December 10, 2019


Dear [Name]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #: SNL-141-2019]

This is to confirm that on November 12, 2019, Service NL received your request for access to the following records/information:

October 10, 2019
regarding an environmental issue relating to waste oil and hazardous materials being dumped underneath the floor of a building. The building was previously owned by Trinity Holdings Limited and was sold to Round Harbour Holdings Limited.

I wish to obtain all correspondence relating to this complaint and details of what action our government has taken on this matter.

I am pleased to inform you that a decision has been made by the Deputy Minister for Service NL to provide access to some of the requested information.

Access to the remaining records, and/or information 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 (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.”

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. There are no further records responsive to your request and 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 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).

For Government Departments:
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 709-729-1002 or by e-mail at PamSenior@gov.nl.ca.

Sincerely,

Pam Senior
ATIPP Coordinator
Service NL

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).
Complaint - Improper waste oil disposal

Main Street, Trinity (Former Roger's Enterprises LTD.)

9-780

Oct. 10, 2019

- Trinity Enterprises - Former gas station
- Owners: [Redacted]
- Historic: 1950-1990
- Complainant - Service Guy had pipe into ground with oil spills, drips during maintenance of vehicles going directly into ground uncontrolled, no oil-water separator.
- Anonymous complainant.
### Concluding Report

**Date & Time**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oct 10/19</td>
<td>Received anonymous complaint that the Service Bay of the former Rogers Enterprises, main street, Trinny had been releasing oils from vehicle maintenance, directly into the ground floor of garage, for an approx. 25 years. Garage not operating in recent years. Bondy Island was recently purchased by [redacted] (Green Harbour Holdings 2011). Caller requested an investigation be completed.</td>
</tr>
<tr>
<td>Oct 17/19</td>
<td>Conducted site visit on Oct 17/19 and [redacted] was on site. I met with the complaint. I had received regarding the waste oil and asked if I could inspect the inside of the Service Bay garage. We agreed to meet inside. I noticed an in-floor oil-water interceptor trench installed. I asked if [redacted] knew where the waste water went. [redacted] did not know but said [redacted] will ask the present owner. I got back to me. Trench was dry during the inspection and no evidence of historical or present contamination in or Service Bay or on property. [Redacted] said the Service Bay wasn’t used in several years, but didn’t know exactly how long ago since last operational.</td>
</tr>
<tr>
<td>Oct 19/19</td>
<td>Conducted file search at office seeking any pertinent information on this property. Found 2 files: (Trinity General file - 813.063), Rogers Enterprises Service Station file (closed). Only 1 piece of information was found regarding the Service Bay. Service Station/Gas Bar Inspection Form dated 96.03.01, located in the closed service station file. Section 5 of form stated the floor drain in Service Bay drained “to ditch”. Section 9-13 there was evidence of petroleum product in drainages ditches, storm sewers...? “No” (form attached). Based on the limited data available regarding the Service Bay, floor drainage system, the oil-water in-floor interceptor...</td>
</tr>
</tbody>
</table>

**Submitted By:** Soby Hunt  
**Position:** EPO  
**Date:** 19  
**YY:** 10  
**MM:** 18  
**DD:**
must have been working properly & Separated Spilled waste oil & water, and only released waste-water to the ditch with no petroleum present at that stage.

Newest Service station Inspection Report dated 99 01/13 stated that the service station was now closed. (Attached).

Oct.18/19 Considering there is no known petroleum impacts/releases on file resulting from the operation of the service bay or gas bar, an Environmental Site Assessment will not be requested for this property.
1. INFORMATION

Company Name: Roger's Ent.
Principal Owner:
Address: Trinity
Storage Tank System (STS) Owner: Irving (Gas) (Diesel)
Site Manager:
Fuel Supplier:
Shipper:
Location:
Location:
Does the STS owner and/or operator carry environmental liability insurance?
Describe:

2. TANK INVENTORY CONTROL RECORDS

Are forms approved by Department? Yes
Are Daily Reconciliation Forms completed properly? Yes
Are Daily Reconciliation Forms completed up-to-date? Yes
If no, enter last entry date.

Do any four consecutive reconciliations show losses above normal (ie. 1% of tank capacity or 1% of throughput whichever is greater)? No
Are water dips completed on a daily basis? No
If no, enter last entry date.

