October 19, 2017

Dear [s.40(1)]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [Our File #: PRE/50/2017]

On September 21, 2017, the Premier’s Office received your request for access to the following records/information:

“Request all communications between Premiers offices and Deer Lake Power, Corner Plup and Paper and Kruger any of their staff regarding Humber Canal, penstocks, drinking water supply, Seepage, etc.”

On October 2, 2017, you clarified that you were seeking records for the time frame of January 1, 2010 to present. You also noted that you were seeking records from any/all staff of Deer Lake Power, The Town of Deer Lake, Corner Brook Pulp and Paper and Kruger and provided the following additional search terms:

- Water Seepage, cresote, canal, equipment in canal, and flooding homes.

On the same date, you were advised that records related to the previous administration (prior to December 14, 2015) are in the custody of Executive Council and that portion of your request was transferred.

I am pleased to inform you that a decision has been made by the Chief of Staff of the Premier’s Office to provide access to the requested information. The appropriate copies have been enclosed.

You may ask the Information and Privacy Commissioner to review the processing of your request, as set out in section 42 of the Access to Information and Protection of Privacy Act (the Act). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. The address and contact information of the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John’s, NL A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500
You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act.

Responsive records will be published following a 72 hour period after the date of this response. If you have any further questions, please feel free to contact me by telephone at (709)729-3570 or by e-mail at joybuckle@gov.nl.ca.

Sincerely,

Joy Buckle
ATIPP Coordinator
Enc.
Dear Minister Trimper:

Attached please find a joint letter from the mayors of Deer Lake, Reidville, Pasadena and Steady Brook regarding concerns about the Main Dam.

Best regards,

Damon

Damon Clarke
Economic Development Officer/Town Planner
Town of Deer Lake
34 Reid’s Lane
Deer Lake, NL
A8A 2A2

Phone:  (709) 635-0165
Fax:  (709) 635-5857
Website:  www.town.deerlake.nf.ca

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Honourable Perry Trimper  
Minister of Environment & Climate Change  
4th Floor, 1 West Block  
Confederation Building  
100 Prince Phillip Drive  
St. John's, NL  
A1B 4J6  
December 22, 2016

Dear Minister Trimper:

Representatives of the communities of Deer Lake, Reidville and Pasadena met on Dec. 7, 2016, to discuss their concerns regarding the ongoing maintenance of Main Dam. These concerns were brought to light by a recent NTV News report, which indicated that the 2013 Dam Safety Review contains recommendations that have not been implemented.

The Town of Deer Lake recently met with representatives of Corner Brook Pulp and Paper, owner of Deer Lake Power, to discuss safety issues related to the Main Dam. During that meeting, the town was told the Dam has no structural issues at all and that most of the problems mentioned in the news piece were of a cosmetic nature.

Nonetheless, it took a media report to highlight the need for more stringent maintenance and reporting back to the affected communities. Therefore, we write today to inquire who has the ultimate responsibility to ensure the repairs are made and that area residents are kept informed of this.

Maintenance of the dam is the sole responsibility of the company. There is a Canadian Dam Standard but it is unclear to us who enforces those standards. Every four years there is an external inspection of the dam. The May 23, 2014, Hatch Mott MacDonald report identified 33 recommendations. Of that total, 24 recommendations were priorities 1A, 1B or 1C. Priority 1A items, of which there are 10, are defined as "...high priority items from previous Dam Safety Reviews that have not been completed, as well as other items that should be addressed immediately."

In addition to the recommendations from the report, local municipalities have other concerns regarding maintenance of the dam:

- How would the Powerhouse know if there was a break?
- How would a break be communicated to residents?
- What technology is being used to detect potential dam breaches?
- Who is ensuring recommendations contained in the inspection, and the related maintenance tasks are being followed?
- While the affected communities have received flood mapping, the information contained in these maps is quite old and we would like to have more up to date information using more advanced technology.
• We would like to know if there is someone from your department who could be available to meet with representatives of the communities and the Deer Lake Regional Airport Authority in the near future. One initiative we would like to pursue is a joint disaster plan for a dam breech. This may also require your assistance.

