



Government of Newfoundland and Labrador
Department of Environment and Climate Change
Water Resources Management Division

PERMIT TO ALTER A BODY OF WATER

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

Date: **DECEMBER 23, 2024**

File No: **526**
Permit No: **ALT14075-2024**

Permit Holder: **Town of Pasadena
18 Tenth Avenue
Pasadena NL A0L 1K0
cway@pasadena.ca**

Attention: **Carlson Way**

Re: **Pasadena - Replacement of Blue Gulch Pond East Dam**

Permission is hereby given for : **replacement of Blue Gulch Pond East Dam inside the Blue Gulch Pond Protected Public Water Supply Area (used by the Town of Pasadena) as detailed in the application dated October 8, 2024 and additional information provided on November 29, 2024 and December 10, 2024.**

- 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

Dam/Reservoir Design

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

Name	Latitude (decimal degrees)	Longitude (decimal degrees)
Blue Gulch Pond East Dam	49.004921	57.535440

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

Name	Height/Elevation of Dam (m)	Elevation of Spillway (m)	Normal Water Elevation (m)
Blue Gulch Pond East Dam	2.4/270	269.55	269.55

3. 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)
Blue Gulch Pond East Dam	1/3 between 1:1000 and PMF	44.87

4. 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.
5. Alteration of the natural minimum streamflow is not permitted in order to preserve aquatic life.
6. 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.
7. 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

8. The existing dam must remain in place during construction. The existing dam must be removed upon completion of the new dam. All material must be removed carefully to prevent disturbance of the water body and to prevent water quality degradation.
9. Work must be conducted in dry conditions.

10. The concrete dam must be drilled into bedrock to ensure stability.
11. 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.
12. The transportation of labour and materials to the site must be along existing access roads.
13. The dam 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.

Dam Safety

14. The dam has been conditionally 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 within two years of the replacement of the dam and a maximum of every **seven years** after that,
 - Develop or update within one year of the issuance of this permit, and in consultation with this Department, an Operation, Maintenance and Surveillance (OMS) Manual,
 - Prepare or update an Emergency Preparedness Plan (EPP).

General Alterations

15. Any work that must be performed below the high water mark must be carried out during a period of low water levels.
16. Any flowing or standing water must be diverted around work sites so that work is carried out in the dry.
17. 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*.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.

25. 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.
26. The owners of structures are responsible for any environmental damage resulting from dislodgement caused by wind, wave, ice action, or structural failure.
27. 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.
28. The attached Completion Report (Appendix C) for Permit No. 14075 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.
29. 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 term(s) are valid for the life cycle of the structure: 13, 14.
30. The location of the work is highlighted on the Location Map for this Permit attached as Appendix D.
31. All work must be carried out within the Permit Holder's legal property boundaries.
32. This licence/permit does not constitute an acknowledgement of interest in any land claims adjacent.

PPWSA General

33. 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.
34. An undisturbed (no cutting or ground disturbance) buffer zone of at least **150 metres** shall be maintained around Blue Gulch Pond, at least **50 metres** around major lakes and ponds and along both sides of all streams and main tributaries running into Blue Gulch Pond, and at least **30 metres** around all ponds, along both sides of all other water bodies including wetlands and field identified streams. Activity or development within these buffer zones is prohibited, with the exception of the construction of the new dam. All buffer zones must be marked with signs or flagging tape to avoid encroachment into the buffer zones.
35. Treated wood shall not be used in a water body or within buffer zones established in Condition #34 of any water body measured from the high water mark. The use of creosote treated wood anywhere within the Protected Public Water Supply Area is strictly prohibited.
36. 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, except in the area downstream of the current dam. The Permit Holder is to ensure that the appropriate best practices are employed to prevent any detrimental effects that could impact water quality.
37. 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*.
38. 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.
39. 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.
40. Officials of the Department and the appropriate Municipal Authority, Operator, or Watershed Management Committee may visit the site to ensure compliance with this Permit.

41. Liaison is to be maintained with the appropriate Municipal Authority and Environmental Scientist. If there are any specific problems (i.e. sedimentation, fuel spill, or other potential water quality impairment), the appropriate Town Manager/Clerk, Mayor, Chair of the Local Service District Committee, or Chair of the Water Supply Committee must be notified immediately at (709)686-2075. The Environmental Scientist must also be notified immediately at (709)637-2542.

