Environmental Assessment Act  
Loi sur les évaluations environnementales

ONTARIO REGULATION 626/91

EXEMPTION — MINISTRY OF THE ENVIRONMENT — MOE-44

**Consolidation Period:** From October 23, 1991 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, Northwestern Region, Ministry of the Environment, that an undertaking, namely:

Activities related to the characterization, cleanup and/or remedial work being carried out by the Ministry of the Environment in Howey Bay of Red Lake involving the location, identification, removal and disposal of drums, some of which may contain hazardous waste, in addition to any other waste located on the bottom of Howey Bay which are contaminating or have the potential to contaminate the waters of Red Lake,

be exempt from the application of the Act pursuant to section 29; and

Having been advised by the Regional Director, Northwestern Region, 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. The time which would be involved in preparing an Environmental Assessment and seeking approval under the Act would significantly delay the implementation of the undertaking, exacerbating the following situations:

(i) The discharge of contaminants or the potential for the discharge of contaminants from any drums which contain hazardous wastes, in addition to contaminants from any other wastes located on the bottom of Howey Bay in Red Lake. The presence of downstream water supplies classifies this as the situation which presents a possible threat to public health.

(ii) In addition, failure to take action may result in the contamination of aquatic life in Howey Bay and the downstream ecosystem.

(iii) Members of the public may be exposed to contaminants.

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. Immediate action in managing the contaminated wastes will minimize the potential injury and damage cited above.

B. Implementation of the undertaking as soon as possible will avoid further potential public exposure to, and migration of, contaminated wastes.

This exemption order is subject to the following terms and conditions:

1. This undertaking may involve temporary and secured storage in The Corporation of the Township of Red Lake Works Department compound (Part of K 1369, designated KR 1164, Part 2, Township of Red Lake) until identification and appropriate disposal can be determined.

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

3. A written report shall be prepared on the undertaking. The report shall describe the activities and how the terms and conditions of this Order were complied with. The report shall be submitted by the Regional Director, Northwestern Region of the Ministry of the Environment to the Director of the Environmental Assessment Branch within six months after completion of the cleanup for filing in the public records. O.Reg. 626/91.

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