

November 8, 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 #: SNL-093-2017]

On November 2, 2017, Service NL received your request for access to the following records/information:

“Requesting copies of any environmental information that may be on file for 910 Topsail Road, Mount Pearl, NL including environmental permits, chemical spills, petroleum storage, historical uses of the property that may have impacted the present environmental condition (e.g. landfill, storage tank farm), environmental non-compliance issues and any other environmental issues.”

I hereby inform you that a decision has been made by Service NL to provide access to some of the requested information. However, access to specific text contained within the records that would reveal personal information, has been refused in accordance with the following exceptions to disclosure, as specified in the *Access to Information and Protection of Privacy Act* (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.”

The *Access to Information and Protection of Privacy Act* requires us to provide an advisory response within 10 days of receiving the request. As this request has been completed prior to day 10, this letter also serves as our Advisory Response.

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible. In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act (a copy of this section of the Act has been enclosed for your reference). 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. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to 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 (a copy of this section of the Act has been enclosed for your reference).

Please be advised that responsive records will be published following a 72 hour period after the response 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 responsive records posted to the Completed Access to Information Requests 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, please contact me by telephone at 709-729-7437 or by email at ellenhaskell@gov.nl.ca.

Sincerely,

ELLEN HASKELL
ATIPP Coordinator

Enclosures

Access or correction complaint (Section 42)

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

- a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or
- b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52 (1) or 53 (1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

- a) a request that is disregarded under section 21;
- b) a decision respecting an extension of time under section 23 ;
- c) a variation of a procedure under section 24; or
- d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.

Direct appeal to Trial Division by an applicant (Section 52)

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

- a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or
- b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has

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refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner's refusal under subsection 45 (2).

July 25, 2017

Fracflow Consultants Inc.

[Redacted]

Section 40(1)

154 Major's Path
St. John's, NL A1A 5A1

Dear [Redacted]

Section 40(1)

**RE: Phase I Environmental Site Assessment (ESA) – 910 Topsail Road, Mount Pearl, NL
FFC File: 3112-02**

This refers to your email received July 24, 2017 requesting information to complete a Phase I Environmental Site Assessment (ESA) of the above noted property.


As we do not possess a departmental central registry of activities affecting the environment on properties in the province, we state that to the best of our knowledge and on a search of the files that we have reviewed, there is no information contained on file and we are not aware of any outstanding environmental concerns with the above noted property.

Service NL makes no representations or warranties on the accuracy or completeness of the information provided.

It is recommended that you forward your request to the Provincial Department of Municipal Affairs and Environment, Pollution Prevention Division and/or other applicable Government Departments, for a complete history of the property.

If you have any questions, please contact the undersigned at (709) 729 – 2589 or at the address below.

Regards,



Rachel Penny, B.Sc., ADWQ
Environmental Protection Officer



Fracflow Consultants Inc.

Environmental, Hydrogeological and
Geotechnical Engineering Consultants



July 24, 2017

Section 40(1)
FFC File: [Redacted]

Ms. Clara Rowe
Ms. Sherie Dalton
Service NL
5 Mews Place
St. John's, Newfoundland and Labrador

Email: crowe@gov.nl.ca
Email: sdalton@gov.nl.ca

Dear Ms. Rowe and Ms. Dalton:

**Re: Environmental Site Assessment
910 Topsail Road, Mount Pearl, NL**

Fracflow Consultants Inc. has been contracted by Velero Developments Ltd. to complete a Phase 1 Environmental Site Assessment (ESA) of the above-captioned property. Velero Developments Ltd. is acting on behalf of the property Owner [Redacted] Magic Investments. In partial fulfillment of that work, we ask that the Department of Service NL review its files and report any relevant information concerning the environmental history of this site and its surroundings (e.g., past uses, development of the site by previous owners, regulatory compliance history, environmental violations, spills, reports and permits).

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Please contact the undersigned if you have any questions. If you require confirmation of our involvement in this project, you may contact our client, [Redacted] Velero Developments Ltd., [Redacted]. The property owner's written approval to release information is attached along with a general location map of the property and the property survey. We would appreciate your prompt response to this matter, which is one of some urgency for our client.

Section 40(1)

Sincerely,
Fracflow Consultants Inc.

Section 40(1)



Section 40(1)

Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.

Rowe, Clara

From: [REDACTED] **Section 40(1)**
Sent: Monday, July 24, 2017 3:44 PM
To: Rowe, Clara; Dalton, Sherie **Section 40(1)**
Cc: [REDACTED]
Subject: 910 Topsail Road, Mount Pearl - Phase I Environmental Site Assessment - Records Review Request [REDACTED] **Section 40(1)**
Attachments: 170724 Phase 1 ESA ServiceNL.pdf

Good afternoon,

Section 40(1)

Fracflow has been contracted by Velero Developments Ltd., who is acting on behalf of the property owner [REDACTED] of Magic Investments, to conduct a Phase I Environmental Site Assessment at 910 Topsail Road, Mount Pearl, NL. The attached PDF contains a detailed cover letter, the property owner's written approval to release information, a general location map of the property, and a property survey. As this assessment is of urgency to our client, we would appreciate a prompt response to this matter.

If you have any problems with the attached file or require additional information, please let me know.

Yours,

[REDACTED] **Section 40(1)**

Fracflow Consultants Inc.
154 Major's Path
St. John's, Newfoundland and Labrador, Canada A1A 5A1

[REDACTED] **Section 40(1)**

Web: www.fracflow.com