



TO: Mayor and Council

FROM: Laurie Rudolph, CAO

DATE: September 27, 2021

RE: **Lots 13-14, Blk 14 Plan P1509 – 61 1st St. NE**

ISSUE:

- Lots 13-14, Blk 14 Plan P1509 – Fuel Tanks - Town acquiring ownership

BACKGROUND:

Section 12(3) of the *Environmental Management and Protection Act, 2010* outlines that a Municipality is not responsible for cleanup of an existing environmental substance when lands are taken through tax enforcement unless the municipality aggravates the existing adverse effect or discharges a new or additional substance. For example, Section 12(3) would provide for a Municipality to have a parking lot without having to perform an environmental cleanup (decommission).

However, when speaking with Dale of Environment he recommends as a bare minimum, the removal of tanks by a qualified contractor and soil testing by a consultant. If the soil tests as being contaminated, then there is an application that can be filled out to apply for funding for the cleanup of the contaminated material. The funding is based on a point system regarding its socioeconomic impact. The funding ranges from 25% to 100%. If lands are determined contaminated and no funding is received, the Town would not be held liable for cleanup and could then fill lands back in with material and solely use as a parking lot. (Testing provides confirmation of status of the lands).

ALTERNATIVES:

- 1) Town acquire ownership through Tax Enforcement versus transfer of title prior to tax enforcement

FINANCIAL IMPLICATIONS:

Fuel Tank Removal, Demolish of Building, Soil Testing, Contaminated soil remediation

ADMINISTRATIVE RECOMMENDATION(S):

That the Town acquire ownership of Lots 13 and 14, Blk 14 Plan P1509 (61 1st St NE) through tax enforcement. Once acquired, the Town allocate funds in the 2022 Budget for a qualified contractor to remove tanks, consultant to perform soil testing, and contractor to perform demolition of building. And further, upon soil testing as contaminated, the Town submit for funding under the Ministry of Environment – Impacted Sites Fund.