, or require such person or owner to take such measures in relation to such flowing, leaking, diversion or release of water as the notice may require.

Offences

(8) Every person who contravenes,

(a) subsection (3) or (4);

(b) a notice served on him, her or it or received by him, her or it or on his, her or its behalf under subsection (4) or (7); or

(c) any of the terms and conditions of a permit issued by a Director,

is guilty of an offence. R.S.O. 1990, c. O.40, s. 34.

ATTACHMENT A.2

ONTARIO REGULATION 387/04

made under the

ONTARIO WATER RESOURCES ACT

Made: December 1, 2004

Filed: December 10, 2004

Printed in *The Ontario Gazette*: December 25, 2004

WATER TAKING AND TRANSFER

GENERAL

Purpose

1. The purpose of this Regulation is to provide for the conservation, protection and wise use and management of Ontario's waters, because Ontario's water resources are essential to the long-term environmental, social and economic well-being of Ontario.

Definitions

2. In this Regulation,

“application” means an application to a Director under section 34 of the Act for a permit to take water;

“Average Annual Flow Map” means the map entitled “Water Use — Average Annual Flow Conditions”, dated November, 2004 and on file in the offices of the Ministry of the Environment at Toronto;

“Drinking-Water Systems” means Ontario Regulation 170/03 (Drinking-Water Systems) made under the *Safe Drinking Water Act, 2002*;

“Great Lakes Charter” means the Great Lakes Charter signed by the premiers of Ontario and Quebec and the governors of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin on February 11, 1985 and amended by the Great Lakes Charter Annex, dated June 18, 2001;

“Summer Low Flow Map” means the map entitled “Water Use — Summer Low Flow Conditions”, dated November, 2004 and on file in the offices of the Ministry of the Environment at Toronto.

Maps

3. (1) Copies of the Average Annual Flow Map and the Summer Low Flow Map are available for public inspection,

(a) at the Public Information Centre of the Ministry of the Environment located at 135 St. Clair Avenue West, Toronto; and

(b) at the Ministry of the Environment regional offices located at,

- (i) 5775 Yonge Street, North York,
- (ii) 133 Dalton Avenue, Kingston,
- (iii) 435 James Street South, Thunder Bay,
- (iv) 733 Exeter Road, London, and
- (v) 119 King Street West, Hamilton.

(2) Whether water taking or proposed water taking is located in a high use watershed or medium use watershed as shown on the Average Annual Flow Map or on the Summer Low Flow Map is determined by reference to,

- (a) the Average Annual Flow Map or the Summer Low Flow Map, as the case may be;
- (b) the geographic co-ordinates of the location; and
- (c) the applicable watershed boundaries as defined in “Metadata Reference: Ministry of Natural Resources, Land Information Ontario, 2002, Watersheds, Tertiary, Queen’s Printer for Ontario”, which may be accessed at <http://www.mnr.gov.on.ca/edwin/EDWINCGI.exe?IHID=10002428&Theme=WATER>.

PERMITS

Matters to be considered by Director

4. (1) This section applies when a Director,

- (a) is considering an application; or
- (b) is otherwise considering under section 34 of the Act whether to cancel, amend or impose conditions on a permit to take water.

(2) The Director shall consider the following matters, to the extent that information is available to the Director, and to the extent that the matters are relevant to the water taking or proposed taking in the particular case:

1. Issues relating to the need to protect the natural functions of the ecosystem, including,
 - i. the impact or potential impact of the water taking or proposed water taking on,
 - A. the natural variability of water flow or water levels,
 - B. minimum stream flow, and
 - C. habitat that depends on water flow or water levels, and
 - ii. ground water and surface water and their interrelationships that affect or are affected by, or may affect or be affected by, the water taking or proposed water taking, including its impact or potential impact on water quantity and quality.
2. Issues relating to water availability, including,
 - i. the impact or potential impact of the water taking or proposed water taking on,
 - A. water balance and sustainable aquifer yield, and

- B. existing uses of water for large municipal residential systems and small municipal residential systems, both as defined in subsection 1 (1) of Drinking-Water Systems, for sewage disposal, livestock and other agricultural purposes, for private domestic purposes, and for other purposes,
 - ii. low water conditions, if any,
 - iii. whether the water taking or proposed water taking is in a high use watershed or a medium use watershed,
 - A. as shown on the Average Annual Flow Map, or
 - B. as shown on the Summer Low Flow Map, and
 - iv. any planned municipal use of water that has been approved,
 - A. under a municipal official plan in accordance with Part III of the *Planning Act*, or
 - B. under the *Environmental Assessment Act*.
- 3. Issues relating to the use of water, including,
 - i. whether water conservation is being implemented or is proposed to be implemented in the use of the water, in accordance with best water management standards and practices for the relevant sector if these are available,
 - ii. the purpose for which the water is being used or is proposed to be used, and
 - iii. if the water is not currently being used, whether there is a reasonable prospect that the person will actually use the water in the near future.
- 4. Other issues, including,
 - i. the interests of other persons who have an interest in the water taking or proposed water taking, to the extent that the Director is made aware of those interests, and
 - ii. any other matters that the Director considers relevant.

(3) If clause (1) (a) applies, the Director may, in order to be able to consider the matters set out in subsection (2), require the applicant to submit further information, including plans, specifications, reports and other materials and documents relating to the water taking or proposed water taking.

High use watersheds

5. (1) Subsections (3) and (4) apply to applications that relate to water taking for a purpose described in subsection (5).

(2) Subsections (3) and (4) do not apply,

(a) if the applicant is a municipality; or

(b) if the application relates to water taking from,

(i) Lake Ontario, Lake Erie, Lake Huron or Lake Superior or any of their connecting channels, namely the St. Mary's River, the St. Clair River, the Detroit River and the Niagara River,

(ii) the Welland Canal,

- (iii) the St. Lawrence River, or
- (iv) the Ottawa River.

(3) If the proposed water taking is in a high use watershed as shown on the Average Annual Flow Map, the Director shall refuse the application unless,

- (a) at the time of the application, the applicant or another person held an unexpired permit to take water; and
- (b) the application is for a new permit to authorize the taking of the same or a lesser amount of water at the same location and for the same purpose as was authorized by the unexpired permit.

(4) If the proposed water taking is in a high use watershed as shown on the Summer Low Flow Map, the Director shall refuse the application unless,

- (a) the permit includes a condition prohibiting the person from taking water during the six-week period from August 1 to September 11, or during a specified longer period that includes the six-week period; or
- (b) at the time of the application, the applicant or another person held an unexpired permit to take water, and the application is for a new permit to authorize the taking of the same or a lesser amount of water at the same location and for the same purpose as was authorized by the unexpired permit.

