

# Certificate of Property Use

Issued under the authority of the *Environmental Protection Act*, R.S.O. 1990, c. E.19, sections 168.6 (CPU) and 197 (Order)

Certificate of Property use number: 8448-BLALXM

Risk Assessment number: 6122-894LL9

**Owner:** Gates Canada Inc.  
4 217 Avenue Southwest  
Calgary AB T2P 4K9

**Site:** 1 Firestone Road, Strathroy, Ontario

## With a Legal Description of:

Firstly: Part Block UU, Plan 140, Parts 2 & 7 on Reference Plan 34R1131; subject to and together with 937998; subject to MW63435, MW83389; Strathroy;  
Being all of PIN 09613-0003 (LT)

and

Secondly: Part Block UU, Plan 140, Parts 3 & 8 on Reference Plan 34R1131; subject to and together with 937998; subject to MW63435, MW81324 and MW83389; Strathroy.  
Being all of PIN 09613-0004 (LT)

**The conditions of this Certificate of Property Use address the Risk Management Measures in the Risk Assessment noted above and described in detail in Part 1 below. In the event of a conflict between the CPU and the Risk Assessment, the conditions of the CPU take precedence.**

## Part 1: Interpretation

In the CPU the following capitalized terms shall have the meanings described below:

“Adverse Effect” has the same meaning as in the Act; namely,

- (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.

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

“Applicable Site Condition Standards” means the soil and groundwater criteria for course textured soils on industrial/commercial/community property use in *Table 6: Generic Site Condition Standards for Shallow Soils in a Potable Groundwater Condition* of the “Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the *Environmental Protection Act*” published by the Ministry and dated April 15, 2011.

“Building(s)” means an enclosed structure (s) occupying an area greater than ten square metres consisting of a wall or walls, roof and floor.

“Building Code” means Ontario Regulation 332/12 (Building Code) as amended made under the *Building Code Act*, 1992, S.O. 1992, c. 23.

“Competent Person” has the same meaning as set out in the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1.

“Contaminants of Concern” and “COCs” has the meaning as set out in O. Reg. 153/04.

“CPU” means this Certificate of Property Use No. **8448-BLALXM**, as may be amended from time to time, and includes any schedules attached thereto, which form part of this certificate of property use.

"Director" means the undersigned director or any other person appointed as a director for the purpose of issuing a certificate of property use under the Act.

“EBR” means the *Environmental Bill of Rights, 1993*, S.O. 1993, c. 28.

“Environmental Compliance Approval” has the same meaning as set out in the Act.

“Licensed Professional Engineer” means a person who holds a licence, limited licence or temporary licence under the Professional Engineers Act, R.S.O. 1990, c. P.28 and who has obtained the appropriate education and training and has demonstrated experience and expertise in the areas related to the work required to be carried out in this CPU.

“Ministry” means the ministry of the government of Ontario responsible for the administration of the Act, currently named the Ministry of the Environment, Conservation and Parks.

“O. Reg. 153/04” means Ontario Regulation 153/04 (Record of Site Condition – Part XV.1 of the Act), made under the Act.

“OHSA” means the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1.

“Owner” means the owner(s) of the Property, beginning with the person(s) to whom the Certificate of Property Use for the Property is first issued by the Director under section 168.6 of the Act based on the Risk Assessment, and any subsequent owner of the Property.

"OWRA" means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40.

“Property” means the property that is the subject of the CPU and described under the “Site” heading on page 1 above, and illustrated in Figure 1 of Schedule A which is attached to and forms part of this CPU.

“Property Specific Standards” and “PSS” means the property specific standards established for the Contaminants of Concern in the Risk Assessment as set out in Table 1 of Schedule ‘A’ of this CPU.

"Provincial Officer" means a person who is designated as a provincial officer for the purposes of the Act.

“Qualified Person” means a person who meets the qualifications for a qualified person prescribed in O. Reg. 153/04, as amended, made under the Act.

