

**Ministry of the Environment**

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**Ministère de l'Environnement**

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October 30, 2008

St. Marys Cement Inc. (Canada)  
55 Industrial St  
Toronto, Ontario, M4G 3W9

Attention: Mr. John Moroz, Vice President and General Manager

Dear Mr. Moroz:

**RE:** Request for approval of Phase 2 pumping test, condition 3.3  
Permit to Take Water 8462-7CFLG5  
Reference Number 4455-6U9MKG

This is to respond to the letter of September 24, 2008 signed by Jennifer Tuck in which St. Marys Cement Inc. (Canada) requests written approval to proceed to the second phase of the pumping test in accordance with condition 3.3 of the above referenced permit. Additionally, the letter request indicated a change in the previously understood approach for the second phase of the pumping test.

Ministry staff have reviewed the reports submitted for Phase 1 of the pumping test. As well, agencies required to be notified of the Phase 1 pumping test have provided comments. Condition 3.3 indicates that the approval of subsequent tests shall be based on the results of the previous pumping test being acceptable to the Director.

The results of Phase 1 of the pumping test are not acceptable for the following reasons:

1. The testing did not resolve the concerns raised by the ministry over previous pumping test results regarding the impact of the water taking on the on site wetlands by providing an adequate base line against which predictions of the benefit of remedial proposals can be compared.
2. The reliability of the pumping test data as baseline for further aquifer characterization has not been established in the context of a long term water taking.

Accordingly the proposal for Phase 2 as per the September 24, 2008 letter is not accepted. I am prepared to allow Phase 2 to be carried out as a repeat of the Phase 1 test following all appropriate conditions of the permit with the exception that conditions 4.3 and 4.4 have been met and do not need to be repeated and condition 4.17 does not apply.

If you wish to proceed with your revised proposal for a Groundwater Recirculation System test as outlined in the September 24, 2008 letter the ministry will post this proposal to the Environmental Registry for 30 days as an information item and to provide an opportunity for comment. This revised proposal, if approved under condition 3.3 would constitute phase 3 of the pumping test. An administrative amendment to the above referenced permit will be required.

Please provide confirmation that you wish to proceed on this basis and that the revised proposal for a Groundwater Recirculation System test will be completed before the expiry date of the existing permit.

Yours truly,

A handwritten signature in cursive script that reads "Carl Slater".

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Carl Slater  
Director, Section 34, Ontario Water Resources Act  
West Central Region

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