

Director's Order

Director's Order Number

1-1674714352

Director's Order Issued To

CORPORATION OF THE TOWNSHIP OF BLACK RIVER-MATHESON
367 FOURTH AVE , BLACK RIVER-MATHESON, ON, P0K 1N0

Site

Val Gagne South Lagoon
LOT:9, CONCESSION:5, GEOTOWNSHIP:TAYLOR, BLACK RIVER-MATHESON, ON,

Refer to the Definitions section in Part B of this Director's Order, for the meaning of all the capitalized terms that are used in this Director's Order.

PART A - WORK ORDERED

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

Item No. 1 **Compliance Due Date:** Nov-04-2026

Upon service of the Director's Report and on an ongoing basis, the Orderee shall maintain, operate, and repair the sewage works at the Site, including conducting all necessary inspection, monitoring, maintenance and operational activities.

Item No. 2 **Compliance Due Date:** Dec-31-2026

The Orderee shall obtain ownership of the site and provide confirmation of ownership to Provincial Officer Sarah King by email (sarah.king@ontario.ca)

Item No. 3 **Compliance Due Date:** Apr-30-2027

The Orderee shall provide a report on a calendar quarterly basis. The reports shall be issued 30 days following the end of each calendar quarter. The reports shall begin January 1, 2027, to December 30, 2030, (last report being issued by January 30, 2031). The reports shall include, at a minimum, the following information regarding the sewage works:

- a summary of all inspection, monitoring, maintenance and operational activities undertaken during the reporting period;
- photographs documenting the condition of the lagoon and associated infrastructure;
- a summary of monitoring and analytical results obtained during the reporting period;
- a description of any actual or potential adverse effects, complaints, spills,

overflows, bypasses, unauthorized discharges, or other incidents, and the actions taken in response;

- a description of activities planned for the next reporting period, including progress toward the long-term management, rehabilitation, decommissioning or replacement of the lagoon.

Item No. 4 Compliance Due Date: Mar-31-2028

By no later than March 31, 2028, the Orderee shall submit to the Provincial Officer by email to sarah.king2@ontario.ca and MECP.Timmins@ontario.ca, a report prepared by a qualified professional that evaluates:

- the feasibility of bringing the lagoon into compliance through the issuance of an Environmental Compliance Approval;
- the feasibility of permanently decommissioning the lagoon and implementing an alternative sewage servicing solution; and
- recommended actions and timelines.

Item No. 5 Compliance Due Date: Mar-31-2029

If the report prepared by a qualified professional in Item No. 4 recommends work that requires an Environmental Compliance Approval, the Township shall submit a complete application for an Environmental Compliance Approval within twelve (12) months of submitting the report.

PART B – DIRECTOR'S REPORT

This Director's Order is being issued for the reasons set out below.

Definitions

For the purposes of this Director's Order, the following capitalized terms shall have the meanings set out below:

"Director's Order" means this Director's Order Number 1-1674714352, as it may be amended.

"Company" means VAL GAGNE ENTERPRISES COMPANY LIMITED.

"EPA" means Environmental Protection Act, R.S.O. c. E. 19.

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

"Orderee" means The Corporation of the Township of Black-River Matheson

"OWRA" means Ontario Water Resources Act, R.S.O. 1990, c. O. 40.

"Site" means LOT:9, CONCESSION:5, GEOTOWNSHIP: TAYLOR, BLACK RIVER-MATHESON, ON

Description of Person(s) Subject to the Director's Order

Black River–Matheson is a lower-tier township municipality located in the Cochrane District of northeastern Ontario, approximately 70 km east of Timmins along the Highway 11 transportation corridor. The municipality covers approximately 1,163 km² and was formed through the amalgamation of the communities of Matheson, Ramore, Val Gagné and Holtyre. With a population of roughly 2,500 residents, it is characterized by low population density and a predominantly rural landscape.

Description of the Site and/or System/Facility

Val Gagné South (also known as Guay's Subdivision) is a small neighbourhood on Highway 11 within the Township of Black River-Matheson. The neighbourhood consists of 14 residences, a small grocery store operating out of a former motel, an automotive dealership and a gas station. Drinking water from the municipal Val Gagné Drinking Water System is supplied to Val Gagné South subdivision. Val Gagné South is not connected to Val Gagné's municipal wastewater system; instead, it is serviced by a privately-owned sewage collection and treatment system which was constructed in 1966 by Val Gagné Enterprises Company Limited.

The works consist of 744 m of sanitary sewer, 10 manholes and an engineered lagoon which discharges through an outlet chamber into an adjacent ditch that discharges to the Driftwood

River approximately 2 km away.

Reasons for the Director's Order

Val Gagné Enterprises Company Limited constructed the private sewage works in 1966. No approval was obtained under the Ontario Water Resources Act approval for the construction and operation of the works.

