

## PERMIT FOR DEVELOPMENT

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Pursuant to the *Water Resources Act*, SNL 2002 cW-4.01, specifically Section(s) 39, 48

Date: **SEPTEMBER 14, 2018**

File No: **550-01-03-11-073**

Permit No: **PRO9881-2018**

Permit Holder: **Department of Transportation and Works  
PO Box 2006  
Corner Brook NL A2H 6J8**

Attention: **Mr. Darrell Avery**

Re: **Trout River - Feeder Brook PPWSA - Berm Restoration - Department of Transportation and Works**

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Permission is hereby given for : re-establishing a section of an existing brook side berm that was washed away during the January 2018 flood event with approximately 240 cubic metres of fill in the Feeder Brook Protected Public Water Supply Area (used by the town of Trout River) with reference to the application dated July 12, 2018.

- 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 Municipal Affairs and Environment under Section 49 of the *Water Resources Act*.
- Failure to comply with the terms and conditions will render this Permit null and void, place the Permit Holder and their agent(s) in violation of the *Water Resources Act* and make the Permit Holder responsible for taking any remedial measures as may be prescribed by this Department.



MINISTER

GOVERNMENT OF NEWFOUNDLAND AND LABRADOR  
Department of Municipal Affairs and Environment

File No: 550-01-03-11-073  
Permit No: PRO9881-2018

APPENDIX A  
Terms and Conditions for Permit

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**PPWSA General**

1. 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.
2. 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.
3. All persons working on this project must be informed that they are within a Protected Public Water Supply Area, and must be made aware of all conditions of this Permit. A copy of this Permit must be on site during operations.
4. The attached Completion Report (Appendix C) for Permit No. 9881 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.
5. An undisturbed (no cutting or ground disturbance) buffer zone of at least 150 metres shall be maintained around Feeder Brook, at least 50 metres along both sides of all streams and main tributaries running into Feeder Brook, and at least 30 metres around all ponds and along both sides of all other water bodies. Activity or development within these buffer zones is prohibited with the exception of the area to be cleared for the berm rehabilitation only. Only an area the size of the berm rehabilitation is permitted to be altered. All buffer zones must be marked with signs or flagging tape to avoid encroachment into the buffer zones.
6. Equipment storage, maintenance facilities associated with this project, and all maintenance other than emergency repairs must not be located/carried out within the Protected Public Water Supply Area.
7. All waste material is to be collected in refuse containers, and disposed of at an approved waste disposal site outside the Protected Public Water Supply Area in accordance with the *Environmental Protection Act, SNL 2002 cE-14.2*.
8. The Department reserves the right to require that the Permit Holder follow, and cover all costs incurred by the Permit Holder or this department, associated with any water quality monitoring program that may be ordered by the Minister for the purpose of ensuring that the water quality is maintained within acceptable guidelines.
9. Officials of the Department and the appropriate Municipal Authority, Operator, or Watershed Management Committee may visit the site to ensure compliance with this Permit.
10. Liaison is to be maintained with the appropriate Municipal Authority and Environmental Scientist. If there are any specific problems (ie sedimentation, fuel spill, other potential water quality impairment), the appropriate Town Manager/Clerk must be notified immediately at (709)451-5376. The Environmental Scientist must also be notified immediately at (709)637-2542.
11. The felling or disposing of trees, parts of trees, sawdust, bark, logging debris or slash into a water body is strictly prohibited.
12. Treated wood shall not be used in a water body or within fifty (50) metres of the high water mark of any water body. The use of creosote treated wood anywhere within the Protected Public Water Supply Area is strictly prohibited.
13. The location of the work is highlighted on the Location Map for this Permit attached as Appendix D.
14. This Permit is valid for one (1) year from the date of issue. If required, an application for Permit renewal must be submitted prior to the expiry date.
15. Any changes in water quality resulting directly from this project, rendering the water unsuitable as a public water supply, are the responsibility of the Permit Holder. The Minister may order the Permit Holder to provide an alternate source of potable water to the affected community until water quality returns to an accepted level.
16. The Town of Trout River is to be advised at the start of work and when work is completed by calling (709) 451-5376.
17. All materials dredged from the area will be disposed of in accordance with Service NL requirements.

18. All vehicles and equipment must be in good working order with no leaking fuel, oil, or other harmful substances that could impair water quality.
19. All stationary motorized equipment and fuel tanks shall have metal trays, absorbent pads or impervious liners under them to catch any leaking fuel or oil.
20. Drainage from roads and other disturbed areas into any body of water must first be discharged into a settling pond, a vegetated area or pass through a sedimentation fence where all suspended material can settle out before draining into any body of water.
21. Any streams not visible on a 1:50,000 scale map (including field identified streams) shall require a minimum buffer of 30 m.
22. For any clearing inside buffer zones: no ground disturbance (no disturbance to the root mat, no grubbing, or removal of soil) shall take place in the buffer zones. The Permit Holder is to ensure that the appropriate best practices are employed to prevent any detrimental effects that could impact water quality. Where possible, work in buffer zones shall be completed when the ground is frozen.

