April 2, 2019

Dear [Redacted]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [Our File #: MAE/027/2019]

On February 5, 2019, the Department of Municipal Affairs and Environment received your request for access to the following records/information:

[Redacted] requests information for port activities, correspondence with government departments (to and from) capital and physical assets and requests from/to the department of the environment and other government departments."

In subsequent communication with [Redacted] to whom you gave permission to correspond with us regarding this ATIPP request, further clarifications were made about the type of information being requested. In an email sent on March 14, 2019, the following clarification was sent to the Department of Municipal Affairs and Environment:

"We would like to focus our ATIP request, as per your request to narrow, to the specific asset transfers in and around the various bankruptcies and transfers around the Port and the Stephenville Mill Site.

From what I can determine this is the timeline:

1972: Frank Moores government purchases the Stephenville Mill from Canadian Javelin

Late 1977: Stephenville Mill closed and goes into bankruptcy, land and premise transferred to province

Late 1978: Abitibi Purchases Assets

2006: Stephenville Mill goes bankrupt and land transferred to province

We would be interested in information around the transfers and acquisitions, especially any references to inventories in receivership and Dolphins.”
The Department of Municipal Affairs and Environment have some responsive records in relation to your request. However, please be advised that there may be other departments within the Government of Newfoundland and Labrador (e.g., Department of Justice and Public Safety) with additional records related to your request for information.

I am pleased to inform you that a decision has been made by the Deputy Minister for the Department of Municipal Affairs and Environment to provide access to some of the requested information.

However, certain text contained within the records has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act, 2015 (the Act):

Section 29(1)(a): “The head of a public body may refuse to disclose to an applicant information that would reveal advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister.”

Section 30(1)(a): “The head of a public body may refuse to disclose to an applicant information that is subject to solicitor and client privilege or litigation privilege of a public body.”

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.”

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. Please be advised that page “ATIPP 31” of the responsive document has been severed under Section 30(1). 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 feel free to contact me by telephone at 709-729-7183 or by e-mail at ryancollins@gov.nl.ca.

Sincerely,

Ryan Collins
ATIPP Coordinator
Municipal Affairs and Environment

Enclosures
Access or correction complaint

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

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 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).
Collins, Ryan

From: Khan, Haseen
Sent: Friday, August 7, 2009 9:49 AM
To: McLean Clyde
Subject: FW: Berthing Dolphins-Stephenville

Clyde;

Could you please look into this and let me know. Thanks.

From: Goebel, Martin
Sent: Friday, August 07, 2009 9:46 AM
To: Khan, Haseen
Subject: FW: Berthing Dolphins-Stephenville

Haseen:
Could you please ask Clyde to review all the files for Abitibi and Stephenville to see if we ever issued any permits for these berthing dolphins. We will need to go back as far as the files go. If we ever issued any permit to make, modify or repair these structures (and I seem to think that we did) then that file may have some ownership information. (this is why we keep old files)
Thanks
Martin

From: Edwards, Herb
Sent: August 7, 2009 9:25 AM
To: Parrott, William; Goebel, Martin; Duffy, Troy; Maddocks, Derrick
Subject: Berthing Dolphins-Stephenville

Hi

Below is an e-mail sent this morning from Reg Locke [solicitor, Justice] concerning the berthing dolphins in Stephenville. I vaguely recall this being raised in some context a while ago. If anyone can help sort this out or provide Reg with some information [and copy me please] or directions it would be appreciated.

Thank you

herb

There is an issue brewing over the ownership of eight large 36 sq. ft. berthing ‘dolphins’ spread out in the harbour in Stephenville. The structures date back to Labrador Linerboard and were used occasionally by paper boats which were in line to pick up shipments by Abitibi. Abitibi disavows ownership or responsibility for removal and site reclamation.

Please inquire of the appropriate persons at ENVC and Lands of any knowledge of these structures.
PERMIT TO ALTER A BODY OF WATER

Pursuant to the Water Resources Act, SNL 2002 cW-4.01, specifically Section(s) 48

Date: SEPTEMBER 09, 2008

File No: 534-07
Permit No: ALT4231-2008

Permit Holder: AbitibiBowater Inc.
Grand Falls Division
PO Box 500
Grand Falls-Windsor NL A2N 2K1

Attention: Mel Dean

Re: Stephenville - Paper Mill Site Decommissioning (Berthing Dolphin Removal)


- This Permit does not release the Permit Holder from the obligation to obtain appropriate approvals from other concerned municipal, provincial and federal agencies.
- The Permit Holder must obtain the approval of the Crown Lands Administration Division if the project is being carried out on Crown Land.
- This Permit is subject to the terms and conditions indicated in Appendices A and B (attached).
- It should be noted that prior to any significant changes in the design or installation of the proposed works, or in event of changes in ownership or management of the project, an amendment to this Permit must be obtained from the Department of Municipal Affairs and Environment under Section 49 of the Water Resources Act.

MINISTER
General Alterations
1. Any flowing or standing water must be diverted around work sites so that work is carried out in the dry.

2. Removal of existing eight (8) berthing dolphins and debris activity must only be carried out during periods when wind, wave and tide conditions minimize the dispersion of silt and sediment from the work site.

3. Removal of existing eight (8) berthing dolphins and debris material may be redeposited and levelled along the shoreline provided approval is granted by the regional Government Service Centre of the Department of Government Services.

4. Water pumped from excavations or work areas, or any runoff or effluent directed out of work sites, must have silt and turbidity removed by settling ponds, filtration, or other suitable treatment before discharging to a body of water. Effluent discharged into receiving waters must comply with the Environmental Control Water and Sewage Regulations, 2003.

5. All operations must be carried out in a manner that prevents damage to land, vegetation, and watercourses, and which prevents pollution of bodies of water.

6. The use of heavy equipment in streams or bodies of water is not permitted. The operation of heavy equipment must be confined to dry stable areas.

7. All vehicles and equipment must be clean and in good repair, free of mud and oil, or other harmful substances that could impair water quality.

8. The area to be dredged must be enclosed and isolated from the rest of the body of water through the use of a filter fabric curtain or similar method.

9. Any areas adversely affected by this project must be restored to a state that resembles local natural conditions. Further remedial measures to mitigate environmental impacts on water resources can and will be specified, if considered necessary in the opinion of the Department.

10. The bed, banks and floodplains of watercourses, or other vulnerable areas affected by this project, must be adequately protected from erosion by seeding, sodding or placing of rip-rap.

