

PERMIT TO ALTER A BODY OF WATER

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

Date: JUNE 22, 2018

File No: 535-19
Permit No: ALT9749-2018

Permit Holder: Newfoundland Power Inc.
55 Kenmount Road
P.O. Box 8910
St. John's, NL, A1B 3P6

Attention: Michael Brown

Re: Tors Cove Spillway Control Structure (Tors Cove/Rocky Pond Hydroelectric Development)

Permission is hereby given for : the installation of a water control structure/gate at the southeast end of the Tors Cove Spillway and associated activities to allow for greater control of reservoir water levels as detailed in the application received from Newfoundland Power Inc. on May 25, 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

APPENDIX A
Terms and Conditions for Permit

Dam/Reservoir Design

1. 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 downstream channel.
2. The dam and appurtenant structures shall be constructed at the following coordinates:

Name	Datum	Northing (m)	Easting (m)	Zone
Tors Cove Spillway	NAD83	5230355	359399	22

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

Name	Height/ Elev of Spillway (m)	Maximum Water Elevation (m)	Minimum Water Elevation (m)
Tors Cove Spillway	1.6/57.03	58.53	51.85

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

Name	Design Return Period (years)	Inflow Design Flood (m ³ /s)
Tors Cove Spillway	1/3 between 1:1000 and PMF	160.7

General Alterations

5. Any work that must be performed below the high water mark must be carried out during a period of low water levels.
6. Any flowing or standing water must be diverted around work sites so that work is carried out in the dry.
7. 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*.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.

13. 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.
14. 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.
15. All waste materials resulting from this project must be disposed of at a site approved by the Department of Service NL.
16. Care must be taken to prevent spillage of pollutants into the water.
17. The owners of structures are responsible for any environmental damage resulting from dislodgement caused by wind, wave, ice action, or structural failure.
18. 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.
19. The attached Completion Report (Appendix C) for Permit No. 9749 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.
20. 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. The following terms are valid for the life cycle of the dam structure: 22, 25, 26 and 33.
21. The location of the work is highlighted on the Location Map for this Permit attached as Appendix D.

Dam Safety

22. The dam has been classified in the HIGH Consequence category based on the 2007 Canadian Dam Association (CDA) guidelines. To meet the CDA's Dam Safety guidelines (Current Edition) for dams of this classification, the owner must:
 - Carry out an annual Dam Safety Inspection and provide the results to this Department,
 - Carry out a Dam Safety Review and submit a Dam Safety Report to this Department a maximum of every seven years,
 - Develop or submit within one year of the issuance of this permit, and in consultation with this Department, an Operation, Maintenance and Surveillance (OMS) Manual for the operation of the dam system,
 - Develop within two years of the issuance of this permit, and in consultation with this Department, an Emergency Preparedness and Response Plan specific to the Tors Cove/Rocky Pond Hydroelectric Development including dam break flood inundation mapping.

Special Conditions

23. The dam and associated works shall be designed according to the Canadian Dam Association Dam Safety Guidelines and associated Bulletins (most recent edition).
24. 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 who is able to demonstrate competence in the design, construction, and surveillance of dams.
25. The Department of Environment and Conservation may require the set-up of water resources monitoring stations through a Memorandum of Agreement as per provisions of Section 31 of the Water Resources Act, SNL2002 Chapter W-4.01.
26. The next dam safety review for the Tors Cove/Rocky Pond Hydroelectric Development shall be a full dam safety review of the entire dam safety management system and include site visits, interviews with dam operating staff, review of dam related records and identification of information gaps, review of the dam consequence classifications, review of hydrotechnical considerations, review of geotechnical considerations, review of structural considerations, review of OMS practice, review of emergency preparedness and response plans and procedures, review of public safety around the dam, dam safety findings, and recommendations for remedial actions and priority to address deficiencies and non-conformances.

Dam Construction

27. All joints to existing structures shall contain hydrophilic water stops as indicated in the drawings.
28. The water control structure foundations shall be prepared to ensure a clean, stable, competent foundation. Exposed foundations will be inspected and approved by a qualified geotechnical engineer prior to concrete placement.

29. A sluice gate shall be constructed at the southwest end of the existing spillway with adequate capacity to enable reservoir dewatering for dam or reservoir maintenance and operations.
30. Where pumping is used to bypass flow, cofferdams must be installed both above and below areas of construction. The Permit Holder must provide pumps with sufficient capacity to prevent washout of cofferdams.
31. Cofferdams must be properly designed and constructed of suitable materials to prevent leakage and to resist loss of any material as a result of erosion. Cofferdams must be removed upon completion of their intended function. All material must be removed carefully to prevent disturbance of the water body and to prevent water quality degradation.
32. The transportation of labour and materials to the site must be along existing access roads.
33. The control structure and spillway 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.

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 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.

File No: 535-19
Permit No: ALT9749-2018

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
St. John's, NL A1L 4J6
pauladawe@gov.nl.ca

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



Appendix C - Completion Report

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

Date: **JUNE 22, 2018**

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Permit Holder: **Newfoundland Power Inc.
55 Kenmount Road
P.O. Box 8910
St. John's, NL, A1B 3P6**

Attention: **Michael Brown**

Re: **Tors Cove Spillway Control Structure (Tors Cove/Rocky Pond Hydroelectric Development)**

Permission was given for : the installation of a water control structure/gate at the southeast end of the Tors Cove Spillway and associated activities to allow for greater control of reservoir water levels as detailed in the application received from Newfoundland Power Inc. on May 25, 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