"Risk Assessment" and “RA” means the Risk Assessment No. **6122-894LL9** accepted by the Director on January 27, 2020 and set out in the following final documents:

- **“Wider Area of Abatement Risk Assessment, 1 Firestone Road Parts A & B, Strathroy, Ontario”, report by Conestoga-Rovers & Associates, dated June 2014**
- **“Wider Area of Abatement Risk Assessment, 1 Firestone Road Parts A & B, Strathroy, Ontario”, prepared by Conestoga-Rovers & Associates (now GHD Limited), dated April 2016**

- **Risk Assessment Report Addendum for 1 Firestone Road Parts A & B, Strathroy, Ontario, report prepared by Conestoga-Rovers & Associates, dated June 16, 2017**
- **Risk Assessment Report Addendum for 1 Firestone Road Part A and 1 Firestone Road Part B, Strathroy, Ontario, report prepared by Conestoga-Rovers & Associates (GHD), dated October 10, 2018**
- **Revised Risk Assessment Report for 1 Firestone Part A and 1 Firestone Road Part B, Strathroy, Ontario, report prepared by Conestoga-Rovers & Associates, dated August 14, 2019**
- **“RE: Request for additional information for Risk Assessment for RA1134-10e; 1 Firestone Road Parts A and B, Strathroy, ON; IDS#6122-894LL9” e-mail from April Gowing, GHD Limited, received by TASDB on November 18, 2019, with the following document attached:**
  - *018562-RPT-14-Wider Area of Abatement Risk Assessment.pdf*
- **“RE: Request for additional information for Risk Assessment for RA1134-10e; 1 Firestone Road Parts A and B, Strathroy, ON; IDS#6122-894LL9” e-mail from April Gowing, GHD Limited, received by TASDB on January 7, 2020, with the following document attached:**
  - *018562-14-T1-1\_Jan 2020.pdf*

“Risk Management Measures” and “RMMs” means the risk management measures specific to the Property described in the Risk Assessment and Part 4 of the CPU. In the event of a conflict between the requirements in Part 4 of the CPU and the Risk Assessment, the conditions of the CPU take precedence.

“Risk Management Plan” and “RMP” means the revised Risk Management Plan Plan prepared by GHD and contained in Section 7 of the RA.

“Tribunal” has the same meaning as in the Act; namely, the Environmental Review Tribunal.

## **Part 2: Legal Authority**

- 2.1 Section 19 of the Act states that a certificate of property use is binding on the executor, administrator, administrator with the will annexed, guardian of property or attorney for property of the person to whom it was directed, and on any other successor or assignee of the person to whom it was directed.
- 2.2 Subsection 132(1.1) of the Act states that the Director may include in a certificate of property use a requirement that the person to whom the certificate is issued provide financial assurance to the Crown in right of Ontario for any one or more of,
  - a. the performance of any action specified in the certificate of property use;
  - b. the provision of alternate water supplies to replace those that the Director has reasonable and probable grounds to believe are or are likely to be contaminated or otherwise interfered with by a contaminant on, in or under the property to which the certificate of property use relates; and
  - c. measures appropriate to prevent adverse effects in respect of the property to which the certificate of property use relates.
- 2.3 Section 168.6 (1) of the Act states that if the Director accepts a risk assessment relating to a property, he or she may, when giving notice under clause 168.5 (1)(a), issue a certificate of property use to the owner of the property, requiring the owner to do any of the following things:
  1. Take any action specified in the certificate that, in the Director’s opinion, is necessary to prevent, eliminate or ameliorate any adverse effect on the property, including installing any equipment, monitoring any contaminant or recording or reporting information for that purpose.
  2. Refrain from using the property for any use specified in the certificate or from constructing any building specified in the certificate on the property.

