

Provincial Officer's Order

Order Number

1-280869863

Order Issued To

SEJJ ENVIRONMENTAL SOLUTIONS INC.
117 - 115 TORYORK DR , TORONTO, ON, M9L 1X9

JOHN ROSSI
115 - 117 TORYORK DR , TORONTO, ON, M9L 1X9

Site

SEJJ Environmental Solutions (115-117 Toryork Dr)
117 - 115 TORYORK DR, TORONTO, ON, M9L 1X9

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

Pursuant to my authority under **EPA | 157**, I order you, jointly and severally, unless otherwise indicated, to do the following:

Item No. 1

Upon service of this Order, do not accept any soils at the Site until such time as the Ministry provides written confirmation that (a) you may do so and (b) that the requirements of the 2023 Order (a copy of which is attached) have been satisfactorily complied with.

Item No. 2 **Compliance Due Date:** Feb-29-2024

By February 29, 2024, notify all soil clients of the Order and submit to the Provincial Officer by email to Linda.Cioffi@Ontario.ca and to Environment.Toronto@Ontario.ca a list of soil clients that have been notified and a copy of the notification sent to the soil clients.

Item No. 3

Upon service of this Order, post a copy of the first page of this Order at the scale house, then submit email confirmation to the Provincial Officer Linda.Cioffi@Ontario.ca and to Environment.Toronto@Ontario.ca that this has been completed.

Item No. 4 **Compliance Due Date:** Feb-29-2024

By February 29, 2024, submit to the Provincial Officer by email to Linda.

Cioffi@ontario.ca and to Environment.Toronto@Ontario.ca
written confirmation that you have posted a copy of this Order on your
website sejjenvironmental.com .

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:

- (1) "Company" means SEJJ Environmental Solutions Inc., the company being ordered under this Order.
- (2) "ECA" means an Environmental Compliance Approval (formerly called Certificate of Approval).
- (3) "EPA" means the Environmental Protection Act, R.S.O. 1990 c. E.19.
- (4) "Ministry" means the Ontario Ministry of the Environment, Conservation and Parks.
- (5) "Milvan Site" means the property municipally known as 49 Milvan Drive, Toronto Ontario which is adjacent to 117 Toryork Drive at the rear of the respective properties.
- (6) "Orderees" mean the persons being ordered under this Order and are also the persons who were ordered under the 2023 order.
- (7) "Order" means this Provincial Officer's Order Number 1-280869863, as may be amended.
- (8) "OWRA" means the Ontario Water Resources Act, R.S.O. 1990 c. O.40.
- (9) "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 Act.
- (10) "Reg. 347" means Revised Regulations of Ontario 1990, Regulation 347 (General – Waste Management), made under the EPA.
- (11) "Sewage" has the same meaning as used in section 1 (1) of the OWRA which includes stormwater.
- (12) "Sewage Works ECA" means the sewage works ECA issued to the Company regarding the Site and Milvan Site 6538-BBSKLS as it may be amended or replaced.
- (13) "Site" means the property municipally known as 115 - 117 Toryork Drive, Toronto, Ontario.
- (14) "Waste ECA" means the waste transfer/processing ECA issued to the Company

regarding the Site, Number 0854- 524QUQ, as it may be amended or replaced.

(15) "2023 Order" means Order Number 1-215111050 issued by the Provincial Officer to the Orderees on July 17, 2023, a copy of which is attached hereto and is described below in the Reasons for the Order.

Description of Person(s) Subject to the Order

John Rossi is the sole director of the Company and of Fortras Holdings Inc., the owner of the Site, and of 1793134 Ontario Ltd., the owner of the Milvan Site and therefore has the management and control of these companies, the Site and the Milvan Site.

SEJJ Environmental Solutions Inc. is an active Ontario corporation (Ontario Corporation Number 1372258) that was incorporated on September 1, 1999 and carries on business at the Site.

