



Saskatchewan Environment

3211 Albert Street
Regina, Canada
S4S 5W6

2010

June 22, 2009

PUBLIC WORKS
Received
JUL 10 2009
FILE #
COPY

2009-181A

28(1)
28(1) Personal

cc -> Stada Harmatuk done
cc -> 5500-014-400
cc -> Darlene Kovacs (clerk)
cc -> 21
ol. not in I/O File Box

Dear 28(1) :

The Ministry of Environment has received your application for investigation pursuant to section 63 of The Environmental Management and Protection Act, 2002 (EMPA). We have concluded that an investigation is not required in this matter for the reasons outlined in this letter.

cc -> Don Barr
cc -> 21

- **Section 4 Discharge Causing an Adverse Effect** – Historical operations of the former refinery did result in discharges of substance that may have caused, or did cause an adverse effect. These discharges occurred in the context of what were typical operating practices during the period of operation when environmental legislation or standards did not exist or were much more liberal. As such the activities at the site do not constitute an offence pursuant to this section.
- **Section 5 Duty to Report a Discharge** – Any impacts at the site resulting from historical operations or discharges would have pre-dated formal reporting requirements. The ministry is aware that impacts have occurred, some of which have been addressed and that potential for others remain, as such no offences under section 5 have occurred.
- **Section 7 Duty to Take Remedial Measures** – The duty to take remedial measures will apply to the identified responsible parties. At this time Imperial Oil Limited and the City of Regina are developing plans to collect information to assess the site to determine the potential extent, if any, of remaining contamination on the property. They are currently working through a voluntary process that is being facilitated by the ministry. Should further impacts be identified, a corrective action plan will need to be developed and approved by the ministry. Since this process is underway and the parties involved are participating in the process there has not been an offence pursuant to this section.

[Handwritten signature]

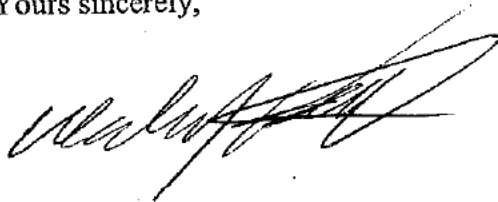
16(1)(b)

... 2

As a point of clarification, the minister may only contemplate an investigation for offences under The Environmental Management and Protection Act, 2002 or other legislation under the minister's authority. Your assertion of conflict of interest with the City of Regina with respect to The Cities Act is outside the scope and jurisdiction of the Ministry of Environment and EMPA.

As outlined in previous correspondence the ministry continues to pursue actions with Imperial Oil and the City of Regina to identify and address the potential impacts. We will continue to communicate with you as progress is made on the site that would be relevant to your property and situation.

Yours sincerely,



Wes Kotyk, P.Eng.
Executive Director
Industrial Branch

cc: Honourable Nancy Heppner, Ministry of Environment (2009-181)
City of Regina
Imperial Oil Ltd.