

Ministry of the Environment,
Conservation and Parks

Ministère de l'Environnement, de la Protection de
la nature et des Parcs

Drinking Water and Environmental
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DIRECTOR'S DIRECTION

Ontario Water Resources Act, R.S.O. 1990, c. O.40, as amended; s.61 and s.62

To: The Corporation of the City of Temiskaming Shores
Post Office Box No. 2050
Haileybury, ON, P0J 1K0
Attention: Christopher W. Oslund, City Manager

Site location:

North Cobalt Lagoon
543083 Proctors Road,
North Cobalt, ON P0J 1R0

RE: Authorization to receive leachate from Mansteel New Liskeard Inc.'s former landfill site located in Temiskaming Shores, Ontario

On March 22, 2018, the Ministry issued a Director's Order to Mansteel New Liskeard Inc. (Mansteel), the owner of the former landfill site at 1107 Lakeshore Road in the City of Temiskaming Shores (Mansteel Site) and to past and current directors of Mansteel, Laila Alizadeh, Grant Erlick and Arash Missaghi. The Director's Order among other things, ordered the orderes to operate the leachate collection system so that discharge of untreated leachate to the environment does not occur and to maintain a freeboard of at least 30 cm in the leachate storage pond. The Director's Order has not been complied with.

On November 8, 2018, the Ministry wrote a letter to Uniboard Canada Inc. (Uniboard) as the prior owner of the Mansteel Site, directing it to operate the leachate pumping stations and to maintain a freeboard of 30 cm in the leachate storage pond in order to stop the discharge of untreated leachate to the environment.

On January 25, 2019, the Ministry was advised by Uniboard that the level in the storage pond at Mansteel's leachate collection facility was approaching 30 cm of freeboard and was rising at a rate of approximately 1.5 cm per day. Continued pumping to the pond could lead to over topping and discharge of leachate to the environment. If pumping leachate to the pond is stopped, this will lead to uncontrolled discharge at the pumping stations.

Uniboard requested the City of Temiskaming Shores (City) to allow hauling of leachate from the Mansteel storage pond to one of the City's sewage treatment facilities. This would keep the pond within its designed capacity and prevent discharge of untreated leachate into the environment. Prior to Uniboard selling the property in 2012, the City accepted leachate from Uniboard at their North Cobalt Lagoons.

On February 5, 2019, the City sent a memorandum to the Ministry outlining its proposal to accept leachate from Uniboard originating at the Mansteel Site and requesting permission to receive the leachate at Cell F of the New Liskeard Lagoon. The Ministry issued a Director's Direction on February 12, 2019 and Uniboard hauled 4323 m³ from February 14, 2019 to March 26, 2019. On March 27, 2019, Uniboard indicated to the Ministry that they stopped hauling leachate to the New Liskeard Lagoon as the freeboard at the Mansteel Site's pond was 90 cm.

On April 23, 2019, Uniboard informed the Ministry that the level in the leachate storage pond was increasing as a result of spring melt conditions and that transfer of leachate had resumed on April 22, 2019. Further, Uniboard subsequently advised the Ministry that the City had indicated that leachate could no longer be taken to the New Liskeard Lagoon due to deteriorating road conditions. Uniboard asked the Ministry if it might be able to start hauling leachate to the North Cobalt Lagoon instead.

On April 25, 2019, the City proposed to the Ministry that it would accept an estimated six 13,600 L loads of leachate each day at the North Cobalt Lagoon; storing the leachate in the two sludge storage cells. The two sludge storage cells at the North Cobalt Lagoon are described in the City's Notice of Amendment of Environmental Compliance Approval (ECA) No. 3-0077-94-006 (February 8th, 1995) as each cell having a capacity of 1500 m³ at a nominal depth of three metres. The City is in the process of repairing and installing equipment at the North Cobalt Lagoon to enable the leachate to be introduced into the sewage treatment system.

It is anticipated that the current need for leachate hauling to either the North Cobalt Lagoon or the New Liskeard Lagoon may last until the end of the 2019 freshet/spring season at which time the leachate can be managed by Uniboard at the Mansteel Site with onsite irrigation.

I acknowledge the need to manage the leachate from the Mansteel Site in order to prevent the uncontrolled discharge of untreated leachate to the environment. Therefore, pursuant to my authority under sections 61 and 62 of the Ontario Water Resources Act, I hereby approve of the receipt of the leachate directed to the two sludge storage cells at the North Cobalt Lagoon owned by the City of the Temiskaming Shores (the Owner) until June 21, 2019, subject to the directions that follow:

- 1) Except as otherwise provided by these conditions, the Owner shall operate and maintain the works approved under ECA No. 3-0077-94-006 per the conditions of that approval.
- 2) Upon receipt of the first load of leachate received into the sludge storage cells, the Owner shall notify the Director in writing. When the Owner becomes aware

that Uniboard no longer has need to haul leachate from the Mansteel Site, the Owner shall notify the Director in writing.

