



Government of Newfoundland and Labrador
Department of Municipal Affairs and Environment
Water Resources Management Division

PERMIT FOR DEVELOPMENT

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

Date: **OCTOBER 16, 2018**

File No: **550-01-04-07-018**
Permit No: **PRO9972-2018**


Permit Holder: **Newfoundland and Labrador Hydro**
500 Columbus Drive
P.O. Box 12400
St. John's, NL, A1B 4K7

Attention: **Mr. John Linfield**

Re: **Mary's Harbour - St. Mary's River PPWSA - Hydro Pole Installation - NL Hydro**

Permission is hereby given for : **the installation of two poles and anchors to connect the St. Mary's River Energy mini hydro power plant to the NL Hydro distribution line 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 31, 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

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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. 9972 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 the poles and anchors only. Only an area the size required for the poles and anchors to be safely installed 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)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. 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.
14. The location of the work is highlighted on the Location Map for this Permit attached as Appendix D.
15. This Permit is valid for ninety (90) days from the date of issue. If required, an application for Permit renewal must be submitted prior to the expiry date.
16. 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.

17. All vehicles and equipment must be in good working order with no leaking fuel, oil, or other harmful substances that could impair water quality.
18. 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.
19. 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.
20. 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

21. 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. 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.
22. 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
23. 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*.
24. 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.
25. Refueling sites shall be located at least 150 metres from any water body or wetland.

Protected Miscellaneous

26. 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.
27. Dead trees may be removed for fuel wood, or along with brush, be burned on site. Areas for burning shall be located outside any buffer zones. Living trees shall remain uncut.
28. 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.
29. Wood and brush removed from the work site must not be stored within undisturbed buffer zones of any water body.

Special Conditions

30. Every effort must be made to avoid soil or sediment from eroding into the reservoir, with special care taken within a 150m buffer around the reservoir as this area may be sensitive to erosion and sedimentation issues.
31. The use of heavy equipment in streams or waterbodies is prohibited. The operation of heavy equipment must be confined to dry stable areas.

Power Lines

32. The use of creosote or pentachlorophenol (PCP) treated utility poles and/or anchor boxes is strictly prohibited.
33. Chromated copper arsenate (CCA), ammoniacal copper arsenate (ACA) or copper naphthanate (CuNap) treated utility poles and/or anchor boxes may be used outside the above-referenced buffer zones. Untreated poles must be used within the above-referenced buffer zones.
34. All poles and/or anchor boxes within 150 metres of St. Mary's River or within 30 metres of any water body must be of untreated wood, metal or concrete.
35. The **Policy Guidelines for Utility Poles in Water Supply Areas (WR 93-01)** must be strictly adhered to.

GOVERNMENT OF NEWFOUNDLAND AND LABRADOR
Department of Municipal Affairs and Environment

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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: File Copy for Binder
- cc: Ms. Carla Hayes, P.Tech
Environmental Scientist , Drinking Water and Wastewater Section
Water Resources Managment Division
Department of Municipal Affairs and Environment
P.O. Box 2006
Corner Brook, NL A2H 6J8
CarlaHayes@gov.nl.ca
- cc: Ms. Paula Dawe, P.Eng.
Manager, Drinking Water and Wastewater Section
Water Resources Management Division
Department of Municipal Affairs and Environment
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- cc: Town of Mary's Harbour
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Mary's Harbour, NL A0K 3P0
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Appendix C - Completion Report

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

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500 Columbus Drive
P.O. Box 12400
St. John's, NL, A1B 4K7

Attention: **Mr. John Linfield**

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Permission was given for : the installation of two poles and anchors to connect the St. Mary's River Energy mini hydro power plant to the NL Hydro distribution line 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 31, 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

