

November 23, 2017

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Ministry of the Environment and Climate Change  
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Hello Ms. Trevisan:

### **Re: Proposed hydro-electric generating station at the Bala falls**

#### **Summary**

The proponent's Environmental Compliance Approval (ECA) should be revoked as their water treatment has been shown to be deficient, inadequate, and non-compliant, as it:

- 1) Does not conform to their ECA.

While the MOECC may have informally accepted the proponent's current plan, the Environmental Protection Act requires conformance with the ECA, so the ECA would need to be reissued.

- 2) Has inadequate capacity.

As a result, their pumping overflowed untreated water into the Precambrian Shield parking lot from at least November 13 to November 17, 2017.

- 3) Has resulted in an unauthorized spill, but the proponent did not report this to the MOECC, which is another contravention of their ECA.

- 4) Could result in releasing polychlorinated biphenyls (PCBs) to the Moon River.

As noted in the article at <http://savethebalafalls.com/?p=8464>, there could be (PCBs) buried at the proponent's construction site, yet the proponent's Environmental Site Assessment (ESA) did not test in the required locations to determine this.

The MOECC should therefore not have relied on this ESA, and the ECA should not have been issued.

#### **Detail**

I appreciate Cindy Hood's November 15, 2017 letter responding to some of my concerns in my November 12, 2017 letter to you, but the situation is getting worse, and I request that the proponent's ECA be immediately revoked, for the following reasons.

- 1) The proponent's pumped water treatment does not conform to the ECA issued to them on October 20, 2017. For example, the ECA specifies that four 50'-long settling tanks are to be used, and that two additional tanks are to be on-site in case this additional capacity is required.

However, during the week of November 13 to 17, 2017 the proponent's water pumping and treatment did not use any settling tanks. They have since brought one settling tank

on-site, but the ECA requires four settling tanks to be used and two additional to be on-site if needed for additional capacity.

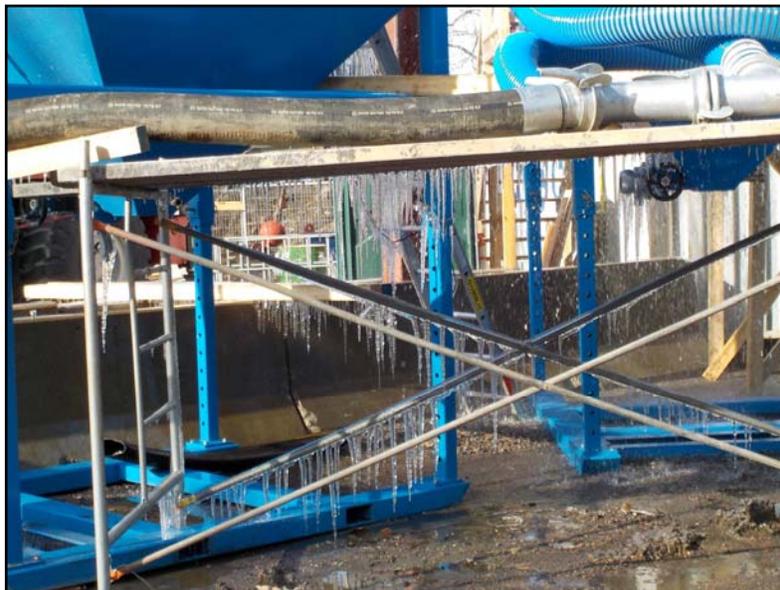
- 2) The proponent claims their *"Proprietary Wastewater Treatment Plant"* provides adequate treatment, and apparently the MOECC informally accepted this, however:
  - a) The Environmental Protection Act requires conformance with the issued ECA. I do not see any provision for such informal exceptions, and this is not an emergency situation.
  - b) Any informal acceptance of the proponent's proprietary system was in error, as this proprietary system then overflowed from at least November 13 to 17, 2017, so was entirely deficient.

The proponent should be required to resubmit a complete application with corrected assumptions, as part of an application for a new ECA.