11. The attached Completion Report (Appendix B) for Permit No. 4231 must be completed and returned to this Department upon completion of the approved works.

12. This Permit is valid for two years from the date of issue. Work must be completed by that date or the application and approval procedure must be repeated.

13. The location of the work is highlighted on the Location Map for this Permit attached as Appendix C.
APPENDIX B
Special Terms and Conditions for Permit

1. The Permit Holder and its agent(s), subcontractor(s), and consultant(s) shall keep all systems and works in good condition and repair and in accordance with all laws, by-laws, directions, rules and regulations of any governmental authority. The Permit Holder or its agent(s), subcontractor(s), or consultant(s) shall immediately notify the Minister if any problem arises which may threaten the structural stability of the systems and works, endanger public safety and/or the environment or adversely affect others and/or any body of water either in or outside the said Project areas. The Permit Holder and its agent(s), subcontractor(s), and consultant(s) shall be responsible for all damages suffered by the Minister and Government resulting from any defect in the systems and works, operational deficiencies/inefficiencies, or structural failure.

2. The Permit Holder and its agent(s), subcontractor(s), and consultant(s) shall operate the said Project and its systems and works in a manner which does not cause any water related and/or environmental problems, including but not limited to problems of erosion, deposition, flooding, and deterioration of water quality and groundwater depletion, in or outside the said Project areas. The Permit Holder and its agent(s), subcontractor(s), and consultant(s) shall be responsible for any and all damages associated with these problems caused as a result of changes, deficiencies, and inadequacies in the operational procedures by the Permit Holder or its agent(s), subcontractor(s), or consultant(s).

3. If the Permit Holder or its agent(s), subcontractor(s), or consultant(s) fails to perform, fulfill, or observe any of the terms and conditions, or provisions of this Permit, as determined by this Department, the Minister may, without notice, amend, modify, suspend or cancel this Permit in accordance with the Water Resources Act.

4. The Permit Holder and its agent(s), subcontractor(s), and consultant(s) indemnify and hold the Minister and Government harmless against any and all liabilities, losses, claims, demands, damages or expenses including legal expenses of any nature whatsoever whether arising in tort, contract, statute, trust or otherwise resulting directly or indirectly from granting this Permit, systems and works in or outside the said Project areas, or any act or omission of the Permit Holder or its agent(s), subcontractor(s), or consultant(s) in or outside the said Project areas, or arising out of a breach or non-performance of any of the terms and conditions, or provisions of this Permit by the Permit Holder or its agent(s), subcontractor(s), or consultant(s).

5. This Permit is subject to all provisions of the Water Resources Act and any regulations in effect either at the date of this Permit or hereafter made pursuant thereto or any other relevant legislation enacted by the Province of Newfoundland and Labrador in the future.

6. This Permit shall be construed and interpreted in accordance with the laws of the Province of Newfoundland and Labrador.
Appendix C - Completion Report

Pursuant to the Water Resources Act, SNL 2002 cW-4.01, specifically Section(s) 48

Date: SEPTEMBER 09, 2008

File No: 534-02
Permit No: ALT4231-2008

Permit Holder: AhiibiBowater Inc.
Grand Falls Division
PO Box 500
Grand Falls-Windsor NL A2N 2K1

Attention: Mel Dean

Re: Stephenville - Paper Mill Site Decommissioning (Berthing Dolphin Removal)

Permission was given for the removal of the existing eight (8) berthing dolphins and debris as detailed in the document entitled "AhiibiBowater - Stephenville Site Removal of Berthing Dolphins" dated August 19, 2008, to decommission Stephenville paper mill, with reference to the application dated August 19, 2008.

I (the Permit Holder named above or agent authorized to represent the Permit Holder) do hereby certify that the project described above was completed in accordance with the plans and specifications submitted to the Department of Municipal Affairs and Environment and that the work was carried out in strict compliance with the terms and conditions of the Permit issued for this project.

Date: ____________  Signature: ____________

This completion report must be completed and forwarded to the following address upon completion of the approved work.

Department of Municipal Affairs and Environment
Water Resources Management Division
PO Box 8700
St. John’s NL A1B 4J6
APPENDIX D
Location Map for Permit
PERMIT TO ALTER A BODY OF WATER

Pursuant to the Water Resources Act, SNL 2002 cW-4.01, specifically Section(s) 48

Date: SEPTEMBER 09, 2008

Permit Holder: AbitibiBowater Inc.
Grand Falls Division
PO Box 500
Grand Falls-Windsor NL A2N 2K1

Attention: Mel Dean

Re: Stephenville - Paper Mill Site Decommissioning (Removal of Structures in Water)


- This Permit does not release the Permit Holder from the obligation to obtain appropriate approvals from other concerned municipal, provincial and federal agencies.
- The Permit Holder must obtain the approval of the Crown Lands Administration Division if the project is being carried out on Crown Land.
- This Permit is subject to the terms and conditions indicated in Appendices A and B (attached).
- It should be noted that prior to any significant changes in the design or installation of the proposed works, or in event of changes in ownership or management of the project, an amendment to this Permit must be obtained from the Department of Municipal Affairs and Environment under Section 49 of the Water Resources Act.

MINISTER
APPENDIX A
Terms and Conditions for Permit

General Alterations
1. Any flowing or standing water must be diverted around work sites so that work is carried out in the dry.

2. Removal of the existing structures and debris activity must only be carried out during periods when wind, wave and tide conditions minimize the dispersion of silt and sediment from the work site.

3. Removal of the existing structures and debris material may be redeposited and levelled along the shoreline provided approval is granted by the regional Government Service Centre of the Department of Government Services.

4. Water pumped from excavations or work areas, or any runoff or effluent directed out of work sites, must have silt and turbidity removed by settling ponds, filtration, or other suitable treatment before discharging to a body of water. Effluent discharged into receiving waters must comply with the Environmental Control Water and Sewage Regulations, 2003.

5. All operations must be carried out in a manner that prevents damage to land, vegetation, and watercourses, and which prevents pollution of bodies of water.

6. The use of heavy equipment in streams or bodies of water is not permitted. The operation of heavy equipment must be confined to dry stable areas.

7. All vehicles and equipment must be clean and in good repair, free of mud and oil, or other harmful substances that could impair water quality.

