
HALDIMAND COUNTY

Report LSS-05-2020 Monitoring Wells Encroachment Agreement – Imperial Oil Limited



For Consideration by Council in Committee on March 3, 2020

OBJECTIVE:

To enter into an encroachment agreement with Imperial Oil Limited for monitoring wells located within a Haldimand County road allowance.

RECOMMENDATIONS:

1. THAT Report LSS-05-2020 Monitoring Wells Encroachment Agreement – Imperial Oil Limited be received;
2. AND THAT Haldimand County enter into a Landowner/Encroachment Agreement with Imperial Oil Limited to allow its consultant to encroach onto County property, being the road allowance known as South Coast Drive, for the purpose of installing two monitoring wells within the road allowance as outlined in Report LSS-05-2020, for a term of 20 years, with all associated costs being borne by Golder Associates Ltd;
3. AND THAT the Mayor and Clerk be authorized to execute all necessary documents.

Prepared by: Sandra Marsh, Property Coordinator

Reviewed by: Lori Friesen, CPPB, Manager, Legal and Support Services

Respectfully submitted: Cathy Case, General Manager of Corporate & Social Services

Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

Staff are recommending that the Mayor and Clerk be authorized to enter into a Landowner/Encroachment Agreement with Imperial Oil Limited for the installation of two monitoring wells at each of the locations outlined in Report LSS-05-2020, more specifically known as South Coast Drive in Nanticoke.

BACKGROUND:

The County has received a request from Golder Associates Ltd. (Golder), on behalf of Imperial Oil Limited, to install two monitoring wells on County-owned road allowance known as South Coast Drive in Nanticoke. Each well would be completed with a 6 inch diameter flush mount casing and drilled to approximately 12 metres below ground surface. The purpose of the observation wells is to monitor the water quality in response to a spill that occurred on May 31, 2019 on Imperial Oil Refinery property. The proposed wells (identified on Attachment #1) are flush with the road and will not interfere with vehicular traffic, including blocking sight lines or maintenance. Additionally, the location of the proposed wells will have no impact on any scheduled capital works in this area based upon the 10 year forecast.

Golder has operated similar monitoring wells on other municipal lands outside of Haldimand County, utilizing Landowner/Encroachment Agreements. Attachment #2 is the Landowner/Encroachment Agreement that requires execution by the County and Imperial Oil Limited in order to allow Golder the right to use these lands for the proposed purpose. Haldimand County has also entered into similar encroachment agreements in the past; the most recent being with the Niagara Peninsula Conservation Authority for groundwater monitoring wells located within a County road allowance.

ANALYSIS:

The purpose of these wells is to monitor the groundwater quality between the marsh (along the pathway of the spill) that is north of South Coast Drive and Lake Erie, in response to a recent oil spill on Imperial Oil property. The proactive monitoring initiative is an information gathering exercise for which results will be communicated to County staff at no cost to the County.

Staff have visited the sites of the subject monitoring wells and have no objections to the proposed locations.

Staff have also reviewed the Landowner/Encroachment Agreement and are satisfied that the appropriate insurance and indemnity provisions have been included to protect the County's interests. The suggested term of the encroachment agreement is 20 years, with the applicable termination clauses built in. The agreement will be registered on title and Imperial Oil Limited will be required to provide the necessary insurance requirements prior to the execution of the agreement. If, at any time, Haldimand County requires the monitoring wells to be abandoned, Imperial Oil Limited will be responsible for the abandonment costs.

FINANCIAL/LEGAL IMPLICATIONS:

Golder, on behalf of Imperial Oil Limited, has submitted the applicable fee of \$230 to enter into an encroachment agreement with Haldimand County.

All costs associated with the execution or registration of the encroachment will be borne by Imperial Oil Limited. Any costs related to the maintenance of the monitoring wells will be the responsibility of Imperial Oil Limited. In addition, decommissioning of the monitoring wells will be at the full expense of Imperial Oil Limited.

STAKEHOLDER IMPACTS:

Roads Operations Division and Engineering Services Division have reviewed the request and do not have any concerns with the County entering into the proposed encroachment agreement.

REPORT IMPACTS:

Agreement: Yes

By-law: No

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Map of the Proposed Locations
2. Draft Landowners/Encroachment Agreement