

Director'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

1-23473753

Order Issued To

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

Site

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

Unless specified herein, capitalized terms used in this Director's Order have the meanings set out in the Definitions section in the Provincial Officer's Report, Part B of the Provincial Officer's Order, a copy of which is attached.

WORK ORDERED:

Pursuant to my authority under **EPA - s. 157.3**, I order you, to do the following:

Item No.1 **Compliance Date:** 04/30/2021

Effective immediately upon service of this Order, cease use and operation of the shear except during the hours of 8:00 am to 4:00 pm, Monday to Friday (excluding holidays) until an ECA has been issued by a Director appointed for the purposes of Part II.1 of the EPA, in the Ministry's Environmental Permissions Branch in respect of the shear.

Item No.4 **Compliance Date:** 07/30/2021

By July 30, 2021, submit a completed application for an ECA, prepared by the Qualified person retained by the Company for all sources of noise and air emissions from the facility, including the shear, 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:** 07/30/2021

By July 30, 2021 submit a copy of the completed application referred to in Item No. 4 to the Provincial Officer via email.

Item No.6 **Compliance Date:** 05/14/2021

By May 14, 2021, develop and submit operating procedures to the Director for acceptance, that will be implemented by the Company and are followed by all Company staff to minimize noise emissions from the shear.

Item No.7 **Compliance Date:** 05/14/2021

Upon the undersigned Director's acceptance of the operating procedures referred to in Item No. 6, and until an ECA has been issued in respect of the shear, implement the operating procedures and ensure all staff onsite are trained on the operating procedures. The Company shall ensure these operating procedures are available for review by a Provincial Officer upon request.

REQUEST FOR REVIEW

I have reviewed the Provincial Officer's Order **1-16879877** signed **03/25/2021**. I have considered the Request for Review and accompanied submissions and met with the Issuing Officer, **Tyler Kelly** to discuss the Provincial Officer's Order and the submissions.

For convenience and ease of reference I have attached a copy of the Provincial Officer's Order excluding the Review and Appeal Information and Additional Information sections that are not relevant to this Director's Order.

The Work Ordered Items set out above replace the Work Ordered Items in the Provincial Officer's Order.

The Provincial Officer's Report in the Provincial Officer's Order is hereby incorporated into, and forms part of, this Director's Order except as may be noted below.

In response to your Request for Review, I have made the following changes:

Item No. 1 of the Order has been altered to allow Triple M Metal Corp. to use and operate the shear during the hours of 8:00 am to 4:00pm, and from Monday to Friday (excluding holidays) until an ECA has been issued by a Director appointed for the purposes of Part II.1 of the EPA, in the Ministry's Environmental Permissions Branch in respect of the shear.

Item No. 2 and No. 3 have been revoked.

Item No. 4 and No. 5 of the Order are confirmed but the compliance dates have been extended.

Item No. 6 has been added to require Triple M Metal Corp. to develop operating procedures to ensure all reasonable actions are taken to minimize noise emissions from site during operation of the shear while an application for an ECA is submitted and until an ECA is issued.

Item No. 7 has been added to require Triple M Metal Corp. implements operating procedures to ensure all reasonable actions are taken to minimize noise emissions from site during operation of the shear while an application for an ECA is submitted and until an ECA is issued.

This Order is being issued to the Company only, and not to any employee of the Company.

REASONS FOR RESPONSE

The following sets out a summary of the Request for Review submissions and my responses to them and the reasons for such responses.

