

Appendix C

Environmental Act License

Manitoba



Sustainable Development

Environmental Stewardship Division
Environmental Approvals Branch
123 Main Street, Suite 160, Winnipeg, Manitoba R3C 1A5
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www.gov.mb.ca/sd/eal

CLIENT FILE NO.: 5905.00

September 29, 2017

Damir Muhurdarevic
City of Winnipeg
106-1155 Pacific Avenue
Winnipeg MB R3E 3P1
dmuhurdarevic@winnipeg.ca

Dear Mr. Muhurdarevic:

Enclosed is **Environment Act Licence No. 3232** dated September 29, 2017, issued to the **City of Winnipeg** for the construction and operation of a new two-lane bridge on Saskatchewan Avenue at the Sturgeon Creek Crossing in the City of Winnipeg, in accordance with the Proposal filed under The Environment Act.

In addition to the enclosed Licence requirements, please be informed that all other applicable federal, provincial and municipal regulations and by-laws must be complied with. A Notice of Alteration must be filed with the Director for approval prior to any alteration to the Development as licensed.

For further information on the administration and application of the Licence, please feel free to contact Yvonne Hawryliuk, Environment Officer, at 204-945-5305.

Pursuant to Section 27 of The Environment Act, this licensing decision may be appealed by any person who is affected by the issuance of this Licence to the Minister of Sustainable Development within 30 days of the date of the Licence.

Yours truly,

A handwritten signature in blue ink that reads "Tracey Braun".

Tracey Braun, M.Sc.
Director
Environmental Approvals Branch

c: Don Labossiere/Yvonne Hawryliuk, Environmental Compliance and Enforcement
Public Registries

NOTE: Confirmation of Receipt of this Licence No. 3232 (*by the Licensee only*) is required by the Director of Environmental Approvals. Please acknowledge receipt by signing in the space below and provide a copy (letter only) to the Department by October 30, 2017.

On behalf of the City of Winnipeg

Date

****A COPY OF THE LICENCE MUST BE KEPT ON SITE AT THE DEVELOPMENT AT ALL TIMES****

LICENCE

Licence No. / Licence n° 3232

Issue Date / Date de délivrance September 29 2017

In accordance with The Environment Act (C.C.S.M. c. E125) /
Conformément à la Loi sur l'environnement (C.P.L.M. c. E125)

Pursuant to Section 11(1) / Conformément au Paragraphe 11(1)

THIS LICENCE IS ISSUED TO: / CETTE LICENCE EST DONNÉE À:

CITY OF WINNIPEG; "the Licencee"

for the construction and operation of the Development being a two lane elevated bridge on Saskatchewan Avenue over Sturgeon Creek, an active transportation corridor, stabilization and rehabilitation of the existing stream channel and demolition of the existing crossing, in accordance with the Environment Act Proposal dated July 12, 2017, and subject to the following specifications, limits, terms and conditions:

DEFINITIONS

"Director" means an employee so designated pursuant to *The Environment Act*:

"Environment Officer" means an employee so designated pursuant to *The Environment Act*;

"noise nuisance" means a continuous or repeated noise in an affected area, which is offensive, obnoxious, troublesome, annoying, unpleasant or disagreeable to a person:

- a) residing in an affected area;
- b) working in an affected area; or
- c) present at a location in an affected area which is normally open to the members of the public;

if the noise

- d) is the subject of at least 5 written complaints, received by the Director in a form satisfactory to the Director, and within a 90 day period, from 5 different persons falling within clauses a), b), or c), who do not live in the same household; or
- e) is the subject of at least one written complaint, received by the Director in a form satisfactory to the Director, from a person falling within clauses a), b), or c), and the Director is of the opinion that if the unwanted sound had occurred in a more densely populated area there would have been at least 5 written

complaints received within a 90 day period from 5 different persons who do not live in the same household.

GENERAL TERMS AND CONDITIONS

This Section of the Licence contains requirements intended to provide guidance to the Licencee in implementing practices to ensure that the environment is maintained in such a manner as to sustain a high quality of life, including social and economic development, recreation and leisure for present and future Manitobans.