(5) The purposes referred to in subsection (1) are:

- 1. Beverage manufacturing, including the manufacturing or production of bottled water or water in other containers.
- 2. Fruit or vegetable canning or pickling.
- 3. Ready-mix concrete manufacturing, not including concrete manufactured at a portable ready-mix concrete manufacturing facility.
- 4. Aggregate processing, if the aggregate and the water that is taken are incorporated into a product in the form of a slurry.
- 5. Product manufacturing or production, if, in the normal course of the manufacturing or production, more than a total of 50,000 litres of the water that is taken may be incorporated in a single day into the products being manufactured or produced.

(6) Paragraph 2 of subsection (5) does not apply in respect of water that is taken only for washing in the course of the canning or pickling.

(7) Paragraph 4 of subsection (5) does not apply in respect of the extraction of aggregates where the water taking is incidental.

(8) Paragraph 5 of subsection (5) does not apply in respect of the manufacturing or production of,

- (a) pulp and paper; or
- (b) ethanol.

(9) Subsection (5) does not apply in respect of water that is taken for agricultural purposes, including aquaculture, nurseries, tree farms and sod farms.

Great Lakes Charter

6. A Director who is considering an application shall ensure that Ontario's obligations under the Great Lakes Charter with respect to the application are complied with.

Notice and consultation

7. (1) Subject to subsection (2), a Director who is considering an application shall give the following persons notice of the application:

1. The upper-tier and lower-tier municipalities or the single-tier municipality, as the case may be, within whose area of jurisdiction the proposed water taking is located.

2. Any conservation authority within whose area of jurisdiction the proposed water taking is located.

(2) Subsection (1) does not apply if,

(a) the application is for a permit to take water,

(i) over a period of less than one year, or

(ii) only for irrigation of agricultural crops;

(b) in the Director's opinion, the delay involved in giving notice to the persons listed in subsection (1) would result in,

(i) danger to the health or safety of any person,

(ii) harm or serious risk of harm to the environment, or

(iii) injury or damage or serious risk of injury or damage to any property; or

(c) in the Director's opinion, the persons listed in subsection (1) have already received the information that would be included in the notice.

(3) Subsection (2) does not prohibit the Director from giving any person notice of an application if the Director is of the opinion that it is consistent with the purposes of this Regulation to do so.

(4) The Director may require the applicant to,

(a) notify or consult with other persons who have an interest in the proposed water taking, including,

(i) persons mentioned in subsection (1), and

(ii) governmental authorities for other jurisdictions;

(b) provide the Director with information on the interests of and responses of the persons notified or consulted under clause (a);

(c) provide the Director with information on the efforts that the applicant has made to resolve any concerns raised by the persons notified or consulted under clause (a); and

(d) provide the Director with such other information as the Director specifies.

(5) Subsection (4) applies despite subsection (2), and any notice required by the Director under subsection (4) is in addition to the notice given by the Director under subsection (1).

(6) Subject to section 6, the Director may give governmental authorities for other jurisdictions notice of the application and consult them about it, even if notice and consultation are not required by the Great Lakes Charter.

(7) For the purposes of subsections (1) and (6), the Director may give a person notice of an application by,

- (a) sending the person a brief description or a copy of the application by mail, by fax, by e-mail or by other electronic means; or
- (b) delivering a brief description or a copy of the application to the person.

Transition

8. (1) This Regulation applies to applications received on and after January 1, 2005.

(2) An application that is received before January 1, 2005 shall be dealt with in accordance with Ontario Regulation 285/99 (Water Taking and Transfer) made under this Act, despite its revocation by section 11 of this Regulation.

(3) This Regulation applies to decisions under section 34 of the Act to cancel, amend or impose conditions on a permit to take water, whether the permit is issued before, on or after January 1, 2005.

DATA AND REPORTING

Duties of permit holders

9. (1) Every person to whom a permit has been issued under section 34 of the Act shall collect and record data on the volume of water taken daily.

(2) The data collected under subsection (1) shall be measured by a flow meter or calculated using a method acceptable to a Director.

(3) On or before March 31 in every year, every person to whom subsection (1) applies shall submit to a Director, in the form and manner approved by the Director, the data collected and recorded under subsection (1) for the previous year.

(4) Subsections (1), (2) and (3) do not affect a Director's discretion, under subsection 34 (6) of the Act, to impose terms and conditions in issuing a permit and to alter the terms and conditions of a permit after it is issued.

(5) Subsections (1) and (3) are phased in as follows:

1. Persons described in subsection (6) are governed by subsection (1) on and after July 1, 2005 and by subsection (3) in and after the year 2006.
2. Persons described in subsection (7) are governed by subsection (1) on and after January 1, 2006 and by subsection (3) in and after the year 2007.
3. Persons described in subsection (8) are governed by subsection (1) on and after January 1, 2007 and by subsection (3) in and after the year 2008.

(6) Paragraph 1 of subsection (5) applies to every person to whom a permit has been issued under section 34 of the Act for taking water for any of the following purposes:

1. Large municipal residential systems and small municipal residential systems, both as defined in Drinking-Water Systems,
2. The purposes listed in subsection 5 (5), subject to subsections 5 (6) to (9).

3. The operation of a plant governed by any of the following regulations, made under the *Environmental Protection Act*:

- i. Ontario Regulation 560/94 (Effluent Monitoring and Effluent Limits — Metal Mining Sector).
- ii. Ontario Regulation 215/95 (Effluent Monitoring and Effluent Limits — Electric Power Generation Sector).
- iii. Ontario Regulation 561/94 (Effluent Monitoring and Effluent Limits — Industrial Minerals Sector).
- iv. Ontario Regulation 64/95 (Effluent Monitoring and Effluent Limits — Inorganic Chemical Sector).
- v. Ontario Regulation 214/95 (Effluent Monitoring and Effluent Limits — Iron and Steel Manufacturing Sector).
- vi. Ontario Regulation 562/94 (Effluent Monitoring and Effluent Limits — Metal Casting Sector).
- vii. Ontario Regulation 63/95 (Effluent Monitoring and Effluent Limits — Organic Chemical Manufacturing Sector).
- viii. Ontario Regulation 537/93 (Effluent Monitoring and Effluent Limits — Petroleum Sector).
- ix. Ontario Regulation 760/93 (Effluent Monitoring and Effluent Limits — Pulp and Paper Sector).

(7) Paragraph 2 of subsection (5) applies to every person to whom a permit has been issued under section 34 of the Act for taking water for any of the following purposes:

1. Any industrial or commercial purpose not described in subsection (6).
2. Wildlife and conservation purposes.

(8) Paragraph 3 of subsection (5) applies to every person to whom a permit has been issued under section 34 of the Act for taking water for any of the following purposes:

1. Any of the following, as defined in subsection 1 (1) of Drinking-Water Systems:
 - i. A small municipal non-residential system.
 - ii. A large municipal non-residential system.
 - iii. A small non-municipal non-residential system.
 - iv. A large non-municipal non-residential system.
 - v. A non-municipal seasonal residential system.
 - vi. A non-municipal year-round residential system.
2. Agriculture.
3. Any purpose not described in subsection (6) or (7).