As you understand, the integrity of the Main Dam is an issue that must remain in the forefront of the affected municipality’s areas of responsibility. We wish to point out that these types of dams have a life expectancy of 50-100 years. The dam is 90 years-old, so it does not have much life expectancy left.

We respectfully ask that your department provide us with the information we need and assist us as we move forward in dealing with this issue now, rather than when there has been a dam breech and it is too late.

Sincerely yours,

Dean Ball
Mayor, Deer Lake

Roger Barrett
Mayor, Reidville

Otto Goulding
Mayor, Pasadena

Peter Rowsell
Mayor, Steady Brook

cc Premier Dwight Ball, Premier, Newfoundland and Labrador
cc Haseen Khan, Director, Water Resources Management Division, Department of Environment and Climate Change
cc Paula Dawe, Watershed Management Specialist, Water Resources Management Division, Department of Environment and Climate Change
Good Afternoon, Mayor Ball,

Please see the attached letter from Minister Trimper in response to your letter dated, December 22, 2016 regarding the concerns of the Towns of Deer Lake, Reidville, Pasadena, and Steady Brook with respect to the safety of dams owned by Deer Lake Power-Corner Brook Pulp and Paper (DLP-CBPP). Thank you.

Fanny

Fanny Hoddinott
Administrative Assistant to the Honourable Perry Trimper Department of Environment and Climate Change
Phone: 709-729-2577
Facsimile: 709-729-0112
fannyhoddinott@gov.nl.ca

--------< HP TRIM Record Information >--------

Record Number: SC-2017-77
Title : Reply to Mayor Dean Ball
Mr. Dean Ball, Mayor  
Town of Deer Lake  
34 Reid's Lane  
Deer Lake NL A8A 2A2  

Dear Mayor Ball:  

Re: Joint Letter from Towns of Deer Lake, Reidville, Pasadena, and Steady Brook  
Concerning Deer Lake Power Dams  

I write in response to your letter dated December 22, 2016 regarding the concerns of the Towns of Deer Lake, Reidville, Pasadena, and Steady Brook with respect to the safety of dams owned by Deer Lake Power-Corner Brook Pulp and Paper (DLP-CBPP).

In order to manage the risk associated with any dam, a comprehensive dam safety management program based on the best management practices as outlined by the Canadian Dam Association (CDA) in its Dam Safety Guidelines is of paramount importance. The key elements of such program are:

- Dam Safety Reviews  
- Emergency Preparedness and Response Plan (EPRP)  
- Operation, Maintenance and Surveillance Manual (OMS Manual)  
- Inspections

The Water Resources Act, 2001, has provisions that require dam owners to maintain dams in good repair, arrange for safety inspections, and submit inspection reports to the Department of Environment and Climate Change (ECC). If the review of this information identifies any deficiency in the dam safety management, the Department, under the provisions of the Act, can direct the dam owner to undertake corrective actions to ensure public safety. The last dam safety review for DLP-CBPP dams was completed by the third party engineering firm Hatch Mott MacDonald in 2013 and submitted to the Department in 2014. This confirms DLP-CBPP compliance with the most important CDA best practice critical for dam safety.

According to the 2013 Dam Safety Review, the Main Dam, Intake Control Dam, Earthen Embankment Dams (Long Bank Dam and Deep Bank Dam), West Bank Dyke, and Forebay Dam are all in generally satisfactory condition, with no imminent risk to the safety of downstream communities. All structures do require some level of maintenance and repair work, with the Forebay Intake Spillway identified as being in need of relatively high level of
maintenance and repair. Many of the recommendations from the Dam Safety Review will require significant time and resources to complete, and will require the services of 3rd party experts. However, Deer Lake Power (DLP) has demonstrated its commitment to comply with the recommendation of the 2013 Dam Safety Review.

