
Director's Order

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

Order Number 1602-BL4LEH

TO: Carillion Canada Inc.
7077 Keele Street, 4th Floor
Concord, Ontario
L4K 0B6

AND TO: Gerald Anthony DiRocco
257 Pinnacle Street
Belleville, Ontario
K8N 3B2

AND TO: Hamilton Beach Brands Canada, Inc.
7300 Warden Avenue, Suite 201
Markham, Ontario
L3R 9Z6

AND TO: 2441577 Ontario Inc.
196 Bridge Street East
Belleville, Ontario
K8N 1N6

Hereinafter referred to as the "Orderees".

Part 1: Legal Authority and Reasons for the Order

- 1.1. Pursuant to subsection 1(1) of the *Environmental Protection Act*, R.S.O. 1990, c.e. 19, as amended (EPA), "contaminant" means any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them resulting directly or indirectly from human activities that may cause an adverse effect.
- 1.2. Pursuant to subsection 1(1) of the EPA, "source of contaminant" means anything that discharges into the natural environment any contaminant.
- 1.3. Pursuant to subsection 1(1) of the EPA, "adverse effect" means one or more of impairment of the quality of the natural environment for any use that can be made of it, injury or damage to property or to plant or animal life, harm or material discomfort to any person, an adverse effect on the health of any person, rendering any property or plant or animal life unfit for human use, loss of enjoyment of normal use of property, and interference with normal conduct of business.
- 1.4. Subsection 18(1) of the EPA provides that the Director may, by Order, require a person who owns or owned or who has or had management or control of an undertaking or property to do any one or more of the following:
 1. To have available at all times, or during such periods of time as are specified in the Order, the equipment, material and personnel specified in the Order at the locations specified in the Order.
 2. To obtain, construct and install or modify the devices, equipment and facilities specified in the Order at the locations and in the manner specified in the Order.
 3. To implement procedures specified in the Order.
 4. To take all steps necessary so that procedures specified in the Order will be implemented in the event that a contaminant is discharged into the natural environment from the undertaking or property.
 5. To monitor and record the presence or discharge of a contaminant specified in the Order and to report thereon to the Director.
 6. To study and to report to the Director on,
 - i. the presence or discharge of a contaminant specified in the Order;
 - ii. the effects of the presence or discharge of a contaminant specified in the Order;
 - iii. measures to control the presence or discharge of a contaminant specified in the Order; and,
 - iv. the natural environment into which a contaminant specified in the Order may be discharged.
 7. To develop and implement plans to,
 - i. reduce the amount of a contaminant that is discharged into the natural environment;

- ii. prevent or reduce the risk of a spill of a pollutant within the meaning Part X; or,
 - iii. prevent, decrease or eliminate any adverse effects that result or may result from a spill of a pollutant within the meaning of Part X or from any other discharge of a contaminant into the natural environment, including,
 - A. plans to notify the ministry, other public authorities and members of the public who may be affected by a discharge; and,
 - B. plans to ensure that appropriate equipment, material and personnel are available to respond to a discharge.
 - 8. To amend a plan developed under paragraph 7 or section 91.1 in the manner specific in the Order.
- 1.5. Subsection 18(2) of the EPA provides that the Director may make an Order under section 18(1) if the Director is of the opinion, on reasonable and probable grounds, that the requirements specified in the Order are necessary or advisable so as,
- (a) To prevent or reduce the risk of a discharge of a contaminant into the natural environment from the undertaking or property; or,
 - (b) To prevent, decrease or eliminate an adverse effect that may result from,
 - (i) the discharge of a contaminant from the undertaking;
 - (ii) the presence or discharge of a contaminant in, on or under the property.
- 1.6. Section 131 of the EPA defines “works” for the purposes of Part XII of the EPA as an activity, facility, thing, undertaking or site in respect of which an approval or order is issued or a registration under Part II.2 is in effect.
- 1.7. Section 132 of the EPA specifies that a Director may include in an approval or order in respect of a works a requirement that the person to whom the approval is issued or the order is directed provide financial assurance to the Crown in right of Ontario for, amongst other things, the performance of any action specified in the approval or order.
- 1.8. Subsection 196(1) of the EPA specifies that the authority to make an Order under the EPA includes the authority to require the person or body to whom the Order is directed to take such intermediate action or such procedural steps or both as are related to the action required or prohibited by the Order and as are specified in the Order.
- 1.9. Subsection 196(2) of the EPA provides a person who has authority under this Act to order that a thing be done on or in any place also has authority to order any person who owns, occupies or has the charge, management or control of the place to permit access to the place for the purpose of doing the thing.