WATER TRANSFER

Water transfer

10. (1) For the purposes of this section, Ontario is divided into the following three water basins:

1. The Great Lakes-St. Lawrence Basin, which consists of Lake Ontario, Lake Erie, Lake Huron, Lake Superior, the St. Lawrence River and the part of Ontario the water of which drains into any of them, including the Ottawa River and the part of Ontario the water of which drains into the Ottawa River.

2. The Nelson Basin, which consists of the part of Ontario the water of which drains into the Nelson River.

3. The Hudson Bay Basin, which consists of the part of Ontario, not included in the Nelson Basin, the water of which drains into Hudson Bay or James Bay.

(2) No person shall use water by transferring it out of a water basin.

(3) Subsection (2) does not apply to water that is used in the water basin to manufacture or produce a product that is then transferred out of the water basin.

(4) For the purpose of subsection (3), potable or other water is not a manufactured or produced product.

(5) Subsection (2) does not apply to water that is being transported and that is necessary for the operation of the vehicle, vessel or other form of transport that the water is being transported in, including water that is for the use of people or livestock in or on the vehicle, vessel or other form of transport.

(6) Subsection (2) does not apply to water packaged in a container having a volume of 20 litres or less.

(7) Subsection (2) does not apply to an undertaking that commenced before January 1, 1998 if the amount of water transferred out of a water basin by the undertaking in any calendar year after December 31, 1997 does not exceed the highest amount of water transferred out of the water basin by the undertaking in any calendar year after December 31, 1960 and before January 1, 1998.

(8) Subsection (2) does not apply to water taken pursuant to the order of the Lieutenant Governor in Council dated October 2, 1913 respecting the Greater Winnipeg Water District.

REVOCATION

Revocation

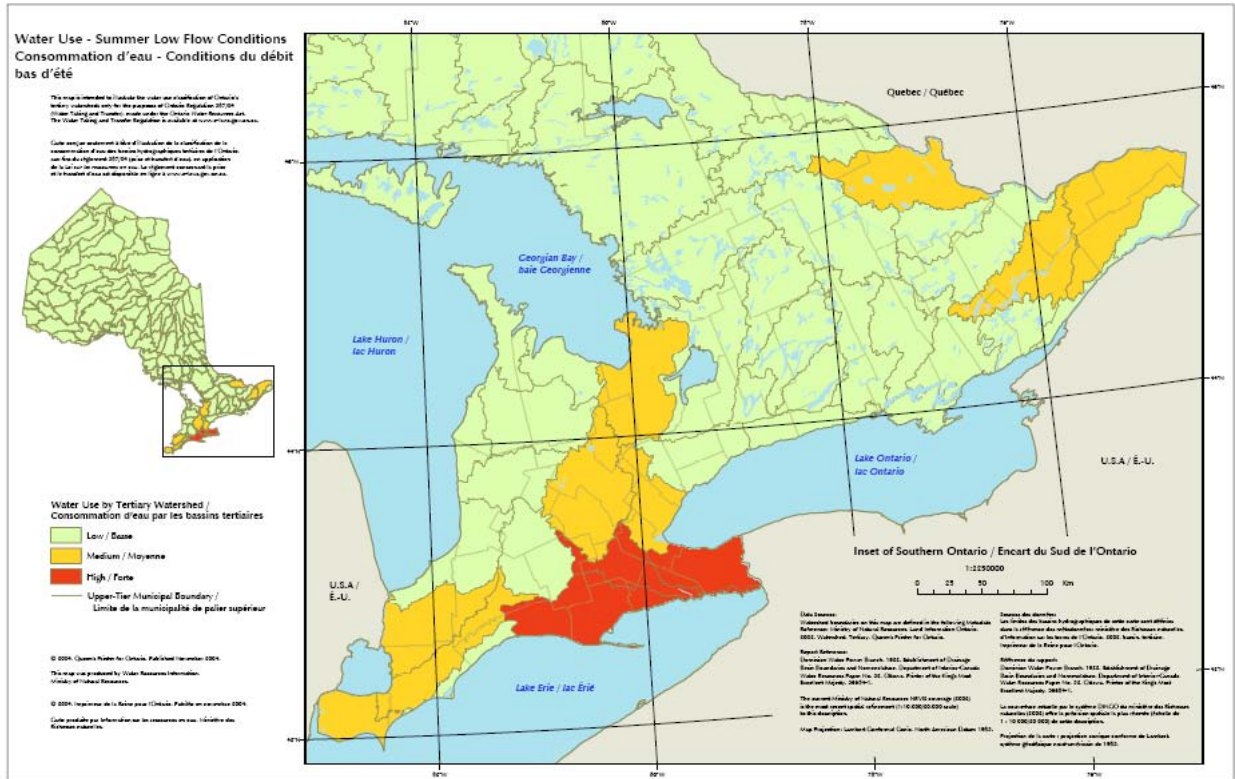
11. Ontario Regulation 285/99 is revoked.

COMMENCEMENT

Commencement

12. This Regulation comes into force on January 1, 2005.

DESIGNATED "HIGH USE" WATERSHEDS PER SUMMER LOW FLOW CONDITIONS



ATTACHMENT A.3



Application for Permit to Take Water

Ce formulaire est disponible en français

For Office Use Only			
Reference Number	Payment Received	Date (y/m/d)	Initials
	\$		

General Information and Instructions

General:

Information requested in this form is collected under the authority of the *Ontario Water Resources Act*, R.S.O. 1990 (OWRA) and the *Environmental Bill of Rights*, C. 28, Statutes of Ontario, 1993, (EBR) and will be used to evaluate applications for a Permit to Take Water as required by Section 34 (OWRA).

Instructions:

1. Applicants are responsible for ensuring that they complete the most recent application form. When completing this form, please refer to the "Guide to Permit to Take Water Application Form" (referred to as the Guide). Application forms and supporting documentation are available from your local Regional or District Office of the Ministry of the Environment, and in the "Publications" section of the Ministry of the Environment website at <http://www.ene.gov.on.ca/envision/gp/index.htm>.
2. Questions regarding completion and submission of this application should be directed to local Regional Office of the Ministry of the Environment. Contact information for these offices is available in the Guide or on the Ministry of the Environment website at <http://www.ene.gov.on.ca/envision/org/op.htm>
3. This form must be completed with respect to all the requirements of the Guide for it to be considered an application for approval. Incomplete applications will be returned to the applicant.
4. A complete application consists of:
 - (1) a completed, signed application form
 - (2) all required supporting information identified in this form and the Guide, and
 - (3) a certified cheque or money order, in Canadian funds, made payable to the **Ontario Minister of Finance** for the application fee when required. Payment may also be made by Visa, MasterCard or American Express,

The Ministry may require additional information during the technical review of any application initially accepted as complete.

