

PERMIT FOR DEVELOPMENT

Pursuant to the *Water Resources Act*, SNL 2002 cW-4.01

Date: **OCTOBER 16, 2018**

File No: **550-01-04-12-018**
Permit No: **PRO9912-2018**

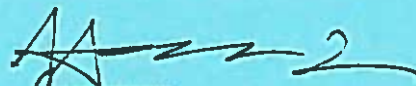
Permit Holder: **St. Mary's River Energy Limited Partnership
1205-1801 Hollis Street
Halifax, NS B3J 3N4**

Attention: **Mr. Allan C. Green**

Re: **Mary's Harbour - St. Mary's River PPWSA - Maintenance on Hydro Facility - St. Mary's River Energy Ltd Partnership**

Permission is hereby given for : **upgrades to the existing hydro-electric facility, including powerhouse, canal entry, replacing trash rack and stop logs, and dredging of canal in the St. Mary's River Protected Public Water Supply Area (used by the town of Mary's Harbour) with reference to the application dated May 16, 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*.



MINISTER

GOVERNMENT OF NEWFOUNDLAND AND LABRADOR
Department of Municipal Affairs and Environment

File No: 550-01-04-12-018
Permit No: PRO9912-2018

APPENDIX A
Terms and Conditions for Permit

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. 9912 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 St. Mary's River, at least 50 metres along both sides of all streams and main tributaries running into St. Mary's River, 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 direct access to the canal for dredging and the reconstruction of the power house. Only areas large enough to safely gain access and complete the works are permitted to be altered. All buffer zones must be marked with signs or flagging tape to avoid encroachment into the buffer zones. Where possible, work in buffer zones shall be completed when the ground is frozen.
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 during demolition, construction and operation phases of the project is to be collected in refuse containers, and disposed of at a Service NL 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)921-6281. 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 or upon the frozen surface of a water body is strictly prohibited.
12. Motorized vehicles, including snowmobiles and ATVs, shall not be used to cross the frozen surface of the intake pond within the Protected Public Water Supply Area.
13. Treated wood shall not be used in a water body or within one hundred and fifty (150) metres of the high water mark of any water body, including the construction of the power house. The use of creosote treated wood anywhere within the Protected Public Water Supply Area is strictly prohibited.
14. The Permit Holder must inspect the site daily, 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) 921-6281.

15. The location of the work is highlighted on the Location Maps for this Permit attached as Appendix D.
16. This Permit is valid for two (2) years from the date of issue. If required, an application for Permit renewal must be submitted prior to the expiry date.
17. 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.
18. Temporary and permanent hazardous material storage areas are not permitted inside the Protected Public Water Supply Area. Only materials required for immediate use are to be stored on site.
19. A spill response plan is required to be submitted to the Environmental Scientist for any chemical, solid, liquid or gas that will be kept on the site of the power house. That plan will remain on site at all times, will include MSD information, and will be updated annually.
20. All vehicles and equipment must be in good working order with no leaking fuel, oil, or other harmful substances that could impair water quality.
21. 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.
22. 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.
23. Any streams not visible on a 1:50,000 scale map (including field identified streams) shall require a minimum buffer of 30 m.

Fuel Storage

24. There shall be no bulk fuel storage associated with this project within the protected public water supply area, including at the site of the power house which is located inside the protected public 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. Fuel is to remain outside the 150m buffer at all times. 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*.
25. 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
26. 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*.
27. 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) 921-6281 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.
28. Refueling sites shall be located at least 150 metres from any water body or wetland.

Protected Miscellaneous

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. Wood and brush removed from the work site must not be stored within undisturbed buffer zones of any water body.
32. The Permit Holder is required to undertake a water quality monitoring program as outlined below and also referenced in Section 2.0 of the Supplementary Information included with the application dated May 16, 2018.
 - A sample will be collected at the proposed alternate source location that the emergency pump will be installed prior to this project starting. That sample will be analyzed for the chemical and physical parameters that the Province completes regularly, and that list can be obtained from the Environmental Scientist. The results of the sample will be forwarded to the Environmental Scientist before work begins.
 - Water samples for turbidity shall be collected from St. Mary's River near the start of the canal, in the canal and near the intake building for the town of Mary's Harbour.
 - Water quality shall be monitored for turbidity before the dredging begins, twice daily while the operation is ongoing, and daily for seven (7) days after the completion of the project. All turbidity values above 1 NTU and 0.3NTU above the river level will be reported to the Environmental Scientist and the Town of Mary's Harbour immediately.