- 2.4 Subsection 168.6(2) of the Act states that a certificate of property use shall not require an owner of the property to take any action that would have the effect of reducing the concentration of a contaminant on, in or under the property to a level below the level that is required to meet the standards specified for the contaminant in the risk assessment.
- 2.5 Subsection 168.6(3) of the Act states that the Director may, on his or her own initiative or on application by the owner of the property in respect of which a certificate has been issued under subsection 168.6(1),
- a. alter any terms and conditions in the certificate or impose new terms and conditions; or
  - b. revoke the certificate.
- 2.6 Subsection 168.6(4) of the Act states that if a certificate of property use contains a provision requiring the owner of the property to refrain from using the property for a specified use or from constructing a specified building on the property,
- a. the owner of the property shall ensure that a copy of the provision is given to every occupant of the property;
  - b. the provision applies, with necessary modifications, to every occupant of the property who receives a copy of the provision; and
  - c. the owner of the property shall ensure that every occupant of the property complies with the provision.
- 2.7 Subsection 197(1) of the Act states that a person who has authority under the 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.
- 2.8 Subsection 197(2) of the Act states that a certificate setting out a requirement imposed under subsection 197(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 197(1) and is accompanied by a registrable description of the property.
- 2.9 Subsection 197(3) of the Act states that a requirement, imposed under subsection 197(1) that is set out in a certificate registered under subsection 197(2) is, from the time of registration, deemed to be directed to each person who subsequently acquires an interest in the real property.
- 2.10 Subsection 197(4) of the Act states that a dealing with real property by a person who is subject to a requirement imposed under subsection 197(1) or 197(3) is voidable at the instance of a person who was not given the copy of the order or decision in accordance with the requirement.

### Part 3: Background

- 3.1 The Risk Assessment was undertaken for the Property on behalf of the Owner to assess the human health risks and ecological risks associated with the presence or discharge of Contaminants of Concern on, in or under the Property and to identify appropriate Risk Management Measures to be implemented to ensure that the Property is suitable for the intended use: **Industrial/Commercial**, as defined in O. Reg. 153/04.
- 3.2 The contaminants on, in, or under the Property that are present either above the course textured soil values in **Table 6: Generic Site Condition Standards for Shallow Soils in a Potable Groundwater Condition** of the “Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the *Environmental Protection Act*” published by the Ministry and dated April 15, 2011, or for which there are no such standards, are set out in the Risk Assessment. The Property Specific Standards for these Contaminants of Concern are set out in **Table 1 of Schedule ‘A’ of this CPU**.

3.3 I am of the opinion, for the reasons set out in the Risk Assessment that the Risk Management Measures described therein and outlined in Part 4 of the CPU are necessary to prevent, eliminate or ameliorate an Adverse Effect on the Property.

3.4 The Risk Assessment indicates the presence of Contaminants of Concern in soil which require on-going restriction of land use and pathway elimination. As such, it is necessary to restrict the use of the Property and implement Risk Management Measures as set out in the Risk Assessment and in Part 4 of the CPU.

#### **Part 4: Director Requirements**

Pursuant to the authority vested in me under subsection 168.6(1) and section 197 of the Act, I hereby require the Owner to do or cause to be done the following:

##### **Risk Management Measures**

4.1 Implement, and thereafter maintain or cause to be maintained, the Risk Management Measures.

4.2 Without restricting the generality of the foregoing in Item 4.1, carry out or cause to be carried out the following key elements of the Risk Management Measures:

##### **Hard cap and fill cap barriers:**

- a) Hard cap and/or fill cap barriers are required to be maintained over the entire area of Dock 2 as shown on **Figure 2 of Schedule 'A'** of this CPU so as to prevent exposure to the COCs identified on the Property and shall be maintained for as long as the COCs are present on the Property at concentrations that exceed the Applicable Site Condition Standards. Any new hard cap and/or fill cap barriers in Dock 2 shall be installed in accordance with Section 7.3.2 of the RA and Appendix J of the RA.

