Dear [Redacted]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our file #ENV/027/2013]

This is to confirm that on October 21, 2013, the Department of Environment and Conservation received your request for access to the following records/information:

"Requesting any information pertaining to environmental issues, spills, spills to adjacent sites, underground/above ground tanks, tank registration, general environmental condition of former gas station site, southwest corner of Pennywell Road and Cashin Avenue, St. John's, NL."

I am pleased to inform you that your request for access to information has been granted in part. Access to specific 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 (the Act):

Section 30(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 per your request, a review of the Department of Environment and Conservation files was carried out for the referenced property. The Department has the following information on the former gas station site; no environmental information on adjacent properties was found in Departmental records:

- A Record of Site Condition for unconditional closure was issued on November 22, 2006. A copy is enclosed;

- One exterior steel, aboveground tank is registered, Heating Oil Storage Tank (HOST) registration #017763 and expires December 2019; and,

- Five tanks have been registered for the former gas station site: Gasoline and Associated Products (GAP) registration #s AV-GAP-0412-0322.05, AV-GAP-0412-0322.04, AV-GAP-0412-0322.03, AV-GAP-0412-0322.02, AV-GAP-0412-0322.01.
As required by subsection 7(2) of the Act, we have severed personal information that is exempted from disclosure and have provided you with as much information as possible. In accordance with your request for a copy of the records, the appropriate documents have been enclosed.

Section 43 of the Act provides that you may ask the Information and Privacy Commissioner to review this partial refusal of access or you may appeal to the Supreme Court Trial Division. A request to the Information and Privacy Commissioner shall be made in writing within 60 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
34 Pippy Place
P.O. Box 13004, Stn. A
St. John’s, NL A1B 3V8

Telephone: (709) 729-6309
Facsimile: (709) 729-6500

In the event that you choose to appeal to the Trial Division, you must do so within 30 days of the date of this letter. Section 60 of the Act sets out the process to be followed when filing such an appeal.

Please be advised that responsive records will be published following a 72-hour period after the response is sent electronically to you or five days in the case where records are mailed to you. It is the goal to have the responsive records 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, please feel free to contact the ATIPP Coordinator at telephone (709) 729-7393.

Sincerely,

JAMIE CHIPPETT
Deputy Minister
APPENDIX E

RECORD OF SITE CONDITION
Part 1 of 7: Source Property Information

Civic Address: 43 Cashin Avenue, St. John’s, NL

Person Responsible (name and address): [Redacted] - Irving Oil Limited,
10 Sydney Street, PO Box 1421, Saint John, NB

GSC / Provincial File Number: ____________________

Part 2 of 7: List of Reports

- Prepared by Others: The following reports pertaining to the source property cited in Part 1 and/or any other related impacted properties have been prepared by others and reviewed under the supervision of the Site Professional. (expand the table as required)

<table>
<thead>
<tr>
<th>Report Title</th>
<th>Prepared by</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</tbody>
</table>

- Prepared by and/or overseen by the Site Professional: The following reports pertaining to the source property cited in Part 1 and/or any other related impacted properties have been prepared by and/or overseen by the Site Professional. (expand the table as required)

<table>
<thead>
<tr>
<th>Report Title</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Soil Sampling During UST Removal, Irving Oil Limited Site (IOL Property 03312), 43 Cashin Avenue, St. John’s, NL</td>
<td>September 2, 2005</td>
</tr>
<tr>
<td>Site Decommissioning and Soil Sampling Program, Former Irving Oil Limited Service Station, Cashin Avenue, St. John’s, NL</td>
<td>May 18, 2006</td>
</tr>
<tr>
<td>Phase II Environmental Site Assessment, Former Irving Oil Limited Service Station, Cashin Avenue, St. John’s, NL</td>
<td>June 12, 2006</td>
</tr>
<tr>
<td>Phase III Environmental Site Assessment, Former Irving Oil Limited Service Station, Cashin Avenue, St. John’s, NL</td>
<td>August 10, 2006</td>
</tr>
<tr>
<td>Site Remediation / Closure Report, Irving Oil Limited Site, 43 Cashin Avenue, St. John’s, NL</td>
<td>November 2006</td>
</tr>
</tbody>
</table>

Site Remediation / Closure Report, IOL Site, 43 Cashin Avenue, St. John’s, NL November 2006
Part 3 of 7: Remedial Action