- 1.10. Subsection 197(1) of the EPA provides a person who has authority under this Act to make an order or decision affecting real property also has authority 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.
- 1.11. Subsection 197(2) of the EPA provides that a certificate setting out a requirement imposed under subsection (1) may be registered in the proper land registry office on the title of the real property to which the requirement relates, if the certificate is in a form approved by the Minister, is signed or authorized by a person who has authority to make orders imposing requirements under subsection (1) and is accompanied by a registerable description of the property.

Details of the Orderees

- 1.12. 2441577 Ontario Inc. is the current owner of the Site and has been the owner of the Site since December 2014. In this capacity, 2441577 Ontario Inc. exercises a certain degree of management and control of the Site and of activities carried out on the Site including but not limited to, leasing the Site to the current tenants.
- 1.13. Gerald Anthony DiRocco purchased the Site in April 1985 from George Wimpey Canada Limited, a successor company of H. J. McFarland Construction Company Limited. Mr. DiRocco owned the Site in his personal capacity from April 1985 until December 2014 when he transferred it to 2441577 Ontario Inc. In his capacity as a previous owner of the Site and landlord to various tenants who occupied the Site during this time period pursuant to various leases for a period of almost 30 years, Mr. DiRocco exercised a certain degree of management and control of the Site and of activities carried out on the Site. Gerald Anthony DiRocco is the sole director and officer of the current owner of the Site, 2441577 Ontario Inc. and in that capacity exercises management and control of 2441577 Ontario Inc. and of the activities it is involved in, including but not limited to, leasing the Site to the current tenant.
- 1.14. Carillion Canada Inc. is the successor corporation to a previous owner of the Site; namely, H. J. McFarland Construction Company Limited. H.J. McFarland Construction Company Limited owned the Site from 1948 until 1985 when the Site was sold to George Wimpey Canada Limited. In January 1985 H. J. McFarland Construction Company Limited amalgamated and became George Wimpey Canada Limited which further amalgamated in January 2003 and became Carillion Canada Inc. During the time period of 1962 until 1975 when H.J. McFarland Construction Company owned the Site, it leased it to various tenants or lessees including Proctor-Silex Ltd., and SCM (Canada) Limited and SCM (Canada) Limited (Proctor-Lewyt Division).

- 1.15. Proctor-Silex Incorporated and Proctor-Silex Corporation were party to a number of the leases during this time period in the capacity of guarantor. During the time period of 1962 to 1975, the Site was used for the manufacture of household appliances by one or more of these corporations which activities likely resulted in the discharge of Contaminants of Concern into the natural environment. Those Contaminants of Concern have impacted the soil, groundwater and surface water off the Site where they have the potential to cause adverse effects. In or around 1975, manufacturing activities at the Site ceased and since that time the Site has been used as a distribution centre for warehousing purposes. It is not known whether additional contamination has occurred at the Site since the manufacturing activities at the Site ceased.
- 1.16. Proctor-Silex Ltd. became Smith Corona (Canada) Ltd. Smith Corona (Canada) Ltee through a series of amalgamations between 1980 and 1993. Proctor-Silex Ltd. no longer exists as a legal entity. Smith Corona (Canada) Ltd. Smith Corona (Canada) Ltee was cancelled in 2007 and also no longer exists as a legal entity.
- 1.17. Proctor-Silex Incorporated was the parent corporation to Proctor-Silex Ltd. and the guarantor on the 1966 lease agreement for the Site between H.J. McFarland Construction Company and Proctor-Silex Ltd. Proctor-Silex Incorporated was a New York corporation that came into existence in June 1966 and merged into SCM Corporation in June 1973, at which time its certificate of authority to do business was cancelled. Proctor-Silex Incorporated no longer exists as a legal entity.
- 1.18. Hamilton Beach Brands Canada, Inc. (HBBC) is the current tenant or lessee of the Site and has been in that capacity since 1983. In its capacity as the current tenant or lessee of the Site, HBBC has exercised a certain degree of management or control of the Site and of activities on the Site, pursuant to the terms of its various leases, since 1983.

