

PERMIT TO CONSTRUCT

Pursuant to the *Water Resources Act*, SNL 2002 cW-4.01, specifically Section(s) 37, 48

Date: **AUGUST 12, 2021**

File No: **844.080.004**
Permit No: **WS11723-2021**

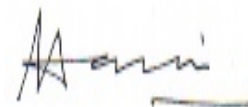
Permit Holder: **Edinburgh Group Limited**
36 Cabot Avenue
St. John's NL A1A 1B7
Albert@williamssurveys.com

Attention: **Mr. Albert Williams, P. Eng.**

Re: **Portugal Cove-St. Philips - Winsor Gate Residential Subdivision Stage 2**

Permission is hereby given for : **the installation of 510 m of 200 mm PVC watermain and related appurtenances to service 21 new building lots, and construction of a stormwater detention pond in existing wetland and 15 metres boundary of the designated floodplain of Beachy Cove Brook for the Town of Portugal Cove-St. Philip's as described in the drawings titled, "Winsor Gate Residential Subdivision Stage-2" as received from Progressive Engineering & Consulting Inc. on March 1, 2021.**

- This Permit does not release the Permit Holder from the obligation to obtain appropriate approvals from other concerned municipal, provincial and federal agencies.
- The Permit Holder must obtain the approval of the Crown Lands Administration Division if the project is being carried out on Crown Land.
- This Permit is subject to the terms and conditions indicated in Appendices A and B (attached).
- It should be noted that prior to any significant changes in the design or installation of the proposed works, or in event of changes in ownership or management of the project, an amendment to this Permit must be obtained from the Department of Environment and Climate Change under Section 49 of the *Water Resources Act*.



(for) MINISTER

APPENDIX A
Terms and Conditions for Permit

Water & Sewer General

1. Water pumped from excavations or work areas, or any runoff or effluent directed out of work sites, must have silt and turbidity removed by settling ponds, filtration, or other suitable treatment before discharging to a body of water. Effluent discharged into receiving waters must comply with the *Environmental Control Water and Sewage Regulations, 2003*.
2. All operations must be carried out in a manner that prevents damage to land, vegetation, and watercourses, and which prevents pollution of bodies of water.
3. Any areas adversely affected by this project must be restored to a state that resembles local natural conditions. Further remedial measures to mitigate environmental impacts on water resources can and will be specified, if considered necessary in the opinion of this Department.
4. All waste materials resulting from this project must be disposed of at a site approved by the Department of Digital Government and Service NL.
5. The works proposed must satisfy the requirements of the latest applicable codes and standards, and be consistent with or otherwise address the design criteria set out in this Department's publication *Guidelines for the Design, Construction, and Operation of Water and Sewerage Systems, 2005*, and as amended from time to time.
6. The work must be undertaken in strict compliance with the submitted documents and the latest version of the *Municipal Water, Sewer and Roads Master Construction Specifications*. A copy of all documents, including the *Municipal Water, Sewer and Roads Master Construction Specifications* must be available for viewing at the construction site office at all times.
7. Liaison is to be maintained with the Environmental Scientist representing the Drinking Water and Wastewater Section of this Department, during the construction and operation of the project. They shall be notified of the pre-construction and post-construction meetings so that they may attend, if deemed necessary. They can be reached at telephone (709) 729-2558.
8. Officials of this Department may visit the project from time to time to ensure that work is carried out within the provisions of this Permit, and is not creating any environmental hazard.
9. Any changes in the approved works, or works other than those specified in the application, must be submitted, in writing, to this Department, and approved, in the form of an Amendment to this Permit, prior to any work.
10. Copies of this Permit, as well as any subsequent Amendments, must be provided to the contractor(s) who will be carrying out these works, and to the engineer's site representative.
11. The attached Completion Report (Appendix C) for Permit No. 11723 must be completed and returned to this Department upon completion of the approved works. Pictures must be submitted along with the completion report, showing the project site prior to and after development.
12. This Permit is valid for two years from the date of issue. Work must be completed by that date or the application and approval procedure must be repeated.

13. Management of stormwater is the responsibility of the municipality or LSD. Stormwater management should focus on ensuring that the post-development stormwater runoff rate will be equal to or less than the pre-development runoff rate. Any stormwater runoff has the potential to contribute to flooding downstream which may have liability issues for the municipality or LSD if not managed properly.
14. The Owner must update any drawings maintained of the drinking water or wastewater system to reflect the modification or replacement of the works, where applicable.

