

**Ministry of the Environment,
Conservation and Parks**

Drinking Water and Environmental
Compliance Division, Northern Region

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

Division de la conformité en matière d'eau potable
et d'environnement, Direction régionale du Nord

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Director's Order No. 1-207234986

ENVIRONMENTAL PROTECTION ACT

**ORDER
PURSANT TO SECTION 136, 196**

TO: Mansteel New Liskeard Inc. ("Mansteel")
15 West Pearce St., 1
Richmond Hill, ON, L4B 1E3

AND TO: The Estate of Arash Missaghi,
15 West Pearce St., 1
Richmond Hill, ON, L4B 1E3

SITE: 1107 Lakeshore Road South
City of Temiskaming Shores, ON, P0J 1K0
Part of the north half of broken Lot 10, Concession 5 and part of the south half of
Lot 9, Concession 5, Township of Bucke, Temiskaming Shores, District of
Timiskaming ("Site")

PART 1 – LEGAL AUTHORITY AND REASONS

- 1.1 Pursuant to subsections 136(1) of the *Environmental Protection Act*, R.S.O. 1990, c. E.19 (EPA), the Director by order may require the performance of environmental measures for which the Crown holds financial assurance and may require the use of the financial assurance for the performance of the environmental measures.
- 1.2 Subsection 136 (2) of the EPA provides that the Director may make an order mentioned in subsection (1) if the Director has reasonable and probable grounds to believe that any environmental measure required by the approval, order, certificate of property use or a regulation made under clause 176 (1.3) (i) in respect of which the financial assurance was given has not been or will not be carried out in accordance with the requirement.
- 1.3 Subsection 136 (3) provides that an order under this section shall be directed to,
 - (a) the person,

- (i) to whom the approval, order or certificate of property use was issued or any other person who is bound by the approval, order or certificate of property use, or
- (ii) who registered the activity prescribed by the regulations for the purposes of subsection 20.21 (1), if the financial assurance has been provided pursuant to a regulation made under clause 176 (1.3) (i); and
- (b) any person that to the knowledge of the Director has provided the financial assurance for or on behalf of a person referred to in clause (a), or any successor or assignee of a person that to the knowledge of the Director has provided the financial assurance for or on behalf of a person referred to in clause (a).

Description of the Orderees

- 1.4 Mansteel is the current owner of the Site and the person to whom Amended Environmental Compliance Approval Number 5377-9CXPXG (“ECA”) was issued on April 29, 2014. Condition 11 of the ECA requires the provision of the financial assurance to pay for any incurred or potential expenditure by the Ministry of the Environment, Conservation and Parks (“Ministry”) to carry out any environmental measure, including any obligation of the owner in connection with the Works, as defined in the ECA, which is imposed by any other provision of the ECA, any order, or the Environmental Protection Act (“EPA”), Ontario Water Resources Act (“OWRA”) or any regulations made thereunder.
- 1.5 Arash Missaghi is registered as the sole director and officer of Mansteel. Arash Missaghi was shot and killed on June 17, 2024.
- 1.6 This order is being directed to Mansteel and the Estate of Arash Missaghi further to clause 136(3)(a) of the EPA, which requires the order to be directed to the persons to whom the approval, order or certificate of property use was issued or any other person who is bound by the approval, order, or certificate of property use.

Background

- 1.7 The Site contains a historical wood waste disposal site that generates leachate, a leachate collection and irrigation system, evaporation pond and an incomplete sewage works for the treatment of collected leachate.
- 1.8 The waste disposal site was originally constructed in 1974 and was approved for the disposal of commercial non-hazardous solid industrial waste, woodwaste, sawdust and sander dust. Waste has not been received at the landfill since 2001 and industrial operations at the Site ceased in 2005.
- 1.9 As the owner of the Site, Mansteel is responsible for the management and monitoring of the waste disposal site, as per Certificate of Compliance Number A570403 issued September 13, 1996, as amended (“C of A”), and the management, operation and maintenance of the sewage works in accordance with the ECA.

- 1.10 The approved sewage works consist of a leachate collection system designed to pump leachate from Pumping Station 1 and Pumping Station 2 (“PS1” and “PS2”) to a common header that discharges to two aeration ponds (i.e., Ponds 1 and 2), operated in series. Aerated leachate should then be directed to two engineered wetland treatment cells, also connected in series, with an effluent outfall pipeline ultimately discharging to Lake Temiskaming. These works have not been completed. In 2017 and 2018, collected leachate was pumped to Pond 1, and untreated leachate was periodically pumped to a leachate evaporation and irrigation system, which is authorized under the ECA.
- 1.11 On March 22, 2018, Director’s Order Number 4375-ATZM9B (“Director’s Order”) was issued to Mansteel and Arash Missaghi requiring, among other things, that the leachate collection system be operated to ensure that the discharge of untreated leachate to the natural environment does not occur.
- 1.12 On February 11, 2022, Mansteel and Arash Missaghi were convicted of multiple counts under the EPA and OWRA and the Court issued a Court Order under section 190 of the EPA (“Court Order”) requiring, among other things, that Mansteel and Arash Missaghi operate and maintain the sewage works to ensure that the discharge of untreated leachate to the natural environment does not occur.
- 1.13 On June 17, 2024 Arash Missaghi was shot and killed.
- 1.14 On July 4, 2024, the Ministry was informed that operation of the leachate management system by Mansteel would cease because funds have been depleted.
- 1.15 Once operation of the leachate management system ceases, it is expected that the pump stations will imminently overflow resulting in an uncontrolled discharge of untreated, toxic landfill leachate to Dixon Creek, a tributary of Lake Temiskaming.
- 1.16 Based on the foregoing, I have reasonable and probable grounds to believe that the environmental measures required by the ECA in respect of which the financial assurance, and the obligations as specified in Condition 11 of the ECA in connection with the sewage works will not be carried out by Mansteel. I also believe that it is necessary for the Crown to use the financial assurance for the performance of these environmental measures and obligations.