I did not revoke the Order in its entirety as requested as the submissions made did not substantiate or confirm that the shear located at the Site is being operated under and in accordance with an Environmental Compliance Approval. The existing Environmental Compliance Approval #4852-B7CHZH does not approve the installation, use or operation of the shear. I disagree with the statements made in the submissions that the Limited Operational Flexibility, Condition 2, in Environmental Compliance Approval #4852-B7CHZH (amendment issued on January 16, 2019) for the Property permits Triple M to lawfully operate the shear as ECA #4852-B7CHZH would not accurately reflect the processes, equipment, and production limits, associated with the current changes at the site including the addition of the shear. Provincial Officer, Steve Allingham, and myself both consulted and confirmed this with staff in the ministry's Environmental Permissions Division. This direction was also outlined in both the Inspection Report as well as an email dated October 30, 2019 sent to Triple M Metal Corp. Director of Environment, Sandra Walsh. In a response to the October 30, 2019 email, Sandra Walsh confirmed receipt and advised that they would start amendment process accordingly.

At no time since the October 30, 2019 correspondence did Triple M Metal Corp. engage in any conversations with ministry staff regarding their intent to construct and install the new shear. Reference is made in the submissions regarding an October 2019 noise assessment study; however, no report has been provided to confirm compliance with ministry's noise limits.

The requirements to amend the ECA were clearly outlined to Triple M Metal Corp. on multiple occasions. Despite having received direction from the ministry that an ECA would be required in relation to a new shear, Triple M Metal Corp. clearly ignored the direction and proceeded to construct and install the shear, and then use and operate the shear in direct contravention of section 9

of the Environmental Protection Act .

I have considered all factors present and the order is necessary to bring Triple M Metal Corp. into compliance. I have considered the importance and the ministry's commitment to waste diversion and in order to balance the business needs of Triple M Metal Corp. and to limit the potential noise impacts to the neighbouring residents while operating the shear, I altered work ordered item No. 1 of the Order to allow Triple M Metal Corp. to operate the shear during the core business hours. This alteration will mitigate impacts to Triple M Metal Corps. business, support further waste diversion and minimize noise impacts to residents outside of the core business hours until an assessment by the Director appointed for the purposes of Part II.1 of the EPA has been made and ECA has been issued.

Item No. 6 and No. 7 were added to ensure Triple M Metal Corp. develops and implements acceptable operating procedures to mitigate risks to the neighbouring residential area and ensure all reasonable actions are taken to minimize all noise emissions from all activities onsite during the site operations until an assessment by the Director appointed for the purposes of Part II.1 of the EPA has been made and ECA has been issued.

Item No. 2 and No. 3 were revoked because Triple M Metal Corp. has retained a Qualified Person to complete an application for an ECA, and provided the Provincial Officer written confirmation that they have been retained in a submission received on April 9, 2021 made by your lawyer, Mr. Matthew Gardner.

No. 4 and No. 5 of the Order are confirmed, with new compliance dates to reflect the time required to consider the Company's request for review of the Order.

For clarity this Order is being issued to the Company only and was not intended to personally name employee Mike Fancy. The reason Mike Fancy's name was present on the Order in that format was he was the employee who was accepting service of the Order on behalf of Triple M Metal Corp.

ISSUING DIRECTOR

Name: Stephen Burt

Badge Number: 1504

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

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

Email: stephen.burt@ontario.ca

Date: 2021/05/05



Signature:

APPEAL TO THE ENVIRONMENTAL REVIEW TRIBUNAL INFORMATION

REQUEST FOR HEARING

You may require a hearing before the Environmental Review Tribunal if, within 15 days of service of this Director's Order, you serve written notice of your appeal on the Environmental Review Tribunal and the Director. 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 Environmental Review 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. Unless stayed by the Environmental Review Tribunal, this Director's Order is effective from the date of service.

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
Fax: (416) 326-5370
Fax Toll Free: 1(844)213-3474
Email:
ERTTribunalSecretary@ontario.ca

and

Director
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 by contacting them directly:

Tel: (416) 212-6349

Fax: (416) 326-5370

Email: erttribunalSecretary@ontario.ca

Webpage: <https://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 Director's 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

Failure to comply with a requirement of this Director's Order constitutes an offence.

The requirements of this Director's 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 Director's Order;
and
- any applicable municipal law.

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 nor does it 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.

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 <https://www.ontario.ca/laws>.