

City Council

Notice of Motion

MM2.2	ACTION			Ward: 1
-------	--------	--	--	---------

Authority to Enter into Environmental Indemnity Agreement with Husky Oil Operations Limited - by Councillor Michael Ford, seconded by Councillor Frances Nunziata

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Infrastructure and Environment Committee. A two-thirds vote is required to waive referral.*

Recommendations

Councillor Michael Ford, seconded by Councillor Frances Nunziata, recommends that:

1. City Council authorize the General Manager, Transportation Services to negotiate, enter into and execute an Environmental Indemnity Agreement with Husky Oil Operations Limited, the owner of monitoring wells in the vicinity of and partially under the City's right-of-way at 916 Dixon Road, on terms and conditions satisfactory to the General Manager, Transportation Services and in a form satisfactory to the City Solicitor.
2. City Council authorize the General Manager, Transportation Services to negotiate, enter into and execute Environmental Indemnity Agreements with the owners that are removing monitoring wells and/or related/similar infrastructure in the vicinity of and/or partially under the City's right-of-way, such agreements to be on terms and conditions satisfactory to the General Manager, Transportation Services and in a form satisfactory to the City Solicitor.

Summary

Husky Oil Operations Limited is the owner of a decommissioned Husky gas station at 916 Dixon Road in Etobicoke. The City understands that the site was contaminated but has since been remediated. Husky Oil Operations Limited is seeking to remove existing environmental monitoring wells which are no longer required so that it can close out the files for the now remediated site.

As the monitoring wells are located under the City's right-of-way, Husky Oil Operations Limited requires a permit from the City to enable them to temporarily dig up a portion of the roadway to remove the wells. In association with the removal of these wells, the General Manager, Transportation Services requires authority from City Council to enter into an Environmental Indemnity Agreement with Husky Oil Operations Limited that will provide the City with a sufficiently broad indemnity for any harms to the right-of-way caused by the removal and future absence of the monitoring wells, as well as entitle the City to future, peer-

reviewed, environmental contamination information from Husky Oil Operations Limited in connection with the removal and related activities.

City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, does not give the General Manager, Transportation Services the delegated authority to enter into an environmental indemnity agreement with other entities, or to require environmental indemnity agreements as a condition of the permit. Accordingly, authority is being requested for the General Manager, Transportation Services to enter into environmental indemnity agreements with other entities who are requesting the decommissioning of monitoring wells located in the City of Toronto road allowance, as similar issues arise in the future, such agreements to be on terms and conditions satisfactory to the General Manager, Transportation Services.

Background Information (City Council)

Member Motion MM2.2