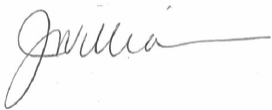
PART 2 – WORK ORDERED

- 2.1 Pursuant to subsection 136(1) of the EPA, I hereby require the performance of the environmental measures for which Ontario currently holds financial assurance in the amount of \$2,522,494.84 CDN (\$2,240,500 original value plus \$281,994.84 interest as of April 24, 2023) and require the use of that financial assurance to perform those environmental measures.

PART 3 – GENERAL

- 3.1 The requirements of this order are severable. If any requirement of this order or the application of any requirement to any circumstance or person is held invalid, the application of such requirement to other circumstances or persons and the remainder of the order shall not be affected thereby.
- 3.2 Any request to change a requirement in this order shall be made in writing to the Director with reasons for this request, at least fourteen (14) days prior to any compliance date for that requirement.
- 3.3 The requirements of this order are minimum requirements only and do not relieve you from:
- (a) complying with any other applicable order, statute, regulation, municipal, provincial or federal law; and
 - (b) obtaining any approvals or consents not specified in this order.
- 3.4 Notwithstanding the issuance of this order, further or other orders may be issued in accordance with the legislation as circumstances require.
- 3.5 Subsection 19(1) of the EPA provides that an order of the Director is binding upon the successor or assignee of the person to whom it is directed.
- 3.6 Subsection 186(2) of the EPA provides that non-compliance with the requirements of this order constitutes an offence.

ISSUED at Sudbury, Ontario this 11th day of July, 2024.



Jacquie Williamson
Director, Section 136, Environmental Protection Act
Director, Northern Region
933 Ramsey Lake Road, 4th Floor
Sudbury, ON P3E 6B5

APPEAL TO THE ONTARIO LAND TRIBUNAL INFORMATION**REQUEST FOR HEARING**

You may require a hearing before the Ontario Land Tribunal if, within 15 days of service of this order, you serve written notice of your appeal on the Ontario Land Tribunal and the Director as listed in the Contact Information below. Your notice of appeal must state the portions of this Director's Order for which a hearing is required and the grounds on which you intend to rely at the hearing. Unless you receive permission (leave) from the Ontario Land Tribunal, you are not entitled to appeal a portion of this Director's Order or to rely on grounds of appeal that are not stated in the notice of appeal.

CONTACT INFORMATION

The contact information for the Ontario Land Tribunal and the Director is as follows:

Registrar
Ontario Land Tribunal
655 BAY STREET, SUITE 1500
TORONTO, ON, M5G 1E5
Email: OLT.Registrar@ontario.ca

and

Director
Ministry of the Environment, Conservation and Parks
Northern Region
933 RAMSEY LAKE ROAD, 4TH FLOOR
SUDBURY, ON P3E 6B5
Email: MECP.Timmins@ontario.ca
Fax: 705-235-1520

The contact information of the Ontario Land Tribunal and further information regarding its appeal requirements can be obtained directly from the Tribunal at:

Tel: (416) 212-6349

Toll Free: 1-866-448-2248

www.olt.gov.on.ca

SERVICE INFORMATION

Service of the documentation referred to above can be made personally, by mail, by fax (in the case of the Director only), by commercial courier or by email in accordance with the legislation under which this order is made and any corresponding Service Regulation.

ADDITIONAL INFORMATION

Unless stayed by the Ontario Land Tribunal, this order is effective from the date of service.

Failure to comply with a requirement of this Director's Order constitutes an offence. Unless otherwise indicated, the obligation to comply with a requirement of this Director's Order continues on each day after the specified compliance date until the obligation has been satisfied.

The requirements of this Director's Order are minimum requirements only and do not mean that you are not required to comply with any other applicable legal requirements, including any:

- statute, regulation, or by-law;
- federal, provincial, or municipal law; or
- applicable requirements that are not addressed in this Director's Order.

The requirements of this Director's Order are severable. If any requirement of this Director's Order, or the application of any requirement to any circumstance, is held invalid, such finding does not invalidate or render unenforceable the requirement in other circumstances. It also does not invalidate or render unenforceable the other requirements of this Director's Order.

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

This Director's Order is binding upon any successors or assignees of the persons to whom this Director's Order is issued.

The procedures to request a hearing and an appeal of this order and other information provided above are intended as a guide. The legislation should be consulted for additional details and accurate reference. Further information can be obtained from e-Laws at www.ontario.ca/laws.