

BRIEFING NOTE

Imperial Oil Ltd. Property – Yorkton, Saskatchewan

Information only

Action required

Minister's briefing

Housebook note

Cabinet item

All components of a briefing note are considered confidential, except for speaking points or unless otherwise stated.

ISSUE

- Minister's briefing regarding the offsite impacts from a former Imperial Oil facility on an adjacent ^{FOIP 29(1)} regarding the management and regulating oversight by the ministry.

SPEAKING POINTS FOR THE MINISTER

- **Environmental Assessment reports confirm that concentrations of fertilizer-related parameters are elevated beyond Imperial's property in all directions.**
- **Imperial completed a risk assessment corrective action plan to address these impacts. The plan, prepared by a qualified person, states there is no risk from the remaining fertilizers, and no physical corrective actions are proposed on Ward Brown's property.**
- **In May 2020, the ministry accepted the plan, subject to landowner's written consent. To date, Imperial has not obtained written consent from any affected landowner.**
- **The ministry recently conducted an audit review of all submissions related to this file. The audit showed that in 2007, Imperial knew that fertilizer had migrated from their property onto adjacent properties. Imperial appears to have failed to notify the ministry or nearby landowners of this at the time.**
- **In August 2019, the ministry issued the current site operator, Nutrien Ag Solutions, with a Warning of Non-Compliance under *The EMPA*, Section 8 (Allowing a Discharge). In April 2020, the ministry issued Imperial with Warning of Non-Compliance under *The EMPA*, Section 9 (Duty to Report).**
- **Imperial has stated that current fertilizer operations at the site may be contributing to already-identified impacts.**

BACKGROUND

- Imperial operated the site as a bulk fuel and fertilizer storage facility for many years. The operator of the fertilizer portion has changed over the years; it is currently Nutrien.
- Up until 2005, Imperial had completed numerous site assessments for the bulk fuel and fertilizer storage facility that showed there was contamination beneath the property.

- In 2005, in order to find out the extent of these impacts, Imperial drilled monitoring wells on adjacent land owners' property.
 - In 2005, the concentrations of fertilizer-related parameters in the groundwater at locations beneath Ward Brown's property, exceeded the criteria for drinking water and protection of aquatic life.
 - In 2005, Imperial stated that they intended to monitor the groundwater locations twice a year and would advise the ministry of any significant changes.
 - Since 2005, and until requested in 2016, the ministry had not received any further reports from Imperial on this site.
- Since August 2016, Ward Brown and his lawyer have contacted the ministry on numerous occasions, asking for action to be taken to address impacts beneath his property since 2013 and that Imperial had informed him of these impacts in 2014 but have not addressed his concerns.
- Results in 2017, 2018 and 2019 showed that concentrations of fertilizer-related parameters in the groundwater at locations beneath Ward Brown's property, exceeded the criteria for drinking water and protection of aquatic life.
- In 2019 and 2020, Imperial completed on and off-site assessments of soil and groundwater.
- In April 2020, Imperial submitted a Risk Management Corrective Action Plan (CAP). The plan states there is no risk from the remaining fertilizers in the soil and groundwater and proposes no physical corrective actions i.e. no source removal.
- In May 2020, the ministry accepted the findings of the CAP, subject to landowner's written consent. To date, Imperial have not obtained written consent from any affected landowner.

ANALYSIS/IMPLICATIONS/FINANCIAL

FOIP 17(1)