The works serve residents of the municipality and although constructed as private works, the Township of Black River-Matheson has assessed the system. In November 1984, the Township of Black River-Matheson retained Totten Sims Hubicki Associates (1981) Limited to provide a conceptual study to identify deficiencies of the water and sewer systems of four of its townsites (Val Gagné South water system, Matheson sewers, Holtyre sewage system, Ramore lagoon). In April 1985, Totten Sims Hubicki Associates issued their assessment report, which found the Val Gagné South sewage system inadequate.

The report recommended expanding the lagoon's storage capacity by building a second cell, adding a phosphorus removal treatment facility, regularly flushing the sanitary sewers and repairing the manholes.

In March 1985 the Township submitted an ECA application for this system and on July 31, 1985, ECA 3-0297- 85-006 was issued to the Township for improvements and additions to the existing sewage works system serving Val Gagné South.

In August 1985, the Township retained Totten Sims Hubicki Associates for the design and supervision of construction of the water and sewage facilities as recommended in the 1985 report, including the addition of a second cell and a new outlet sewer for Val Gagné South lagoon. ECA 3-0297-85-006 was issued to the Township of Black River-Matheson in 1985 for modifications to the sewage works. However, the modifications were not completed, and ownership of the lagoon was never transferred to the Township. Camille Duguay (director of Val Gagné Enterprises Company Limited) offered to sell the lagoon lands to the Township in 1989, and MECP had no concerns with the proposed transfer. Camille Duguay sent additional letters to the Township of Black River-Matheson in October 2012 and January 2013.

Following the January letter, the Clerk/Treasurer responded indicating that the Council received the letters and had no further comment. The Val Gagné South sewage facilities were referenced in a 2013 Mayoral address and in municipal master plans from 2021-23.

On May 31, 2013, MECP conducted their first inspection of the sewage works in the presence of Camille Duguay and representatives of the Township and the operating authority (Ontario Clean Water Agency). The inspection found multiple non-compliances and included two required actions, which have not been completed. The 2013 inspection also identified that the lagoon was not discharging seasonally as designed and instead was being left to discharge continuously.

Following the inspection, MECP collected effluent and surface water quality samples in June, October, November and December 2013; March 2014; and July 2018. Results of this sampling demonstrated that effluent nutrient concentrations and *Escherichia coli* levels are often very high, suggesting that the lagoon is not adequately treating the wastewater from Val Gagné South. In September 2013, EXP prepared a quote for an engineering assessment of the works for Camille Guay.

A follow up MECP inspection in December 2025 found that none of the deficiencies identified in 2013 had been addressed and that the Val Gagné South Lagoon was still discharging year-round.

Authority to Issue the Director's Order

I am issuing this Director's Order under my authority as a Director under the following legislation, which also includes the authority to take intermediate action and/or procedural steps:

This report is issued under section 62 of the OWRA.

For the reasons set out above, I am of the opinion that it is necessary and in the public interest that the Sewage Works, any part thereof be established, maintained, operated, improved, extended, enlarged, altered, repaired or replaced by the Township of Black-River Matheson as described in the Part A requirements of this Report to protect human health and the environment.

Contraventions

OWRA 62 (1)	(1) Where a Director reports in writing to the clerk of a municipality that he or she is of the opinion that it is necessary in the public interest that water works or sewage works or any part thereof be established, maintained, operated, improved, extended, enlarged, altered, repaired or replaced, the municipality shall forthwith do every act and thing in its power to implement the report of the Director.
-----------------	---

Attachments

The attachments listed below, if any, form part of this Director's Order:

Attachment 1: 2013 MECP Inspection Report

Attachment 2: 2025 MECP Inspection Report

Attachment 3: ECA 3-0297-85-006

ISSUING DIRECTOR

Name: Greg Ault

Job Title: District Manager

Badge Number: 2077

Address: 5520 HWY 101 E SOUTH PORCUPINE, TIMMINS, ON, P0N 1H0

Director Email: greg.ault@ontario.ca

Office Email: MECP.Timmins@ontario.ca

Date:

Signature:

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 Director's Order, you serve written notice of your appeal on the Ontario Land Tribunal and the Director at the addresses indicated under the Contact Information heading 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. If notice of the proposal to issue this Director's Order was given to the public on the Environmental Registry, the Minister of the Environment, Conservation and Parks will place notice of your appeal on the Environmental Registry.

CONTACT INFORMATION

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
Timmins District Office
5520 HWY 101 E, SOUTH PORCUPINE
TIMMINS, ON P0N 1H0
Office Email: MECP.Timmins@ontario.ca
Fax: (705) 235-1520

Further information regarding the requirements and procedures of the Ontario Land Tribunal can be obtained directly from the Tribunal at:

Tel: (416) 212-6349, Toll Free: 1(866) 448-2248 or 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 Director's Order is made and any corresponding service regulation.

ADDITIONAL INFORMATION

Unless stayed by the Ontario Land Tribunal, this Director's 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 to be held invalid or unenforceable, 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 may be appropriate.

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 Director's 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.