Hard cap barrier and the fill cap barriers shall consist of the following, at minimum:

- i. All existing fill cap barriers within Dock 2 shall consist of gravel and /or soil to a minimum thickness of 0.2 m.
  - ii. Any new hard cap barrier (s) that replace part or all of the existing fill cap barrier within Dock 2 shall consist of a cover of asphalt, concrete, compacted granular aggregate, paving stones, armour stones, rubberized surfaces or equivalent, a building slab (or building foundation and floor slab) consisting of at least 150 millimeters (mm) of Granular "A" or equivalent material overlain by at least 75 mm of hot mix asphalt, concrete, compacted granular aggregate, paving stones, armour stones, rubberized surfaces or equivalent or a combination thereof with a minimum combined thickness of 225 mm.
  - iii. Any new fill cap barrier (s) that replace part or all of the existing fill cap barrier within Dock 2 shall consist of  
a soft or soil cap comprising a minimum of 500 mm of soils meeting the lowest human and ecological direct contact risk based concentrations of the Applicable Site Condition Standards, placed over a geotextile, in turn placed on a prepared subgrade as shown in Figure J.1 of Appendix J of the RA. Contaminated soils may be used for the prepared subgrade. Should it be desired to plant trees on the RA Property, the thickness of the cover soil should be increased to 1500 mm to accommodate tree root balls.
- b) Within 90 days of completion of the installation of any new hard cap and or fill cap barriers on the Property or portion of the Property, the Owner shall submit to the Director written confirmation signed by a Licensed Professional Engineer that the barriers have been installed in accordance with the requirements of Section

7.3.2 of the RA and Appendix J of the RA and Item 4.2 a) of this CPU along with final design specifications/drawings and or as built drawings.

- c) Within 90 days of completion of the installation of any new hard cap and or fill cap barriers on the Property or portion(s) of the Property, the Owner shall submit to the Director a site plan that clearly identifies the final location of each of the different barrier(s).
- d) An inspection and maintenance program shall be implemented to ensure the continuing integrity of the hard cap and fill cap barriers as long as the COCs are present on the Property at concentrations that exceed the Applicable Site Condition Standards. The inspection program shall include semi-annual (spring and fall) inspections of the barrier's integrity in accordance with the inspection and maintenance program as detailed in Appendix J of the RA. Any barrier deficiencies shall be repaired within a reasonable period of time in accordance with Appendix J of the RA. If cracks, breaches or any loss of integrity in the barriers cannot be repaired or addressed in a timely manner, contingency measures shall be implemented to ensure that no exposure to the COCs that have been observed on the Property at concentrations that exceed the lowest risk based concentrations occurs. For the restoration of any damaged portions of the barriers, restoration shall meet the original design specifications, at minimum, as detailed in Section 7.3.2 and Appendix J of the RA, and Item 4.2 (a) of this CPU. For significant breaches that are identified to potentially expose the COCs that are present on the Property at concentrations that exceed the Applicable Site Condition Standards the Owner shall submit to the Director written confirmation prepared and signed by a Licensed Professional Engineer that the barriers have been repaired in accordance with the applicable requirements of this CPU. The written confirmation shall also include a description of any contingency measures put in place and shall be submitted to the Director within 30 days of the completion of any barrier repairs and/or restorations. The Owner shall keep records of the inspections and maintenance and make them available for review by a Provincial Officer upon request.

**Soil and Groundwater Management Plan:**

- e) A Property-specific soil and groundwater management plan (the "Soil and Groundwater Management Plan") shall be developed for the Property and implemented during all intrusive activities potentially in contact with or exposing COCs in soil or groundwater that exceed the Applicable Site Conditions Standards on the Property. A copy of the Soil and Groundwater Management Plan shall be maintained on the Property for the duration of all planned intrusive activities. Any short term intrusive activities required for the purposes of emergency repairs (i.e. for repairs to underground utilities etc.) will not require the submission of the Soil and Groundwater Management Plan to the Director prior to undertaking the short term emergency repairs. For planned intrusive activities, this Soil and Groundwater Management Plan shall be submitted to the Director by the Owner at least 14 calendar days prior to any such intrusive activities being undertaken and shall be consistent with the measures specified in Section 7.3.5 of the RA. The Soil and Groundwater Management Plan shall include, but not be limited to, the following key components as deemed necessary by a Qualified Person:
  - (i) oversight by a Qualified Person;
  - (ii) include dust control measures and prevention of soils tracking by vehicles and personnel from the Property;
  - (iii) management of excavated soils including cleaning equipment, placement of materials for stockpiling on designated areas lined and covered with polyethylene sheeting, bermed and fenced to prevent access, runoff control to minimize contact and provisions for discharge to sanitary sewers or other approved treatment;
  - (iv) storm water management measures to control the potential transport of COCs off-site during on-site construction/redevelopment activities. This shall include,