Description of the Site and/or System/Facility

The Waste ECA states the address of the Site to be 115 - 117 Toryork Drive, as the office facing Toryork Drive is subdivided to include 115 and 117 Toryork Drive.

Adjoining the Site to the north and rear of the Site is the municipal address of the Milvan Site which is owned by 1793134 Ontario Ltd.. The Milvan Site was formerly used as a temporary soil storage site up to January 2021, when the Ministry's excess soils regulation came into effect and then required an ECA for its operation. Soil was removed from the Milvan Site in early 2021 as there was no ECA, but this storage area was identified as part of the drainage area and considered by a QP in the supporting document to the Sewage Works ECA related to the relative contribution of the sediment and other potential contaminants to the stormwater quality at the Site.

The Waste ECA does not specifically mention soil as a waste or identify the quantity or location of any soil. I understand however that soil is being received at the Site and stored in Building 2. Since 2021, the Company has not been reporting on the receipt and removal of soil in its daily or annual reporting.

Reasons for the Order

On July 17, 2023 I issued the 2023 Order. The following lists the 2023 Order item numbers and their compliance status:

The Orderees are in non-compliance with the 2023 Order (specifically Items 6, 7, 8, 12, 13) , as follows:

- o Item 1 (contain, manage, and dispose of contaminated stormwater on site and adjacent site) is an ongoing requirement and no information is required to be submitted.
- o Item 2 and 3 (retained a qualified person) have been complied with.
- o Item 4 – Emergency Response Plan was submitted by August 31, 2023. Confirmation that this Plan was accepted by the Fire Department has not been received.
- o Item 5 – A Design and Operations Report was submitted by September 30, 2023 but the Orderees were advised that the report did not include the objectives of the Report as set out in the ECA.

- o Item 6 – The updated 2022 annual report was not submitted by October 31, 2023 and remains in non – compliance.
- o Item 7 – The soils report was not submitted by October 31, 2023 and remains in non-compliance.
- o Item 8 - This was a directive to the Orderes not to receive soil unless more detailed daily reporting information is provided. No report has ever been provided notwithstanding my understanding that soils have been received at the Site.
- o Item 9 (stormwater control and contingency plan) was received by September 15, 2023 and is being reviewed by the Ministry.
- o Item 12 and 13 (registration of the certificate of requirement on title) have not been complied with.

This Order is being issued as a contravention order, as follow up to the non compliance with the 2023 Order which with regards to Items 7 and 8 was issued as a preventative measures order to ensure that excess soil is properly managed.

Work Ordered Item No. 1 is required to immediately stop receiving soils at the Site. This is required because the Orderes did not comply with Items No. 7 and No. 8 of the 2023 Order which required a report on soils from 2021 to date; and a prohibition on receiving soils unless improved daily reporting was conducted. I have obtained information that soils were received at the Site following issuance of the Order. Non-compliance with the 2023 Order is concerning because the Site received soil from two entities, one of which deposited a significant quantity of heavily contaminated soils. This was confirmed through daily photos as part of the Site's daily reporting requirements, with receipts and invoices showing payment made to the Company.

Work Items Nos. 2 to 4 relate to notification of clients of this Order and posting this Order in a conspicuous place and on the Company website. Notification to their clients is required to inform those parties that they will need to make alternative arrangements with other facilities to receive soil.

I have contacted the Company in 2023 regarding their lack of daily soil reporting when soil was observed in the daily reporting photos, and also was shown in the scale house tonnage report for July 18, 2023. When I received information from a contaminated site, I sent the Company a copy of a receipt showing that the contaminated soil was sent to the Site, and that the daily soil reporting was not completed as required under the 2023 Order. The Company responded in early December of 2023, and advised that it was their intention to answer my questions and provide reports as required under the Order. I received no response from the Company to date on this matter.

Authority to Issue the Order

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

This Order is issued pursuant to EPA s. 157 (1).

I reasonably believe that the Company and John Rossi have contravened or are contravening

those provisions of the EPA as outlined in the Contraventions section below and briefly described above.