8. Any areas adversely affected by this project must be restored to a state that resembles local natural conditions. Further remedial measures to mitigate environmental impacts on water resources can and will be specified, if considered necessary in the opinion of the Department.

9. The bed, banks and floodplains of watercourses, or other vulnerable areas affected by this project, must be adequately protected from erosion by seeding, sodding or placing of rip-rap.

10. Sediment and erosion control measures must be installed before starting work. All control measures must be inspected regularly and any necessary repairs made if damage is discovered.

11. The attached Completion Report (Appendix B) for Permit No. 4230 must be completed and returned to this Department upon completion of the approved works.

12. This Permit is valid for two years from the date of issue. Work must be completed by that date or the application and approval procedure must be repeated.

13. The location of the work is highlighted on the Location Map for this Permit attached as Appendix C.
Government of Newfoundland and Labrador
Department of Municipal Affairs and Environment

File No: 534-02
Permit No: ALT4230-2008

Appendix B
Special Terms and Conditions for Permit

1. The Permit Holder and its agent(s), subcontractor(s), and consultant(s) shall keep all systems and works in good condition and repair and in accordance with all laws, by-laws, directions, rules and regulations of any governmental authority. The Permit Holder or its agent(s), subcontractor(s), or consultant(s) shall immediately notify the Minister if any problem arises which may threaten the structural stability of the systems and works, endanger public safety and/or the environment or adversely affect others and/or any body of water either in or outside the said Project areas. The Permit Holder and its agent(s), subcontractor(s), and consultant(s) shall be responsible for all damages suffered by the Minister and Government resulting from any defect in the systems and works, operational deficiencies/inadequacies, or structural failure.

2. The Permit Holder and its agent(s), subcontractor(s), and consultant(s) shall operate the said Project and its systems and works in a manner which does not cause any water related and/or environmental problems, including but not limited to problems of erosion, deposition, flooding, and deterioration of water quality and groundwater depletion, in or outside the said Project areas. The Permit Holder and its agent(s), subcontractor(s), and consultant(s) shall be responsible for any and all damages associated with these problems caused as a result of changes, deficiencies, and inadequacies in the operational procedures by the Permit Holder or its agent(s), subcontractor(s), or consultant(s).

3. If the Permit Holder or its agent(s), subcontractor(s), or consultant(s) fails to perform, fulfill, or observe any of the terms and conditions, or provisions of this Permit, as determined by this Department, the Minister may, without notice, amend, modify, suspend or cancel this Permit in accordance with the Water Resources Act.

4. The Permit Holder and its agent(s), subcontractor(s), and consultant(s) indemnify and hold the Minister and Government harmless against any and all liabilities, losses, claims, demands, damages or expenses including legal expenses of any nature whatsoever whether arising in tort, contract, statute, trust or otherwise resulting directly or indirectly from granting this Permit, systems and works in or outside the said Project areas, or any act or omission of the Permit Holder or its agent(s), subcontractor(s), or consultant(s) in or outside the said Project areas, or arising out of a breach or non-performance of any of the terms and conditions, or provisions of this Permit by the Permit Holder or its agent(s), subcontractor(s), or consultant(s).

5. This Permit is subject to all provisions of the Water Resources Act and any regulations in effect either at the date of this Permit or hereafter made pursuant thereto or any other relevant legislation enacted by the Province of Newfoundland and Labrador in the future.

6. This Permit shall be construed and interpreted in accordance with the laws of the Province of Newfoundland and Labrador.
Appendix C - Completion Report

Pursuant to the Water Resources Act, SNL 2002 cW-4.01, specifically Section(s) 48

Date: SEPTEMBER 09, 2008
File No: 534-02
Permit Holder: AbitibiBowater Inc.
Grande Falls Division
PO Box 500
Grand Falls-Windsor NL A2N 2K1
Permit No: ALT4230-2008
Attention: Mel Dean
Re: Stephenville - Paper Mill Site Decommissioning (Removal of Structures in Water)

Permission was given for: removal of the existing structures and debris as detailed in the document entitled "AbitibiBowater - Stephenville Site Removal of Miscellaneous Structures" dated August 19, 2008, to decommission Stephenville paper mill, with reference to the application dated August 19, 2008.

I (the Permit Holder named above or agent authorized to represent the Permit Holder) do hereby certify that the project described above was completed in accordance with the plans and specifications submitted to the Department of Municipal Affairs and Environment and that the work was carried out in strict compliance with the terms and conditions of the Permit issued for this project.

Date: ___________________________ Signature: ___________________________

This completion report must be completed and forwarded to the following address upon completion of the approved work.

Department of Municipal Affairs and Environment
Water Resources Management Division
PO Box 8700
St. John's NL A1B 4J6

ATIPP 12
GOVERNMENT OF NEWFOUNDLAND AND LABRADOR
Department of Municipal Affairs and Environment

File No: 534-02
Permit No: ALT4230-2008

APPENDIX D
Location Map for Permit
Attached is a memo I prepared regarding this issue. I hope it helps.

Dan

FYI, a couple of photos which show the berthing dolphins.

Herb/Reg,

This issue was discussed in a meeting on site in November 2006. As I recall, the consultant indicated that the dolphins did not represent a potential problem to wharf usage if left in place. Mel Dean indicated that they would see if the town or port authority had interest in them and if not they would be removed. Abitibi at that time assumed responsibility for ownership and removal. See attached meeting minutes for further clarification.

Attached is an email thread in which Abitibi commits to dolphin(s) removal if required. Also, the Phase 1 ESA report summary states “Some work may be required to ensure the berthing dolphins do not pose a future hazard for harbour navigation.”

Troy
Hi

Below is an e-mail sent this morning from Reg Locke [solicitor, Justice] concerning the berthing dolphins in Stephenville. I vaguely recall this being raised in some context a while ago. If anyone can help sort this out or provide Reg with some information [and copy me please] or directions it would be appreciated.

Thank you

herb

There is an issue brewing over the ownership of eight large 36 sq. ft. berthing ‘dolphins’ spread out in the harbour in Stephenville. The structures date back to Labrador Linerboard and were used occasionally by paper boats which were in line to pick up shipments by Abitibi. Abitibi disavows ownership or responsibility for removal and site reclamation.