but to not be limited to, silt fences and filter socks on catch-basins and utility covers as necessary;

- (iv) characterization of excavated excess soils to determine if the excavated excess soils exceed the Property Specific Standards and/or the Applicable Site Condition Standards and require off-site disposal in accordance with the provisions of Ontario Regulation 347, as amended, made under the Act;
  - (v) record keeping, which shall include, but not be limited to, dates and duration of work, weather and site conditions, location and depth of excavation activities/dewatering activities, dust control measures, stockpile management and drainage, all soil characterization results obtained as part of the Soil and Groundwater Management Plan, names of the Qualified Persons, contractors, haulers and receiving sites for any excavated excess soils removed from the Property and any complaints received relating to Property activities; and,
- f) A copy of the Soil and Groundwater Management Plan and any amendments and the records kept thereunder shall be made available for review by a Provincial Officer upon request.

**Health and Safety Plan:**

- g) A Property-specific health and safety plan (the "Health and Safety Plan") shall be developed for the Property and implemented during all planned intrusive activities undertaken potentially in contact with COCs in groundwater that have been identified in the RA at concentrations that exceed the Applicable Site Condition Standard for groundwater as detailed in Section 7.3.1 of the RA and a copy shall be maintained on the Property for the duration of all intrusive activities. The Owner shall ensure that the Health and Safety Plan takes into account the presence of the COCs and is implemented prior to any intrusive activities being undertaken on the Property or portion (s) of the Property in order to protect workers from exposure to the COCs. The Health and Safety Plan shall be prepared in accordance with applicable Ministry of Labour health and safety regulations, along with all potential risks identified in the RA and include, but not limited to, occupational hygiene requirements, personal protective equipment, contingency plans and contact information. Prior to initiation of any Project (on the Property or portion (s) of the Property), the local Ministry of Labour office shall be notified, where so prescribed under the OHSA, of the proposed activities and that COCs have been identified in groundwater on the Property. The Health and Safety Plan shall be overseen by a Competent Person to review the provisions of the plan with respect to the proposed work and conduct daily inspections. The Owner shall retain a copy of the Health and Safety Plan to be made available for review by a Provincial Officer upon request.

**Restriction on Building Construction:**

- h) Refrain from constructing any buildings on, in or under the Property, unless the Owner complies with all of the following conditions
- i. All buildings on the Property shall contain a vapour mitigation system that includes the sealing of foundation penetrations, a vapour barrier, sub slab vapour barrier venting layer and venting components (as illustrated in Appendix K of the RA).
  - ii. The Owner shall retain a copy of all vapour barriers, sub vapour barrier venting layers and venting components as-built drawings signed by a Licenced Professional Engineer along with the proposed testing and performance requirements for the vapour barrier, sub vapour barrier venting layer and venting components of any building on the Property for inspection by a Provincial Officer.
  - iii. A final inspection for cracks, holes or penetrations in the below grade walls and floors shall be conducted before any finishes are applied to the walls and floors and prior to occupancy and shall be recorded in a log book. Any holes, cracks or penetrations shall be repaired and sealed immediately and recorded in a log book maintained by the Owner and made available upon request by a Provincial Officer.
    - i. An inspection and maintenance program shall be prepared and implemented to ensure the

continuing integrity of the vapour mitigation system. In regard to the venting layer and venting components, inspections of the venting layer and venting components, where visually accessible, will be made for potential breaches. The inspection program shall include semi-annually (every six months) inspections as per the Risk Assessment and any deficiencies shall be repaired forthwith. The inspection results shall be recorded in a log book maintained by the Owner and made available upon request by a Provincial Officer.