Water Systems

15. Wherever possible, water distribution system layouts should be designed to eliminate dead-end sections. Where dead-end mains cannot be avoided, they should be provided with a fire hydrant, blow off, or other acceptable measures taken to prevent problems associated with stagnation.
16. Under no circumstances shall sewage be permitted to enter the waterline trench during or after construction.
17. All new waterlines and appurtenances shall be hydrostatically tested in accordance with the *Municipal Water, Sewer and Roads Specifications*.
18. Water mains must not pass within 15 metres of any part of a sewage disposal system. Water service lines must not pass within 7.5 metres of a sewage disposal system. In general the following conditions should be met in regards to water service lines:
 - (a) There should be no joint in the service line between the building and the connection to the watermain.
 - (b) The groundwater level should not be above the service line.
 - (c) The service line should be located upslope of the sewage disposal system.If the above conditions are not met, consideration should be given to increasing the distance between the service line and the sewage disposal system, providing extra protection against contamination.
19. All components, lubricants and chemicals provided shall be compatible for use with drinking water and shall meet the requirements of ANSI/NSF 60 Drinking Water Treatment Chemical Standard and ANSI/NSF 61 Drinking Water and System Component Standard and any other standard applicable to potable water.
20. Backflow prevention devices should/must be installed on service connections where there is a high risk of contamination of the potable water supply.
21. All buildings receiving a water service only must have their sewage disposal systems inspected and approved by the Regional Office of the Department of Digital Government and Service NL before connection to the water system. Buildings with an inadequate method of sewage disposal must not be permitted to connect to the system.
22. All new lines and appurtenances must be disinfected by an approved method described in the latest edition of the AWWA C651 Standard for Disinfecting Watermains and using only chlorine products that meet the NSF 60 standard.
23. After final flushing and before the new water main is commissioned into service, bacteriological sampling must be conducted as per the latest edition of the AWWA C651 Standard for Disinfecting Watermains. Two acceptable options are available: (1) two consecutive sets of bacteriological samples, taken at least 16 hours apart, must be collected and tested for bacteriological quality, or (2) following a 16 hour rest period two consecutive sets of samples, taken 15 minutes apart, must be collected and tested for bacteriological quality. Sets of samples shall be collected for every 366 m of new water main including the end of the main line and the end of each branch line. These sampling locations shall be determined by the engineer. **A copy of test results must be submitted to this Department (Water Resources Management Division) before the new watermain is placed into service.** In the event of any bacteria detected in the sample results, flushing and re-sampling may be attempted or the disinfection process will need to be repeated until results for two consecutive sets of samples are bacteria free. Where necessary, this Department should be contacted to determine provisions for the disposal of heavily chlorinated water.

24. For the purpose of disinfecting new or upgraded watermains, connection may only be made to the existing watermain provided a valve is installed that maintains a water tight seal. This valve may be operated to flush the new water extension before disinfection and post disinfection provided adequate measures and procedures are followed to avoid a backflow and contamination of the existing system.
25. Additional water services resulting from this project will not adversely affect the distribution system's ability to maintain a minimum pressure of 140 kPa (20 psi) at ground level at all points in the distribution system under maximum day demand plus fire flow conditions.

Miscellaneous

26. The Permit Holder must prevent erosion of drainage ditches, streams or other natural bodies of water by installing rip-rap and/or sodding.

Special Conditions

27. The Permit holder has an obligation to obtain appropriate approvals from the City of St. John's for work within the Windsor Lake water supply area under *The City of St. John's Act*.

Dam/Reservoir Design

28. Reservoirs must be provided with a spillway of adequate capacity to safely discharge design flows at non-erosive velocities without causing flooding of the reservoir or damage to the spillway or section downstream channel.
29. The dam and appurtenant structures shall be constructed at the following coordinates:

Name	Datum	Northing (m)	Easting (m)	Zone
Windsor Gates Phase II Stormwater Detention Pond	83	5273340.32	362352.86	22

30. The dam(s) must have the following dimensions:

Name	Height of Dam (m)	Maximum Water Elevation (m)	Minimum Water Elevation (m)	Minimum Freeboard (m)
Windsor Gates Phase II Stormwater Detention Pond	2.2	148.123	145.5	0.377

31. To safely convey peak flows the dam(s) must be designed according to the following hydraulic criteria:

Name	Design Return Period (years)	Minimum Flow Capacity (m ³ /s)
Windsor Gates Phase II Stormwater Detention Pond	100	1.658

32. The dam and associated works must be designed and constructed under the direct supervision of an engineer eligible for membership with the Professional Engineers and Geoscientists of Newfoundland and Labrador (or equivalent Canadian organization) who is able to demonstrate competence in the design, construction, and surveillance of dams.