- List the Chemicals of Concern (COC) identified on or originating from the source property:
  - Petroleum Hydrocarbons (BTEX, TPH) (Gasoline/Diesel/Lube Oil)

- Describe the elements of the Remedial Action Plan(s) with time periods, employed for the site:
  - Petroleum storage and distribution infrastructure removed from the site in 2005. Approximately 330 tonnes of hydrocarbon impacted soil removed from the western portion of the former pump island area of the site for off-site disposal. Groundwater samples collected from the site had hydrocarbon concentrations within applicable Atlantic RBCA Tier I RBSIs. No further action proposed.

- Was a risk assessment completed as part of the Remedial Action Plan? Yes No x
  - Not applicable

If yes, identify the risk assessment methodology and the resulting site-specific remedial criteria: (expand the table as required)

<table>
<thead>
<tr>
<th>Risk Assessment Methodology Used</th>
<th>Atlantic RBCA Tier II</th>
</tr>
</thead>
<tbody>
<tr>
<td>Media (units)</td>
<td>Benzene</td>
</tr>
<tr>
<td>Soil (mg/kg)</td>
<td>1.8</td>
</tr>
<tr>
<td>Groundwater (mg/L)</td>
<td>6.9</td>
</tr>
</tbody>
</table>

If no, list the selected Tier I criteria: (expand the table as required)

<table>
<thead>
<tr>
<th>Media</th>
<th>(units)</th>
<th>Benzene</th>
<th>Toluene</th>
<th>Ethylbenzene</th>
<th>Xylenes</th>
<th>Modified TPH (Gasoline/diesel/lube oil)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Soil (mg/kg)</td>
<td></td>
<td>1.8</td>
<td>160</td>
<td>430</td>
<td>200</td>
<td>450/7,400/10,000</td>
</tr>
<tr>
<td>Groundwater (mg/L)</td>
<td></td>
<td>6.9</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
</tbody>
</table>

- If a peer review of the Remedial Action Plan and/or the Risk Assessment/Closure Report was requested by GSC or NLDEC, provide the following information:

  Consultant Name: C.R.A.
  Consultant Address: __________________________
  Date & Title of Risk Assessment/Closure Report: 43 Cashin Ave., St. John's

Site Remediation / Closure Report, IOL Site, 43 Cashin Avenue, St. John's, NL  November 2006
Part 4 of 7: Off-Site Impacts

- Precautionary duty of the Person Responsible; Based on the work completed, the following third party properties (identified by civic address) were identified by the Person Responsible, in accordance with section 5.8(1)d of the Environmental Protection Act, as being affected or threatened by the contamination originating from the source property. Where appropriate, indicate the type of impact and the corrective action taken: (expand the table as required)

- No off-site impacts known or suspected.

<table>
<thead>
<tr>
<th>Civic Address</th>
<th>Type of Impact</th>
<th>Corrective Action</th>
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Part 5 of 7: Site Activities

- Based on the work completed, the source property cited in Part 1 is suitable for the following site activity(s). Check appropriate box and provide comments if necessary.

IF LAND USE CHANGES – LEVEL OF RISK MUST BE RE-EVALUATED

- Agricultural
- Residential/Parkland
- Commercial
- Industrial

Comments (special considerations, site management issues, etc.):

- No restrictions required
The Minister considers the pre-checked statements below to be mandatory for submission of the Record of Site Condition. The signature of the Site Professional on this form indicates the fulfillment of these mandatory requirements as well as the requirements of all other checked statements.

Please check appropriate statements:

- [ ] This Record of Site Condition form is identical to the one provided in the Province of Newfoundland & Labrador Guidance Document for the Management of Impacted Sites and the content of the form has not been altered.

- [ ] All work on which this Record of Site Condition is based was prepared, overseen and/or reviewed by the Site Professional.

- [ ] The site was managed in accordance with the current version of the Province of Newfoundland & Labrador Guidance Document for the Management of Impacted Sites.

- [ ] The applicable quality criteria (Tier I, II or III) for the site as defined by the Site Professional and as cited in Part 3 have been achieved for the current or reasonably foreseeable future site activities as cited in Part 5.

- [ ] A site plan with scale indicated, identifying the referenced properties is attached to this Record of Site Condition.

- [ ] All reports cited in Part 2 and other related documents that have been prepared by the Site Professional have been delivered to the Person Responsible.

The Remedial Action Plan, Risk Assessment or Closure Report was peer reviewed by a qualified, independent Site Professional.

If peer reviewed, the results of the Peer Review were appropriately incorporated into the final Remedial Action Plan and/or Closure Report.

Based on the results of the site evaluation, the applicable quality criteria (Tier I, II or III) were not exceeded on the source property and therefore, remedial action and/or on-going site management is not required for the current or reasonably foreseeable future site activities.

Based on results of the site evaluation, the applicable quality criteria (Tier I, II or III) were not exceeded on the third party properties and therefore, remedial action and/or on-going site management is not required for the current or reasonably foreseeable future site activities.

The source property has been remediated to an acceptable level for the current or reasonably foreseeable future site activities as cited in Part 5.

The source property requires on-going site management to satisfy the current or reasonably foreseeable future site activities as cited in Part 5.

Third party properties affected by the contamination of the source property have been addressed and remediated to an acceptable level for the current or reasonably foreseeable future site activities as cited in Part 5.

Third party properties affected by the contamination of the source property have been addressed and require on-going site management to satisfy the current or reasonably foreseeable future site activities as cited in Part 5.

With respect to notification, the requirements of section 8(d) of the Environmental Protection Act have been fulfilled.

The source property is recommended for Conditional Closure and is subject to monitoring requirements specified in documents listed in Part 2.

The source property is recommended for Final Closure.

Signature

Professional Affiliation
APEGN
Company
Conestoga-Rovers & Associates
Address
1118 Topsail Road PO Box 8353 Stn A
St. John’s, NL A1B 3N7

Date: November 22, 2006

Membership No:
Tel.: [Redacted]

Section 30(1)

Site Remediation / Closure Report, IOL Site, 43 Cashin Avenue, St. John’s, NL November 2006
Part 7 of 7: Acknowledgement of Receipt by Newfoundland and Labrador Department of Environment and Conservation

The Department acknowledges receipt of this Record of Site Condition. The Department has processed the report(s) cited in Part 2 of this Record of Site Condition for the purpose of ensuring the site has been managed in accordance with the current version of the Newfoundland and Labrador Department of Environment and Conservation Guidance Document for the Management of Impacted Sites.

Based solely on the report(s) cited in Part 2 and on the conclusions of the Site Professional stated in Part 6 of this Record of Site Condition, the Department is satisfied, at this point in time, that the stated level of contamination remaining on the subject property, in the portions of the subject property addressed by the report(s), does not pose an unacceptable risk to human health or to the environment. Notwithstanding this opinion, the Department reserves the right to re-evaluate this decision should new information come to light, or should site activities, site uses or circumstances change which may result in an increase in contamination or in contaminant migration or which may cause changes in site conditions or site classification that may pose a risk to human health or to the environment.

The Department has not directly supervised the work undertaken at the site and does not assume any responsibility or liability for this work, or for notifying future owners, or for notifying present or future occupants of the property, of the work completed. In no way does this acknowledgement make any representation with respect to any environmental damage or liability that may have occurred at the above mentioned property due to contamination that was not discovered, reported or investigated. Any persons intending to purchase or occupy the property should make their own independent determination of the environmental condition of the property and the extent of responsibility and liability, if any, that may arise from taking ownership or occupancy. In addition, workers that are engaged in future sub-surface excavations on site must be made aware of the potential risks of exposure to the remaining contamination.

Unconditional Closure

It is understood from the information provided that the site has been managed in accordance with the current version of the Newfoundland and Labrador Department of Environment and Conservation Guidance Document for the Management of Impacted Sites and that further remedial action and/or site-specific engineered or institutional controls are not required to ensure compatibility with the current or reasonably foreseeable future site activities (as cited in Part 5).

Conditional Closure

☐ It is understood from the information provided that the site has been managed in accordance with the current version of the Newfoundland and Labrador Department of Environment and Conservation Guidance Document for the Management of Impacted Sites and that site-specific engineered or institutional controls are required to ensure compatibility with the current or reasonably foreseeable future site activities (as cited in Part 5).

Department of Environment and Conservation

Date

Site Remediation / Closure Report, IOL Site, 43 Cashin Avenue, St. John’s, NL  November 2006