June 21, 2018

Dear [redacted],

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #: SNL-053-2018]

On June 11, 2018, Service NL received your request for access to the following records/information:

“1. Any and all records, reports, memos, correspondence and/or other documents related to environmental contamination revealed during municipal water and sewer construction activities of the Town Council of Conception Bay South, its employees, agents, contractors and/or subcontractors on the Main Road through Seal Cove since September of 2016. Documentation should include location of contamination found, type of contamination found, approvals and/or permits issued to continue construction and any steps taken to identify and remedy the contamination.

2. Any and all records, reports, correspondence, memos and/or other documents related to any environmental contamination of properties on the Main Road through Seal Cove, Conception Bay South following an oil spill detected at the Seal Cove Campus of the College of the North Atlantic on the Main Road through Seal Cove, in or around the early 1970’s. Documentation should include location of contamination, type of contamination, date of discovery and steps taken to identify and remedy the contamination.”

I hereby inform you that a decision has been made by Service NL to provide access to some of the requested information. However, access to specific information contained within the records that would reveal personal information of identifiable individuals, 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. In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

The Access to Information and Protection of Privacy Act requires us to provide an advisory response within 10 days of receiving the request. As this request has been completed prior to day 10, this letter also serves as our Advisory Response.
As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible. Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act (a copy of this section of the Act has been enclosed for your reference). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John’s, NL. A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act (a copy of this section of the Act has been enclosed for your reference).

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please contact me by telephone at 709-729-7437 or by email at ellenhaskell@gov.nl.ca.

Sincerely,

ELLEN HASKELL
ATIPP Coordinator

Enclosures
Access or correction complaint (Section 42)

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

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days
   a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or
   b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

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

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

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

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

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

(8) A complaint shall not be filed under this section with respect to
   a) a request that is disregarded under section 21;
   b) a decision respecting an extension of time under section 23;
   c) a variation of a procedure under section 24; or
   d) an estimate of costs or a decision not to waive a cost under section 26.

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

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

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

(2) An appeal shall be commenced under subsection (1) not later than 15 business days
   a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or
b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has 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).
# NOTE TO FILE

**Name:** Town of CBS, Historical Impact located in Right of Way on Route 60 (Conception Bay South) near Garden Road, CBS.

**Civic Address:** Located on Route 60 (Conception Bay South) near Garden Road, CBS.

<table>
<thead>
<tr>
<th>Date (MDY)</th>
<th>Time</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sep 16/16</td>
<td>am</td>
<td>Received verbal notification from SNC Lavalin Representative conducting Infrastructure work for the Town of CBS on Route 60 approximately 200m west of Garden Road, CBS. I advised the consultant that remediation is required and for them not notify me with the impacted area so that I could send along an Impacted Sites Letter.</td>
</tr>
</tbody>
</table>

---

**Environmental Protection Officer**

Print: [Signature]

Sign: [Signature]
Hi David,

As discussed over the phone we encountered what appears to be an area of potential hydrocarbon soil contamination while installing water and sewer in the Seal Cove Area in the Town of CBS. The location is approximately 200 m west of Garden Road along the right of way of Route 60 (CBS Highway).

We are sampling the soil along the trench (work area) and will dispose of soil excavated from the work area found to be contaminated in the appropriate manner. Also as discussed we will provide Service NL with a copy of the report summarizing the soil analysis results, manner of disposing of any contaminated soil as well as the reasonable efforts that will be put in place to limit any recontamination within the area of work.

Kind Regards,

[Redacted]

Infrastructure Engineering – Eastern Canada
Infrastructure

Tel: [Redacted]
Cell: [Redacted]
Fax: [Redacted]

SNC-Lavalin Inc.
1133 Topsail Road
Mount Pearl | Newfoundland | Canada | A1N 5G2

SNC-LAVALIN

NOTICE - This email message and any attachments may contain information or material that is confidential, privileged, and/or subject to copyright or other rights. Any unauthorized viewing, disclosure, retransmission, dissemination, or other use of or reliance on this message or anything contained therein is strictly prohibited and may be unlawful. If you believe you may have received this message in error, kindly inform the sender by return email and delete this message from your system. Thank you.
Hi David,
Just left a message at the main line asking for a call back to discuss a contamination issue that we have encountered during a water and sewer project in Seal Cove, CBS. At your earliest convenience please contact me. Thanks,
Hi David,

As discussed on the phone, we have uncovered a contaminated area during the installation of water and sewer in CBS. Based on discussions with local residents, there was a tanker spill in 1974 in that section of road. To date, we have removed soil to open the excavation to the extent of the boundaries of the road. That said, based on the survey that was provided to us by the Town, the limits of the road way extend to the corner of 53 Indian Pond Drive and therefore we could not bring the excavation that close in efforts to maintain stability of the soil. All removed soil was transported to an approved soil treatment facility.

Based on the information that we have to date, I’ve attached a rough sketch of the area, pictures and lab results.

The nearest civic address is 53 Indian Pond Drive, CBS (Seal Cove). If you have any questions, please do not hesitate to contact me.

Thanks,

[Signature]
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
Hi David,
Coincidently direction just came in from the Town that they wish us to proceed with a Phase 2 ESA. In the meantime the town needs to get the road open to accommodate detours during ongoing construction at other parts of the Town.

Thanks

[Environment, Atlantic]

On Aug 9, 2017, at 12:32 PM, Niefer, David <DavidNeifer@gov.nl.ca> wrote:

If you are not looking for any sort of closure right now and have plans to conduct more work to resolve the outstanding issue then a letter report would be sufficient.
From: David Neifer <DavidNeifer@gov.nl.ca>
Sent: Tuesday, August 8, 2017 2:21 PM
To: Niefer, David <DavidNeifer@gov.nl.ca>
Subject: Indian Pond Drive, CBS (Seal Cove)

Hi David,

I wanted to follow up with you to let you know how the town is wishing to proceed with the work. The Town has asked that the hole be backfilled and have the contractor continue with the installation of services. At a time (not far in the future) the town will then move forward with further investigation in the form of an ESA to work towards confirming the source and/or look at a risk based approach. Either way they are aware that this will require additional investigation whether it is at the expense of the adjacent...
resident or the town. Can you advise if I am missing anything or if the information you have is sufficient?

Thanks

Infrastructure Engineering – Eastern Canada
Environment, NL

Tel: 
Cell: 
Fax: 

"This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender."

"This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender."