

December 11, 2017

DOC/2017/05519-02

Dear :

Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act, 2015* [Our File #: MAE/120/2017]

On December 7, 2017, the Department of Municipal Affairs and Environment received your request for access to the following records/information:

"All environmental records including general correspondence, occurrence reports, abatements, orders, spills, investigations/prosecutions, waste generator number/class, certificates of approval and soil/groundwater/remediation reports pertaining to the Site Address 180 Portugal Cove Rd St. John's NL"

Please be advised that the Deputy Minister has reviewed this request and the Department of Municipal Affairs and Environment has no records responsive to your request. Please note it is possible that Service NL may have records related to this location, as they have property files which are separate from our Department.

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

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 address and contact information of the Information and Privacy Commissioner is as follows:

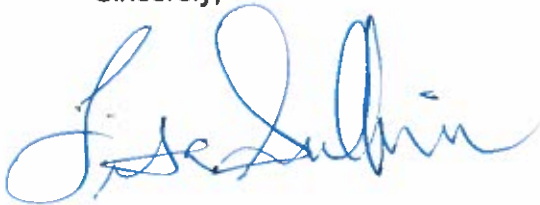
Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John's, NL. A1B 3V8
Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

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.

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 lisas@gov.nl.ca.

Sincerely,



LISA SULLIVAN
ATIPP Coordinator
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).



Government of Newfoundland and Labrador
Department of Municipal Affairs and Environment

Pollution Prevention Division
Industrial Compliance & Impacted Sites

Date: December 08, 2017

Email: ATIPP Request

Attention: Lisa Sullivan

Re: Property Location: 180 Portugal Cove Road, St. John's, NL

WE DO NOT GUARANTEE THE ACCURACY, COMPLETENESS, CURRENCY OR RELIABILITY OF THE INFORMATION PROVIDED BELOW. Any reliance on the information is at the user's own risk.

Further to your request in relation to the referenced property, a file review at the Department of Municipal Affairs and Environment office in St. John's has been carried out. The following information is provided as it relates to the Provincial Jurisdiction, subject to the above limitations.

To the best of our knowledge, there are no other records of past, pending, outstanding or ongoing orders or complaints related to compliance or any matter of environmental significance on file for this property.

This information has been provided in consideration of your request and in view of available records.

Your request should also be sent to agents for Service NL at the St. John's office to review their files by email to crowe@gov.nl.ca and sdalton@gov.nl.ca or telephone (709) 729-2550.

If you have any further inquiries concerning this property, please contact me by email at envsearch@gov.nl.ca.

A handwritten signature in black ink that reads "Ann Marie Whelan".

Ann Marie Whelan
Pollution Prevention Division