

Director's Order

Environmental Protection Act, R.S.O. 1990, c.E 19 (EPA)
Ontario Water Resources Act, R.S.O. 1990, c. O. 40 (OWRA)
Pesticides Act, R.S.O. 1990, c. P11 (PA)
Safe Drinking Water Act, S.O. 2002, c.32 (SDWA)
Nutrient Management Act, 2002, S.O. 2002, c.4 (NMA)

Order Number
7227-BA6K4C-1

Incident Report No.
2643-BA6JMF

To: 531322 Ontario Limited o/a Nickel Lake Lumber
913 Crowe Ave
Fort Frances, Ontario, P9A 2M1
Canada

Site: Lot: 6, Concession: 3
Unsurveyed Territory (Kenora Area Office), District of Kenora

Part 1: Legal Authority and Reasons

Pursuant to my authority under Sections 49 and 54 of the Legislation Act, 2006 S.O. 2006 c.21, Sched F., I order you to do the following

Response to Request

I have been made aware of 531322 Ontario Limited's intention to permanently close the wood waste disposal site located at the Nickel Lake Lumber Sawmill. I have reviewed Director's Order 7227-BA6KFC issued by myself on April 6, 2020 and have had discussions with Ministry staff regarding the matter.

For the reasons below, I hereby issue this amending Director's Order 7227-BA6K4C-1 amending Item No. 1 of the Order.

I have set out below for ease of reference my entire Director's Order including the previous Items which have not been amended.

For convenience and consistency the terms herein shall have the same meanings as described in the original Director's Order and included in Part 3 of this Order.

Pursuant to provisions of Sections 49 and 54 of the Legislation Act , 2006 S.O. 2006 c.21, Sched F., I hereby amend my Director's Order so that it now reads as follows:

Part 2: Work Ordered

Item No. 1	Compliance Date	2020/12/31 (YYYY/MM/DD)
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If a Closure Plan consistent with the requirements of Ontario Regulation 232/98 is not submitted to the Ministry, the Orderees shall, submit the required Financial Assurance by December 31, 2020. The amount of Financial Assurance required for the Site shall be determined by the re-evaluation submitted in accordance with Item No. 2.

Item No. 2

This Item on Order Number 7227-BA6K4C issued on 04/06/2020 is hereby revoked.

Item No. 3

This Item on Order Number 7227-BA6K4C issued on 04/06/2020 is hereby revoked.

- A. While this Order is in effect, a copy or copies of this order shall be posted in a conspicuous place.
- B. While this Order is in effect, report in writing, to the District or Area office, any significant changes of operation, emission, ownership, tenancy or other legal status of the facility or operation.
- C. Unless otherwise specified, all requirements of this Order are effective upon service of this Order.

Reason for Response:

The following sets out the current status of the Director's Order and the reasons why I have made the changes as described.

Items No. 1: was amended as it is the Ministry's understanding that 531322 Ontario Limited is taking action to permanently close the wood waste disposal site located at the Nickel Lake Lumber Sawmill and is in the process of developing a Closure Plan. The Ministry extended the timeline for submission of Financial Assurance allowing the Company time to develop a proper Closure Plan and move towards permanent closure of the Site. If the Company fails to submit a Closure Plan by December 31, 2020 then the required Financial Assurance will be required.

Part 3: Definitions

For the purposes of this Order, the following terms shall have the meanings described below:

"Approval" means Provisional Certificate of Approval A770166 and Environmental Compliance

Approval A770166 and associated Notices.

"Director" means the undersigned Director or, in the event the undersigned is unable to act, any other Director authorized to act pursuant to sections 17, 27(1), 40, 44, 132(1), 133(1), 136(1) 186(3), 196(1), 196(2) and 197(1) of the Environmental Protection Act. R.S.O. 1990, c E.19.

"District Manager" means the District Manager of the Kenora Area/Thunder Bay District of the Ministry of the Environment, Conservation and Parks.

"EPA" means the Environmental Protection Act, R.S.O. 1990, c E. 19, as amended.