Contraventions

EPA 184 (1)	(1) No person shall hinder or obstruct any provincial officer or any employee in or agent of the Ministry in the performance of his or her duties under this Act.
EPA 184 (4)	(4) No person shall refuse to furnish any provincial officer, the Minister, the Ministry or any employee in or agent of the Ministry with information required for the purposes of this Act and the regulations.

Attachments

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

1. Order Number 1-215111050 issued by the Provincial Officer to the Orderees on July 17, 2023

ISSUING OFFICER

Name: Linda Cioffi

Job Title: Environmental Compliance Officer

Badge Number: 556

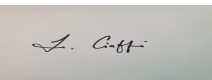
Address: 5775 YONGE ST, 8TH FLR, TORONTO, ON

Officer Email: linda.cioffi@ontario.ca

Office Email: Environment.Toronto@ontario.ca

Date: Feb 16, 2024

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 received by the Director within 7 days after the date this Order was served on you and must be given to the Director as indicated 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 with respect to the contents of this Order;
- apply for a stay of this Order, if necessary; and
- 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. As an intermediate step, the Director may stay this Order by providing written notice to you that additional time is required to make a decision.

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 written notice of a stay, or oral or written notice of the Director's decision on your request for review, this Order is deemed (considered) 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 Ontario Land Tribunal on the deemed confirmed Order within 15 days of the deemed service date:

- you must serve as indicated in the Contact Information below, written notice of your appeal on the Ontario Land 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 leave (permission) of the Ontario Land 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; and
- written notice requiring a hearing must be served on the Ontario Land Tribunal and the Director as indicated in the Contact Information below.

B. 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 Ontario Land Tribunal.

CONTACT INFORMATION

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

Registrar
Ontario Land Tribunal
655 BAY STREET, 15th FLOOR
TORONTO, ON M5G 1E5
OLT.Registrar@ontario.ca

and Director (Provincial Officer's Orders)
Ministry of the Environment,
Conservation and Parks
Toronto District Office
5775 YONGE ST, 8TH FLR
TORONTO, ON M2M 4J1
Office Email: Environment.
Toronto@ontario.ca
Fax: (416) 326-6700

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 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 Order is made and any corresponding Service Regulation.

ADDITIONAL INFORMATION

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

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

The requirements of this 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 Order.

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. It also does not invalidate or render unenforceable the other requirements of this Order.

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

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

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 www.ontario.ca/laws.

Provincial Officer's Order

Order Number

1-215111050

Order Issued To

SEJJ ENVIRONMENTAL SOLUTIONS INC.
117 - 115 TORYORK DR , TORONTO, ON, M9L 1X9

JOHN ROSSI
115 - 117 TORYORK DR , TORONTO, ON, M9L 1X9

Site

SEJJ Environmental Solutions (115-117 Toryork Dr)
117 - 115 TORYORK DR, TORONTO, ON, M9L 1X9

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

Pursuant to my authority under **EPA | 157.1, EPA | 157, OWRA | 16.2, EPA | 197 | (1)**, I order you, jointly and severally, unless otherwise indicated, to do the following:

Item No. 1 **Compliance Due Date:** Jul-17-2023

Upon service of this Order, take all action necessary to contain, manage and dispose of all Sewage at both the Site and the Milvan Site at all times only in accordance with the Sewage Works ECA; or an interim stormwater control and contingency work plan(s) as accepted by the District Manager (as required under Work Ordered Item No. 9).

Item No. 2 **Compliance Due Date:** Aug-15-2023

By August 15, 2023, retain the services of one or more Qualified Persons to carry out the work as described in the Work Ordered Item Nos. 4 to 9 below.

Item No. 3 **Compliance Due Date:** Aug-15-2023

By August 15, 2023, submit to the Provincial Officer written confirmation from the Qualified Person(s) by email to Linda.Cioffi@Ontario.ca and to Environment.Toronto@Ontario.ca that they have (1) received a copy of the Order, (2) been retained to complete work as specified and described in Work Ordered Item Nos. 4 - 9; and (3) the experience and qualifications to carry out such work.