Has water level increased/decreased steadily over time period under consideration? Unknown
Are Monthly Reconciliation Summary Forms completed? Yes
Cumulative Variation: No Total
Throughput (litres): No Total

Does the cumulative variation exceed ½ of 1% of throughput for the six month period under consideration (January - July or June - December)? Unknown

Are reconciliation records for the past two years available for inspection if necessary? Yes

3. STORAGE TANK SYSTEM

Indicate type of storage tank system (provide information in table below);
- Fiberglass
- Steel
- Total Containment
- Other

For steel tanks indicate type of corrosion protection system;
- Sacrificial-Anode
- Impressed Current

Are records available for each two year monitoring check of the corrosion protection system?
Indicate millivolt readings in table below:

<table>
<thead>
<tr>
<th>Tank No.</th>
<th>Size</th>
<th>Age</th>
<th>Product</th>
<th>Millivolt</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2000</td>
<td></td>
<td>Reg.</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>2000 gal</td>
<td>10-11 yr</td>
<td>Sup.</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>2000</td>
<td></td>
<td>Diesel.</td>
<td></td>
</tr>
</tbody>
</table>

Date of last monitoring check

Last monitoring check conducted by

Are all tanks on site in operation? Yes

If no, indicate date which abandoned tanks went out of service?

ATIPP 8
5. SERVICE BAY INSPECTION

Are all floor drains in service bay routed through an oil water separator? [ ]

Describe type of oil water separator.

Describe method of waste oil storage.

Describe condition of waste oil storage site.

Describe method of waste oil disposal.

Describe means by which facility is heated.

If oil heated determine location of tank.

Does station have waste oil burning furnace in operation?

Give make and model #.

6. FILL PIPES

Are all fill pipe covers locked? [ ]

Is there evidence of overfills at the fill pipes? [ ]

Are the fill pipes protected from vehicular traffic? [ ]

Are the fill pipes perpendicular to the ground’s surface? [ ]

7. SPILLS

Is the 24-hour spill report number clearly posted on site? [ ]

Is there sufficient emergency equipment available to contain and clean-up small spills? [ ]

Describe:

8. PUMP ISLAND

Is there any evidence of shifting, heaving, or vehicular collision of the pumps and/or pump island? [ ]

Pump calibration last completed by [ ] on [ ] date.

Is there any evidence of leaks or spills in;

- pump base [ ]
- pump hoses [ ]
- pump nozzles [ ]

9. GENERAL AESTHETICS

Has waste material accumulated on site (i.e. vehicle wrecks, scrap metals, vehicle parts, drums, oil cans, etc.)? [ ]

Are waste receptacles available for public use? [ ]

Is there evidence of petroleum product in drainage ditches/storm sewers surrounding the property in particular in ditches adjacent to underground storage tanks? [ ]

Sewage generated at the facility is disposed of through:

- town sewer
- septic tank with outfall to sea
- septic tank with disposal field
- other [ ]

Is there any evidence of sewage breakout (i.e. enhanced propagation of vegetation and/or aquatic algae) adjacent to the septic tank and/or disposal field? [ ]

10. COMMENTS AND ACTION TO FOLLOW


Date [ ]
Inspecting Officer [ ]
## Service Station Inspection Report

**Company or Business Name:** Rogers Enterprises (Irving)

**Location:** Trinity

### Distance of Tank(s) to the Nearest Feature (if less than 200 m)

- House: Owner(s)
- Commercial Building: Name: Station 8119
- Water Body: Name
- Well: Owner(s)

### Tank Information

<table>
<thead>
<tr>
<th>Tank Number</th>
<th>Size</th>
<th>Product</th>
<th>Above or Below Ground</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>90.92</td>
<td>Reg</td>
<td>U/G</td>
</tr>
<tr>
<td>2</td>
<td>90.92</td>
<td>Fule</td>
<td>U/G (Steel)</td>
</tr>
<tr>
<td>3</td>
<td>90.92</td>
<td>Diesel</td>
<td>U/G</td>
</tr>
</tbody>
</table>

### Below Ground Tanks

- (a) Cathodically Protected? [ ] Yes [ ] No
- (b) Subject to vehicular traffic? [ ] Yes [ ] No

### Used Waste Oil

- (a) Waste oil generated? [ ] Yes [ ] No
- (b) Storage Method: [ ] Barrels [ ] Tank [ ] Other (Describe)

### Reporting

- (a) Do they know CCG spill report number? [ ] Yes [ ] No
- (b) Do they know reportable volume (70 litres)? [ ] Yes [ ] No
- (c) Do they know they are legally required to report? [ ] Yes [ ] No

### Dips and Reconciliations

- (a) Records kept on site? [ ] Yes [ ] No
- (b) Records performed daily? [ ] Yes [ ] No
- (c) Recorded on proper forms? [ ] Yes [ ] No

### Additional Comments (Evidence of overfills, general site conditions, etc.)

Station is closed. Tanks are being removed this spring by Irving Oil.