5. The original application, along with supporting information and the application fee should be sent to:

Ministry of the Environment,
 Attention: Permit to Take Water
 Director, Environmental Assessment and Approvals Branch,
 2 St. Clair Avenue West, Floor 12A
 Toronto, Ontario, M4V 1L5

6. Information contained in this application form is not considered confidential and will be made available to the public upon request. Information submitted as supporting information may be claimed as confidential but will be subject to the *Freedom of Information and Protection of Privacy Act* (FOIPPA) and the *EBR*. If you do not claim confidentiality at the time of submitting the information, the Ministry of the Environment may make the information available to the public without further notice to you. If you are identifying confidential material, please indicate why you believe the information is confidential.

1. Permit Administration

Please indicate if this is an application for a:

- New Permit
- Amendment to Permit (attach a photocopy of permit)
- Renewal of Permit (attach a photocopy of permit)

2. Classification

Classification	Fee Required	No Fee Required
<input type="checkbox"/> Category 1	<input type="checkbox"/> \$750	<input type="checkbox"/> Reason _____
<input type="checkbox"/> Category 2	<input type="checkbox"/> \$750	<input type="checkbox"/> Reason _____
<input type="checkbox"/> Category 3	<input type="checkbox"/> \$3,000	<input type="checkbox"/> Reason _____

3. Applicant Information

Applicant Name <i>(legal name of individual or organization as evidenced by legal documents such as a copy of Driver's Licence or Master Business Licence)</i>		Business Identification Number	
Business Name <i>(the name under which the entity is operating or trading if different from the Applicant Name - also referred to as trade name)</i>			
Applicant Type:		North American Industry Classification System (NAICS) Code	
<input type="checkbox"/> Corporation	<input type="checkbox"/> Federal Government		
<input type="checkbox"/> Individual	<input type="checkbox"/> Municipal Government		
<input type="checkbox"/> Partnership	<input type="checkbox"/> Provincial Government		
<input type="checkbox"/> Sole Proprietor	<input type="checkbox"/> Other <i>(describe):</i> _____		

4. Applicant Physical Address

Civic Address - Street information <i>(street number/name/type/direction/unit/suite/emergency 911 location number and street)</i>				
Municipality/Unorganized Township	County/District	Province/State	Country	Postal Code
Telephone Number <i>(including area code)</i>	Fax Number <i>(including area code)</i>	E-mail Address		

5. Applicant Mailing Address

Same as Applicant Physical Address? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, complete below			
Civic Address - Street information <i>(street number/name/type/direction/unit/suite/emergency 911 location number and street P.O.Box/Rural Route Number)</i>			
Municipality	Province/State	Country	Postal Code

6. Project Technical Information Contact

Same as Applicant? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, complete below			
Name		Company	
Address Information:			
Same as Applicant Mailing Address? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, please provide technical information contact mailing address below			
Civic Address - Street information <i>(street number/name/type/direction/unit/suite/emergency 911 location number and street P.O.Box/Rural Route Number)</i>			
Municipality	Province/State	Country	Postal Code
Telephone Number <i>(including area code & extension)</i>	Fax Number <i>(including area code)</i>	E-mail Address	

7. Source Information – Note: Source Information must be provided separately for each source. Please complete and submit multiple copies of this Source Information section (pages 3 and 4 of this form) if your application includes more than one source.

Number of Water Taking Sources Included in this Application (do not include domestic uses that do not require a permit)				
Total Number of Wells	Total Number of Lake Intakes	Total Number of Ponds	Total Number of Watercourse Intakes	
Source Location Information (if multiple sources are included in application, provide information for each source)				
Civic Address - Street information (street number/name/type/direction/unit/suite/emergency 911 location number and street)				
Lot	Concession	Part	Reference Plan	
Municipality/Unorganised Township		County/District	Original Geographic Township	
Geographic (GPS) Coordinates (to be provided in Datum NAD83)				
Method of Collection	Accuracy Estimate	UTM Zone	Easting	Northing
Is the Applicant the owner of the site where water taking will occur?				
<input type="checkbox"/> Yes <input type="checkbox"/> No if no, attach the owner's name, address and a signed letter granting consent for the applicant to access the water taking location				
Is the site where water taking will occur located in an area of development control as defined by the <i>Niagara Escarpment Planning & Development Act</i> ?				
<input type="checkbox"/> Yes <input type="checkbox"/> No				
Is the site where water taking will occur located on the Oak Ridges Moraine Conservation Area as defined by the Oak Ridges Moraine Conservation Plan (a regulation made under the <i>Oak Ridges Moraine Conservation Act</i>)?				
<input type="checkbox"/> Yes <input type="checkbox"/> No				
Are you aware of any complaints or impacts resulting from water takings at the site?				
<input type="checkbox"/> Yes if yes, please describe: _____ <input type="checkbox"/> No				
Will water from the site be packaged in a container (bottled water, tanks)?				
<input type="checkbox"/> Yes if yes, what size of containers? <input type="checkbox"/> greater than 20 litres <input type="checkbox"/> 20 litres or less <input type="checkbox"/> No				
Are wells located within 500 m of the site where water taking will occur?				
<input type="checkbox"/> Yes <input type="checkbox"/> No if no, what is the distance to the nearest well? _____				
Is municipal water available to all dwellings within 500m of the site where water taking will occur?				
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown				
Estimated start date of water taking	Water taking to extend for a period of: _____ <input type="checkbox"/> days <input type="checkbox"/> weeks <input type="checkbox"/> months <input type="checkbox"/> years <input type="checkbox"/> indefinite			
Is activity subject to the <i>Environmental Assessment Act</i> ?				
<input type="checkbox"/> Yes if yes, please attach approval or Notice of Completion <input type="checkbox"/> No				
If yes, did the project receive any Part II Orders / Bump-Up requests?				
<input type="checkbox"/> Yes if yes, what was the date of the Minister's Decision? _____ <input type="checkbox"/> Decision pending <input type="checkbox"/> No				
List any public consultation/notification that has occurred related to the proposed water taking (i.e., public hearings, notification of First Nations, etc.)				

Watercourse - please complete this table if applying to take water from a watercourse (i.e., stream, municipal ditch, open drain, etc.)

Watercourse Name	Tributary to
Does flow in the watercourse stop at any time during the year?	
<input type="checkbox"/> Yes if yes, during which months? _____ For what period of time? _____ <input type="checkbox"/> No	
Do you move/relocate the water intake (pump)?	
<input type="checkbox"/> Yes if yes, please provide primary and secondary locations on attached map <input type="checkbox"/> No	



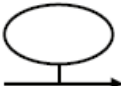

Well - please complete this table if applying to take water from a well (includes sumps for mines and quarries)

Well Name / Identifier	Water Well Record Number	If not available, provide name of property owner at time of well construction	
Has the well been deepened? <input type="checkbox"/> Yes if yes, what was the date of deepening? _____ <input type="checkbox"/> No			
Type of Well: <input type="checkbox"/> Drilled <input type="checkbox"/> Bored <input type="checkbox"/> Dug <input type="checkbox"/> Driven or Jetted (sandpoints/wellpoints) If 'Driven or Jetted', provide the following: Total number of sandpoints/wellpoints: _____ Number of interconnected sandpoint/wellpoint systems: _____			
Can you measure the depth to water in this well? <input type="checkbox"/> Yes if yes, what is the depth to static water level? _____ Date Measured: _____ <input type="checkbox"/> No			
Has a pumping test been done? <input type="checkbox"/> Yes if yes, please attach report <input type="checkbox"/> No			