Site Description

- 1.19. The Site is located at 10 McFarland Drive, Picton, Ontario on the north side of McFarland Drive, west of County Road 49. The Site is located in an area of mixed residential/commercial/industrial land use. The Site is serviced by municipal sewer and water services.
- 1.20. The Site consists of a parcel of land covering approximately 3.3 hectares or 8 acres, housing a main building and a shed. An asphalt-paved parking lot is located along the southern portion of the building and asphalt paved driveways are located to the east, north and west of the main building. The northwest quadrant of the property is vacant and covered with un-landscaped vegetation and sparse trees.

- 1.21. . The Site was used for manufacturing of household appliances from in or around 1962 until in or around 1975. The specific manufacturing operations conducted on the Site during that time period are not known by the ministry; however, it has been reported that metal (chrome) plating was part of the former operations at the Site. In or around 1975, the manufacturing activities ceased and the Site has since been used as a distribution centre for warehousing purposes.

Part 2: Definitions

For the purposes of this Order, the following terms shall have the meanings described below:

“Adverse Effect” has the same meaning as in subsection 1(1) of the EPA; namely one or more of,

- (a) impairment of the quality of the natural environment for any use that can be made of it;
- (b) injury or damage to property or to plant or animal life;
- (c) harm or material discomfort to any person;
- (d) an adverse effect on the health of any person;
- (e) impairment of the safety of any person;
- (f) rendering any property or plant or animal life unfit for human use;
- (g) loss of enjoyment of normal use of property; and,
- (h) interference with the normal conduct of business.

“CCAA” means *Companies’ Creditors Arrangement Act*, R.S.C. 1985, c. C-36

“Contaminants of Concern” or “COCs” are: TCE, cis 1,2 dichloroethylene (cis 1,2 DCE), trans 1,2 dichloroethylene (trans 1,2 DCE), 1,1-DCE, and vinyl chloride.

“Director” means the undersigned or any other person appointed for purposes of s. 18, 132, 196 and 197 of the EPA.

“2017 Director’s Order” means order #4606-ACHP8H issued to the Orderees by the Director on April 12, 2017.

“DCE” means dichloroethene or dichloroethylene.

“EPA” means the *Environmental Protection Act*, R.S.O. 1990, c. E.19.

“HBBC” means Hamilton Beach Brands Canada, Inc.

“HBIAC” means ministry Health Based Indoor Air Criteria.

“IAV” means Interim Action Value

“ministry” or “Ministry” or “MECP” means the Ontario Ministry of the Environment, Conservation and Parks.

“Orderees” means, Carillion Canada Inc., Gerald Anthony DiRocco, Hamilton Beach Brands Canada, Inc., and 2441577 Ontario Inc.

“Qualified Consultant” 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 by this Order. For the purposes of this Order, the person shall also meet the qualifications set out in Section 5 of O. Reg. 153/04, made under the *Environmental Protection Act*.

“RMP” means Risk Management Plan

“RMM” means Risk Management Measures

“Site” means the property located at 10 McFarland Drive, Picton, Ontario and legally described as; LT 63 RCP 28 HALLOWELL; PT LT 1506 PL 24 PICTON PT 4 47R1551; PRINCE EDWARD with the following Property Identifier Number (PIN) 55058-0055.

“TCE” means trichloroethylene.

“VOCs” means volatile organic compounds.

“VC” means vinyl chloride.

Part 3: Summary of Events Leading to the Issuance of the Order

- 3.1. On April 12, 2017 the ministry issued the 2017 Director's Order. A copy of the 2017 Director's Order is attached as Appendix A to this Order. The 2017 Director's Order included a detailed summary of the background information that led to the issuance of the Order since the ministry's first involvement at the Site in June 2013. Briefly, the Director reasonably believed that the Site was contaminated with Contaminants of Concerns and that there was good reason to believe that the contaminants had migrated off-site, potentially causing an adverse effect to the natural environment and posing a risk to human health at neighbouring properties.
- 3.2. The 2017 Director's Order required the Orderees jointly and severally to undertake certain environmental work in respect of the Site and lands potentially impacted by contamination from the Site including additional off-site groundwater impact delineation and additional off-site indoor air quality sampling under different seasonal conditions. The Orderees conducted the work required the 2017 Director's Order.
- 3.3. In January 2019 the ministry received the report titled "Off-Site Groundwater Delineation Program" which provided the results of additional groundwater sampling on and off-site conducted as a result of the work required by the 2017 Director's Order. The results indicated:
 - Significantly elevated concentrations of VOCs in groundwater at the Site; and
 - The presence of VOCs at concentrations above risk-based criteria in groundwater at locations downgradient of the Site.
- 3.4. On September 29, 2017 and on May 21, 2019 the ministry received results of the summer and winter indoor air quality sampling programs conducted as a result of the work required by the 2017 Director's Order. The results were consistent with those of previous sampling programs in the area of 10 McFarland Drive. Indoor air concentrations of TCE were found to continue to exceed not only the HBIAC but also the ministry Interim Action Level (IAV) of $2.0 \mu\text{g}/\text{m}^3$ at several residential and community buildings. The IAV represents the upper limit beyond which risk management measures should be implemented. Further work is required at the Site in order to protect human health.
- 3.5. On January 25, 2018, Carillion Canada Inc. (along with certain related companies) applied for and were granted protection from the Ontario Superior Court of Justice (Commercial List) under the CCAA pursuant to an Amended