"Financial Assurance" or "FA" means Financial Assurance as required by Certificate of Approval A770166.

"Ministry" means the Ontario Ministry of the Environment, Conservation and Parks.

"Operator" means the person in occupation or having the charge, management or control of a waste management system or a waste disposal site as defined by Section 25, Part V of the EPA.

"Order" means this Director's Order No. 7227-BA6K4C, as may be amended.

"Owner" means 531322 Ontario Limited.

"Provincial Officer" means the undersigned Provincial Officer, or in the event that the Provincial Officer is unable to act any other Provincial Officer authorized to act pursuant to the Environmental Protection Act.

Part 4: General

- 4.1 All orders are issued in the English language and may be translated into the French language. In the event that there should be a conflict between the English original and the French translation, the English original shall prevail.
- 4.2 The requirements of this order are severable. If any requirement of this order or the application of any requirement to any circumstance is held invalid, the application of such requirement to other circumstances and the remainder of the order shall not be affected thereby.
- 4.3 Subsection 19(1) of the EPA [13.1 of the OWRA; 31. (1) of the Pesticides Act] provides that an order of the Director is binding upon the successor or assignee of the person to whom it is directed.

- 4.4 Subsection 186(2) of the EPA [107(2) of the OWRA; 42(2) of the Pesticides Act] provides that non-compliance with the requirements of this order constitutes an offence.
- 4.5 Any request to change a requirement in this order shall be made in writing to the Director, with reason for the request, at least 14 days prior to any compliance date for that requirement.
- 4.6 The requirements of this order are minimum requirements only and do not relieve you from:
- i. complying with any other applicable order, statute, regulation, municipal, provincial or federal law, or
 - ii. obtaining any approvals or consents not specified in this order
- 4.7 Notwithstanding the issuance of this order, further or other orders may be issued in accordance with legislation as circumstances require. In particular, the Director shall issue an order where the approval of the Director is required in respect of a matter under this order and,
- i. the Director does not grant approval; or
 - ii. the Director does not grant approval because the changes which the Director considers necessary for granting approval have not been agreed to by the persons to whom this order is issued.
- 4.8 In the event that any party to this order is, in the opinion of the Director, rendered unable to perform or comply with any obligations herein because of:
- i. natural phenomena of an exceptional, inevitable or irresistible nature, or insurrections; or
 - ii. strikes, lockouts or other labour disturbances; or
 - iii. inability to obtain materials or equipment for reasons beyond the control of the company; or
 - iv. any other cause whether similar to or different from the foregoing beyond the reasonable control of the parties,

the obligations hereof, as they are affected by the above shall be adjusted in a manner defined by the Director. To obtain such an adjustment, the party must notify the Director immediately of any of the above occurrences, providing details that demonstrate that no practical alternatives are feasible in order to meet the compliance dates in question.

4.9 Failure to comply with a requirement of this order by the date specified does not absolve the Company from compliance with the requirement. The obligation to complete the requirement shall continue each day thereafter.

4.10 This order has no expiry date .

Part 5: Request for Hearing

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

- (a) the portion(s) of the Order in respect of which a 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 Order or to rely on a ground that is not stated in the notice requiring the hearing. Unless stayed by the Tribunal, the Order remains in effect from the date of service.

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	Director Ministry of the Environment, Conservation and Parks 808 Robertson St Kenora ON P9N 1X9 Fax: (807) 468-2735
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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 Web: www.ert.gov.on.ca
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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 legislation under which the Order is made and any corresponding Service Regulation . Further information can be

obtained from e- Laws at www.e-laws.gov.on.ca. Please note that choosing service by mail does not extend any of the above mentioned timelines.

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

The requirements of this Order 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 Order, and
- (c) any applicable municipal law.

The requirements of this Order are severable. If any requirement of this Order 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 Order are not affected.

Further orders may be issued in accordance with the legislation as circumstances require.

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.

This Notice constitutes part of Order Number 7227-BA6K4C, issued on 04/06/2020.

Issued at Kenora this 25th day of June, 2020.



Trina Rawn
Kenora Area Office
Northern Region