33. The dam and associated works shall be designed according to the Canadian Dam Association Dam Safety Guidelines and associated Bulletins (most recent edition).

Dam Construction

34. The detention pond must be constructed such that detained water has sufficient retention time to mimic natural flow conditions as if the catchment area had remained undeveloped.
35. The stormwater detention pond shall have a design return period of 100 years.
36. The detention pond must provide enough storage for any captured sediment.
37. Embankment dam and outlet structure foundations shall be prepared to ensure a clean, stable, competent foundation.
38. The finished upstream sides of the earthen dam structures shall have a minimum slope of 6 horizontal to 1 vertical. The finished downstream sides of the earthen dam structures shall have a minimum slope of 2 horizontal to 1 vertical.
39. The dam shall be constructed with a storm sewer inlet with an invert elevation of 149.50, two storm sewer outlet 300 mm diameter pipes with an invert elevation of 145.5.
40. The upstream and downstream slopes of the embankment dam shall be covered with topsoil and hydroseed or sod.
41. Fill material must be obtained from an approved quarry site. It must not be taken from beaches or streams, and must not be dredged from a body of water.
42. The area to be flooded by the reservoir must be prepared by removing timber, brush, and slash up to the maximum water elevation.
43. The dam and outlet structures must be inspected regularly to identify any indications of structural failure, leaking, erosion or other problem so that immediate action can be taken to rectify the problem.
44. The transportation of labour and materials to the site must be along existing access roads.

Dam Safety

45. The dam has been conditionally identified as a very small dam. However, the consequences of failure of the dam should be reviewed periodically, since they may change with downstream development. If the consequences of dam operations or failure are likely to be unacceptable to the public the dam may be classified based on the 2007 Canadian Dam Association (CDA) guidelines and have to meet CDA best practices for that class of dam.

Flood Zone Development

46. The proposed stormwater detention pond is within the 15 metres boundary of designated floodplain of Beachy Cove Brook for the Town of Portugal Cove - St. Philip's. This development, and future development at the site, must comply with this Department's policy directive for *Flood Plain Management W.R. 96-1*.
47. Fill may be placed on the lot only to the extent required for flood protection.
48. Any further development in the flood zone area not specifically covered by this permit will require a separate permit from this Division under Section 48 of the *Water Resources Act*.
49. The proposed use of the facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides, etc.

50. The structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties.

General Alterations

51. Any work that must be performed below the high water mark must be carried out during a period of low water levels.
52. Any flowing or standing water must be diverted around work sites so that work is carried out in the dry.
53. The use of heavy equipment in streams or bodies of water is not permitted. The operation of heavy equipment must be confined to dry stable areas.
54. All vehicles and equipment must be clean and in good repair, free of mud and oil, or other harmful substances that could impair water quality.
55. During the construction of concrete components, formwork must be properly constructed to prevent any fresh concrete from entering a body of water. Dumping of concrete or washing of tools and equipment in any body of water is prohibited.
56. Wood preservatives such as penta, CCA or other such chemicals must not be applied to timber near a body of water. All treated wood or timber must be thoroughly dry before being brought to any work site and installed.
57. The bed, banks and floodplains of watercourses, or other vulnerable areas affected by this project, must be adequately protected from erosion by seeding, sodding or placing of rip-rap.
58. Periodic maintenance such as painting, resurfacing, clearing of debris, or minor repairs, must be carried out without causing any physical disruption of any watercourse. Care must be taken to prevent spillage of pollutants into the water.
59. The owners of structures are responsible for any environmental damage resulting from dislodgement caused by wind, wave, ice action, or structural failure.
60. Sediment and erosion control measures must be installed before starting work. All control measures must be inspected regularly and any necessary repairs made if damage is discovered.
61. Fill material must be of good quality, free of fines or other substances including metals, organics, or chemicals that may be harmful to the receiving waters.
62. The location of the work is highlighted on the Location Map for this Permit attached as Appendix D.
63. All work must be carried out within the Permit Holder's legal property boundaries.