#### **Air Monitoring Program**

- i) Prior to occupancy of any future building on the Property, an air monitoring program shall be implemented as follows:
  - i. Sub-slab soil vapour monitoring shall be done in accordance to USEPA Method TO-15 with a minimum of two (2) sub-slab soil vapour samples taken from sub-soil soil vapour probes for each building (not including the quality assessment and quality control samples) and one ambient outdoor sample if required.
  - ii. Commencing upon implementation of an air monitoring program, the air monitoring shall be carried out on a quarterly basis (every three months) for the first year, and semi-annually (every six months) for each subsequent year thereafter until such time as the Director, upon application by the Owner, has reviewed the data available and either altered this condition or revokes the CPU.
  - iii. The sub-slab soil vapour sampling shall follow the sampling methods and procedures, including any quality assessment and quality control procedures and samples, according to Ministry documents “*Draft Technical Guidance, Soil Vapour Assessment, September 2013*” and “*Operations Manual for Air Quality Monitoring in Ontario*” (2008).
  - iv. If any air concentration for Contaminants of Concern exceeds the Soil Vapour Criteria in Table K.1 of the RA for any trigger level, the Owner shall immediately notify the Director in writing of the exceedance along with a copy of the laboratory’s certificate of analysis, sub-slab soil vapour construction logs, chain of custody, field notes indicating the initial and final canister pressures, atmospheric pressure, weather and temperature.
  - v. The Owner shall keep a copy of all air sampling data, including copies of the laboratory’s certificate of analyses, sub-slab soil vapour construction logs, chain of custody and field notes, and shall be made available for inspection by a Provincial Officer upon request.
  - vi. If the air concentration for the Contaminants of Concern exceed the Soil Vapour Criteria in Table K.1 of the RA for any trigger level, then sub-slab soil vapour monitoring shall recommence for Contaminants of Concern within thirty (30) days of receipt of the analytical results and be carried out as follows:
    1. If the concentrations of the Contaminants of Concern do not exceed the Soil Vapour Criteria in Table K.1 of the RA on the recommenced sub-slab soil vapour monitoring event, then the sub-slab soil vapour monitoring event shall be carried out on a quarterly basis (every three months) and thereafter until such time as the Director, upon application by the Owner, has reviewed the data available and either alters or revokes the CPU.
    2. If any of the concentrations of the Contaminants of Concern exceed the Soil Vapour Criteria in Table K.1 of the RA on the recommenced soil vapour monitoring event, then a Licensed Professional Engineer shall, within 30 days of the receipt of the analytical results, develop and submit a detailed contingency plan to the Director as outlined in the Risk Assessment.The sub-slab soil vapour monitoring shall continue on a quarterly basis (every 3 months) until such time as the Director, upon application by the Owner, has reviewed the data available and either alters or revokes the CPU.

#### **Groundwater Monitoring Program**

- j) The groundwater monitoring program shall commence within 30 days of issuance of the CPU and shall be carried out on a semi-annual basis (every six months) for the first two years, and once a year for each subsequent year thereafter until such time as the Director, upon application by the Owner, has reviewed the data available and either alters or revokes the CPU. The groundwater monitoring program shall be carried out as follows:



