

Provincial Officer'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. P.11 (PA)
Safe Drinking Water Act, 2002, S.O. 2002, c.32 (SDWA)
Nutrient Management Act, 2002, S.O. 2002, c.4 (NMA)

Order Number
1276-93SRP9

Incident Report No.
6386-93DR6P

To: Marineland of Canada Inc.
7885 Stanley Ave
Niagara Falls, Ontario, L2G 0C7
Canada

Site: See Schedule 1
Niagara Falls, Regional Municipality of Niagara

Work Ordered

Pursuant to my authority under EPA Section 157, I order you to do the following:

Item No. 1	Compliance Date	2013/01/14 (YYYY/MM/DD)
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No later than the compliance date the named company shall cease depositing waste including dead zoo animals at the site except in accordance with an Environmental Compliance Approval and subject to the terms and conditions of that approval and the EPA.

Pursuant to my authority under EPA Section 157.1 and EPA Section 157, I order you to do the following:

Item No. 2	Compliance Date	2013/02/01 (YYYY/MM/DD)
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No later than the compliance date the named company shall retain the services of a qualified person for the purpose of preparing a written plan ("the plan") which, at a minimum, includes or satisfies the following requirements:

- a) a proposal to interview current and past employees of the company who have knowledge of the locations at the site where waste was deposited, processed or buried,
- b) a proposal to conduct a magnetometer survey or surveys at the site which delineate subsurface magnetic anomalies which may indicate the presence of buried metallic objects at locations identified through the interviews and through the review of any other relevant information,
- c) a proposal to conduct a hydrogeological investigation at the site including test pits to a depth exceeding the footprint of the waste deposits at or near locations identified through the

- interviews for the purpose of assessing soil and sediment types encountered, ground water movement conditions, waste types buried, potential contaminants of concern and the likelihood of leachate migrating from the site to adjacent properties,
- d) a proposal to delineate through the preparation of maps or drawings or both, the locations at the site where waste was deposited, processed or buried,
 - e) the work undertaken to implement the plan shall be documented in writing,
 - f) a schedule for the implementation of the requirements listed above,
 - g) a proposal to notify the issuing Provincial Officer of impending field work by facsimile at (905)704-4015 and telephone at (905)704-3900 at least 48 hours prior to commencing any field work,
 - h) the plan must be acceptable to the issuing Provincial Officer.

Pursuant to my authority under EPA Section 157.1 and EPA Section 157, I order you to do the following:

Item No. 3	Compliance Date	2013/02/15 (YYYY/MM/DD)
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No later than the compliance date the named company shall submit the plan to the issuing Provincial Officer.

Pursuant to my authority under EPA Section 157.1 and EPA Section 157, I order you to do the following:

Item No. 4	Compliance Date	2013/03/01 (YYYY/MM/DD)
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Upon the written acceptance of the plan by the issuing Provincial Officer and subject to any revisions to the plan which the officer may make, and under the supervision of the qualified person who prepared the plan, the named company shall implement the plan no later than the compliance date.

Pursuant to my authority under EPA Section 157.1 and EPA Section 157, I order you to do the following:

Item No. 5	Compliance Date	2013/05/03 (YYYY/MM/DD)
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No later than the compliance date the named company shall submit a written report to the issuing Provincial Officer which includes, at a minimum:

- a) the documented interviews of the persons described in Item No. 4 above,
- b) the results of the magnetometer survey(s) and an interpretation of those results,
- c) the results of the hydrogeological investigation and an interpretation of those results,
- d) a list of the types of wastes processed or buried at the site and an estimate of the volume of each waste type,
- e) a map or drawing or both or any number of either which illustrates the locations where wastes were buried or processed at the site including the geographical extent of those locations,
- f) a description of the locations at the site where waste was buried or processed or both, expressed in units provided by what is commonly referred to as the "UTM NAD83" geographical coordinate system,
- g) the qualified person's professional opinion concerning whether leachate derived from waste

deposits at the site is likely to migrate through soil and sediment to surface water or ground water and whether there is a reasonable potential for off-site environmental impacts,
h) and if required in the professional opinion of the qualified person, a recommendation for short term or long-term ground water monitoring necessary to evaluate leachate migration,
i) and if required in the professional opinion of the qualified person, control measures designed to mitigate the migration of leachate off-site,
j) the stamp and signature of the qualified person who prepared the plan attesting to the quality of the details set out in the report.