Compliance

1. The Licencee shall adhere to the commitments made in the Proposal, supporting information filed in association with the Proposal, and plans submitted and approved pursuant to this licence during construction, maintenance, operation and decommissioning of the Development.

Approvals and Permits

2. The Licencee shall, prior to commencing construction of the Development, apply for and obtain all necessary provincial licences, authorizations, permits and/or approvals and all landowner agreements necessary for construction of the Development.

Additional Sampling and Reporting

3. The Licencee shall, in addition to any of the specifications, limits, terms and conditions specified in this Licence, upon the request of the Director:
 - a) sample, monitor, analyze or investigate specific areas of concern regarding any segment, component or aspect of the Development for such duration and at such frequencies as may be specified;
 - b) determine the environmental impact associated from the Development; and
 - c) provide the Director, within such time as may be specified, with such reports, drawings, specifications, analytical data, descriptions of sampling and other information as may from time to time be requested.

Environmental Inspection

4. The Licencee shall, during construction of the Development, employ qualified environmental inspectors to ensure that all the environmental practices outlined in the Proposal and supporting information are carried out.

Notification

5. The Licencee shall, not less than two weeks prior to beginning construction of the Development, provide notification to the Environment Officer responsible for the administration of this Licence of the intended start date of construction.

6. The Licencee shall, prior to construction, provide a copy of this Licence to the contractor and subcontractor(s) involved in the Development.

Reporting Format

7. The Licencee shall provide to the Director or Environment Officer, upon request, all information required under this Licence, in writing or electronic format, in such form (including number of copies) and of such content as may be required by the Director of Environment Officer, and each submission shall be clearly labelled with the Licence Number and Client File Number associated with this Licence.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

Dangerous Goods Storage and Handling

8. The Licencee shall comply with all the applicable requirements of:
 - a. *Manitoba Regulation 188/2001*, or any future amendment thereof, respecting *Storage and Handling of Petroleum Products and Allied Products*.
 - b. *The Dangerous Goods Handling and Transportation Act*, and regulations issued thereunder, respecting the handling, transport, storage and disposal of any dangerous goods brought onto or generated at the Development; and
 - c. the Office of the Fire Commissioner – Province of Manitoba.
9. The Licencee shall provide containment for all vessels containing chemicals in each area of the development where the chemicals are stored, loaded, transferred, used or otherwise handled, in compliance with the National Fire Code of Canada (2010), or any future amendment thereof, such that any product leakage or spillage and any contaminated liquid generated is contained within the Development and contamination of groundwater is prevented.
10. The Licencee shall establish any fuel storage areas required for the construction and operation of the Development a minimum distance of 100 metres from any waterbody.
11. The Licencee shall, during construction and maintenance of the Development, operate, maintain, and store all materials and equipment in a manner that prevents any deleterious substances including fuel, oil, grease, hydraulic fluid, coolant, and other similar substances from entering any waterbody. An emergency spill kit for in-water use shall be readily available on site during construction.

Heritage Resources

12. The Licencee shall, during construction and operation of the Development, apply measures to protect heritage resources, as directed by the Historic Resources Branch of Manitoba Sport, Culture and Heritage.

Instream Activities and Erosion Control

13. The Licencee shall:
- a. limit in-water construction activities in connection with the Development to between November 1 and March 1, in any given year;
 - b. remove temporary cofferdams prior to March 1, in any given year;
 - c. place and/or isolate all excavated and replacement material where it will not erode into Sturgeon Creek;
 - d. implement effective long-term sediment and erosion control measures to prevent soil-laden runoff, and/or silt from entering Sturgeon Creek during construction and until vegetation is established;
 - e. routinely inspect all erosion and sediment control structures and immediately complete any necessary maintenance or repair; and
 - f. use rock that is free of silt and clay for riprap.
14. The Licencee shall, immediately upon completion of construction of the Development, where native habitat existed prior to the disturbance, re-vegetate areas exposed during the construction to pre-existing conditions with locally produced native seed mixes. Follow-up monitoring, re-seeding, maintenance, and weed control shall be conducted until disturbed areas are re-vegetated to the satisfaction of Sustainable Development.
15. The Licencee shall salvage live fish in dewatered areas. A Live Handling Permit is required from Sustainable Development for fish salvage operations.

