

Nichols Gravel Limited

P.O. Box 172

DELHI, On. N4B 2W9

Phone: (519) 582-3354

Fax: (519) 582-2143 •

March 12, 2002

Ministry Of The Environment
119 King St. W. 12th Floor
Hamilton, On. L8N 3Z9

Director Section 34
Ontario Water Resources Act
Mr. Paul Odum

Dear Mr. Odum:

In respect to our recent letter to M.P.P. Toby Barrett copied to the Minister of Natural Resources, the O.M.B. and yourself, we continue after almost 4 years and 1 year and 3 months after conclusion of a lengthy and costly O.M.B. hearing, to attempt to obtain the issuance of the necessary license from M.N.R. in order to proceed with development and operation of this O.M.B. approved? quarry.

Our evidence provided at the hearing indicated adequate reserves above the water table to permit extraction for at least 20 years before it would become necessary to dewater for the purpose of extraction.

However, everything seems to have become extremely complicated as a result of the October 20th, 2000 letter from M.O.E. Barbara Ryter that was presented at the hearing, which suggested that your Ministry would prefer that the permit to take water be issued prior to issuance of the M.N.R. License.

My recent research now indicates that this proposal contravenes "Prescribed Conditions: of the Aggregate Act which the O.M.B. or the Minister of M.N.R. has no authority to change or alter. Reference the Aggregate Act, Category 2, Page 9 3.0 "Prescribed Conditions" that apply to Category 2 Licenses, Section 3.9. Quote: "If required, a permit to take water will be obtained for utilizing ground and/or surface water." unquote. See Copy.

As you previously stated, a need or requirement must be established before you can exercise your authority to issue a permit to take water.

Without first the issuance of the license by M.N.R., we cannot proceed to operate the quarry, therefore we cannot comply with any of the 55 conditions O.M.B. approved and directed under Decision Order #1194, and in that respect there is no need or requirement for a Permit to take water without or until the M.N.R. license is issued.

However, yesterday in a conversation with O.M.B. caseworker Mr. Andy Dawang, he informed me that lawyer Mr. Duxbury indicated recently that the area residents are adamant in their position that we must have the permit to take water before operations begin.

In order to comply with O.M.B. direction/order #1194 and to attempt to satisfy the concerns of the residents, I propose the following solution.

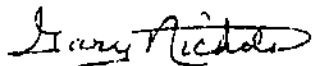
That a Permanent Permit to take water be issued subject to the following conditions:

1. That O.M.B. Conditions of Approval Attachment "2" number 29 concerning well monitoring be implemented upon issuance of the M.N.R. License in order to identify any adverse impact to wells as described.
2. That no pumping of water will be allowed for the purpose of dewatering for extraction, until first the work program described in attachment "2" number 27 has been completed subject to M.O.E. approval.
3. That the Permit to take water would allow pumping of water in order to comply with dust mitigation measures under Prescribed Conditions of the Aggregate Act, Category 2, Page 9, Section 3.0, Subsection 3.2 and O.M.B. Conditions of Approval, Attachment "2", Pages 8 and 9, Dust 3.1, 3.2 and 3.3, and to dewater surface water or water from intermittent storm events as may become necessary.

Subject to these proposed conditions please find enclosed our application for a Permit to take water.

Thank you for your co-operation in this matter.

Yours sincerely,



Gary Nichols, Pres.
Nichols Gravel Limited

- c.c. M.P.P. Toby Barrett
- c.c. Minister of Natural Resources, Hon. John Snobelen
- c.c. O.M.B. Caseworker Mr. Andy Dawang
- c.c. Lawyer Mr. Brian Duxbury
- c.c. Haldimand County Planning Dept. c/o David Roe



MARCH 15

Information requested by this form is collected under the authority of the Ontario Water Resources Act, R.S.O. 1990, Chapter O.40 (OWRA) and the Environmental Bill of Rights, Statutes of Ontario, 1993, Chapter 28 (EBR). The purpose of the Permit is to regulate water takings in order to promote efficient development and equitable use of surface and ground waters.

<input checked="" type="checkbox"/> New Permit	Existing Permit No.
<input type="checkbox"/> Permit Renewal	
<input type="checkbox"/> Permit Amendment	

Name of Applicant NICHOLS GRAVEL LIMITED	Telephone No. (519) 582-3354
Address BOX 172 DELHI ONT.	Postal Code N4B 2W9.

Application Particulars

Please read instructions on the Guide for Applying for Approval of Permit to Take Water ("Guide") and ensure that all sections of the application are completed in full, especially the section on Request Amount of Taking from each Source and project/application description for purposes of EBR registry.

Submit a diagram of the area of this water taking. Diagram, instructions and example are shown in the "Guide". If the taking is from a groundwater source, then a diagram indicating any wells within 500 metres of the taking must be submitted.

If there are questions concerning the application, please contact the corresponding Ministry of Environment and Energy Regional Office listed in the "Guide".

