



Conservation and Water Stewardship

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

CLIENT FILE NO.: 5689.00

February 18, 2014

Tracy Stople
City of Winnipeg
4th Floor, 185 King Street
Winnipeg MB R3B 1J1

Dear Ms. Stople:

Enclosed is **Environment Act Licence No. 3095** dated February 18, 2014 issued to the **City of Winnipeg** for the construction and operation of the Development being a stream remediation project on Omands Creek between Dublin Avenue and Saskatchewan Avenue, in accordance with the Environment Act Proposal dated November 29, 2013.

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 Conservation and Water Stewardship within 30 days of the date of the Licence.

Yours truly,

“original signed by”

Tracey Braun, M.Sc.
Director
Environment Act

c: Don Labossiere, Director, Environmental Compliance and Enforcement
Ryan Wizbicki, Tetra Tech WEI Inc.; Dean Kasur, Environmental Programs and Strategies Branch
(via email)
Public Registries

NOTE: Confirmation of Receipt of this Licence No. 3095 (by the Licensee only) is required by the Director of Environmental Approvals. Please acknowledge receipt by signing in the space provided below and faxing a copy (letter only) to the Department by March 4, 2014.

On behalf of the City of Winnipeg

Date

LICENCE

Licence No. / Licence n° 3095

Issue Date / Date de délivrance February 18, 2014

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 stream remediation project on Omands Creek between Dublin Avenue and Saskatchewan Avenue, in accordance with the Environment Act Proposal dated November 29, 2013, and subject to the following specifications, limits, terms and conditions:

DEFINITIONS

“accredited laboratory” means an analytical facility accredited by the Standard Council of Canada (SCC), or accredited by another accrediting agency recognized by Manitoba Conservation and Water Stewardship to be equivalent to the SCC, or be able to demonstrate, upon request, that it has the quality assurance/quality control (QA/QC) procedures in place equivalent to accreditation based on the international standard ISO/IEC 17025, or otherwise approved by the Director;

“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; and

PROJECT SCOPE

1. The Development includes the following components:
 - a) the removal of contaminated soil from the bed and banks of Omands Creek between Dublin Avenue and Saskatchewan Avenue;
 - b) the replacement of contaminated material with clean replacement material;
 - c) The grading of the remediated bed and banks to a stable configuration;
 - d) the installation of fish habitat enhancement works; and
 - e) the revegetation of disturbed soil.

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.

2. In addition to any of the limits, terms and conditions specified in this Licence, the Licencee shall, upon the request of the Director:
 - a) sample, monitor, analyze and/or investigate specific areas of concern regarding any segment, component or aspect of pollutant storage, containment, treatment, handling, disposal or emission systems, for such pollutants or ambient quality, aquatic toxicity, and discharge or emission rates, for such duration and at such frequencies as may be specified;
 - b) determine the environmental impact associated with the release of any pollutant from the Development; or
 - c) provide the Director, within such time as may be specified, with such reports, drawings, specifications, analytical data, descriptions of sampling and analytical procedures being used, bioassay data, flow rate measurements and such other information as may from time to time be requested.
3. The Licencee shall submit all information required to be provided to the Director and/or the Environment Officer under this Licence, in writing, in such form (including number of copies) and of such content as may be required by the Director

and/or the Environment Officer, and each submission shall be clearly labeled with the Licence Number and Client File Number associated with this Licence.

4. The Licencee shall collect and dispose of all used oil products and other regulated hazardous wastes generated by the machinery used in the construction of the Development in accordance with applicable Manitoba Conservation and Water Stewardship and legislation requirements.
5. The Licencee shall revegetate soil in areas of the Development exposed by construction with a mixture of native or introduced grasses or legumes. These areas shall be revegetated as quickly as possible following construction to prevent soil erosion and the establishment of noxious weeds.

SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS

Construction

6. The Licencee shall contact the Environment Officer responsible for the administration of this Licence not less than two weeks prior to undertaking construction of the Development. The notification shall include the intended starting date of construction and the name of any contractor responsible for the construction.
7. The Licencee shall, prior to undertaking construction of the Development, obtain a Water Rights Licence to Construct Water Control Works, pursuant to *The Water Rights Act*.
8. The Licencee shall:
 - a) conduct all instream work activities during no flow, dry or frozen conditions;
 - b) place and/or isolate all excavated and replacement material where it will not erode into Omands Creek;
 - c) implement effective long-term sediment and erosion control measures to prevent soil-laden runoff, and/or silt from entering Omands Creek during construction and until vegetation is established;
 - d) routinely inspect all erosion and sediment control structures and immediately complete any necessary maintenance or repair; and
 - e) use rock that is free of silt and clay for riprap.
9. The Licencee shall excavate, classify, store, transport and dispose of impacted soil, sediment or water in accordance with methods described in the Environment Act Proposal associated with the Development.
10. The Licencee shall establish any fuel storage areas required for the construction and maintenance of the Development in compliance with the requirements of *Manitoba Regulation 188/2001* or any future amendment thereof, respecting *Storage and Handling of Petroleum Products and Allied Products*.

11. The Licencee shall, during construction of the Development, operate, maintain and store all materials and equipment in a manner that prevents any deleterious substances (fuel, oil, grease, hydraulic fluids, coolant, paint, uncured concrete and concrete wash water, etc.) from entering Omands Creek, and have an emergency spill kit for in-water use available on site during construction.
12. 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 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.
13. The Licencee shall, following the reporting of an event pursuant to Clause 12,
 - a) identify the repairs required to the mechanical equipment;
 - b) undertake all repairs to minimize unauthorized discharges of a pollutant;
 - c) complete the repairs in accordance with any written instructions of the Director; and
 - d) submit a report to the Director about the causes of breakdown and measures taken, within one week of the repairs being done.
14. The Licencee shall not during construction, operation and maintenance of the Development, remove, destroy or disturb species pursuant to *Manitoba Regulation 25/98* or any future amendment thereof, respecting *Threatened, Endangered and Extirpated Species*, or species listed in the federal *Species at Risk Act*.
15. The Licencee shall not, during construction or maintenance of the Development, disturb migratory bird nests.
16. The Licencee shall not undertake construction or maintenance activities in connection with the Development between April 1 and June 30 of any year, or during periods of high precipitation.
17. The Licencee shall not apply nutrients within 35 metres of wetlands or waterbodies, in accordance with the requirements of *Manitoba Regulation 62/2008* or any future amendment thereof, respecting *Nutrient Management*.
18. The Licencee shall not cause or permit a noise nuisance to be created as a result of the construction, maintenance and operation of the Development, and shall take such steps as the Director may require to eliminate or mitigate a noise nuisance.

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*.

“original signed by”

Tracey Braun, M.Sc.
Director
Environment Act

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