Item No. 4 Compliance Due Date: Aug-31-2023

By August 31, 2023, submit to the Provincial Officer by email to Linda.Cioffi@ontario.ca and to Environment.Toronto@ontario.ca a copy of the emergency response plan for the Site prepared for the Fire Department as required under condition 42 of the Waste ECA.

Item No. 5 Compliance Due Date: Sep-30-2023

By September 30, 2023, submit to the Provincial Officer by email to Linda.Cioffi@ontario.ca and to Environment.Toronto@ontario.ca a 2022 Design and Operations Report to include as a minimum the requirements under condition 22 of the Waste ECA and in particular the following requirements which will satisfy condition 35 of the Waste ECA:

- Site plan with drainage plan overlay as included in the Sewage Works ECA supporting document.
- all Site infrastructure details to show how stormwater will be contained on Site and not impacting the waste, and all details on the extent and design of the ground cover to prevent the discharge of sewage off site
- location of all stored wastes outdoors both on Site and on the Milvan Site.
- dimensions of outdoor storage piles, estimated tonnages, and locations.
- identification of all receivers of exempt wastes to demonstrate that these materials qualify for this exemption under Reg.347
- description and locations of ESC measures installed as required under Waste ECA condition 27 and the Sewage Works ECA
- interim stormwater control and contingency work plan measures
- locations of all equipment and facilities related to the interim stormwater control and contingency work plan.

Item No. 6 Compliance Due Date: Oct-31-2023

By October 31, 2023, submit to the Provincial Officer by email to Linda.Cioffi@ontario.ca and to Environment.Toronto@ontario.ca an updated 2022 annual report as required by condition 51 of the Waste ECA including a monthly summary of the type and quantity of all incoming and outgoing wastes, and the destination of all outgoing wastes including soil and new materials including marble, quartz, tiles etc.

Item No. 7 **Compliance Due Date:** Oct-31-2023

By October 31, 2023, submit to the Provincial Officer by email to Linda. Cioffi@ontario.ca and to Environment.Toronto@ontario.ca a report on the Company's receipt, handling and off site shipment of soils from 2021 to date to include as a minimum:

- all generator sites from which soils were received, dates and quantities.
- all receiver sites where soil was shipped including address, quantities and date of shipment.
- written permission of each receiver site.
- any available soil characterization reports.
- all QPs that may have been involved in the soil transfers.

Item No. 8 **Compliance Due Date:** Jul-17-2023

Upon service of this Order, do not receive soils at the Site unless the following is submitted and reported on in the Daily reporting documents required under condition 52 of the Waste ECA and in particular:

- generators from which soils were received, quantities.
- soil characterization report for all applicable incoming loads.
- outbound truck ticket number and destination address.
- details regarding receiving landfill site(s) and ECA number(s).

Item No. 9 **Compliance Due Date:** Sep-15-2023

By September 15, 2023, submit to the Provincial Officer by email to Linda. Cioffi@ontario.ca and to Environment.Toronto@ontario.ca an interim stormwater control and contingency work plan that includes as a minimum:

- timelines for the collection, installation and operation of the necessary equipment
- immediate start up notification of any implementation of the various aspects of the plan
- operation of the equipment by third party contractors that are recognized QPs under this Order.
- monitoring and collection of Sewage during rain and precipitation/snowmelt. events with recording of daily quantities and sampling information to be available upon request.
- reporting on the monthly quantities of Sewage collected, treated and disposed in accordance with Ministry legislation.
- location map of all equipment and facilities related to this plan.
- Site plan indicating drainage details, surface materials and all other details

to demonstrate that Sewage can be contained during all rainfall events.

Item No. 10 **Compliance Due Date:** Sep-15-2023

By September 15, 2023 carry out the work under the interim stormwater control and contingency work plan in accordance with the timelines outlined in Work Ordered Item No. 9 or as otherwise may be directed by the District Manager in writing.