According to the attached November 2016 status update submitted by DLP-CBPP to the Department on the recommendations from the 2013 Dam Safety Review, DLP-CBPP has addressed all recommendations with some tasks complete, some ongoing, and some in progress. Based on the “Extreme” consequence classification category for the Main Dam, DLP-CBPP will have to undertake a Dam Safety Review every five years. The next dam safety review is due in 2018.

The proactive approach taken by the Towns of Deer Lake, Reidville, Pasadena, and Steady Brook to discuss the risk posed by DLP-CBPP dams to their communities both internally and with the dam owner is commendable. Understanding the risk posed by these dams is fundamental to managing that risk for both the dam owner and your communities. The Towns will play a key role in emergency response if there is a dam failure or hazard that could lead to a possible dam failure. Including a dam failure scenario as part of your Town’s emergency management plan, and testing implementation of emergency response plans with DLP-CBPP and other stakeholders, is very important to the overall dam safety management program.

The dam owner is ultimately responsible for maintenance and upgrades to the dam, however, ECC does provide regulatory oversight for dam safety as per the Water Resources Act, 2001. The dam owners have a duty to communicate with stakeholders particularly with respect to emergency planning. ECC posts permits for dam related work on this website:


Many of the questions in your letter are operational questions that would best be answered by DLP-CBPP, or that may be addressed in the DLP-CBPP OMS Manual or the EPRP. According to the EPRP, DLP-CBPP would notify an official from the Town (Mayor) of a dam break or imminent dam break. The Town is then responsible for initiating its municipal emergency plan. ECC is actively following up with DLP-CBPP on the status of recommendations from the 2013 Dam Safety Review. Updated dam break flood inundation mapping for DLP-CBPP dams should be completed and available to communities in mid-2017.

Ms. Paula Dawe, Manager of the Dam Safety Program (pauladawe@gov.nl.ca or 709-729-4048), is available from my Department to discuss issues relating to dam safety with your Towns and the Deer Lake Regional Airport Authority. Please contact her to arrange for a future meeting.

Given the potential consequences of a dam failure, the safety of DLP-CBPP dams and all other dams is a priority for the province. My Department is committed to ensuring that a comprehensive dam safety management program is in place that reduces the risk posed by these dams to populations in downstream areas.
I trust this addresses your inquiry.