42. 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.

43. 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.

44. All stationary motorized equipment and associated fuel tanks shall have metal trays, absorbent pads or impervious liners under them to catch and contain in excess of 110 % of the aggregate volume of any fuel, lubricant and oil.

45. 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.

46. Where permits, licences, approvals or authorizations are issued by multiple governments departments or agencies, in the case of similar conditions, the more stringent of those shall prevail; in the case of conflicting conditions, the Permit Holder shall seek clarification and direction in writing from each of the respective departments or agencies.

47. The Permit Holder is required to ensure that adequate sanitary (bathroom) facilities are available or provided on site. This may be in the form of a portable toilet, chemical toilet, or municipal sewer system. If a portable toilet or chemical toilet is used, the waste water must be disposed of in a septic disposal system approved by Service NL, or 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.

Fuel Storage

48. 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 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.

49. 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

50. 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.

51. Any spills of gasoline, fuel or oil, regardless of volume, shall be reported immediately to the Environmental Scientist at (709)637-2542 and the appropriate Municipal Authority or Watershed Management Committee by calling (709)686-2075. Furthermore, all spills in excess of 70 litres shall be reported immediately to the 24 hour spill report line at 1-800-563-9089.

52. Refueling sites shall be located at least 150 metres from any water body or wetland.

Protected Miscellaneous

53. 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 or Watershed Monitoring Committee at (709)686-2075.
54. 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.
55. Wood and brush removed from the work site must not be stored within undisturbed buffer zones of any water body.

Special Conditions

56. Heavily travelled areas must be kept well drained to prevent the formation of mud puddles which can contribute to erosion and siltation events.
57. If gravel is used for road upgrades of the existing access road, these areas must be closely monitored during and after periods of heavy rainfall for any signs of erosion or washout.
58. Cleaning of any equipment, including but not limited to, equipment that comes into contact with concrete or paint, is not permitted within the Blue Gulch Pond Protected Public Water Supply Area.

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. Annette Tobin, P. Eng.
Environmental Engineer, Drinking Water and Wastewater Section
Water Resources Management Division
Department of Environment and Climate Change
P.O. Box 8700
4th Floor, West Block, Confederation Building
St. John's, NL A1B 4J6
annettetobin@gov.nl.ca

cc: Ms. Carla Hayes, P.Tech
Environmental Scientist, Drinking Water Section
Water Resources Management Division
Department of Environment and Climate Change
P.O. Box 2006
Corner Brook, NL A2H 6J8
CarlaHayes@gov.nl.ca

cc: Ms. Deneen Spracklin, P.Eng.
Manager, Drinking Water and Wastewater Section
Water Resources Management Division
Department of Environment and Climate Change
P.O. Box 8700
4th Floor, West Block, Confederation Building
St. John's, NL A1B 4J6
dspracklin@gov.nl.ca

cc: Ms. Paula Dawe, P.Eng.
Manager, Water Rights, Investigations and Modelling Section
Water Resources Management Division
Department of Environment and Climate Change
P.O. Box 8700
4th Floor, West Block, Confederation Building
St. John's, NL A1B 4J6
pauladawe@gov.nl.ca

cc: Fish and Fish Habitat Protection Program
Aquatic Ecosystems Branch
Fisheries and Oceans Canada
P.O. Box 5667
St. John's, NL A1C 5X1
dfo.fppnl-ppptnel.mpo@dfo-mpo.gc.ca

cc: Daniel Parsons P.Eng., PMP
Project Manager, Allnorth
PO Box 194, 185 Roe Avenue
Gander, NL
A1V1W6
dparsons@allnorth.com

Appendix C - Completion Report

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

Date: **DECEMBER 23, 2024**

File No: **526**
Permit No: **ALT14075-2024**

Permit Holder: **Town of Pasadena
18 Tenth Avenue
Pasadena NL A0L 1K0
cway@pasadena.ca**

Attention: **Carlson Way**

Re: **Pasadena - Replacement of Blue Gulch Pond East Dam**

Permission was given for : **replacement of Blue Gulch Pond East Dam inside the Blue Gulch Pond Protected Public Water Supply Area (used by the Town of Pasadena) as detailed in the application dated October 8, 2024 and additional information provided on November 29, 2024 and December 10, 2024.**

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