Item No. 11 **Compliance Due Date:** Jul-17-2023

Upon service of this Order, you, and any other person with an interest in the Site, shall, before dealing with the Site in any way, give a copy of this Order, including any amendments thereto, to every person who will acquire an interest in the Site as a result of the dealing.

Item No. 12 **Compliance Due Date:** Aug-15-2023

Within 5 days of receipt of an acknowledgement and direction form signed by the Provincial Officer enclosing a certificate of requirement, register the certificate of requirement issued under EPA s.197(2) on title to the Site, in the appropriate land registry office.

Item No. 13 **Compliance Due Date:** Aug-20-2023

Within 5 days of registering the certificate of requirement on title, provide to the Provincial Officer by email to Linda.Cioffi@Ontario.ca and to Environment.Toronto@Ontario.ca written confirmation that the certificate of requirement has been registered on title as required by Work Ordered Item No.12, by providing a copy of the registered document and of the parcel register for the property identifier number for the Site.

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:

- (1) "Company" means SEJJ Environmental Solutions Inc., the company being ordered under this Order.
- (2) "ECA" means an Environmental Compliance Approval (formerly called Certificate of Approval).
- (3) "EPA" means the Environmental Protection Act, R.S.O. 1990 c. E.19.
- (4) "ESC" means erosion and sediment control as described in the Sewage ECA.
- (5) "Ministry" means the Ontario Ministry of the Environment, Conservation and Parks.
- (6) "Milvan Site" means the property municipally known as 49 Milvan Drive, Toronto Ontario which is adjacent to 117 Toryork Drive at the rear of the respective properties.
- (7) "Order" means this Provincial Officer's Order Number 1-215111050, as may be amended.
- (8) "OWRA" means the Ontario Water Resources Act, R.S.O. 1990 c. O.40.
- (9) "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 Act.
- (10) "QP" or "Qualified Person" means a qualified person who has obtained the appropriate education and training and has demonstrated experience and expertise and the equipment in the areas relating to the work required to be carried out by this Order.
- (11) "Reg. 347" means Revised Regulations of Ontario 1990, Regulation 347 (General - Waste Management), made under the EPA.
- (12) "Sewage" has the same meaning as used in section 1 (1) of the OWRA which includes stormwater.
- (13) "Sewage Works ECA" means the sewage works ECA issued to the Company regarding the Site and Milvan Site 6538-BBSKLS as it may be amended or replaced.

(14) "Site" means the property municipally known as 115 - 117 Toryork Drive, Toronto, Ontario.

(15) "Waste ECA" means the waste transfer/processing ECA issued to the Company regarding the Site, Number 0854- 524QUQ, as it may be amended or replaced.

Description of Person(s) Subject to the Order

John Rossi is the sole director of the Company and of Fortras Holdings Inc., the owner of the Site, and of 1793134 Ontario Ltd., the owner of the Milvan Site and therefore has the management and control of these companies, the Site and the Milvan Site.

SEJJ Environmental Solutions Inc. is an active Ontario corporation (Ontario Corporation Number 1372258) that was incorporated on September 1, 1999 and carries on business at the Site.

Description of the Site and/or System/Facility

The Waste ECA states the address of the Site to be 115 - 117 Toryork Drive, as the office fronting

on Toryork Drive is subdivided to include 115 and 117 Toryork Drive.

Adjoining the Site to the north and rear of the Site is the municipal address of the Milvan Site which is owned by 1793134 Ontario Ltd.. The Milvan Site was formerly used as a temporary soil storage site up to January 2021, when the Ministry's excess soils regulation came

into effect and then required an ECA for its operation. Soil was removed from the Milvan Site in early 2021 as there was no ECA, but this storage area was identified as part of the drainage area and considered by a QP in the supporting document to the Sewage Works ECA related to the relative contribution of the sediment and other potential contaminants to the stormwater quality at the Site.