Sincerely,

PERRY TRIMPER, MHA
District of Lake Melville
Minister

cc: Hon. Dwight Ball, Premier
Roger Barrett, Mayor, Reidville
Otto Goulding, Mayor, Pasadena
Peter Rowsell, Mayor, Steady Brook
<table>
<thead>
<tr>
<th>RECOMMENDATIONS</th>
<th>PRIORITY</th>
<th>STATUS</th>
<th>COMPLEMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Monitor cracks in Main Dam upstream wingwalls and between stairs and dam</td>
<td>1B</td>
<td>Ongoing</td>
<td>Monitoring program in place.</td>
</tr>
<tr>
<td>- Review extent of surface deterioration at concrete structures including</td>
<td>1C</td>
<td>Ongoing</td>
<td>Monitoring program in place.</td>
</tr>
<tr>
<td>Dam stabilisation structures and concrete structures and create a rehabilitation plan.</td>
<td>2A</td>
<td>Complete</td>
<td>Spalling of concrete on surfaces has been noted due to weather deterioration, deemed to be superficial. Scope and Phase 1 repairs scheduled for 2017.</td>
</tr>
<tr>
<td>- Refresh or replace Whaleback Spillway concrete structure</td>
<td>1B</td>
<td>Complete</td>
<td>Preliminary assessment has been completed. More indepth study required.</td>
</tr>
<tr>
<td>- Refresh or remove downstream concrete training on the right side of the Forebay spillway channel.</td>
<td>1B</td>
<td>Complete</td>
<td>Vegetation removed, program in place to survey and remove future vegetation.</td>
</tr>
<tr>
<td>Section 3</td>
<td>Dam Classification</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>- New developments should be added to inundation mapping used in the EPP</td>
<td>2C</td>
<td>Request for Proposals was called and has been awarded to Golder Associates</td>
<td>Study will be completed over the next five months</td>
</tr>
<tr>
<td>- DLP should undertake updated floor and dam breach studies to conclusively define the consequences of failure and the design criteria for the power canal and forebay structures. A dam break study will also allow the creation of inundation mapping for use in an emergency preparedness and response plan for the power canal and forebay structures</td>
<td>2B</td>
<td>Request for Proposals was called and has been awarded to Golder Associates</td>
<td>Study will be completed over the next five months</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section 4</th>
<th>Hydrotechnical Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>The discharge capacity of the forebay should be reviewed. The hydropower plant should not be included in the calculated discharge capacity during a flood unless it can be clearly demonstrated that the station can be operated reliably during flood events.</td>
<td>2B</td>
</tr>
<tr>
<td>- A freeboard analysis considering full load rejection should be carried out for the Power Canal and Forebay structures</td>
<td>2B</td>
</tr>
<tr>
<td>- Long Bank Dam should be checked for adequate freeboard considering wind and wave action</td>
<td>2B</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section 5</th>
<th>Review of Dam Stability Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Complete a detailed stability analysis for concrete section of Main Dam including tailwater effects of extreme flood and lateral (cross-valley) earthquake analysis in accordance with CDA and FERC Chapter X for buttress dams</td>
<td>1A</td>
</tr>
<tr>
<td>Complete stability analysis for the Canal Intake Control Dam, Forebay Penstock Intake and Forebay Spillways</td>
<td>1C</td>
</tr>
<tr>
<td>- Complete geotechnical investigations of bedrock foundations for concrete structure where required</td>
<td>1A</td>
</tr>
<tr>
<td>- Survey embankment dam and dyke cross sections and undertake stability analysis of the structures</td>
<td>1B</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section 6.1</th>
<th>Operation, Maintenance and Surveillance</th>
</tr>
</thead>
<tbody>
<tr>
<td>- OMS procedures for the Power Canal and Forebay structures should be compiled into an OMS Manual or added to the existing OMS Manual for Main Dam</td>
<td>1C</td>
</tr>
<tr>
<td>- The OMS Manual should be reviewed to reflect changes in personnel at DLP</td>
<td>1C</td>
</tr>
<tr>
<td>Section 6.2</td>
<td>Emergency and Preparedness Response</td>
</tr>
<tr>
<td>---</td>
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</tr>
<tr>
<td>- DLP should add written flood handling procedures or guidelines to the existing OMS documentation</td>
<td>1A</td>
</tr>
<tr>
<td>- The EPP should be reviewed for changes in personnel.</td>
<td>1A</td>
</tr>
<tr>
<td>Section 6.3</td>
<td>Public Safety</td>
</tr>
<tr>
<td>- Given the significant public presence around the dams and the considerable liabilities, DLP should carry out a public safety review and implement a formal public safety management program in accordance with the CDA Guidelines for Public Safety Around Dams (2011)</td>
<td>1A</td>
</tr>
<tr>
<td>Section 6.4</td>
<td>Dam Safety Management</td>
</tr>
<tr>
<td>- DLP should prepare an EPP/ERP for the Power Canal and Forebay, or expand the scope for the existing Main Dam EPP to address these structures</td>
<td>1R</td>
</tr>
<tr>
<td>- Dam operations staff should coordinate and participate in joint periodic testing of the emergency procedures with downstream agencies and stakeholders. Records of the testing and ‘lessons learned’ should be maintained.</td>
<td>1A</td>
</tr>
</tbody>
</table>

- DLP should address the backlog of uncompleted recommendations from previous assessments, notably design checks from previous DSRs which have been outstanding for over 15 years