Lake - please complete this table if applying to take water from a lake

Lake Name

Pond/Reservoir - please complete this table if applying to take water from a pond/reservoir

Pond Name / Identifier				
Was the pond constructed (man made)? <input type="checkbox"/> Yes if yes, please provide date of construction _____ <input type="checkbox"/> No				
Pond Size				
Average Length	Average Width	Average Depth of Water	Maximum Depth of Water	Approximate Volume of Pond
Pond Type				
Select the diagram that most accurately resembles your pond:				
				
<input type="checkbox"/> online	<input type="checkbox"/> by-pass	<input type="checkbox"/> connected	<input type="checkbox"/> dugout	
Source of pond water (select all that apply)				
<input type="checkbox"/> Seepage / springs / groundwater				
<input type="checkbox"/> Surface water runoff (including tile drains, does not include watercourse or open channel)				
<input type="checkbox"/> Pumped water (if water is pumped into a pond, complete section information for source from which water is pumped - i.e., well, lake or watercourse)				
<input type="checkbox"/> Flowing water (watercourse, open drains, ditches, etc.)				
If "flowing water",				
1. Does water flow into the pond (inflow)?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	
If yes, is there a structure to regulate the inflow?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	If yes, describe: _____
2. Does water flow out of the pond (outflow)?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	
If yes, is there a control structure to regulate the outflow?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	If yes, describe: _____

10. Attachments

The following must be attached for all applications (Category 1, 2 and 3) to be complete:

- Map Requirements**
On a 1:10 000 OBM (Ontario Base Map) (1:50 000 only acceptable in locations where 1:10 000 is not obtainable), mark and label:
 - all existing and proposed water taking locations with sources corresponding with source name
 - all of the following features within 500m of each source: existing wells (indicate use of existing well, springs, watercourses, wetlands, water bodies, property lines, locations and name of property owners, nearest road intersection, dwellings).
- Describe in detail how, where and when all water is obtained, stored, transferred, used and returned to the environment (if applicable). Details must include the source of all water takings (and corresponding source name if applicable), purpose of the water taking, period of water taking, and maximum quantity requested (see Guide for further instruction).
Note: If your application is subject to posting on the Environmental Bill of Rights (EBR) Registry, this description will be used to create the Proposal Notice. The ministry may change the wording as required, to meet the EBR posting requirements.
- Describe how water taking needs (rates, amounts and time periods) were determined. Provide all relevant information and calculations to demonstrate the water takings requested are warranted. Calculation worksheets are available. Refer to Appendix E of the Guide.
- Attach completed water conservation Schedule 1.

The following must be attached for all Category 2 applications:

- Completed Schedule 2 and/or Schedule 3 signed by a Qualified Person.

The following must be attached for all Category 3 applications:

- Study _____

11. Statement/Signature of Applicant

I, the undersigned, hereby declare that to the best of my knowledge:

- The information contained herein and the information submitted in support of this application is complete and accurate in every way and I am aware of the penalties against providing false information.
- The Project Technical Information Contact identified in Section 6 if this form is authorized to act on my behalf for the purpose of obtaining this approval.

Print Name	Signature	Date (yyyy/mm/dd)

For Office Use Only			
Reference Number	Payment Received	Date (y/m/d)	Initials
	\$		

12. Payment Information

Application Category		Amount Enclosed	
<input type="checkbox"/> Category 1 (\$750) <input type="checkbox"/> Category 2 (\$750) <input type="checkbox"/> Category 3 (\$3000)		\$ _____ <input type="checkbox"/> no fee required	
Method of Payment			
<input type="checkbox"/> Certified Cheque <input type="checkbox"/> Money Order <input type="checkbox"/> VISA <input type="checkbox"/> MasterCard <input type="checkbox"/> American Express			
Credit Card Information (if paying by VISA, MasterCard or American Express)*			
Name on Card (please print)		Credit Card Number	Expiry Date (yy/mm)
_____		_____	_____
Cardholder Signature		Date (y/m/d)	
_____		_____	

*NOTE: credit card accepted for payments UNDER \$10,000.00 only.

ATTACHMENT A.4

Water Conservation Planning Requirements

Appendix E

Schedule for Water Conservation Measures

Schedule 1 – Implementation of Water Conservation in accordance with Best Management Practices and Standards for the Relevant Sector

General Information and Instructions

Section 1: General Information

Information on this Schedule is collected under the authority of the *Ontario Water Resources Act, R.S.O. 1990* (OWRA), and the new *Environmental Bill of Rights, C. 28*. Statutes of Ontario, 1993, and will be used to evaluate applications for a Permit to Take Water as required by Section 34 (OWRA).

Instructions:

1. This Schedule forms part of the Permit to Take Water application form and is subject to all provisions and instructions where applicable.
2. All questions of Section 2 of this Schedule must be answered for this Schedule to be considered complete.

Purpose:

The purpose of this Schedule is to allow persons applying for a permit required by the Ministry to document in the application all water conservation measures and practices that are currently being undertaken or that is anticipated to be undertaken for the duration of the permit.

Persons applying for a permit are encouraged to take all reasonable and practical measures to conserve water and to be up to date with sector-specific best management practices and standards for water conservation (i.e. whether you are currently implementing or anticipate implementing water conservation best water management standards and practices relevant to your sector).

Various sector associations publish information on best practices that may be useful in determining practices and standards for water conservation. Examples of these sector-specific associations include the following:

- **Municipal Sector** – Ontario Water Works Association
- **Agricultural Sector** – Ontario Ministry of Agriculture (Fact Sheets and Guides on Best Management Practices containing information on efficient irrigation systems, staggering irrigation schedules and preparing Environmental Farm Plans)
- **Other Sectors** – For information on up-to-date best management practices and measures for water conservation, contact your relevant sector association.

Please note that this schedule may not be directly applicable to certain takings, such as pumping tests, instream uses, site dewatering and certain industrial processes. In these cases, consideration must be given to the fate of the water or system design requirements.

Section 2: Water Conservation Best Management Practices and Standards

Use this section of the Schedule to indicate what conservation measures and practices you are currently implementing or anticipate implementing. Where relevant, additional information can be attached as an appendix to this Schedule.

State your goals for reducing the use, loss or waste of water or for increasing the efficiency of water use (e.g., litres per day per unit of production or litres per day per capita for the residential sector).