Noise Nuisance

16. The Licencee shall not cause or permit a noise nuisance to be created as a result of the construction, operation or alteration of the Development, and shall take such steps as the Director may require to eliminate or mitigate a noise nuisance.

Onsite Wastewater Disposal

17. The Licencee shall, during construction of the Development, dispose of all wastewater from on-site sanitary facilities in accordance with *Manitoba Regulation 83/2001*, or any future amendment thereof, respecting *Onsite Wastewater Management Systems*.

Pesticide Application

18. The Licencee shall adhere to the policies and procedures for pesticide applications pursuant to *The Environment Act*, or any future amendment thereof, and regulations

thereunder respecting *Pesticides*, so as to minimize the exposure of its employees and the public, as well as non-target biota, to pesticides.

Spill Response

19. The Licencee shall, in the case of physical or mechanical equipment breakdown or process upset where such breakdown or process upset results or may result in the release of a pollutant in an amount or concentration, or at a level or rate of release, that causes or may cause a significant adverse effect, immediately report the event by calling the 24-hour environmental accident reporting line at 204-944-4888 (toll-free 1-855-944-4888). The report shall indicate the nature of the event, the time and estimated duration of the event and the reason for the event.
20. The Licencee shall, following the reporting of an event pursuant to Clause 19:
 - a. identify the repairs required to the mechanical equipment;
 - b. undertake all repairs to minimize unauthorized discharges of a pollutant; complete the repairs in accordance with any written instructions of the Director; and
 - c. submit a report to the Director about the causes of breakdown and measures taken, within one week of the repairs being done.
21. The Licencee shall, in a manner approved by the Environment Officer, remove and dispose of all spilled dangerous goods.
22. The Licencee shall, following construction of the Development, verify that terrestrial contamination of the environment has not occurred in work areas of the Development. Any areas of contamination shall be remediated to the satisfaction of the Environment Officer.

Waste Disposal

23. The Licencee shall dispose of non-reusable construction debris and solid waste from the construction and maintenance of the Development at a waste disposal ground operating under the authority of a permit issued under *Manitoba Regulation 150/91*, or any future amendment thereof, respecting *Waste Disposal Grounds*, or a licence issued pursuant to *The Environment Act*.

Wildlife and Vegetation

24. The Licencee shall not, during construction and maintenance of the Development, remove, destroy or disturb species pursuant to *Manitoba Regulation 25/98* respecting *Threatened, Endangered and Extirpated Species*, or any future amendment thereof, or species listed in the federal *Species at Risk Act*.
25. The Licencee shall not, during construction and maintenance of the Development, disturb any active migratory bird nests.


26. The Licencee shall, during construction and maintenance of the Development, prevent the introduction and spread of foreign aquatic and terrestrial biota by cleaning equipment prior to its delivery to the site of the Development.
27. The Licencee shall, during construction and maintenance of the Development, remove invasive plant species within the construction area and dispose of invasive plant material in a manner that prevents re-introduction in the construction area or elsewhere.

Respecting Alterations to the Development

28. The Licencee shall obtain written approval from the Director for any proposed alteration to the Development before proceeding with the alteration.

REVIEW AND REVOCATION

- A. If, in the opinion of the Director, the Licencee has exceeded or is exceeding or has or is failing to meet the specifications, limits, terms, or conditions set out in this Licence, the Director may, temporarily or permanently, revoke this Licence.
- B. If the Licencee has not commenced construction of the Development within three years of the date of this Licence, the Licence is revoked.
- C. If, in the opinion of the Director, new evidence warrants a change in the specifications, limits, terms, or conditions of this Licence, the Director may require the filing of a new proposal pursuant to Section 11 of The Environment Act.



Tracey Braun, M.Sc.
Director
Environment Act

Client File No.: 5905.00