Environmental Assessment Act  
Loi sur les évaluations environnementales

ONTARIO REGULATION 585/92

EXEMPTION — MINISTRY OF THE ENVIRONMENT — MOE-31/5

**Consolidation Period:** From September 22, 1992 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

No amendments.

This Regulation is made in English only.

Having received a request from the Regional Director, West Central Region, Ministry of the Environment, that condition 4 of exemption order MOE-31/4, which is filed as Ontario Regulation 469/91, for an undertaking, namely:

The activity of managing the contaminated wastes which may be found in the soil and groundwater both in and around the former Chemical Waste Management Limited property at site 7, Lot 6, Concession 9, Smithville Industrial Park, Township of West Lincoln, Regional Municipality of Niagara, which management activities involve an ongoing securing and control of contaminated wastes, destruction of secured PCB wastes, remediation of contaminated groundwater and bedrock, and the off-site disposal of contaminated wastes which may not be suitable for destruction,

be amended to provide sufficient time to complete the ongoing PCB waste destruction; and

Having been advised by the Regional Director, West Central Region, Ministry of the Environment, that if the undertaking is subject to the application of the act, the following injury, damage or interference with the persons and property indicated will occur:

A. It will not be possible to complete the destruction of PCB wastes at the site in the time allowed by exemption order MOE-31/4.

Having weighed such injury, damage or interference against the betterment of the people of the whole or any part of Ontario by the protection, conservation and wise management in Ontario of the environment which would result from the undertaking being subject to the application of the Act;

The undersigned is of the opinion that it is in the public interest to order and orders that the undertaking is exempt from the application of the Act for the following reasons:

A. The Liaison Committee with representatives from the local citizens which was established to monitor progress made in the cleanup of the site and eventual disposal of the contaminated wastes and the council of the Township of West Lincoln have agreed to the extension so that the destruction of the PCB waste can be completed in a timely manner; and

B. The various instructions, approvals and orders which may be issued under the Environmental Protection Act and the Ontario Water Resources Act will result in the management activities being carried out in a safe manner.

Therefore condition 4 of the exemption order is replaced and the other conditions remain the same, all as set out below:

1. No wastes other than contaminated soil, water or other materials from the management activities being carried out under this Order shall be brought to the site.

2. This undertaking involves the management of wastes, including,

(a) cleaning up the site and immediately surrounding area and bedrock;

(b) destroying, by approved mobile incineration facilities, PCB waste stored at the area;

(c) decontaminating PCB contaminated soils and possibly bedrock, and subsequently redepositing them;

(d) storing, temporarily, in existing or new structures, any waste that cannot be destroyed or decontaminated on the property until it can be removed to other certified waste disposal sites when they become available; and

(e) offering first right of acquisition of the property to The Corporation of the Township of West Lincoln once the site has been restored to a clean condition so that it may be used for the originally intended use.

3. The principal activities associated with the undertaking include the following,

(a) acquisition, through ownership by the Province of the property formerly used by Chemical Waste Management Limited at the Smithville Site and acquisition of the right to use any necessary adjacent property;

(b) consolidation of the wastes, including: contaminated soils, contaminated equipment and materials associated with ongoing cleanup activities at the site;

(c) destruction of PCB wastes by means of approved facilities;

(d) construction and preparation of a wastewater treatment facility for treatment of contaminated water, as an initial short-term remedial activity;

(e) trial excavation of the bedrock and selection and implementation of the appropriate technology for remediation of the contaminated groundwater and bedrock;

(f) removal from the site of any wastes that cannot be destroyed or decontaminated; and

(g) continuation of an appropriate groundwater monitoring program.

4. This order does not apply to the storage of PCB waste on the site after March 31, 1993 except for such wastes contained in rock cores obtained during investigations and such wastes as may be produced by the existing water treatment facilities which are treating contaminated groundwater collected by the aquifer purge well system or by such other water treatment facilities that may replace the existing facilities from time to time for the same purpose. All PCB wastes stored on the site which are not being destroyed under this exemption order nor retained for research purposes that can be legally stored or disposed of at any other location shall be removed from the site as soon as possible.

5. The Liaison Committee referred to in reason A and the Municipal Council shall be consulted and kept advised with respect to the details of the undertaking as they are developed and progress is made in their implementation.

6. The undertaking shall be monitored by the Ministry of the Environment and/or its agents, to ensure that the waste management activities do not result in injury or damage to persons and property.

7. A written report shall be prepared on the undertaking and updated annually over the period in which the contaminated wastes are managed. The report shall describe the activities and the results of the ongoing monitoring program and how the terms and conditions of this order are being complied with. The report shall be submitted by the Regional Director, West Central Region of the Ministry of the Environment to the Director of Environmental Assessment Branch for filing in the public record. O.Reg. 585/92.

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