Please inquire of the appropriate persons at ENVC and Lands of any knowledge of these structures.
MEMORANDUM

MEMO TO: Derrick Maddocks
FROM: Dan Michielsen

RE: Port Harmon Dolphins - Abitibi

The question has been posed as to whether or not the berthing dolphins at Port Harmon were mentioned in the Abitibi decommissioning plan. I have looked at the EA registration, the Phase 1 Environmental Site Assessment (which was a part of the registration package), as well as follow up correspondence regarding this matter. This is a summary of my findings:

1) Although not specifically mentioned in the Body of the EA registration, the dolphins were mentioned in the Phase 1 ESA and summary. This ESA was part of the registration as well as formed a part of the commitments for decommissioning. Note the following statements from the appendix of the EA registration and the Phase 1 ESA:

"First and foremost, it is understood that ACCC-Stephenville is not responsible for any impacts that are identified to pre-date the construction of the mill in 1970, or any impacts associated with the remaining infrastructure that we believe to be owned and controlled by NLHC, namely the tank farm (excluding Tanks 4, 5, and 8) and the connecting pipelines."

"The transfer of Port Harmon from Transport Canada to the Port Harmon Authority Limited was completed only after a detailed environmental assessment of the port had been completed. It appears that no further investigations or remedial work will be required in any areas in the inner harbour or channel that are adjacent to its property. Some work may be required to ensure the berthing dolphins do not pose a future hazard for harbour navigation."

2) In a follow up e-mail conversation between Troy Duffy of our Division and Abitibi, they were asked the following:

"Port Harmon. The report states that there appear to be no compelling reasons why ACCST should be obliged to conduct further investigations or remedial work in response to its activity in this area. It notes that some work may be required to ensure that berthing dolphins do not pose a future hazard for harbour navigation. Has the Port Harmon Authority provided written confirmation to this effect?"
To which he received the following reply from Abitibi:

"Port Harmon - It is ACCC's intent to treat the berthing dolphins in the same way as the other infrastructure. If ACCC cannot sell the dolphins, they will be removed. ACCC has had an underwater inspection done which confirms that there is corrosion. This was documented via underwater video. We are not aware of any written documentation regarding the condition of the berthing dolphins. As part of the ESA phase I, Fracflow, interviewed the Port Harmon Authority."

3) The Phase 1 ESA makes reference to aerial photographs in which it appears that additional berthing dolphins were constructed sometime between 1982 and 1984. The Mill was purchased by Abitibi in 1979. The reports do not provide any details as to who constructed these new berthing dolphins.

I have attached the supporting documentation for these points. While I'm not qualified to make a legal determination as to who is responsible for these dolphins, it is obvious that during the time of the EA registration, Abitibi were under the impression that they were responsible and had intended to address them. It is also important to note that the decision to release this project from further assessment was made based on the claims and commitments in the EA registration document.

Regards,

Dan Michielsen
Manager of Environmental Compliance
Hi Troy,

Attached please find a copy of the minutes for the Nov. 21/06 meeting. Would you please provide me with an email address for Dan Michelsen and Randy Simmons.

*(See attached file: Minutes11 21 06 FINAL .doc)*

If you have any questions please give me a call.

Regards
Karen Decker
Minutes of a meeting held at Stephenville, Newfoundland, on Tuesday, November 21, 2006 from 9 a.m. till 2 p.m. between representatives from Abitibi-Consolidated Company of Canada ("Abitibi"), Fracflow ("Fracflow"), Environment Canada ("EC") and the Newfoundland Department of Environment and Conservation (DOEC).

Attendees: Abitibi – Mel Dean, Nicole Roy, Karen Decker
DOEC – Dan Michielsen and Troy Duffy
EC – Randy Simmons and Kevin Power
Fracflow – Glenn Bursey

MD - Discussed expectations and objectives of meeting. All agreed. It was determined that the primary contacts would be Abitibi – MD and DOEC – TD. The expectation of DOEC is that Abitibi will provide regular communication, including a monthly summary/update. NR requested that DOEC give Abitibi feedback on these regular communications. DOEC agreed. It was also agreed that meetings with the above parties would be held as and if required, normally when specific milestones are reached. The intent by all was that having concurred on issues as the project evolves, there would be no unexpected surprises from all parties.

MD – Requested that he be advised of any inquiries from local community environmental groups and prefers to deal with such inquiries as they arise.

KP – Advised that primary contact would be DOEC but that EC has responsibility for the application of the federal regulations applicable to the site.

DM – Mentioned that on some occasions, it may be necessary to have direct communications between Fracflow and DOEC. NR advised that due to confidentiality agreement between Abitibi and Fracflow, such direct communications will require prior authorization from Abitibi legal counsel or occur in the presence of Abitibi.

MD – Presented pre-decommissioning activities. RS inquired about Abitibi’s plans for the disposal of petroleum products and expressed some concern around ODS in fire suppression systems. MD confirmed that except for two domestic size air-conditioning units, there are no ODS remaining on site; the control room fire suppression system does not contain ODS. GB advised that all hazardous materials present on site will be included in the HazMat inventory currently underway.

MD – Presented the scope of the ongoing HazMat inventory and related activities. GB advised that so far, things seem to be as expected from an industrial site of this nature.

DM – Expressed some concerns regarding the disposal of asbestos. MD confirmed that there would be a large volume of asbestos containing materials (ACM) to dispose of due to the age of the buildings (especially steam pipes insulation and external walls siding).
NR advised that all asbestos would be removed prior to dismantling. DM suggested that Abitibi involves the occupational Health and Safety Department (OHS) prior to removing ACM.

TD – Asked if Abitibi had tested for lead paint. GB advised that Abitibi mandated Fracflow to carry out a lead paint inventory. NR advised that based on experience from other closed mills, lead paint is to be expected on site and that Abitibi will have the appropriate information available in case there is a need to segregate steel for recycling/smeltering purposes. MD advised that Abitibi will recycle the steel. DOEC agreed that if steel is recycled as opposed to landfilled, there will be no issue with lead potentially leaching to the environment.

BREAK

GB – Presented the ESA Phase I results and ESA Phase II plan. GB spoke about Abitibi’s proactive approach and the working relationship between Fracflow and Abitibi. TD asked about the water retention capabilities of the lagoons. KP discussed the state of the liners in the lagoons. GB advised that there are no lingering concerns, and all agreed that the presence of accumulated sludge is likely to prevent significant losses from the lagoons.

