

February 22, 2017



s.40(1)

Dear : s.40(1)

**Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act* [Our file #ENV/011/2017]**

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On January 26, 2017 the Department of Environment and Climate Change received your request for access to the following records/information:

*“On or about February/March 2013, a domestic fuel spill occurred at 127 Lemarchant Road, St. John's, Newfoundland and Labrador. We request to be provided with all documentation related to the domestic fuel spill, including but not limited to any Environmental Site Assessment and Regulatory Closure Review of Impacted Sites completed by your Department.”*

I am pleased to inform you that a decision has been made by the Deputy Minister of the Department of Environment and Climate Change to grant access in part to the requested information. Portions of the attached documents have been severed in accordance with the following exceptions to disclosure as specified in the *Act*:

Section 40(1): The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

Please note that the file regarding this impacted site has not been closed.

As required by subsection 8(2) of the *Act*, we have severed information that is exempted from disclosure and have provided you with as much information as possible. In accordance with your request, the appropriate copies of records have been enclosed.

Section 42 of the *Act* provides that you may ask the Information and Privacy Commissioner to review the processing of your access request or you may appeal to the Supreme Court Trial Division. 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

In the event that you choose to appeal to the Trial Division, you must do so within 15 business days after you receive the decision of the public body, pursuant to section 52 of the *Act*.

Please be advised that this response will be published following a 72 hour period after it is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the response posted to the Office of Public Engagement's website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, I can be reached by telephone at (709) 729-1589 or by e-mail at [nicolerowsell@gov.nl.ca](mailto:nicolerowsell@gov.nl.ca).

Sincerely,



**NICOLE ROWSELL**  
Departmental ATIPP Coordinator



Government of Newfoundland and Labrador  
Service NL

Operations Division

February 12, 2013

REGISTERED MAIL

[Redacted]  
127 LeMarchant Road  
St. John's, NL A1C 2H3

s.40(1)

Dear [Redacted]

s.40(1)

**Re: Impacted Site Located at 127 LeMarchant Road, St. John's, NL  
Requirement to Complete an Environmental Site Assessment**

You have been identified as the Person Responsible for contamination which has been observed on February 12, 2013 at the above referenced property. That contamination includes, but may not be limited to, the release of domestic heating oil from an exterior fuel storage tank.

As a result of this contamination, the Province requires you to take the following actions, within 30 days of receipt of this letter:

1. You must hire a qualified Site Professional to complete an Environmental Site Assessment of the above referenced site.
2. You must advise the undersigned that you have hired a Site Professional and provide the name and/or company of the site professional.
3. The undersigned Environmental Protection Officer is to be provided with details regarding what initial assessment work is planned and the estimated completion date.

The provincial Guidance Document for the Management of Impacted Sites prescribes the process for the assessment and remediation of contamination. You must coordinate your planned Environmental Site Assessment activities to ensure that all requirements outlined in the Guidance Document are met. The Guidance Document is available at Service NL offices and online at [http://www.env.gov.nl.ca/env/env\\_protection/ics/ics/ppd0501.pdf](http://www.env.gov.nl.ca/env/env_protection/ics/ics/ppd0501.pdf).

You should be aware that information on the remedial status of this property will be available to individuals and lending agencies making inquiries to the Province.

Please contact the undersigned at (709) 729-4167 should you have any questions, concerns or require any further information.

Yours truly,

**David Niefer, Env. Tech.  
Environmental Protection Officer**

(On behalf of the Minister of Environment and Conservation)

- C. - Derrick Maddocks, Director, Dept. of Environment & Conservation, Pollution Prevention Division (e-mail copy)
- Manager, Dept. of Building & Property Management, City of St. John's (e-mail copy)

5 Mews Place, St. John's, NL, Canada, A1B 4J6 Tel. 709-729-2679 Fax. 709-729-7400