

Provincial Officer's Order

Environmental Protection Act, R.S.O. 1990, c. E.19 (EPA)
Nutrient Management Act, 2002, S.O. 2002, c. 4 (NMA)
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)

Order Number

1-16879877

Order Issued To

TRIPLE M METAL CORP. ACTING AS GENERAL PARTNER OF TRIPLE M METAL LP
471 INTERMODAL DR , BRAMPTON, ON, L6T 5G4

MIKE FANCY

670 STRATHEARNE AVE, HAMILTON, ON, L8H 7N7

Site

Hamilton Site (1640 Brampton St)
1640 BRAMPTON ST, HAMILTON, ON, L8H 3S1

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

PART A - WORK ORDERED

This work is ordered pursuant to my authority under **EPA | 157**, I order you, to do the following:

Item No.1 **Compliance Date:** 03/26/2021

Effective immediately upon service of this Order, cease use and operation of the shear until an ECA has been issued by the Environmental Permissions Branch of the Ministry.

Item No.2 **Compliance Date:** 04/09/2021

By no later than April 9, 2021, the Company shall retain the services of a Qualified Person to complete an application for an ECA for all sources of noise and air emissions from the facility located at the Site, as required by section 9 of the EPA.

Item No.3 **Compliance Date:** 04/09/2021

By no later than April 9, 2021, the Company shall submit to the Provincial Officer written confirmation from the Qualified Person(s) who has been retained, that they have the experience and qualifications to carry out the work specified in Item No. 2 of the Order and that they have received a copy of the Order.

Item No.4 **Compliance Date:** 06/30/2021

By no later than June 30, 2021, the Company shall submit a completed application referred to in Item No. 2 for an ECA with all necessary supporting documentation and applicable fees, to the Director, Client Services and Permissions Branch of the Ministry, 135 St. Clair Avenue West, 1st Floor, Toronto, Ontario, M4V 1P5.

Item No.5 **Compliance Date:** 06/30/2021

By no later than June 30, 2021 a copy of the completed application referred to in Item No. 4 shall be submitted to the Provincial Officer via email.

PART B - PROVINCIAL OFFICER'S REPORT

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

Definitions

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

- "COMPANY" means Triple M Metal Corp. as general partner for and on behalf of Triple M Metal LP
- "ECA" means Environmental Compliance Approval;
- "MINISTRY" or "MECP" means the Ontario Ministry of the Environment, Conservation and Parks;
- "PROVINCIAL OFFICER" means the undersigned provincial officer or, in the event that the undersigned is unable to act, any other provincial officer authorized to act pursuant to the EPA.
- "QUALIFIED PERSON" means a person who has obtained the appropriate education and training and has demonstrated experience and expertise in the areas relating to the work required to be carried out in this Order;
- "SITE" mean the property municipally known as 1640 Brampton Street, Hamilton, Ontario L8H 3S1.

Events Leading up to Order

- 1 The Company operates a ferrous and non-ferrous recycling and processing facility located at 1640 Brampton Street, Hamilton, Ontario, L8H 3S1. Triple M Metal Corp. is the general partner for and on behalf of Triple M Metal LP. Mike Fancy is an employee of the Company and is the environmental contact for the Site. Mike Fancy is a Specialist, Quality Environmental and Safety with the Company. 2041414 Ontario Limited is identified as the owner of the Site. The Site is surrounded by a mix of industrial and residential properties.

On October 1, 2019 an inspection of the Site was conducted by Steven Allingham MECP

Provincial Officer badge number 1646. During the inspection, the Company discussed a plan to install a new shear in 2020. The company inquired if an amendment to ECA #4852-B7CHZH would be required. Steven Allingham followed up via email and in an inspection report indicating an amendment to ECA #4852-B7CHZH would be required to appropriately capture the modifications being made to the Site and that Limited Operational Flexibility in ECA #4852-B7CHZH would not apply to these modifications. Steven Allingham provided this direction after discussions with the Ministry's Environmental Assessment and Permissions Branch.

On January 27, 2021, I Tyler Kelly, Provincial Officer badge number 1887 attended the Site to conduct an inspection to follow up on a noise complaint. I conducted an inspection of the Site with Triple M Metal Corp. representatives. During the inspection, I was made aware that a new shear specialized in shearing over-sized material was installed in December 2020 at the Site. The new shear is manufactured by Vezzani and is located approximately in the center of the Site. The new shear has been constructed where the former shedder was located.

Following the inspection, I reviewed past complaints directed at the Site, past Ministry inspection report and the Site's current ECA. I discussed with Stephen Burt (MECP, Hamilton District Office, District Manager) on conducting a focused inspection at the Site with a follow up report.