Pursuant to my authority under EPA Section 197, I order you to do the following:

Item No. 6 **Compliance Date** 2013/01/14
(YYYY/MM/DD)

Commencing on the compliance date, before dealing with the property in any way, I hereby order the named company and anyone else with an interest in the property to give a copy of this order, including any amendments thereto, to every person who will acquire an interest in the property as a result of the dealing.

Pursuant to my authority under EPA Section 197, I order you to do the following:

Item No. 7 **Compliance Date** 2013/03/01
(YYYY/MM/DD)

No later than the compliance date the named company shall register a Certificate of Requirement issued under subsection 197(2) of the EPA (which will be served on you within 30 days of this order), on title to the site in the appropriate Land Registry Office.

Pursuant to my authority under EPA Section 197, I order you to do the following:

Item No. 8 **Compliance Date** 2013/03/08
(YYYY/MM/DD)

After registration of the Certificate of Requirement and no later than the compliance date, the named company shall provide a duplicate copy of the registered document to the undersigned Provincial Officer.

- 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.

This Order is being issued for the reasons set out in the annexed Provincial Officers Report which forms part of this Order.

Issued at St. Catharines this 14th day of January, 2013.

A handwritten signature in black ink, appearing to read "Paul" followed by a stylized surname.

Paul Widmeyer
Badge No: 070
Niagara District Office
Tel: (905) 704-3916

APPEAL/REVIEW INFORMATION

REQUEST FOR REVIEW

You may request that this order be reviewed by the Director. Your request must be made in writing (or orally with written confirmation) within seven days of service of this order and sent by mail or fax to the Director at the address below. In the written request or written confirmation you must,

- specify the portions of this order that you wish to be reviewed;
- include any submissions to be considered by the Director with respect to issuance of the order to you or any other person and with respect to the contents of the order;
- apply for a stay of this order, if necessary; and provide an address for service by one of the following means:
 1. mail
 2. fax

The Director may confirm, alter or revoke this order. If this order is revoked by the Director, you will be notified in writing. If this order is confirmed or amended by order of the Director, the Director's order will be served upon you. The Director's order will include instructions for requiring a hearing before the Environmental Review Tribunal.

DEEMED CONFIRMATION OF THIS ORDER

If you do not receive oral or written notice of the Director's decision within seven days of receipt of your request, this order is deemed to be confirmed by order of the Director and deemed to be served upon you.

You may require a hearing before the Environmental Review Tribunal if, within 15 days of service of the confirming order deemed to have been made by the Director, you serve written notice of your appeal on the Environmental Review Tribunal and the Director. Your notice must state the portions of the order for which a hearing is required and the grounds on which you intend to rely at the hearing. Except by leave of the Environmental Review Tribunal, you are not entitled to appeal a portion of the order or to rely on grounds of appeal that are not stated in the notice requiring the hearing. Unless stayed by the Environmental Review Tribunal, the order is effective from the date of service.

Written notice requiring a hearing must be served personally, by mail or facsimile on the following:

The Secretary
Environmental Review Tribunal
655 Bay Street, 15th Floor
Toronto ON
M5G 1E5
Fax: (416) 314-4506
Email: ERTTribunalsecretary@ontario.ca

and
Director (Provincial Officer Orders)
Ministry of the Environment
Niagara District Office
9th Floor
301 St Paul St
St Catharines ON L2R 7R4
Fax: (905)704-4015
Tel: (905)704-3900

Where service is made by mail, it is deemed to be made on the fifth day after the date of mailing and the time for requiring a hearing is not extended by choosing service by mail.

Further information on the Environmental Review Tribunal 's requirements for an appeal can be obtained directly from the Tribunal by:

Tel: (416) 314-4600

Fax: (416) 314-4506

www.ert.gov.on.ca

FOR YOUR INFORMATION

- Unless stayed by the Director or the Environmental Review Tribunal, 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:
 - any applicable federal legislation;
 - any applicable provincial requirements that are not addressed in the order; and
 - 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 circumstance 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 to request a review by the Director and other information provided above are intended as a guide. The legislation should be consulted for additional details and accurate reference.



Schedule 1 PIN 642560051.PNG