- i. The groundwater monitoring program shall consist of twenty (20) monitoring locations as detailed in section 7.5 of the RA and shown on Figure 2 of Schedule A of the CPU.
- ii. The Contaminants of Concern listed in Table 1 of Schedule A of the CPU shall be monitored.
- iii. Water from all monitoring wells shall be sampled according to Ministry's Protocol for Analytical Methods Used in the Assessment of Properties under Part XV.1 of the Environmental Protection Act (MOE, 2004b) as amended from time to time.
- iv. The Owner shall keep a copy of all sampling data, including the laboratory's certificate of analyses, construction well logs and chain of custody, which shall be made available for inspection by a Provincial Officer upon request.
- v. In the event there there is reason to change, replace or decommission a selected groundwater monitoring well /or if four (4) consecutive sampling events indicate increases in concentration of the Contaminants of Concern, the Owner shall immediately notify the Director in writing and include the following information:
  1. any changes, decommissioning reports, abandoned well records and/or well construction logs of any replacement wells for wells that are changed, moved and/or decommissioned; and
  2. copies of the laboratory's certificate of analyses, construction wells logs, and chain of custody for the four (4) consecutive sampling events that indicate increases in concentration of the Contaminants of Concern.
- vi. If the groundwater concentration of any of the Contaminants of Concern exceed the Property Specific Standards as listed in Table 1 of Schedule A of this CPU, then the Owner shall implement the contingency plan in section 7.5 of the RA and forthwith notify the Director and shall have a Qualified Person develop and submit any required changes to this contingency plan in a written amended contingency plan to the Director.

**Prohibition of potable groundwater wells:**

- 4.3 The Owner shall,
- a. refrain from using groundwater in or under the Property as a source of water;
  - b. properly abandon any potable wells on the Property, as defined in subsection 35(1) of O. Reg. 153/04, according to Regulation 903, "Wells", R. R. O. 1990, made under the OWRA ;and
  - c. refrain from constructing on the Property any wells, as defined in subsection 35(1) of O. Reg. 153/04.

**Site Changes**

- 4.4 In the event of a change in the physical site conditions or receptor characteristics at the Property that may affect the Risk Management Measures and/or any underlying basis for the Risk Management Measures, the Owner shall forthwith notify the Director of such changes and the steps taken, to implement, maintain and operate any further Risk Management Measures as are necessary to prevent, eliminate or ameliorate any Adverse Effect that will result from the presence on, in or under the Property or the discharge of any Contaminant of Concern into the natural environment from the Property. In support of this work, a new risk assessment may need to be completed in accordance with O. Reg. 153/04 and submitted to the Ministry for acceptance. An amendment to the CPU will be issued to address the changes set out in any notice received and any future changes that the Director considers necessary in the circumstances.

### Reports

- 4.5 The Owner shall retain a copy of any reports required under the CPU for a period of seven (7) years from the date the report is created and within ten (10) days of the Director or a Provincial Officer making a request for a report, provide a copy to the requesting Director or Provincial Officer.

### Property Requirement

- 4.6 For the reasons set out in the CPU and pursuant to the authority vested in me under subsection 197(1) of the Act, I hereby order you and any other person with an interest in the Property, before dealing with the Property in any way, to give a copy of the CPU, including any amendments thereto, to every person who will acquire an interest in the Property, as a result of the dealing.

### Certificate of Requirement

- 4.7 Within fifteen (15) days from the date of receipt of a certificate of requirement issued under subsection 197(2) of the Act, completed as outlined in Schedule "B", register the certificate of requirement on title to the Property, in the appropriate land registry office.
- 4.8 Within five (5) days after registering the certificate of requirement provide to the Director a copy of the registered certificate and of the parcel register(s) for the Property confirming that registration has been completed.

### Owner / Occupant Change

- 4.9 While the CPU is in effect, the Owner shall, forthwith report in writing to the Director any changes of ownership of the Property except that while the Property is registered under the *Condominium Act, 1998*, S.O.1998 c.19 no notice shall be given of changes in the ownership of individual condominium units or any appurtenant common elements on the Property.

### Financial Assurance

- 4.10 The Director has not included in the CPU a requirement that the Owner provide financial assurance to the Crown in right of Ontario.