Order (the “Initial Order”) of Justice Hainey dated January 25, 2018 (the “Carillion CCAA Proceedings”).

- 3.6. Pursuant to the Initial Order, Ernst & Young was appointed monitor in the Carillion CCAA Proceedings.
- 3.7. On July 6, 2018, the Court granted an order setting out a procedure for the identification and determination of claims against Carillion Canada Inc. and the other applicants in the Carillion CCAA Proceedings (the “Claims Procedure Order”).
- 3.8. The Orderees (other than Carillion Canada Inc.) have filed proofs of claim in the Carillion CCAA Proceedings pursuant to the Claims Procedure Order.
- 3.9. In or about August 2018 the ministry also filed a proof of claim in the Carillion CCAA Proceedings that is contingent upon the ministry incurring costs or expenses in relation to the work required by the 2017 Director’s Order and this Order in the event none of the other parties named in the Order are able to comply with its requirements.
- 3.10. Based on the foregoing, I am of the opinion that the Orderees were previously or are currently the owners or persons in charge, management or control of the Site and/or of activities undertaken or currently being undertaken on the Site that is contaminated with Contaminants of Concern.
- 3.11. Based on the foregoing, I am of the opinion that it is reasonable to believe that the Site is currently contaminated, and has been contaminated for some time, with Contaminants of Concern. The Site is a significant source of Contaminants of Concern which have migrated off the Site and onto adjacent properties. The extent of the contamination on and off the Site has not been fully delineated and in the absence of an active groundwater remediation and/or containment program at and related to the Site, and/or other appropriate remedial and/or monitoring programs, groundwater contaminated with the Contaminants of Concern have and may continue to migrate off the Site and onto adjacent properties where adverse effects related to soil vapour, groundwater impacts and surface water impacts may occur or have already occurred, posing a potential risk to human health and the natural environment as identified by subsurface and indoor air quality.
- 3.12. I reasonably believe that the requirements of this Order are necessary and advisable to prevent or reduce the risk of a discharge of groundwater impacted with the Contaminants of Concern into the natural environment from the Site and to prevent, decrease or eliminate any adverse effects that may result from such a discharge or have resulted from such discharges that occurred in the past or from the presence or discharge of the Contaminants of Concern in, on or under the Site related to soil vapour, groundwater impacts and surface water impacts.

- 3.13. I am of the opinion that it is reasonable and appropriate, and consistent with my authority under section 132 of the EPA and the Ministry's Financial Assurance Guideline F-15, specifically sections 4.4 and 4.4.5 of that Guideline, that Financial Assurance be provided by the Orderees so that funds are available for the Ministry, in the event that the Orderees are unable or become unable or unwilling to provide ongoing care, monitoring and control of the contamination issues related to the Site.

Part 4: WorkOrdered

Item #1

Pursuant to my authority in Section 18 and 196(1) of the EPA, I order the Orderees, jointly and severally, to do the following:

Within fifteen (15) days of service of this Order, submit written confirmation to the Director that a Qualified Consultant has been retained to conduct the work required by this Order. The written confirmation shall include but not necessarily be limited to the name of the individual or company, proof of retention and a description of the Qualified Person(s)'s qualifications and experience.