The Waste ECA does not specifically mention soil as a waste or identify the quantity or location of any soil. I understand however that soil is being received at the Site and stored in Building 2. Since that time the Company has not been reporting on the receipt and removal of soil in its daily or annual reporting.

The Sewage Works ECA requires the installation of an extensive sewage works including an oil grit separator for sediment and oil removal, and an extensive cartridge filter system to remove contaminants of concern to meet the design objectives of the system. The Sewage Works ECA includes pre-construction ESC measures to be installed and maintained until the approved sewage works is installed which has not been done.

The Collision Reporting Center is located between the Site and Emery Creek (see location map) where Sewage from the Site has flowed off Site during a recent fire.

Reasons for the Order

On July 14, 2023 I received comments on a draft of the Order and have considered them in this my final Order. I have not agreed to delay all of the compliance dates as requested. I believe the Company already has working relationships with QPs. If a compliance date is needed to be extended, I may amend the Order upon request in advance if appropriate reasons are given.

The Orderees have had an extensive history of non-compliance with legislative requirements of the Ministry, both the ECA and the OWRA.

This Order is being issued as a contravention order, and as a preventive measures order to formally set out some of the key Ministry concerns and requirements for information.

Work Ordered Item No. 1 is required to immediately contain, manage and dispose all Sewage on both the Site and the Milvan Site at all times. The Company has not done so properly prior to and following the fire event in May 2023.

Qualified Persons are required, pursuant to Work Ordered Items Nos. 2 and 3, to carry out some of the work ordered items as the Company does not have the staff or equipment to do what is required.

Work Ordered Items Nos. 4 to 8, are required to address non-compliance with conditions of the Waste ECA. Work Ordered Item No. 5 for the design and operations report, includes a requirement for the Company to demonstrate that it meets the exemption criteria provided for under Reg. 347. Work Ordered Items Nos. 6, 7 and 8 may be prepared by the Company staff but need to be reviewed and approved by a QP to confirm that they comply with the Order because they have not been properly prepared to date.

A significant fire occurred on May 18, 2023 and there was considerable firewater runoff onto the neighbouring property to the east and towards Emery Creek. On June 13, 2023 I conducted a site visit with the Toronto Fire Prevention Officer who provided information to the Company as it was not properly prepared to address such a situation.

For a number of years the Ministry has expressed concerns about stormwater impacting the waste on Site and the need to protect that from occurring along with any offsite discharges of stormwater from the Site. The Company has not adequately addressed these matters. ESC measures previously prepared by a QP have not been implemented. I have seen photos that indicate that (a) Sewage has contacted the waste and is likely going off site and the lowest part of the Site is not paved and therefore may infiltrate into the groundwater; and (b) fire water was not just placed on the waste but was entering onto the neighbouring property as reported by Toronto Fire in their Incident report and supported through my observations on site.

Work Ordered Item Nos. 9 and 10 are required to obtain an interim stormwater control and contingency work plan until an approved sewage works is installed. This interim plan is intended to be an interim measure in keeping with the contingency plan as approved under the Sewage Works ECA.

The reasons for Work Ordered Items No. 9 and 10 are:

- since the requirement for a sewage works was identified in 2015 the Company has failed to install the necessary sewage works and/or contingency plan
- the sewage works approved under the 2019 Sewage Works ECA was not installed within the required timeline and the Company has not been successful in submitting a complete application for a revised design
- the Company altered the sewage works in 2022 by installing plugs in the outlets without amending the Sewage Works ECA
- the 2023 Violation Notice to implement the contingency plan was not complied with
- the Company has failed to install ESC measures at the Site and has met the trigger scenario to implement the contingency plan under the Sewage Works ECA
- the Site staff have not contained stormwater on Site since the plugs were installed and have advised that it was disposed of improperly on Site and/or the Milvan Site.
- stormwater contacts the waste in Building 1 and is not contained with gravel surface media
- the continued discharge of Sewage off site may cause an adverse effect onto off Site property or an impairment to Emery Creek unless proper collection facilities approved under the contingency plan are implemented.