Schedule 1 continued

Check off which of the following water conservation best management measures and practices that you have implemented or will implement for the duration of the permit:

	Implemented	To be Implemented
Water Use Audit	<input type="checkbox"/>	<input type="checkbox"/>
Universal metering of all users (municipalities)	<input type="checkbox"/>	<input type="checkbox"/>
Water Efficient Fixtures/Equipment/Technology	<input type="checkbox"/>	<input type="checkbox"/>
Develop and Implement an Overall Water Conservation and Efficiency Program	<input type="checkbox"/>	<input type="checkbox"/>
Leak Detection/Loss Prevention/Control Program	<input type="checkbox"/>	<input type="checkbox"/>
Public/Employee Information/Education/Outreach	<input type="checkbox"/>	<input type="checkbox"/>
Landscaping techniques/Site and Urban Design Principles	<input type="checkbox"/>	<input type="checkbox"/>
Water Efficient production processes/practices (e.g. re-use of water)	<input type="checkbox"/>	<input type="checkbox"/>
Economic Incentives/Cost-Share/Full Costing recovery/ tax credits/rebate programs	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify): _____		

Of the measures and practices checked off above, provide specific details of the best management practices applied or to be applied including equipment (e.g. pump specification), processes, such as water used for industrial production and/or irrigation system(s), current and proposed technology, approach, processes and procedures:

For the above measures and practices, list information relevant for your sector and/or other sources of information used in determining water conservation and efficiency management practices and measures:

List dates of when the best management measures and practices were or will be applied for the duration of the permit:

Identify any approval or certification that you have received for implementing water conservation and efficiency best management practices, e.g. Environmental Farm Plan, Audubon Cooperative Sanctuary Program for Golf Courses:

ATTACHMENT A.5

Qualified Persons Certification for Completing the PTTW Permit Application

Schedule 2 – Qualified Person Certification for Category 2 Groundwater Takings

General Information and Instructions

General:

Information on this Schedule is collected under the authority of the *Ontario Water Resources Act, R.S.O. 1990 (OWRA)* and the *Environmental Bill of Rights, C. 28, Statutes of Ontario, 1993*, and will be used to evaluate applications for a Permit to Take Water as required by Section 34 (OWRA).

Instructions:

1. This schedule forms part of the Permit to Take Water application form and is subject to all provisions and instructions where applicable.
2. A complete schedule consists of:
 - a) a completed and signed schedule attached to a completed application form.
 - b) confirmation that the proposed taking meets one of the technical screening criteria.
 - c) the qualified person to complete his/her contact information.
 - d) the qualified person to self declare that they meet the qualifications of a Qualified Person as set out in schedule.

Purpose:

A Category 2 taking will satisfy the scientific evaluation requirements where a qualified person has certified that the proposal meets the criteria for groundwater as specified below.
 A qualified person for PTTW groundwater studies is a licensed Professional Geoscientist or exempted Professional Engineer as set out in the *Professional Geoscientists Act of Ontario*.
 The qualified person will be required to consult with other agencies, as appropriate, to verify that the evaluation criteria are met. The Director will verify that a qualified person has confirmed that the proposed water taking meets the screening criteria.

Category 2 – Criteria for Groundwater Takings

A Category 2 hydrogeological assessment requires the qualified professional to confirm that the proposal meets one of the following [check appropriate box]:

Short-term, non-recurring takings less than 7 days (e.g. pumping tests and hydrostatic testing)

- OR -

Short-term, non-recurring taking less than 30 consecutive days and less than 400,000 L/day (e.g. construction dewatering and dust suppression)

This classification requires the qualified professional to design the taking to ensure that the withdrawal of water does not result in unacceptable impacts which may include but are not limited to the considerations outlined below. Where applicable, the qualified professional may recommend special conditions relating to the taking or considerations suggested below.

<p>Geotechnical Impacts</p> <ul style="list-style-type: none"> > geotechnically sensitive soils (i.e. marine clays) > areas where integrity of structures may be impaired by pumping induced drawdown 	<p>Proximity to Other Water Uses and Surface Water</p> <ul style="list-style-type: none"> > proximity to surface water that is affected by and depends on groundwater > other permitted water takings, other wells or ponds that may be affected by taking 	<p>Proximity to Contaminant Sources</p> <ul style="list-style-type: none"> > potential to mobilize contamination > identify if taking is for remediation purposes 	<p>Discharge of Water</p> <ul style="list-style-type: none"> > required approvals (i.e. municipal sewer use, OWRA Section 53 sewage works approvals) > measures to minimize erosion, sedimentation, flooding or water quality impacts
--	---	--	--

Schedule 2 continued

Suggested Conditions

Please use this space to describe proposed conditions for this water taking.
--

Contact Information

Company Name (if applicable):		
Business Number (if applicable):		Professional Designation:
<input type="checkbox"/> Mr. <input type="checkbox"/> Ms. <input type="checkbox"/> Mrs. <input type="checkbox"/> Other:		<input type="checkbox"/> Licensed Professional Geoscientist
		<input type="checkbox"/> Exempted Professional Engineer
First Name:	Middle Initial:	Last Name:
Tel: () - Ext.	Fax: () - Ext.	E-mail:
Street Address:		
Mailing Address (if different than street address):		
County:		City/Town:
Province:	Postal Code:	Country:

References

Please list all documents which were considered by the qualified person in the preparation of this schedule. Note that all referenced documents must be retained by the applicant as these may be requested by the Ministry as part of the evaluation of this application and supporting schedule. The Permit may also include special conditions which require the applicant to retain these documents for a specified period.
--

Declaration

I, the undersigned hereby declare that to the best of my knowledge, the information contained herein and the information submitted in support of this schedule is complete and accurate in every way.	
Qualified Person Signature: _____	Date (yyyy/mm/dd): _____
Name (Please print or type): _____	

Schedule 3 – Qualified Person Certification for Category 2 Surface Water Takings

General Information and Instructions

General:

Information on this Schedule is collected under the authority of the *Ontario Water Resources Act, R.S.O. 1990 (OWRA)* and the *Environmental Bill of Rights, C. 28. Statutes of Ontario, 1993*, and will be used to evaluate applications for a Permit to Take Water as required by Section 34 (OWRA).

Instructions:

1. This schedule forms part of the Permit to Take Water application form and is subject to all provisions and instructions where applicable.
2. A complete schedule consists of:
 - 1) a completed and signed schedule attached to a completed application form.
 - 2) confirmation that the proposed taking meets one of the technical screening criteria.
 - 3) the qualified person to complete his/her contact information.
 - 4) the qualified person to self declare that they meet the qualifications of a Qualified Person as set out in schedule.

Purpose:

A Category 2 taking will satisfy the scientific evaluation requirements where a qualified person has certified that the proposal meets the criteria for surface water as specified below.

A qualified person for PTTW surface water studies is a person holding at minimum a bachelor degree with specialization in hydrology, aquatic ecology, limnology, biology, physical geography and/or water resource management or engineering. The type of scientific work that a qualified person performs must be consistent with that person's education and experience.

The qualified person will be required to consult with other agencies, as appropriate, to verify that the evaluation criteria are met. The Director will verify that a qualified person has confirmed that the proposed water taking meets the screening criteria.