Item #2

Pursuant to my authority in Section 18 and 196(1) of the EPA, I order the Orderees, jointly and severally, to do the following:

Within sixty days (60) days of service of this Order, submit to the Director, for review and acceptance, a proposed Risk Management Plan (RMP) prepared by a Qualified Consultant which shall include but not necessarily be limited to the following:

- i. An identification and evaluation of risks to human health and the natural environment posed by the Contaminants of Concern in groundwater as identified by subsurface and indoor air quality investigations in the vicinity of 10 McFarland Drive, Picton, Ontario;
- ii. An assessment of the adequacy of subsurface and indoor air quality investigations conducted to date to identify the area of potential risks to human health and the natural environment resulting from the Contaminants of Concern in groundwater in the vicinity of 10 McFarland Drive, Picton, Ontario and recommendations for additional investigative work if required;
- iii. An identification and evaluation of Risk Management Measures (RMMs) which may include methods for contaminant source reduction to mitigate unacceptable risk to human health and the environment as may have been identified in (i) above;
- iv. A detailed operational and monitoring plan for the duration of the identified RMMs; and
- v. A proposed schedule, including detailed timelines, for the implementation of the measures identified in the proposed RMP.

Item #3

Pursuant to my authority in Section 18 and 196(1) of the EPA, I order the Orderees, jointly and severally, to do the following:

Upon receipt of the Director's acceptance of the RMP, implement the RMMs as identified in the accepted RMP.

Item #4

Pursuant to my authority in Section 18 and 196(1) of the EPA, I order the Orderees, jointly and severally, to do the following:

Within thirty (30) days of commencement of implementation of the RMMs identified in the accepted RMP, provide written confirmation to the Director that implementation of the RMMs as identified in the accepted RMP has commenced.

Item #5

Pursuant to my authority in Section 18 and 196(1) of the EPA, I order the Orderees, jointly and severally, to do the following:

Commencing on February 28, 2021, and annually thereafter for the timeframe in the accepted RMP, submit a report, prepared by a Qualified Consultant, to the Director, detailing all of the actions taken in implementing the accepted RMP, which have occurred during the preceding calendar year. The report shall also include an assessment of the adequacy of the RMMs described in the accepted RMP and recommendations for amendments if required.

Item #6

Pursuant to my authority in Section 196(1) and 197 of the EPA, I order 2441577 Ontario Inc. to do the following:

Within thirty (30) days of receipt of a Certificate of Requirement issued pursuant to subsection 197(2) of the *Environmental Protection Act*, register the Certificate of Requirement on title to the Site in the appropriate land registry office.

Item #7

Pursuant to my authority in Section 196(1) and 197 of the EPA, I order 2441577 Ontario Inc. to do the following:

Within five (5) days of registration of the Certificate of Requirement, provide written verification to the Director that the Certificate of Requirement has been registered on title to the Site.

Item #8

Pursuant to my authority in Section 18, 132 and 196(1) of the EPA, I order the Orderees, jointly and severally, to do the following:

Within thirty (30) days of receipt of the Director's acceptance of the RMP, submit to the Director, for acceptance, a Financial Assurance evaluation, which shall provide in detail, a schedule of dates and payment amounts that shall be provided to the ministry as Financial Assurance to provide sufficient funds to implement and complete the accepted Risk Management Plan. The Financial Assurance Plan shall include written analyses, detailed and itemized calculations, and, if necessary, accounting documents to provide a satisfactory justification of the proposed amounts and schedule.

Item #9

Pursuant to my authority in Section 18, 132 and 196(1) of the EPA, I order the Orderees, jointly and severally, to do the following:

Within 30 days of receipt of the Director's acceptance of the Financial Assurance evaluation submitted pursuant to Item # 8 of this Order, submit to the Director payment of the accepted amount of Financial Assurance in a form that meets the requirements of the ministry as defined in Section 131 of the EPA.

Item #10

Pursuant to my authority in Section 196(1) and 196(2) of the EPA, I hereby order 2441577 Ontario Inc. and Hamilton Beach Brands Canada Inc., beginning upon service of this Order and continuing every Monday through Friday, excluding public holidays, from 7 a.m. to 6 p.m. on each of those days, and until notified otherwise by the undersigned Director, to provide access to the Site to the Qualified Person(s) and his or her employees or agents for the purpose of carrying out the work required by this Order.