- 3) Leachate shall only be directed to the sludge storage cells unless otherwise authorized by the Director. No leachate from the Mansteel Site shall be directed or redirected to the North Cobalt Lagoon treatment works unless it is done in accordance with:
 - Authorization granted by an amendment to ECA No. 3-0077-94-006,
 - Other ministry approval,
 - Ministry directive, or;
 - Sampling and monitoring plan approved by the Director.
- 4) The Owner shall submit to the Director, a sampling and monitoring plan for the proposed dosing of leachate into the North Cobalt Lagoon. The plan shall require, at a minimum, information on the receiving water body (Farr Creek), and recommendations and rationale for (a) dosing rate, (b) additional monitoring parameters in the discharge, and (c) additional monitoring parameters/locations in the receiver.
- 5) The Owner shall notify the Director immediately should it become aware of the necessity for leachate to be received by the City beyond June 21, 2019.
- 6) The Owner shall record the number of loads of leachate and the volume of each load received by the Owner, for the duration of the time the leachate is delivered and as applicable, until the leachate is no longer being received.
- 7) The Owner shall install a staff gauge(s) in the two sludge storage cells for the purposes of determining the total volume of sewage (leachate and precipitation). The volume of sewage in the two sludge storage cells shall be calculated and recorded weekly until such time as the Director advises it is no longer required. The Owner shall notify the Director of when the leachate is gone from the two sludge storage cells including the basis for the claim.
- 8) The Owner shall cease receiving the leachate at the North Cobalt Lagoon if measurements indicate that the depth of the sewage (leachate and precipitation) exceeds 3 m in each of the sludge storage cells. In this case, the Owner shall notify the Director forthwith verbally and in writing.
- 9) The Owner shall prepare and submit a monthly report to the Director summarizing the information recorded in conditions 6 and 7 above. The first report is due 3 days following the last day of the calendar month and will continue to be submitted until the Director advises reports are no longer required.
- 10) The Owner shall retain for a minimum of 3 years from the date of their creation all records related to or resulting from the above conditions as well as any records submitted to the Owner by Uniboard.

If you have any questions, please contact Erin Spires, Water Inspector, MECP - DWECD, Timmins District, North Bay Area Office at 705 497-6871.

REQUEST FOR HEARING

You may require a hearing before the Environmental Review Tribunal (Tribunal), if, within fifteen (15) calendar days from the deemed date of service of this Direction, you serve written notice of your appeal on the Tribunal and the Director. Your notice must state:

- (a) the portion(s) of the Direction in respect of which the hearing is required; and
- (b) the grounds on which you intend to rely at the hearing.

Except with leave of the Tribunal, you are not entitled to appeal a portion of the Direction or to rely on a ground that is not stated in the notice requiring the hearing. Unless stayed by the Tribunal, the Director's Direction remains in effect from the date of service until as specified in the Direction.

Written notice requiring a hearing can be served upon:

The Secretary
Environmental Review Tribunal
655 Bay Street, 15th Floor
Toronto ON
M5G 1E5
Fax: (416) 326-5370
Email:
ERTTribunalsecretary@ontario.ca

and

The Director
Ontario Water Resources Act, s.61 and 62
Ministry of the Environment, Conservation
and Parks
191 Booth Road Unit 16&17
North Bay ON P1A 4K3
Fax: (705) 497-6866
Email: sherry.ilersich@ontario.ca

Further information on the Tribunal and requirements for an appeal can be obtained directly from the Tribunal by:

Tel: (416) 212-6349 or 1(866)
448-2248
TTY 1-800-855-1155 via Bell
Relay

Fax: (416) 326-5370 or 1(844) 213-3474

<http://elto.gov.on.ca/contact/environmental-review-tribunal/>

FOR YOUR INFORMATION

The following is for your information:

Service of the documentation referred to above can be made personally, by mail, by fax, by commercial courier or by email in accordance with the OWRA and O. Reg 226/07, Service of Documents regulation made under the OWRA. Further information can be obtained from e- Laws at <https://www.ontario.ca/laws>. Please note that choosing service by mail does not extend any of the above mentioned timelines.

Unless stayed, this Direction is effective from the date of service. Non-compliance with the requirements of this Direction constitutes an offence.

The requirements of this Direction are minimum requirements only and do not relieve you from complying with the following:

- (a) any applicable federal legislation,
- (b) any applicable provincial legislation or requirements that are not addressed in this Direction, and
- (c) any applicable municipal law.

The requirements of this Direction are severable. If any requirement of this Direction or the application of any requirement to any circumstances is held invalid, the application of such requirement to other circumstances and the remainder of the Direction are not affected.

The procedures and other information provided above are intended as a guide. The legislation and/or regulations should be consulted for additional details and accurate reference.

Issued at Timmins, Ontario this 25th day of April 2019

Original signed by Sherry Ilersich

Sherry Ilersich
Director, Ontario Water Resources Act s.61 and 62
Water Compliance Supervisor, Timmins/North Bay
Drinking Water and Environmental Compliance Division
Ministry of the Environment, Conservation and Parks

- c: Douglas Walsh, Director of Public Works, City of Temiskaming Shores
Steve Burnett, Technical and Environmental Compliance Coordinator, City of Temiskaming Shores
Erin Spires, Water Inspector, MECP - DWECD, Timmins District, North Bay Area Office
Peter Wideman, District Engineer, MECP – DWECD, Northern Region