Category 2 – Criteria for Surface Water Takings

A Category 2 surface water assessment requires the qualified professional to confirm that the proposal meets one of the following [check appropriate box]:

- Great Lakes** or connecting channels takings less than the Great Lakes Charter threshold.
- Takings from sources with previous assessments** (i.e. further to a previous study and implementing previously established controls)
- River and Streams (3rd order or higher order)** taking <5% of 7Q₂₀
- Transitional Permits** where the Director previously required upgrades/modifications to water taking
Transitional surface water Permits are issued when an existing water taker who has been asked by the Director to implement upgrades or modifications to their water taking facilities applies for a temporary short-term taking that would allow him/her to continue to operate while scientific studies are being finalized and improvement works are being implemented.
- Takings and Returns** where water is removed for a short time only and water is returned to a nearby point with no significant change to water quantity or quality (i.e. for cooling, hydrostatic testing, hydraulic lake dredging)
- Lakes and Ponds** takings <1,000,000L/day twice per week from water bodies >10ha in size that are not on-stream and not part of the headwaters of any watercourse. More frequent takings require supporting studies.

Schedule 3 continued

Suggested Conditions

Please use this space to describe proposed conditions for this water taking.

Contact Information

Company Name (if applicable):		
Business Number (if applicable):		Professional Designation:
<input type="checkbox"/> Mr. <input type="checkbox"/> Ms. <input type="checkbox"/> Mrs. <input type="checkbox"/> Other:		<input type="checkbox"/> Bachelor degree
		Please specify area of study:
		<input type="checkbox"/> Licensed Professional Engineer
		<input type="checkbox"/> Exempted Professional Engineer
First Name:	Middle Initial:	Last Name:
Tel: () - Ext.	Fax: () - Ext.	E-mail:
Street Address:		
Mailing Address (if different than street address):		
County:		City/Town:
Province:	Postal Code:	Country:

References

<p>Please list all documents which were considered by the qualified person in the preparation of this schedule.</p> <p>Note that all referenced documents must be retained by the applicant as these may be requested by the Ministry as part of the evaluation of this application and supporting schedule. The Permit may also include special conditions which require the applicant to retain these documents for a specified period.</p>

Declaration

<p>I, the undersigned hereby declare that to the best of my knowledge, the information contained herein and the information submitted in support of this schedule is complete and accurate in every way.</p> <p>Qualified Person Signature: _____ Date (yyyy/mm/dd): _____</p> <p>Name (Please print or type): _____</p>
--

ATTACHMENT A.6

PTTW Application Miscellaneous

Appendix G

Definitions, Conversion Factors and Georeferencing

Definitions

Maximum Rate Per Minute. This is typically the maximum capacity of your pumping equipment. You may be able to obtain pump output rates from the manufacturer. Tables at the end of this appendix provide information on how to estimate the rate of water taking by some common models of irrigation equipment.

Maximum Number of Hours Per day. This refers to the number of hours in a day in which you actually take water. It does not indicate the length of your potential period of water taking. For example, if you normally take water sometime between 8:00 a.m. and 8:00 p.m., but you only actually plan to take water for four hours during this period, you should specify four hours in this instance.

Maximum Volume Per Day. This is the maximum amount of water you might take in one given day. In some cases you may be able to determine this total by multiplying the maximum rate per minute by 60 (minutes per hour) and then by the maximum number of hours that you might operate your pumping equipment on any one day. In other cases, you may be able to determine the maximum rate by demand calculations. The maximum volume per day may be equal to, or less than, the rate per minute, multiplied by 60 (minutes per hour), multiplied by the number of hours that you operate your pumping equipment.

Typical Volume Per Day. You may feel that the maximum volume per day is not typical of your normal rate of withdrawal. Please specify a more “typical” rate of withdrawal. This may be equal to or less than the maximum volume per day.

Maximum Number of Days of Taking Each Year. This refers to the number of days in a year during which you actually take water. It does not include the length of your potential period of water taking. For example, if you normally take water sometime between May 1 and September 30, but you only actually plan to take water for 25 days during this period, you should specify 25 days.

Earliest Likely Calendar Date of Taking. This is the earliest day in the year on which you might start to take water. If you take water year-round, this date will likely be January 1. If you take seasonally for irrigation, this date might be June 1. It is understood that this date will vary from year to year, depending on climate and your own activities.

Latest Likely Calendar Date of Taking. This is the last day in the year on which you might take water. If you take water year-round, this date will likely be December 31. If you take seasonally for irrigation, this date might be October 1. It is understood that this date will vary from year to year, depending on weather conditions and your own activities.

Transitional Permits. These are permits where the Director has previously required upgrades/modifications to water taking. Transitional surface water Permits are issued when an existing water taker who has been asked by the Director to implement upgrades or modifications to their water taking facilities applies for a temporary short term taking that would allow him/her to continue to operate while scientific studies are being finalized and improvement works are being implemented.

ATTACHMENT B



FILE # _____
(For NEC office use only)



NIAGARA ESCARPMENT COMMISSION

NIAGARA ESCARPMENT DEVELOPMENT PERMIT APPLICATION – NEC4

(Revised June 12, 2002)

THE NIAGARA ESCARPMENT PLANNING AND DEVELOPMENT ACT, RSO, 1990, AS AMENDED

NIAGARA ESCARPMENT COMMISSION
 232 GUELPH STREET
 GEORGETOWN, ONTARIO
 L7G 4B1

Phone: 905-877-5191
 Fax: 905-873-7452
 Website: <http://www.escarpment.org>

Serving the areas of:

Dufferin County
 Region of Halton
 Region of Peel
 Region of Niagara
 City of Hamilton

NIAGARA ESCARPMENT COMMISSION
 99 KING STREET EAST, BOX 308
 THORNBURY, ONTARIO
 N0H 2P0

Phone: 519-599-3340
 Fax: 519-599-6326
 Website: <http://www.escarpment.org>

Serving the areas of:

Bruce County
 Grey County
 Simcoe County

Please ensure that the information you provide in this application is complete and accurate as this is the information that is reviewed by the Commission and if approved, **all development must occur in accordance with this information.**

Please contact your local Commission office if you would like assistance in completing this application.

1. APPLICANT

Name: _____
Address: _____ Postal Code: _____
Phone: _____ Fax: _____ E-mail: _____

2. AGENT (if any)

Name: _____
Address: _____ Postal Code: _____
Phone: _____ Fax: _____ E-mail: _____

3. OWNER (if different from applicant)

Name: _____
Address: _____ Postal Code: _____
Phone: _____ Fax: _____ E-mail: _____

Note: All correspondence will be sent to the Agent where an Agent is designated.

