

## BRIEFING NOTE

### Failure to Notify Affected Landowners – Multiple Imperial Oil Fertilizer Sites

---

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

- Imperial Oil Ltd. has repeatedly failed to notify the ministry and affected land owners of discoveries of historical discharges at many of their fertilizer-handling facilities across Saskatchewan.

#### SPEAKING POINTS FOR THE MINISTER

- FOIP 17(1)(a)
- 
- 
- 

#### BACKGROUND

- The ministry has found evidence that Imperial has failed to properly report historical impacts at four separate sites. At each site, Imperial knew of off-site impacts for many years, but did not disclose this information. The ministry has responded by issuing warnings. The details of these cases are given in the Questions and Answers section of this briefing note.

- Imperial has recently submitted basic status information on 220 of their sites to the ministry. This information did not disclose if known, or potential, off-site impacts exist at these sites. The ministry has yet to review this information, so there could be additional impacted sites that the ministry is not yet aware of.

## **ANALYSIS/IMPLICATIONS/FINANCIAL**

FOIP 17(1)(a)

In order to tackle this issue, there are three options:

Option 1 – FOIP 17(1)(a)  
FOIP 17(1)(a)

Option 2 – FOIP 17(1)(a)  
FOIP 17(1)(a)

Option 3 – FOIP 17(1)(a)  
FOIP 17(1)(a)

## **RECOMMENDATION**

FOIP 17(1)(a)

## QUESTIONS AND ANSWERS

**Q1: Why is it important to notify the ministry and all potentially affected landowners about historical discharges?**

A: FOIP 17(1)(a)

**Q2: Why has Imperial failed to notify adjacent land owners at many of their sites?**

A: FOIP 17(1)(a)

A:

**Q3: How many sites has Imperial failed to historically notify?**

A: FOIP 17(1)(a)

FOIP 17(1)(a)

**Q4: Has Imperial responded to ministry's warnings?**

A: FOIP 17(1)(a)

FOIP 17(1)(a)

○

**Q5: What sections of the regulations pertain to notifying others of impacts?**

A: Section 9(2) of *The Environmental Management and Protection Act, 2010* (EMPA, 2010) states that;

- *Every person who owns or occupies land on which a substance is discovered that may cause or is causing an adverse effect shall report the discovery in accordance with any prescribed requirements or any requirements set out in the [Saskatchewan Environmental] code.*

Section 9(3) of *The Environmental Management and Protection Act, 2010* (EMPA, 2010) states that;

- *Every person who, while conducting work, discovers a substance that may cause or is causing an adverse effect shall report the discovery in accordance with any prescribed requirements or any requirements set out in the [Saskatchewan Environmental] code.*

Section 1-6(1) of the Code's Discharge and Discovery Reporting Chapter;

- *Every person required to report a discovery shall report the discovery to the minister within 30 days by providing the minister with a completed Saskatchewan Discharge or Discovery Report Form;*

Section 1-7 of the Code's Discharge and Discovery Reporting Chapter;

- *Every person who owns land on which a substance is discovered, and who is required to report a discovery pursuant to section 1-3 shall, as soon as is reasonably practicable, report the discovery:  
(a) to any owner of adjacent land that is affected by the discharge; and  
(b) in consultation with the Minister, to any person who may be affected by the discharge.*