DM – Asked if Abitibi had received an official letter from the Minister to confirm that Abitibi would not be responsible for potential impacts resulting from onsite activities predating 1970. MD and NR advised that this was clearly stated in the registration document dated July 2006, and that it was Abitibi understanding that the DOEC response letter dated October 6, 2006 advising Abitibi that it is not subject to the registration was also confirming DOEC concurrence with the above mentioned statement included therein. DM suggested that Abitibi approaches the Minister and obtain a clear and separate confirmation in writing. NR will review with internal Legal Counsel.

RS – Asked about the current status of the petroleum storage tanks on site. GB advised that the underground storage tanks had been removed but three needed to be confirmed using ground penetration radar (GPR). MD advised that for the above ground tanks (ASTs), the three large vertical bunker “C” ASTs would remain in place for future economic development, and that some horizontal ASTs had already been removed from the site. There are three horizontal ASTs for diesel fuel on site which are owned by Irving: 2 are still in use, 1 has been emptied and will not be reused.

RS – Commented on some previous work that had been done around the Mine Pond landfill, and vaguely recalled that there was nothing of concern; he will contact Wayne Pierce from EC to see if he can locate relevant documentation. MD, RS and GB discussed the extent of the investigative work to be done in this area considering the past Labrador Linerboard and USAF anecdotal history. DM indicated that it was more important at this stage to determine the presence of “hazardous materials” than who is responsible for it, and mentioned that it was not necessary to inventory and quantify everything present in this landfill. MD will check and see whether Tank No. 20 is owned.
by Dept. of Defense. RS also suggested that Abitibi try and locate the files of Margie White (airport work -1996 – 1998)

DM – Inquired as to whether the stacks residues had been characterized. GB advised that it will be done as part of the Phase II investigations. NR mentioned that it is not expected to be hazardous based on experience from other sites. DM will forward MD and NR the guidance document for closing landfills.

TD – Suggested that the Agreement regarding the use of the quarry within the landfill perimeter by the Town should be revisited. NR agreed and reiterated the importance of this for the future.

KP – Requested a copy of Phase I ESA report. MD provided a copy on CD to KP and TD at lunch with a request that it be kept confidential. TD advised that because of the Access to Information Act there is no means to keep such documents confidential but DOEC would not publicize the fact that such documents are on file; KP confirmed that EC will have the same approach.

NR – Advised that Abitibi prefers not to submit “draft” documents and requested that Abitibi controls the release of such documents.

NR – Inquired about the birthing dolphins. GB advised that there are no obligations to do anything with them. MD advised that they would be treated as all other infrastructure on site and removed if no alternate use is found for them. RS commented on the birthing dolphins being a potential asset to the harbor operations in the future.

GB – Proceeded with presentation of ESA Phase II work plan. DM advised that DOEC should concur with this plan as soon as possible. GB mentioned Fracflow would adjust their work plan following feedback from DOEC. It was agreed by all that if there is reasonable doubt around ownership of contaminants then Abitibi should NOT be responsible for the remediation.

RS – Questioned the scheduling of the site closure. NR advised that Abitibi’ hope was to have everything completed by end of 2007.

MD – Briefly discussed the sale and disposal of equipment. DM suggested some municipalities may have interest in the lagoon aerators. DOEC will put the word out. NR reminded them of short window during which Abitibi will entertain offers.

LUNCH

NR – Presented the ASB decommissioning plan, discussed the applicability of the Fisheries Act and the Pulp and Paper Effluent Regulations.

KP - Explained that the absence of an “Effluent” shall not be a reason for the non-applicability of the PPERS. The key aspect is the ability of the mill to produce paper. KP
advised that Abitibi send a letter to Maria Dober, Director requesting that Abitibi Stephenville mill be declared not subject to the PPER, giving the reasons for such a request. With respect to the requirements for Environmental Effects Monitoring (EEM), KP explained that legally Abitibi is currently required to comply with all regulations, but since Abitibi has had no discharge since February 2006, EC has overlooked the application of the EEM requirements because there is no scientific value to be gained from such an EEM given that the mill is permanently closed. KP agreed that once it is confirmed in writing that Abitibi Stephenville mill is no longer subject to the PPER, the only parameter of concern to EC with respect to the closure of the ASB will be toxicity (deleterious substance) as per the Fisheries Act.

KP also advised that Abitibi still has to comply with the National Pollution Release Inventory Regulations (NPRI); another letter is needed to confirm that Abitibi does not meet the employment criteria and thus does not have to report under NPRI. KP advised that Abitibi may have to report the 2006 emissions depending on the number of employees. He also advised Abitibi that all such records would need to be kept for 3 years (ie. until 2008) and that when records are moved, EC must be notified of the new location of such records. KP also advised that Abitibi is still subject to the Environmental Emergency Regulations (E2; CEPA). KP advised that Abitibi either needs to comply or send a letter confirming that the Regulations does not apply based on a number of reasons to be listed in same letter.

NR – Discussed Water Resources Act and Environmental Control Water & Sewer Regulations (ECWSR). She explained that since there is currently no discharge, Abitibi is not monitoring as per the ECWSR. NR inquired about the possibility to enter into an Environmental compliance agreement for the closure and pumping out of the lagoon. TD mentioned that the closure and pumping out of the ASB is to be carried out in compliance with the ECWSR and agreed that one set of confirmation samples taken from the lagoon prior to discharge that complies with the limits set out for a grab sample program will be acceptable to DOEC for the purpose of the closure.

KP – Suggested that Abitibi takes grab sample in the ASB as soon as possible to better plan the logistics and details of the ASB closure plan. KP suggested taking one sample from each cell from the North Lagoon. DM indicated that DOEC normally asks for one grab sample and that if it meets the limits set out in the ECWSR, then DOEC will concur with the pumping out of the ASB (but not the sludge accumulated therein). Kevin suggested Abitibi submits a plan for pumping in advance. NR agreed that Abitibi will prepare and submit such a plan to EC and DOEC.

NR – Briefly discussed the waste management component of the mill closure and dismantling plan and explained Abitibi preliminary plan to convert the existing lagoons, settling ponds and possibly ash ponds into landfills for demolition materials and ACM; each unit being dedicated to one type of materials only (no mixing). NR also committed to submit a more detailed plan to DOEC when expected volumes of waste to be disposed.
of would be known and apply for a CofA at the same time. DM pointed out that DOEC’s ultimate goal is to reduce the number of landfill sites in the province and expects this may raise some concern and the time of approval, especially in the case of ACM. He suggested applying for a modification of the existing CofA for the landfills A, B and C instead. MD agreed to proceed as per DM suggestion.