On February 17, 2021, I conducted an inspection of the Site. I determined that the Company constructed and began operating the new shear mentioned above in December 2020. I determined that an amendment to ECA number 4852-B7CHZH dated January 16, 2019 was not submitted to the Ministry by the company to reflect these modifications. The use and operation of the shear is prohibited unless used or operated under and in accordance with an ECA. The Company's existing ECA does not authorize the use or operation of the shear at the Site. The limited operational flexibility of the Company's existing ECA does not apply as it does not accurately reflect the Sites current operations as described in the Description Section of the Company's existing ECA.

The Ministry has received nine complaints related to noise coming from the Site's operations during the period of December 22, 2020 to March 3, 2021.

I reasonably believe that the Company is contravening or has contravened the provisions, terms or conditions noted below in the Contravention(s) section. The nature and location of such contraventions are briefly described above. I also believe that the requirements specified in this Order are necessary to prevent the continuation or repetition of the contravention.

Contraventions

EPA 9 (1)(a)	<p>(1) No person shall, except under and in accordance with an environmental compliance approval,</p> <p>(a) use, operate, construct, alter, extend or replace any plant, structure, equipment, apparatus, mechanism or thing that may discharge or from which may be discharged a contaminant into any part of the natural environment other than water;</p>
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ISSUING OFFICER

Name: Tyler Kelly

Badge Number: 1887

Address: 119 KING ST W 9TH FLR, HAMILTON, ON, L8P 4Y7

Email: tyler.kelly@ontario.ca

Date: 2021/03/26



Signature:

REVIEW AND APPEAL 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. Your written request or written confirmation of your oral request must be served on the Director within 7 days after the date this Order was served on you and must be served on the Director at the address, email address or fax number in the Contact Information below.

In your 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 this Order to you or any other person and within respect to the contents of this Order.
- Apply for a stay of this Order, if necessary.
- Provide an address for service by one of the following means, in person, by mail, by commercial courier, by fax, or by email.

In response to your request, the Director may confirm, alter/amend or revoke this Order.

The Director will serve you with a copy (written notice) of the decision to revoke this Order or of an order, a Director's Order, to confirm or alter/amend this Order, together with reasons.

DEEMED CONFIRMATION OF THIS ORDER

If within 7 days of the Director receiving your request for review you do not receive oral or written notice of the Director's decision on your request for review, this Order is considered (deemed) to have been confirmed by order of the Director and deemed to have been served upon you at the expiry of those 7 days.

APPEAL INFORMATION (REQUIRE A HEARING)

A. If this Order is deemed confirmed as explained above, you may require a hearing by the Environmental Review Tribunal on the deemed confirmed order within 15 days of the deemed service date:

- You must serve written notice of your appeal on the Environmental Review Tribunal and the Director within those 15 days of the deemed service date.

- Your notice must state the portions of the deemed confirmed order for which a hearing is required and the grounds on which you intend to rely at the hearing.
- Unless you have permission (leave) of the Environmental Review Tribunal, you are not entitled to appeal a portion of the deemed confirmed order or to rely on grounds of appeal that are not stated in your notice requiring the hearing.
- Unless stayed by the Environmental Review Tribunal, the deemed confirmed order is effective from the deemed service date.
- Written notice requiring a hearing must be served at the address, email or fax number for the Environmental Review Tribunal and the Director in the Contact Information below.

If this Order is confirmed or altered/amended by the Director by a written order served upon you (as opposed to the deemed confirmation noted above), such Director's Order will include the appropriate instructions for appealing that order to the Environmental Review Tribunal.

CONTACT INFORMATION

The address, email address and fax numbers of the Director and the Environmental Review Tribunal are:

The Secretary
Environmental Review Tribunal
655 BAY STREET, SUITE 1500
TORONTO, ON M5G 1E5

Director (Provincial Officer's Orders)
Ministry of the Environment, Conservation and Parks
Hamilton District Office
119 KING ST W
, 9TH FLR
HAMILTON, ON L8P 4Y7

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

Tel: (416) 212-6349

Fax: (416) 326-5370

Email: erttribunalSecretary@ontario.ca

Webpage: www.olt.gov.on.ca

SERVICE INFORMATION

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

Please note that where service is made by mail, it is deemed to be made on the fifth day after the date of mailing and choosing service by mail does not extend any of the above-mentioned timelines.

ADDITIONAL INFORMATION

Unless stayed by the Director or the Environmental Review Tribunal, this Order is effective from the date of service.

Failure to comply with a requirement 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 this 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, such finding does not invalidate or render unenforceable the requirement in other circumstances nor does it invalidate or render unenforceable the other requirements of this Order.

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

The procedures to request a review by the Director or require a hearing 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 <https://www.ontario.ca/laws>.