#### **Fuel Storage**

23. There shall be no bulk fuel storage associated with this project within the protected water supply area. Fuel shall be brought to the operating area in no more than two (2), 205 litre barrels or one (1) 500 litre slip tank. Refueling sites shall be located at least 150 metres from any water body or wetland. The Permit Holder is hereby informed that fuel storage and handling requires a separate approval under the *Storage and Handling of Gasoline and Associated Products Regulations*, CNR 775/96.
24. A complete oil spill clean-up kit must be on site at all times when gasoline or fuel powered equipment is being used or refueled. The kit must contain the following:
  - Fire pump and 100 metres of hose
  - Two hand operated fuel pumps
  - Six recovery containers such as empty 205 litre drums
  - Four shovels
  - Two pick axes
  - Ten metres of containment boom
  - Twenty-five absorbent pads
  - One hundred litres of loose absorbent material
25. Contaminated snow and soil must be removed from the site and disposed of at an approved location outside the protected public water supply area, in accordance with the *Environmental Protection Act, SNL 2002 cE-14.2*.
26. Any spills of gasoline, fuel or oil, regardless of volume, shall be reported immediately to the Environmental Scientist and the appropriate Municipal Authority by calling 709-637-2542 and (709) 451-5376 respectively. Furthermore, all spills in excess of 70 litres shall be reported immediately to the 24 hour spill report line at 1-800-563-9089.
27. Refueling sites shall be located at least 150 metres from any water body or wetland.

#### **Protected Miscellaneous**

28. The Permit Holder must inspect the site daily including the area surrounding the town's intake, and any water quality impairment related problems are to be reported immediately to the Environmental Scientist at 709-637-2542 and the appropriate Municipal Authority at (709)451-5376.
29. The Permit Holder is required to provide this Department with all documentation, information and data which may be requested or required in order to carry out the inspection or investigation.
30. Sawdust, bark, and logs must not be stored within undisturbed buffer zones of any body of water, and must be removed at regular intervals to prevent excessive accumulation at the site.
31. Existing creosote poles may be replaced with Chromated Copper Arsenate (CCA) poles outside undisturbed buffer zones.
32. Wood and brush removed from the work site must not be stored within undisturbed buffer zones of any water body.

#### **Special Conditions**

33. The use of a silt reducing curtain or other engineered system is required to ensure there is no increase in sediment at the area of the water supply intake.

#### **General Alterations**

34. Any work that must be performed below the high water mark must be carried out during a period of low water levels.

35. Any flowing or standing water must be diverted around work sites so that work is carried out in the dry.
36. 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*.
37. 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.
38. 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.
39. 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.
40. 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.
41. 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.
42. The owners of structures are responsible for any environmental damage resulting from dislodgement caused by wind, wave, ice action, or structural failure.
43. 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.
44. 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.
45. All work must be carried out within the Permit Holder's legal property boundaries.

#### **Infilling**

46. The slopes along the perimeter of infilled areas must be no steeper than two horizontal to one vertical (2H:1V).
47. 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.
48. The natural course of any stream must not be altered.
49. Infilling must not cause increased water elevation upstream or increase flow velocity downstream of the site. Reduction of the natural cross sectional area of any watercourse is not permitted.
50. Infilling must not disrupt the established surface drainage pattern of the area.
51. Infilling must not cause increased water elevation upstream or increase flow velocity downstream of the site.
52. Before infilling, any vegetation and topsoil must be completely removed and under no circumstances shall it be used as fill material. Topsoil must be stored and reused in final landscaping of the infilled area.
53. The constructed works must comply with all other terms and conditions provided in the Crown Lands grant, lease, or license for occupancy.
54. Select heavy rocks must be placed along the toe of any infilling to provide slope stability and erosion protection.
55. All work must be carried out within the Permit Holder's legal property boundaries.
56. A minimum 15 metre wide vegetated buffer zone must be maintained along the edge of the waterbody in order to provide bank stability and maintain local aesthetics.

GOVERNMENT OF NEWFOUNDLAND AND LABRADOR  
Department of Municipal Affairs and Environment

File No: 550-01-03-11-073  
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APPENDIX B  
Special Terms and Conditions for Permit

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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 and/or Ministerial orders and guidelines, as determined by this Department, the Minister may, after providing ten (10) day notice to the Permit Holder, 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.

- cc: File Copy for Binder
- cc: Ms. Paula Dawe, P.Eng.  
Manager, Drinking Water and Wastewater Section  
Water Resources Management Division  
Department of Municipal Affairs and Environment  
P.O. Box 8700  
4th Floor, West Block, Confederation Building  
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- cc: Amir Ali Khan, Ph.D., P.Eng.  
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Water Resources Management Division  
Department of Municipal Affairs and Environment  
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- cc: Town of Trout River  
Ms. Lorraine Barnes  
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Environmental Scientist, Drinking Water and Wastewater Section  
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- cc: Jeremy Keeping (Western)  
Land Management Specialist  
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- cc: Fisheries Protection Division  
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Government of Newfoundland and Labrador  
Department of Municipal Affairs and Environment  
Water Resources Management Division

### Appendix C - Completion Report

Pursuant to the *Water Resources Act*, SNL 2002 cW-4.01, specifically Section(s) 39, 48

Date: **SEPTEMBER 14, 2018**

File No: **550-01-03-11-073**

Permit No: **PRO9881-2018**

Permit Holder: **Department of Transportation and Works  
PO Box 2006  
Corner Brook NL A2H 6J8**

Attention: **Mr. Darrell Avery**

Re: **Trout River - Feeder Brook PPWSA - Berm Restoration - Department of Transportation and Works**

Permission was given for : Re-establishing a section of an existing brook side berm that was washed away during the January 2018 event with approximately 240 cubic metres of fill in the Feeder Brook Protected Public Water Supply Area (used by the town of Trout River) with reference to the application dated July 12, 2018.

*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 Municipal Affairs and Environment 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 Municipal Affairs and Environment  
Water Resources Management Division  
PO Box 8700  
St. John's NL A1B 4J6

**APPENDIX D**  
**Location Map for Permit**