TD – Advised that because the mill is permanently shutdown, DOEC has already agreed internally that the Operating CofA is not applicable. He suggested that Abitibi either let it run out (March 2007) or send a letter to cancel it.

DM – Committed to forward Abitibi (MD and NR) a copy of DOEC site closure Guideline.

MD – Gave a brief update on third party interest expressed in some of the infrastructure.

DM – Advised that Abitibi has an active “Water Use License” that includes requirements to report on water usage on a yearly basis, and indicated that Abitibi most likely needs to cancel this license. MD indicated that he would confirm Abitibi needs and obligations as per this license and address accordingly.

**TO DO LIST:**

<table>
<thead>
<tr>
<th>Prime</th>
<th>Action</th>
<th>✓</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOE C and Abitibi</td>
<td>to maintain regular two-way communication and updates on a monthly basis or as otherwise required (Keep EC in the loop as required);</td>
<td></td>
</tr>
<tr>
<td>DOE C</td>
<td>to provide feedback to Abitibi on submissions (Keep EC in the loop as required);</td>
<td></td>
</tr>
<tr>
<td>DOE C and EC</td>
<td>to provide feedback on Phase I ESA report;</td>
<td></td>
</tr>
<tr>
<td>Abitibi</td>
<td>to submit the Phase II work plan to EC and DOE C for input and concurrence;</td>
<td></td>
</tr>
<tr>
<td>Abitibi</td>
<td>to submit plan for ASB closure and pumping out for input and concurrence;</td>
<td></td>
</tr>
<tr>
<td>Abitibi</td>
<td>to submit lagoon conversion plan to DOE C as part of request to modify the CofA for landfills A, B and C;</td>
<td></td>
</tr>
<tr>
<td>Abitibi</td>
<td>to assess the need for the “water use license” and cancel as required;</td>
<td></td>
</tr>
<tr>
<td>Abitibi Legal</td>
<td>to assess the need to seek separate confirmation letter from the Minister regarding non responsibility of site contamination predating 1970;</td>
<td></td>
</tr>
<tr>
<td>---------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Abitibi</td>
<td>to send letter to EC to subtract the mill from the application of the PPER;</td>
<td></td>
</tr>
<tr>
<td>Abitibi</td>
<td>to send letter to EC to subtract the mill from the application of the NPRI regulations;</td>
<td></td>
</tr>
<tr>
<td>Abitibi</td>
<td>to assess the applicability of the E2 Regulations, and send letter to EC confirming non applicability as required;</td>
<td></td>
</tr>
<tr>
<td>Abitibi (MD)</td>
<td>to research ownership of Tank No. 20;</td>
<td></td>
</tr>
<tr>
<td>Abitibi</td>
<td>to have JOHS in the loop prior to handling of ACM;</td>
<td></td>
</tr>
<tr>
<td>Abitibi</td>
<td>to attempt locating files of Margie White (Airport Work);</td>
<td></td>
</tr>
<tr>
<td>DOEC (DM)</td>
<td>to forward DOEC guidance document on closing landfills;</td>
<td></td>
</tr>
</tbody>
</table>
Collins, Ryan

From: <Mel_Dean@abitibiconsolidated.com> <Mel_Dean@abitibiconsolidated.com>
Sent: Thursday, March 8, 2007 11:41 AM
To: Duffy, Troy
Cc: mel_dean@abicon.com; Nicole_Roy@abitibiconsolidated.com; Michielsen, Dan
Subject: Re: ACCST - Phase 1 ESA

Troy,
Thank you for your very positive comments regarding the ESA phase I. You had two outstanding questions, one on the DOT building and one on Port Harmon.

DOT Building - Documentation has not been found that would confirm the remediation of the soils in the area of the waste oil tank. Considering the comprehensive nature of the Transport Canada undertakings, it is reasonable to assume that all environmental issues related to the Real Property transfer of the DOT building to ACCC-Stephenville were addressed. However, Fracflow, our ESA consultant, has taken a groundwatersample in a monitoring well down-gradient from the waste oil tank. The results from the analysis of this sample will be included in the ESA phase II report.

Port Harmon â€“ It is ACCC’s intent to treat the berthing dolphins in the same way as the other infrastructure. If ACCC can not sell the dolphins, they will be removed. ACCC has had an underwater inspection done which confirms that there is corrosion. This was documented via underwater video. We are not aware of any written documentation regarding the condition of the berthing dolphins. As part of the ESA phase I, Fracflow, interviewed the Port Harmon Authority.

As we discussed on Feb. 27, 2007, the ESA phase II is underway and when we have the analyzed results, we will meet with the DOEC and discuss.

If I can be of any further assistance, please feel free to contact me.
Mel Dean
On-Site Coordinator

"Troy Duffy"<duffyt@gov.nl.ca>
To <mel_dean@abicon.com>
cc "Dan Michielsen"<MichielsenD@gov.nl.ca>
Subject ACCST - Phase 1 ESA

12/05/2006 10:36 AM

Mel,

The department has completed a review of the Phase 1 ESA. The report is found to be very thorough and intensive. It clearly identifies potential environmental issues and provides recommendations for
further investigation as ACCST proceeds with its site decommissioning/closure plan.

The Phase 1 ESA identifies potentially resolved issues. Some questions related to this section as follow:

- DOT Building. Two AST tanks were identified at this building. The tanks have been removed, however, it was not clear from the report whether or not the soil impacted by the waste oil tank had been remediated. Is there further investigation/sampling planned to confirm that this has been completed?

- Port Harmon. The report states that there appeared to be no compelling reasons why ACCST should be obliged to conduct further investigations or remedial work in response to its activity in this area. It notes that some work may be required to ensure that berthing dolphins do not pose a future hazard for harbour navigation. Has the Port Harmon Authority provided written confirmation to this effect?

The report identifies that areas of concern will be further investigated during the course of the completion of a Phase 2 ESA. At a recent meeting it was agreed that ACCST would provide the department with a detailed scope of activity associated with the Phase 2 ESA. Upon receipt, the department will review the scope in conjunction with the Phase 1 results and provide comments as necessary.

If you have any questions or comments please contact me.