Special Conditions

33. Potential PCB containing transformers are to be removed from site and disposed of according to the PCB Regulations (SOR/2008-273). The soil below the transformers will be examined for staining and sampled if staining is visible. Only new non-PCB containing transformers are to be used on the site.
34. The sump pump installed as secondary containment for the hydraulic fluid will not drain to the exterior of the building.
35. The power house and turbine will be constructed and operated inside the protected public water supply for the town of Mary's Harbour. As such, all materials used must not impact the water supply.
36. Any agreements entered into between the Town of Mary's Harbour and St. Mary's River Energy LP. for access to the canal and power house will not supersede the terms and conditions of this permit.
37. All requirements and guidelines set forth in the letter dated July 24, 2018 from Fisheries and Oceans Canada to Mr. Allan Green, President, St. Mary's River Energy LP. will be adhered to.
38. In the event that turbidity increases and portable pumps are required to maintain supply to the town, the pump output will need to allow the town to maintain all previous requirements for water quantity and quality. If pumps are used the Environmental Scientist and the appropriate Municipal Authority must be advised immediately by calling (709) 637-2542 and (709) 921-6281 respectively.

Dredging

39. Alteration of the natural minimum streamflow is not permitted in order to preserve aquatic life.
40. The natural course of any stream must not be altered.
41. Dredging activity must only be carried out during periods when wind, wave and tide conditions minimize the dispersion of silt and sediment from the work site.
42. The Department reserves the right to require that the Permit Holder sample, analyse, and submit results of water quality tests, for the purpose of ensuring that the water quality is maintained within acceptable guidelines. All analyses must be undertaken by a CALA accredited laboratory.
43. The area to be dredged must be enclosed and isolated from the rest of the body of water through the use of a filter fabric curtain or similar method.
44. Dredged material must be disposed of in accordance with the regional Service NL Centre of the Department of Service NL. The Department of Service NL may require samples to be submitted for testing and analysis.

General Alterations

45. Any work that must be performed below the high water mark must be carried out during a period of low water levels.
46. Any flowing or standing water must be diverted around work sites so that work is carried out in the dry.
47. 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*.

48. 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.
49. 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.
50. 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.
51. 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.
52. The owners of structures are responsible for any environmental damage resulting from dislodgement caused by wind, wave, ice action, or structural failure.
53. 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.
54. 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.
55. All work must be carried out within the Permit Holder's legal property boundaries.

Water Use Licence Requirement

56. The Permit Holder must obtain a water use licence under the Water Resources Act (Contact: Shabnam Mostofi at 709-729-2657). The application (pages 1 and 2 only) and fee schedule are available at the following links:
http://www.mae.gov.nl.ca/waterres/regulations/appforms/application_for_wul.pdf and
http://www.mae.gov.nl.ca/waterres/regulations/appforms/fee_schedule_app_wul.pdf

GOVERNMENT OF NEWFOUNDLAND AND LABRADOR
Department of Municipal Affairs and Environment

File No: 550-01-04-12-018
Permit No: PRO9912-2018

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.

- 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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pauladawe@gov.nl.ca
- cc: Jeff Bannister (Western and Labrador)
Western and Labrador Regional Lands Manager
Crown Lands Administration Division
JeffBannister@gov.nl.ca
- cc: Mr. Ken Russell (Labrador)
Manager of Operations, GSC - Happy Valley-Goose Bay, Service NL
Government Service Centre
2 Tenth Street, P.O. Box 3014, Stn. B
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- cc: Ms. Susan Hoddinott (Western/Labrador)
Regional Director
Service NL
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Corner Brook NL A2H 6J8
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- cc: Fisheries Protection Division
Ecosystem Management Branch
Fisheries and Oceans Canada
P.O. Box 5667
St. John's, NL A1C 5X1
FPP-NL@dfo-mpo.gc.ca
- cc: Town of Mary's Harbour
Ms. Glenys Rumbolt
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- cc: Ms. Carla Hayes, P.Tech
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Department of Municipal Affairs and Environment
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- cc: Amir Ali Khan, Ph.D., P.Eng.
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akhan@gov.nl.ca
- cc: File Copy for Binder



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

Date: **OCTOBER 16, 2018**

File No: **550-01-04-12-018**
Permit No: **PRO9912-2018**

Permit Holder: **St. Mary's River Energy Limited Partnership
1205-1801 Hollis Street
Halifax, NS B3J 3N4**

Attention: **Mr. Allan C. Green**

Re: **Mary's Harbour - St. Mary's River PPWSA - Maintenance on Hydro Facility - St. Mary's River Energy Ltd Partnership**

Permission was given for : **upgrades to the existing hydro-electric facility, including powerhouse, canal entry, replacing trash rack and stop logs, and dredging of canal in the St. Mary's River Protected Public Water Supply Area (used by the town of Mary's Harbour) with reference to the application dated May 16, 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

