

# MOE Must Reconsider Part of Remediation Order as to Costly Cleanup



A company bought a recycling business but not the land on which it operated. This land had previously been used as an auto salvage yard. The MOE ordered the company to remediate the pollution created by recycling operations on the property. Part of the remediation included cleaning up a containment cell filled with 120,000 tonnes of unrecyclable material, which will cost an estimated \$10.6 million. The creation and use of the containment cell predated the company's use of the property. On appeal, the court asked if it was reasonable and equitable to require the company to undertake a very costly cleanup of the cell if the Minister wasn't made aware of the relationship or lack thereof between the company and the cell. The court sent the case back to the Minister for reconsideration of that aspect of the order [3076525 *Nova Scotia Ltd. v. Nova Scotia (Environment)*, [2015] NSSC 137 (CanLII), May 6, 2015].