The reasons for Work Ordered Items Nos. 11 - 13 are to ensure that a Certificate of Requirement is registered on title so that parties who may acquire an interest in the Site will be aware of the concerns and requirements of the Ministry.

I acknowledge that the Company has submitted an incomplete application for an amendment to the Waste ECA amendment application. Any decision regarding an ECA is made by a director of the Ministry's Permissions Branch who will seek my input regarding compliance with the Order, the existing Waste ECA and the existing Sewage ECA.

Authority to Issue the Order

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

This Order is issued pursuant to EPA s. 157 (1).

I reasonably believe that the Company and John Rossi have contravened or are contravening those provisions of the EPA as outlined in the Contraventions section below and briefly described above.

This Order is issued pursuant to EPA s. 157.1 (1).

I reasonably believe that the requirements specified in this Order are necessary or advisable so as to prevent or reduce the risk of a discharge of a contaminant, namely Sewage, stormwater that may be contaminated, into the natural environment from the undertaking or the Site.

This Order is issued pursuant to EPA s. 197.

I have authority to make an order or direction affecting real property and to make an order requiring any person with an interest in the property, before dealing with the property in any

way, to give a copy of the order or decision affecting the property to every person who will acquire an interest in the property as a result of the dealing and to have a certificate registered on title in the proper land registry office setting out that requirement and reasonably believe that the requirements specified in this Order are necessary and advisable.

This Order is being issued pursuant to OWRA s. 16.2 (1).

I reasonably believe that the requirements in this Order are in the public interest in order to prevent a discharge of Sewage, stormwater that may be contaminated, into the groundwater or Emery Creek that may impair the quality of water.

Contraventions

EPA 27 (1)	(1) No person shall use, operate, establish, alter, enlarge or extend a waste management system or a waste disposal site except under and in accordance with an environmental compliance approval.
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Attachments

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

Attachment 1 - SEJJ and Adjacent Sites Location Image

ISSUING OFFICER

Name: Linda Cioffi

Job Title: Senior Environmental Officer

Badge Number: 556

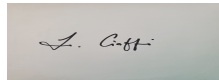
Address: 5775 YONGE ST, 8TH FLR, TORONTO, ON

Officer Email: linda.cioffi@ontario.ca

Office Email: Environment.Toronto@ontario.ca

Date: Jul 17, 2023

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 received by the Director within 7 days after the date this Order was served on you and must be given to the Director as indicated 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 with respect to the contents of this Order;
- apply for a stay of this Order, if necessary; and
- 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. As an intermediate step, the Director may stay this Order by providing written notice to you that additional time is required to make a decision.

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 written notice of a stay, or oral or written notice of the Director's decision on your request for review, this Order is deemed (considered) 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 Ontario Land Tribunal on the deemed confirmed Order within 15 days of the deemed service date:

- you must serve as indicated in the Contact Information below, written notice of your appeal on the Ontario Land 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 leave (permission) of the Ontario Land 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; and
- written notice requiring a hearing must be served on the Ontario Land Tribunal and the Director as indicated in the Contact Information below.

B. 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 Ontario Land Tribunal.

CONTACT INFORMATION

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

Registrar
Ontario Land Tribunal
655 BAY STREET, 15th FLOOR
TORONTO, ON M5G 1E5
OLT.Registrar@ontario.ca

and Director (Provincial Officer's Orders)
Ministry of the Environment,
Conservation and Parks
Toronto District Office
5775 YONGE ST, 8TH FLR
TORONTO, ON M2M 4J1
Office Email: Environment.
Toronto@ontario.ca
Fax: (416) 326-6700

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 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 Order is made and any corresponding Service Regulation.

ADDITIONAL INFORMATION

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

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

The requirements of this 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 Order.

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. It also does not invalidate or render unenforceable the other requirements of this Order.

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

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

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 www.ontario.ca/laws.