4. PROPERTY LOCATION

County/Region _____ Municipality _____ Municipality) _____ (former
Lot _____ Concession _____ Lot _____ Plan _____
Civic Addressing # _____ Street Address _____
(Fire/emergency#)

5. LOT INFORMATION

Lot Size _____ Proposed Lot Size _____
(if applicable)
Frontage _____ Frontage _____
Depth _____ Depth _____

6. SERVICING

Road Frontage: Municipal Private Right-of-Way Year-round Summer
Water Supply: Municipal Communal Private Well Other _____
Sewage System: Municipal Communal Private Septic Other _____

7. LAND USE

	Existing (describe)	Proposed (describe)
Residential	<input type="checkbox"/> _____	<input type="checkbox"/> _____
Agricultural	<input type="checkbox"/> _____	<input type="checkbox"/> _____
Commercial	<input type="checkbox"/> _____	<input type="checkbox"/> _____
Industrial	<input type="checkbox"/> _____	<input type="checkbox"/> _____
Institutional	<input type="checkbox"/> _____	<input type="checkbox"/> _____
Other	<input type="checkbox"/> _____	<input type="checkbox"/> _____

8. EASEMENTS, COVENANTS, AGREEMENTS, ETC.

Please describe the type and terms of any easements, covenants, agreements or other restrictions registered on or affecting the title of the property:

9. DATE OF PURCHASE

Date of purchase by current owner: _____
Date of purchase by applicant (if purchasing from current owner): _____

NOTE

DEPENDENT ON THE NATURE OF THE PROPOSED DEVELOPMENT AND/OR THE CHARACTERISTICS OF THE PROPERTY, SUPPORTING INFORMATION SUCH AS LANDSCAPING PLANS, EROSION CONTROL PLANS, GRADING PLANS, OR AN ENVIRONMENTAL IMPACT ASSESSMENT MAY BE REQUIRED.

10. CONSTRUCTION DETAILS

- New Building or Structure** **Accessory Building** **Addition** **Demolition**

Note: Ground floor area is the total exterior measurements of the building including attached garages and enclosed decks (where applicable). Maximum height is measured from the lowest grade (e.g., walkout side), to the peak of the roof.

	Ground Floor Area	Total Floor Area	# of Storeys	Maximum Height	Roof Type (peaked, flat, etc)
New Building	_____	_____	_____	_____	_____
Accessory Building	_____	_____	_____	_____	_____
Addition	_____	_____	_____	_____	_____
Demolition	_____	_____	_____	_____	_____

11. ACCESSORY FACILITIES, OTHER STRUCTURES / USES

(e.g., swimming pools, gazebos, decks, tennis courts, lighting, signs, retaining walls, grading, filling, berming, parking lots/areas, tree clearing, communication/radio towers, etc.)

Please describe and provide information such as: location, dimensions, size, height, etc.

12. CHANGE OF USE or NEW USE of LAND or PROPERTY

(e.g., establishing a home business or Bed and Breakfast within an existing dwelling or structure, converting, changing or altering the use of all or part of a property, a dwelling or a building, etc.)

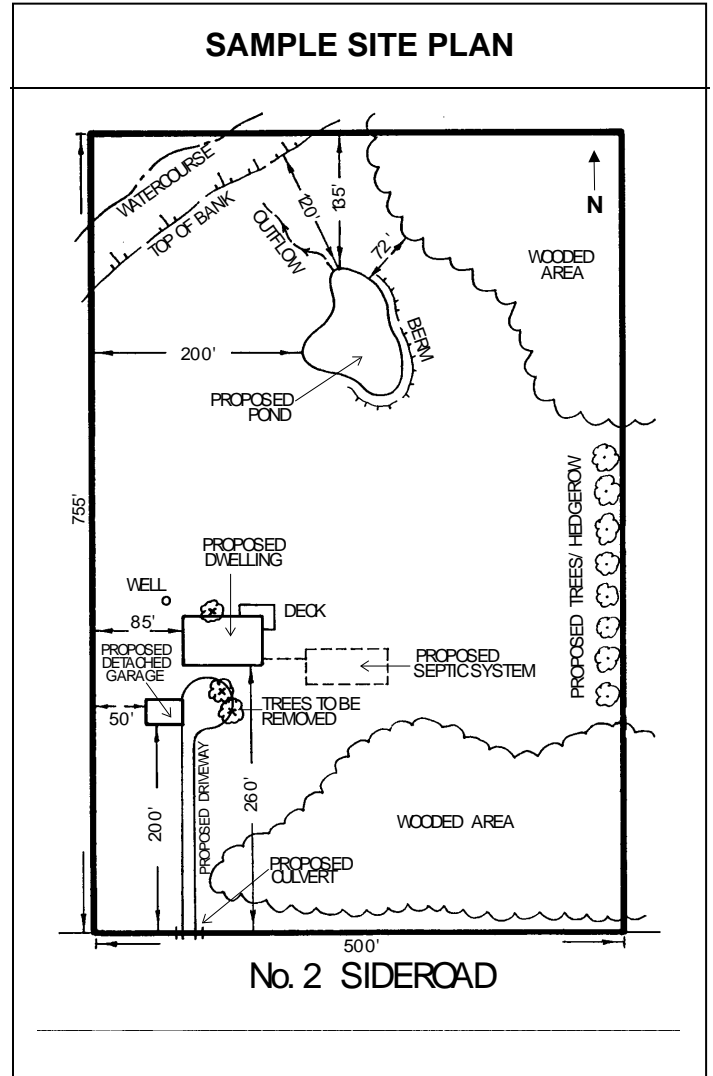
Please describe the proposed use, and provide information such as: size or area of land or building to be occupied or altered by the use, construction or alteration details, signage, number of employees, access, parking, storage details, etc.

16. SITE PLAN

Please attach a **SITE PLAN**, or draw on the following page.
Refer to the **SAMPLE** shown opposite:

Your **SITE PLAN** must show the following information:

- North Arrow (North should be to the top of the page)
- Lot frontage and depth measurements, and total size
- Location of topographical, natural & built features, including:
 - cliff edges, steep slopes
 - streams, wetlands, watercourses, ponds, drainage areas
 - woods, hedgerows, trees
 - agricultural fields and features
 - railway, hydro easements, trails, etc.
 - existing buildings, structures, facilities, etc.
- Location of all proposed development, including
 - proposed buildings
 - proposed accessory buildings, facilities, structures
 - driveway, septic system, well, etc.
 - parking areas, storage areas
 - cut &/or fill areas, berms, retaining walls, culverts, etc.
- Measurements showing distance from proposed development to:
 - front, side and rear lot lines
 - any cliff edges, streams, woods, fencelines, hedgerows, etc.
 - nearest barn
- If your application involves severance of a proposed new lot, show the location, dimension, and size of the proposed lot in relation to the existing lot.



This information is being collected in accordance with the *Niagara Escarpment Planning and Development Act, RSO, 1990, as amended*, for the purpose of defining the development proposal. For more information please contact the Niagara Escarpment Commission office serving your area.

A site visit to the property may be conducted to review this application, in accordance with the *Niagara Escarpment Planning and Development Act*.

I CERTIFY THAT THIS STATEMENT IS TRUE AND CORRECT

DATE: _____

SIGNATURE of APPLICANT: _____

SIGNATURE of OWNER: _____
(if different from applicant)

SIGNATURE of AGENT: _____
(if any)

SITE PLAN

↑
North