- 3) The drawing the proponent submitted in support of their ECA application showed:
  - a) They would use a metal pipe to bring water to their water treatment system. However, the proponent actually installed plastic pipe, and they have not pressure-tested this to confirm the many connections do not leak. Their claim of observing it to ensure it is not leaking is entirely inadequate as leaks would be directly to the river, and would be too far away to observe.
  - b) They would secure this pipe to the District Municipality of Muskoka's bridge, however they instead suspended this pipe from a cable below the bridge.

The proponent should be required to submit a drawing of what their actual system would be, it makes the application process rather meaningless to install a different system than was described in the application.

- 4) The proponent's proprietary system has been proven to be entirely inadequate as it overflowed untreated water directly into the Precambrian Shield parking lot all last week, and the proponent chose to ignore this, leaving their pump running and causing unnecessary environmental harm, which contravenes the Environmental Protection Act. The photograph below shows this water had been overflowing for so long that icicles formed. The proponent did not take any steps to contain this unauthorized spill. Videos of overflowing tanks are posted at <http://savethebalafalls.com/?p=8530>.



- 5) The proponent's system overflowed because it has inadequate capacity, and even greater capacity would soon be required if the proponent's work was to proceed as the water would have more particulate matter in it.

The flow capacity is one of the fundamental assumptions the proponent made in their ECA application, and it has been proven to be far too wrong.

This is another reason why the MOECC must be revoke this ECA, and the proponent must update and resubmit their ECA application to the MOECC.

- 6) The proponent has been pumping water such that their proprietary system overflowed untreated water into the Precambrian Shield parking lot from at least Monday November 13, 2017 to Friday November 17, 2017.

I had a telephone conversation on Friday November 17, 2017 with Tom Teske, MOECC Senior Environmental Officer, Barrie District Office. As Mr. Teske is a field inspector for the area in question, one would expect he would be aware if the proponent had reported this unauthorized spill. Mr. Teske told me he was not aware of the unauthorized spill which had been on-going for the entire week. It would therefore appear the proponent did not report this unauthorized spill.

The proponent has therefore contravened their ECA by not reporting this unauthorized spill, as their ECA requires: *"The Owner shall report to the District Manager or designate, any exceedance of any parameter specified in the Condition 6 orally, as soon as reasonably possible ..."*.

- 7) The proponent has two open-top shipping containers in the Precambrian Shield parking lot. The manufacturer has treated these with insecticides, so the gathering rain water in these would be unnecessarily creating additional contaminated water, so the proponent should be instructed to treat this contaminate water and remove these shipping containers from Bala.

- 8) The ECA requires the proponent test the discharge water daily, yet the installed system has no provision to draw this water sample. As the proponent could not be testing this discharge water, this is another contravention of this ECA.

- 9) The proponent's ESA notes that as the Bala #2 Generating Station used to be on this site, there could be PCBs in equipment left buried when the Bala #2 Generating Station was demolished in 1972. At that time PCBs were will legal and widely used in electrical equipment, such as the step-up transformer the Bala #2 Generating Station would have required, so this is very likely a major unaddressed problem.

As noted at <http://savethebalafalls.com/?p=8464>, the proponent's ESA did not test at or downstream of the location where the PCBs would be, so the proponent has no evidence that they can safely excavate.

The ECA is therefore deficient in not addressing this serious issue, which is another reason why I request this ECA must be immediately revoked.

Earlier this week, the proponent's excavation uncovered a historical artifact which their Stage 1 and 2 Archaeological Assessments did not find. It is therefore equally possible the proponent's Phase II ESA did not find buried PCBs. Now is the time to ensure the proponent corrects their previously-inadequate work.

I look forward to your response to these urgent issues.

Sincerely,

A handwritten signature in black ink that reads "Mitchell Shnier". The signature is written in a cursive, flowing style.

Mitchell Shnier, on behalf of SaveTheBalaFalls.com

Cc: The Honourable Chris Ballard, Minister, MOECC, CBallard.mpp.co@liberal.ola.org  
Cindy Hood, Manager, Barrie District Office, MOECC, Cindy.Hood@ontario.ca