Regards,
Troy

Troy Duffy
Environmental Engineer
Pollution Prevention Division
35 Alabama Drive
 Stephenville, NL
A2N 2K9
(709) 643-6114
(709) 639-3980 Cell
BY COURIER
WITHOUT PREJUDICE

Department of Justice
Government of Newfoundland and Labrador
P. O. Box 8700
St. John's NL A1B 4J6

Attention: Ms. Donna Ballard (Director - Civil Division)

Department of Environment and Conservation
Confederation Building
4th Floor, West Block
P.O. Box 8700
St. John's, NL
A1B 4J6

Attention: Minister, the Honorable Charlene Johnson

Re: Sale of Non-Core Properties: Environmental Liability
File No.: 041053-1170

Dear Ms. Ballard and Minister, the Honorable Charlene Johnson:

On April 26, 2010, Mr. Justice Clément Gascon of the Superior Court of Quebec (the "Court") issued an order approving the sale of various non-core properties (the "Properties") from Abitibi-Consolidated Inc. ("ACI") and Abitibi Consolidated Company of Canada ("ACCC"), as vendors, to 451354 Canada Inc. (the "Debtor"), as purchaser. Upon the issuance of this order, the sale of the Properties closed as all conditions thereto had been met.

On the same day, Mr. Justice Gascon also issued an order appointing Ernst & Young Inc. as receiver (the "Receiver"), of all of the assets, undertakings and properties of the Debtor, including but not limited to the Properties (the "Receiver'ship Order"). Paragraph 13 of the Receivership Order provides that the Receiver shall not occupy or take control, care, charge, possession or management of any of the Properties, including any that might be environmentally contaminated, unless and until it has reached satisfactory arrangements with the relevant environmental authorities, in this case the Province of Newfoundland and Labrador and the Department of Environment and Conservation. We understand that the Receiver has communicated with you in this regard.
We wish to inform you that on May 18, 2010 we terminated our agreement with Tulk’s Security Systems effective June 18, 2010, the whole in accordance with the provisions of such agreement. As a result, the Stephenville property will continue to be guarded until June 18, 2010. This constitutes a reasonable period of time to allow for the taking of possession of such property by the Receiver in accordance with the provisions of the Receivership Order, provided that satisfactory arrangements are met with the relevant environmental authorities as outlined above. Please also note that ACI and ACCC have no employees working on the sites of any of the Properties.

You will find attached hereto a notice (the "Notice") from Ernst & Young as court appointed Monitor of AbitibiBowater Inc. and its subsidiaries (collectively the "CCAA Petitioners") advising you to file a proof of claim in respect of any and all liabilities of the CCAA Petitioners as former owner, occupier, person, in possession or otherwise in connection with the Properties. This notice is transmitted to you in accordance with the order (the "Third Claims Procedure Order") of the Court dated February 23, 2010 with respect to the solicitation, review and determination of certain claims.

Please note that all the above-referred Orders are accessible on Ernst & Young’s Website at: www.ey.com/ca/abitibibowater.

Yours truly,

Alice Minville
Senior Legal Counsel

c.c. Ernst & Young
Re: Berthing dolphins in Port Harmon Harbour.

I refer to my letter dated 1 June 2009 advising Abitibi had informed us they could not find any record where the eight berthing dolphins in Port Harmon Harbour were included in the sale of the assets of Labrador Linerboard Limited to Abitibi. Consequently, they advised the demolition contractor not proceed with their removal or restoration of the harbour bed to charted depth.

The berthing dolphins were built by Labrador Linerboard-a Crown Corporation, so that very large ships could discharge pulpwood from Labrador into the inner pond behind them. They occupy approx eight hundred feet of harbour bed and are approx thirty six feet in dia. Approx 30 feet of gravel remains in each dolphin below the low water line. Thousands of tons of gravel have already washed out above the low water line and have to be dredged off the bottom too.

We were also told that Abitibi formed a new numbered company 4513541 Canada Inc., and transferred the assets of Stephenville and Botwood into that company, declared bankruptcy and are longer responsible for any of the assets in these locations, if so this may be a moot point! In my June 1st letter we also asked Gov't to review the sale documentation to Abitibi to determine if the dolphins were included in the sale of the Linerboard assets or perhaps inadvertently overlooked.

A port user recently informed us that sheet piling on one of number three (3) dolphins collapsed and fell into the water at about a 75 degree angle to the channel, creating a potential navigational hazard for all users. Fishermen, bird hunters, leisure boaters and some adjacent cabins owners, although across the channel, frequent the pond behind the dolphins and pass between them. Deterioration is accelerating and more structural failure can be expected.
Would you please advise if the review of government files was undertaken and what the results were?

Sincerely

Cec Stein
President

Cc.    Hon Joan Burke
       Hon Tom Marshall
       Hon Felix Collins
✓  Hon Charlene Johnson
    Hon Kathy Dunderdale
    Hon Tom Hedderson
    Hon Dianne Whalen
    Mayor, Town of Stephenville
Port Harmon Authority Ltd.
P. O. Box 100
Stephenville, NL
A2N 2Y9

Ph. 709-643-5626; Fax 709-643-6130; E-Mail: jimcosbrasc@nf.aibn.com

2011-03-15

Hon Felix Collins
Minister of Justice and Attorney General
Box 8700, St. John’s, NL.
A1B 4J6

Dear Minister Collins:

Re: Berthing Dolphins in Port Harmon Harbour

Thank you for your letter dated Dec 1, 2010 advising the berthing dolphins are the property of Port Harmon Authority Ltd.…

When the Americans built the port, they also constructed a small berthing dolphin (finger pier) approx 100 ft from the south end of the wharf and that is what we believe it refer to. Subsequently, we went back to Transport and they advised they are unable to locate any record of where the Newfoundland Government or Labrador Linerboard Ltd( a Provincial Crown Corporation at the time) transferred the eight Berthing Dolphins to the Government of Canada. Transport Canada could not convey something it did not own.

Would you please ask the lawyers in the Dept of Justice to review the file again and see if Labrador Linerboard Limited or the Province transferred the dolphins to the Federal Government or if they were included in the sale to Abitibi back in the eighties or inadvertently overlooked being transferred to either in the rush to get rid of the mill. The mill was closed for a couple of years before being sold. I understand the government retained the firm of Woods Gordon to find a buyer and based on their recommendations sold the mill to Abitibi.

I also understand that Mr. Ian Gray a lawyer in the Dept of Justice handled many of the government transactions on behalf of Linerboard mill and although I understand he left government service shortly after the mill closed, it’s possible he may have been involved in the dolphin file too, as the funds to build them province definitely came from the prov. It may be useful to have someone review his records if they are still available.