Part 4: General Requirements

- 4.1. The requirements of this Order are minimum requirements only and do not relieve you from:
 - complying with any other applicable Order, Statute or Regulation;
 - obtaining any approvals or consents not specified in this Order.
- 4.2. If you are unable to comply with any of the requirements of this Order, you may make written submission to the Director. Upon consideration of these submissions the Director may amend this Order.
- 4.3. Notwithstanding the issuance of this Order, further or other Orders may be issued in accordance with the EPA or other legislation administered by the ministry as circumstances require. In particular, the Director shall issue an Order where the acceptance or approval of the Director is required in respect of a matter under this Order and,
 - the Director does not grant acceptance or approval; or,
 - the Director grants acceptance or approval, but with changes that have not been agreed to by the person(s) required to obtain the acceptance or approval.
- 4.4. Where this Order directs that the acceptance or approval of the Director shall be obtained, the Director shall not unreasonably withhold such acceptance or approval.
- 4.5. The requirements set out in this Order are severable. If any requirement of this Order is held to be invalid with regard to a particular circumstance, it will not affect the application of that requirement to other circumstances and will not affect the remainder of this Order.
- 4.6. Subsection 19(1) of the EPA provides that an Order or approval of a Court, the Minister of the Environment, Conservation and Parks, or the Director is binding upon the successor or assignee of the person to whom it is directed.
- 4.7. Subsection 186(2) of the EPA provides that non-compliance with the requirements of this Order constitutes an offence.
- 4.8. Unless stayed by application under Section 143 of the EPA, this Order is effective upon its being served upon you and its terms and conditions shall be in force until such time as they are amended or revoked by the Director.

Part 5: Hearing Before the Environmental Review Tribunal

- 5.1. Pursuant to Section 140 of the EPA, you may require a hearing before the Environmental Review Tribunal (the "Tribunal"), if, within fifteen (15) days after service upon you of this Order, you serve written notice upon the Review Tribunal and the Director as set out in section 6.3.
- 5.2. Pursuant to Section 142 of the EPA, notice requiring the hearing must include a statement of the portions of the Order for which the hearing is required and the grounds on which you intend to rely at the hearing. Except by leave of the Environmental Review Tribunal, you are not entitled to appeal a portion of the order or to rely on grounds of appeal that are not stated in the notice requiring the hearing.
- 5.3. Service of a notice requiring a hearing must be carried out in a manner set out in Section 182 of the EPA and Ontario Regulation 227/07: *Service of Documents* made under the EPA as they may be amended from time to time. The address, email address and fax numbers of the Director and the Tribunal are:

The Secretary
 Environmental Review Tribunal
 655 Bay Street, Suite 1500
 Toronto, Ontario
 M5G 1E5
 Fax: (416) 314-4506
 Email: ERTTribunalSecretary@ontario.ca

and

Trevor Dagilis, Director
 Ontario Ministry of the Environment, Conservation and Parks
 Kingston District Office
 1259 Gardiners Road, Unit 3
 Kingston, Ontario
 K7P 3J6
 Fax: (613) 548-6920
 Email: trevor.dagilis@ontario.ca

Where service is made by mail, the service shall be deemed to be made on the fifth (5) day after the day of mailing and the time for requiring a hearing is not extended by choosing service by mail.

Unless stayed by application to the Environmental Review Tribunal under Section 143 of the EPA, this Order is effective from the date of issue.

- 5.4. If you commence an appeal before the Tribunal, under section 47 of the Environmental Bill of Rights, 1993 (EBR), you must give notice to the public in the EBR registry. The notice must include a brief description of this order (sufficient to identify it) and a brief description of the grounds of appeal. The notice must be delivered to the Minister of the Environment, Conservation and Parks who will place it on the EBR registry. The notice must be delivered to the Minister of the Environment, Conservation and Parks at 777 Bay St., 5th Floor, Toronto, Ontario M7A 2J3 by the earlier of:
- 5.4.1 two (2) days after the day on which the appeal before the Tribunal was commenced;
 - 5.4.2 fifteen (15) days after service on you of a copy of this order.
- 5.5 Pursuant to subsection 47(7) of the EBR, the Tribunal may permit any person to participate in the appeal, as a party or otherwise, in order to provide fair and adequate representation of the private and public interests, including governmental interests, involved in the appeal.
- 5.6 For your information, under section 38 of the EBR, any person resident in Ontario with an interest in this order may seek leave to appeal the order. Under section 40 of the EBR, the application for leave to appeal must be made to the Tribunal by the earlier of:
- 5.6.1 fifteen (15) days after the day on which notice of the issuance of this order is given in the EBR registry; and
 - 5.6.2 if you appeal, fifteen (15) days after the day on which your notice of appeal is given in the EBR registry.

Issued at Kingston this 23rd day of January, 2020.



Trevor Dagilis
District Manager and Director
Kingston District