APPENDIX B

Special Terms and Conditions for Permit

1. The Permit Holder and its agent(s), subcontractor(s), and consultant(s) shall keep all systems and works in good condition and repair and in accordance with all laws, by-laws, directions, rules and regulations of any governmental authority. The Permit Holder or its agent(s), subcontractor(s), or consultant(s) shall immediately notify the Minister if any problem arises which may threaten the structural stability of the systems and works, endanger public safety and/or the environment or adversely affect others and/or any body of water either in or outside the said Project areas. The Permit Holder and its agent(s), subcontractor(s), and consultant(s) shall be responsible for all damages suffered by the Minister and Government resulting from any defect in the systems and works, operational deficiencies/inadequacies, or structural failure.
2. The Permit Holder and its agent(s), subcontractor(s), and consultant(s) shall operate the said Project and its systems and works in a manner which does not cause any water related and/or environmental problems, including but not limited to problems of erosion, deposition, flooding, and deterioration of water quality and groundwater depletion, in or outside the said Project areas. The Permit Holder and its agent(s), subcontractor(s), and consultant(s) shall be responsible for any and all damages associated with these problems caused as a result of changes, deficiencies, and inadequacies in the operational procedures by the Permit Holder or its agent(s), subcontractor(s), or consultant(s).
3. If the Permit Holder or its agent(s), subcontractor(s), or consultant(s) fails to perform, fulfil, or observe any of the terms and conditions, or provisions of this Permit, as determined by this Department, the Minister may, without notice, amend, modify, suspend or cancel this Permit in accordance with the *Water Resources Act*.
4. The Permit Holder and its agent(s), subcontractor(s), and consultant(s) indemnify and hold the Minister and Government harmless against any and all liabilities, losses, claims, demands, damages or expenses including legal expenses of any nature whatsoever whether arising in tort, contract, statute, trust or otherwise resulting directly or indirectly from granting this Permit, systems and works in or outside the said Project areas, or any act or omission of the Permit Holder or its agent(s), subcontractor(s), or consultant(s) in or outside the said Project areas, or arising out of a breach or non-performance of any of the terms and conditions, or provisions of this Permit by the Permit Holder or its agent(s), subcontractor(s), or consultant(s).
5. This Permit is subject to all provisions of the *Water Resources Act* and any regulations in effect either at the date of this Permit or hereafter made pursuant thereto or any other relevant legislation enacted by the Province of Newfoundland and Labrador in the future.
6. This Permit shall be construed and interpreted in accordance with the laws of the Province of Newfoundland and Labrador.

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- cc: Amir Ali Khan, Ph.D., P.Eng.
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Water Resources Management Division
Department of Environment and Climate Change
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akhan@gov.nl.ca
- cc: Ms. Deneen Spracklin, P.Eng.
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Water Resources Management Division
Department of Environment, Climate Change and Municipalities
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- cc: Eastern Lands Office
Fisheries & Land Resources
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Howley Building, Higgins Line
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easternlandsoffice@gov.nl.ca
- cc: Ms. Sharon Metcalfe (Avalon - Eastern)
Manager of Operations
Digital Government and Service NL
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- cc: Fisheries Protection Division
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FPP-NL@dfo-mpo.gc.ca

- cc: City of St. John's
Jason Sinyard, P.Eng.
Director of Planning & Development
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- cc: Town of Portugal Cove-St. Philip's
Town Manager
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Portugal Cove-St. Philip's, NL A1M 1T6
pcsp@pcsp.ca

Appendix C - Completion Report

Pursuant to the *Water Resources Act*, SNL 2002 cW-4.01, specifically Section(s) 37, 48

Date: **AUGUST 12, 2021**

File No: **844.080.004**
Permit No: **WS11723-2021**

Permit Holder: **Edinburgh Group Limited**
36 Cabot Avenue
St. John's NL A1A 1B7
Albert@williamssurveys.com

Attention: **Mr. Albert Williams, P. Eng.**

Re: **Portugal Cove-St. Philips - Winsor Gate Residential Subdivision Stage 2**

Permission was given for : **the installation of 510 m of 200 mm PVC watermain and related appurtenances to service 21 new building lots, and construction of a stormwater detention pond in existing wetland and 15 metres boundary of the designated floodplain of Beachy Cove Brook for the Town of Portugal Cove-St. Philip's as described in the drawings titled, "Winsor Gate Residential Subdivision Stage-2" as received from Progressive Engineering & Consulting Inc. on March 1, 2021.**

I (the Permit Holder named above or agent authorized to represent the Permit Holder) do hereby certify that the project described above was completed in accordance with the plans and specifications submitted to the Department of Environment and Climate Change and that the work was carried out in strict compliance with the terms and conditions of the Permit issued for this project.

Date: _____ Signature: _____

This completion report must be completed and forwarded to the following address upon completion of the approved work.

Department of Environment and Climate Change
Water Resources Management Division
PO Box 8700
St. John's NL A1B 4J6

APPENDIX D
Location Map for Permit

Windsor Gate Residential Development in Portugal Cove-St. Philip's
Construction of stormwater detention pond in existing wetland and 15 metres boundary of designated floodplain