The question is did Linerboard build them direct, or did they, or the province have the consulting engineer D.D. Dick Engineering, who oversaw the entire mill project, farm
the design and oversight work out to another Toronto engineering firm- Stevenson Hardtke.

Please provide a copy of the documentation showing where the berthing dolphins were either transferred to the Federal Government or included in the sale of assets to Abibibi. Whether or not the berthing dolphins were inadvertently overlooked when the mill was sold, the intent of the sale at the time was to include 100% of the assets—which were substantial both on the island and in Labrador. Was every asset identified or was an umbrella clause used to convey the numerous items and pieces of equipment to Abitibi?

The dolphins were built solely for Linerboard and were used to tie up the Jebsen vessels-MV. Brimness and MV Burness and discharged spruce pulpwood from Gosse Bay into a log boom behind the dolphins where a small boat pushed pulpwood onto a jackladder and then into the wood room for debarking and reduced to chips.

No money or provision was included in the transfer agreement to either repair or demolish the dolphins, estimated cost $2-3 million as TC also believed the dolphins belonged to Abitibi. Because of their deteriorating condition time is of the essence,

Sincerely,

Cec Steff P.Eng
President

C.c.  Premier Cathy Dunderdale  
Hon Joan Burke  
Hon Tom Marshall  
Hon Ross Wiseman  
Hon Tom Heddderson  
Hon Dave Denine  
Hon Susan Sullivan  
Hon Kevin O’Brien  
Hon Clyde Jackman  
Mayor, Town of Stephenville
Abitibi – Motion to Abandon the Botwood and Stephenville Properties

The purpose of this note is to advise of the Receivers’ motion to abandon the former Abitibi properties in Botwood and Stephenville.

Background and Current Status:

- Botwood was used for shipping activities at both the Grand Falls Pulp and Paper Mill and Buchans Mine operation for close to 100 years.
- The Stephenville Mill site had been an active Abitibi pulp and paper mill from 1975 -2005. Prior to this it was the Labrador Liner Board Mill as well as a former US Air Force Military Base.
- The Province, through Weirfoilds (outside legal counsel), contracted Conestoga Rovers and Associates (CRA) to conduct Phase 2 Environmental Site Assessments (ESA) at the Abitibi owned/operated sites including the Botwood shipping facility and the partially decommissioned Stephenville mill site.
- Numerous areas of concern have been identified on both properties and it appears that these environmental liabilities far outweigh the value of the assets.
- The Province did not expropriate Abitibi land in Botwood or Stephenville.
- In April of 2010, under an order from the Quebec court responsible for overseeing Abitibi through the Companies’ Creditors Arrangement Act, all Abitibi properties in Botwood and Stephenville were transferred to a numbered company (4513541 Inc.) and placed into receivership.
- The Receiver, Samson Bélair/Deloitte & Touche, has attempted to market these properties and has received several offers for equipment and other mobile property situated on the Stephenville Property, as well as a portion of the Stephenville Property on which storage tanks are situated.
- The Receiver has no offer for the bulk of the Stephenville property or any of the Botwood Property.
- The Receiver has now filed motions to abandon the Botwood property, as well as other properties in NB, ON, and QC.
- The Receiver has advised the Province that a further motion to abandon the remaining Stephenville property is forthcoming.
- It is unclear from the Motion whether it is the intention of the Receiver to simply alienate itself from the property or to alienate itself from the property and divest the property to the Provincial Crown.
- The matter will be heard in the Quebec Superior Court at a date to be determined.
- The question of Abitibi’s environmental responsibility is before the Supreme Court of Canada. That matter will be heard 16 November 2011.

Action Being Followed:

- The Department of Justice in consultation with Weirfoilds is reviewing the Motion to clarify the definition of abandonment in this case as well as ascertain its implications for the Province.

Prepared by/Reviewed by: D.Michielsen ENVC in consultation with D.Ballard JUS/M. Goebel ADM/W.Parrott
DM
Approved by:

29 March 2011
Decision Note/Direction Note
Department of Environment and Conservation

Title: Former Abitibi Properties in Botwood and Stephenville

Decision / Direction Required:

Background and Current Status:

- The port of Botwood was used for shipping activities at both the Abitibi Grand Falls Pulp and Paper Mill and Buchans Mine operation for close to 100 years.
- The Stephenville Mill site had been an active Abitibi pulp and paper mill from 1975-2005. Prior to this it was the Labrador Liner Board Mill and previously as a US Air Force Base.
- Areas of concern were identified on both properties during Environmental Site Assessments carried out by the Province:
  Stephenville:
  - A large area of subsurface petroleum hydrocarbons, several unclosed landfill sites, as well as other hydrocarbon and metals impact throughout the industrial site.
  - Remediation costs are estimated at $36 Million with an additional $1.7 Million in demolition costs.
  Botwood:
  - Widespread heavy metal impacts on industrial properties as well as petroleum hydrocarbon impacts near the former machine shop and former Bunker C storage area.
  - Remediation costs are estimated at $5.5 Million with an additional $1.8 Million in demolition costs.
- In April of 2010, under an order from the Quebec court responsible for overseeing Abitibi through the Companies’ Creditors Arrangement Act, all Abitibi properties in Botwood and Stephenville were transferred to a federally incorporated numbered company (4513541 Inc.) and placed into receivership.
- The Receiver Samson Bélair/DeLoitte & Touche, sold the Botwood properties to the Town of Botwood and the majority of the Stephenville properties to two companies; KJ Metals (Oil storage tank areas) and Coast to Coast Contractors (Mill and industrial areas). Through the sale process the new owners were made aware of the environmental issues on these properties.
- The Province did not expropriate the Abitibi properties in Botwood or Stephenville nor is the province the polluter in either case. At this point the liabilities would normally lie with the current property owners.
- On December 10, 2012 Primer Dunderdale publically stated that government would clean-up the Stephenville and Botwood properties.
- VinKing Marine has entered into a purchase sale agreement to acquire a large portion of the Stephenville property. They have requested a meeting with Minister Hedderson to outline their plans for the property and confirm that, based on the Premier’s statement, the province will clean-up the site and not pass liability for the clean-up on to the present or future owner of this property.

Prepared by/Reviewed by: D. Michielsen/D. Maddocks / M. Goebel ADM/W. Parrott DM
Approved by: 07 January 2013