A Source of Water

1 Well(s): How many? <input type="text" value="N/A"/>	Spring(s): How many? <input type="text" value="N/A"/>	2 Lake, Stream or River Name (s)
3 Pond(s): How many? <input type="text"/>	Type: <input type="checkbox"/> Dugout <input type="checkbox"/> By-Pass <input type="checkbox"/> On-Stream <input checked="" type="checkbox"/> Pit or Quarry	
4 Other: Type of Source		
5 Construction date of Source UNKNOWN - WHEN REQUIRED	6 Date of installation of Water Taking Equipment UNKNOWN - WHEN REQUIRED	

B Location of Taking

Lot: Concession, Township or former Township and County or Region or District, or City, Town or Village with name of street and number
LOTS 19, 12 CON 12 FORMER WALPOLE TWP CITY OF NANTICOKE
NOW HALDIMAND COUNTY

Are the proposed works located in an area of development control as defined by the Niagara Escarpment Planning and Development Act (NEPDA)
 Yes No (if Yes, attach copy of NEPDA permit)

C Location of Water Use

Same as B or

Lot: Concession, Township or former Township and County or Region or District, or City, Town or Village with name of street and number

D Purpose of Taking

Irrigation Commercial Industrial Municipal Public Supply Recreation

Drinking water Other (please describe)

E Period of Water Taking (complete either section 1 or 2 below)

1 Taking to commence on **UNKNOWN** and to extend for a period of _____ days weeks months years

2 Seasonal taking to extend from **MARCH 15** to **DEC. 15** each year for **50?** (number of years)

F Request Amount of Taking from each Source (if the taking involves the taking of water into storage, please state the amount of water taken into storage as well as the amount of water withdrawn from storage).

Source Number	Name of source or Description	Maximum amount taken per minute	Maximum amount taken per day	Number of hours of taking per day-maximum	Number of hours taken per day-average	Maximum number of days taking per year
1	NICHOLS QUARRIES	700	420,000	10 ⁺	10	280
	911#2746					
	HALDIMAND COUNTY RD9					
	HAGERSVILLE CNT.					

indicate unit of measure Litres Imperial Gallons U.S. Gallons

G Project/application description for purposes of EBR registry (brief description of proposal)

THIS APPLICATION TO COMPLY WITH O.M.B. DIRECTION ORDER #1194 AND AGGREGATE ACT CATEGORY 2 PRESCRIBED CONDITION PAGE 9 3.0 SUBSECTION 3.2 AND AS DESCRIBED UNDER OMB CONDITIONS OF APPROVAL ATTACHMENT "2" ~~#1~~ PAGE 1 #2. AND FOR INTERMITTANT DEWATERING OF SURFACE WATER OR STORM EVENTS WHICH MAY OCCUR AND POSSIBLE THE PROTECTED NEED TO WASH AGGREGATE AS REQUIRED.

H Environmental Bill of Rights requirements

Is this a proposal for a Prescribed Instrument under EBR? Yes No

If "Yes", is it exempted from public notification? Yes No

If it is exempted from public notification, provide reason Equivalent Public Participation Emergency

EVERYTHING BROUGHT UNDER REVIEW THROUGH OMB PUBLIC HEARING PROCESS, Environmentally Insignificant amendment or revocation EAA or Tribunal Decision

Documentation in support of the above noted exception must be provided (refer to "Guide").

I Supporting information checklist This is a list of all supporting information attached to this application and is subject to the Freedom of Information and Protection of Privacy Act (FOI/POPA) and the Environmental Bill of Rights (EBR).

SUPPORTING INFORMATION	ATTACHED?	REFERENCE	CAN BE DISCLOSED
Pre-application consultation with MOEE	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Documentation Provided			
Description of the proposed works	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>MNR SITE PLAN</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Environmental Study Report (ESR)	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No
Preliminary Report	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>LEVEL 1 AND 2 HYDROG</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Design Report/Brief	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No
Hydraulic and Process Calculations	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>LEVEL 1 AND 2 HYDROG. REPORT.</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Final Plans and Specifications	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<u>SEE ATTACHMENT 2 # 27</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Water Supply and Treatment			
Raw Water Quality Analysis	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No
Hydrogeological Report	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>LEVEL 1 AND 2</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other Attached Information	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No

Statement of Applicant

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. The applicant agrees to indemnify and save harmless the Crown in right of the Province of Ontario and its officers, employees, agents and contractors from and against all damages, loss, costs, claims, suits, injuries, demands, actions and proceedings resulting from or in any manner connected with act or omission of the applicant or any of its officers, employees, agents or contractors relating to this Application and any Permit, Renewal Permit or terms and conditions of a Permit issued in response to this Application. I understand that it is the policy of the Director in issuing a Permit to Take Water to impose the General Terms and Conditions appearing on the Guide for Applying for Permit to Take Water.

Name of Applicant or Agent/Official of Applicant (please print)

Signature of Applicant or Agent of Applicant

Date

NICHOLS GRAUEL LIMITED

Gary Nichols

March 12, 2007

Diagram of Location of Water Taking