## **Part 5: General**

- 5.1 The requirements of the CPU are severable. If any requirement of the CPU 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 the CPU.
- 5.2 An application under subsection 168.6(3) of the Act to alter any terms and conditions in the CPU, or impose new terms and conditions, or revoke the CPU, shall be made in writing to the Director, with reasons for the request.
- 5.3 The Director may amend the CPU under subsections 132(2) or (3) of the Act to change a requirement as to financial assurance, including that the financial assurance may be increased or provided, reduced or released in stages. The total financial assurance required may be reduced from time to time or released by an order issued by the Director under section 134 of the Act upon request and submission of such supporting documentation as required by the Director.

- 5.4 Subsection 186(3) of the Act provides that failure to comply with the requirements of the CPU constitutes an offence.
- 5.5 The requirements of the CPU are minimum requirements only and do not relieve the Owner from, complying with any other applicable order, statute, regulation, municipal, provincial or federal law, or obtaining any approvals or consents not specified in the CPU.
- 5.6 Notwithstanding the issuance of the CPU, further requirements may be imposed in accordance with legislation as circumstances require.
- 5.7 In the event that any person is, in the opinion of the Director, rendered unable to comply with any requirements in the CPU because of,
- a) natural phenomena of an inevitable or irresistible nature, or insurrections,
  - b) strikes, lockouts or other labour disturbances,
  - c) inability to obtain materials or equipment for reasons beyond your control, or
  - d) any other cause whether similar to or different from the foregoing beyond your control,

the requirements shall be adjusted in a manner defined by the Director. To obtain such an adjustment, the Director must be notified immediately of any of the above occurrences, providing details that demonstrate that no practical alternatives are feasible in order to meet the requirements in question.

- 5.8 Failure to comply with a requirement of the CPU by the date specified does not relieve the Owner(s) from compliance with the requirement. The obligation to complete the requirement shall continue each day thereafter.
- 5.9 In the event that the Owner complies with the provisions of Items 4.7 and 4.8 of the CPU regarding the registration of the certificate of requirement on title to the Property, and then creates a condominium corporation by the registration of a declaration and description with respect to the Property pursuant to the Condominium Act, 1998, S.O. 1998, c.19 and then transfers ownership of the Property to various condominium unit owners, the ongoing obligations of the Owner under this CPU can be carried out by the condominium corporation on behalf of the new Owners of the Property.

## **Part 6: Hearing before the Environmental Review Tribunal**

- 6.1 Pursuant to section 139 of the Act, you may require a hearing before the Environmental Review Tribunal, if within fifteen (15) days after service on you of a copy of the CPU, you serve written notice upon the Director and the Tribunal.
- 6.2 Pursuant to section 142 of the Act, the notice requiring the hearing must include a statement of the portions of the CPU and the grounds on which you intend to rely at the hearing. Except by leave of the Tribunal, you are not entitled to appeal a portion of the CPU or to rely on a ground that is not stated in the notice requiring the hearing.
- 6.3 Service of a notice requiring a hearing must be carried out in a manner set out in section 182 of the Act and Ontario Regulation 227/07: Service of Documents, made under the Act. 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, ON, M5G 1E5

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

and

Rob Wrigley, Director

Ministry of the Environment, Conservation and Parks  
733 Exeter Road  
London, ON, N6E 1L3  
Telephone: (519) 280-3077  
Toll Free number: 1-800-265-7672  
Fax: (519) 873-5020  
Email: [rob.wrigley@ontario.ca](mailto:rob.wrigley@ontario.ca)

- 6.4 Unless stayed by application to the Tribunal under section 143 of the Act, the CPU is effective from the date of issue.
- 6.5 If you commence an appeal before the Tribunal, under section 47 of the *Environmental Bill of Rights, 1993*, (the “EBR”) you must give notice to the public in the Environmental Registry of Ontario. The notice must include a brief description of the CPU (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 Environmental Registry of Ontario. The notice must be delivered to the Minister of the Environment, Conservation and Parks at 777 Bay Street, 5<sup>th</sup> Floor, Toronto, Ontario M7A 2J3 by the earlier of:
- 6.5.1 two (2) days after the day on which the appeal before the Tribunal was commenced; and
- 6.5.2 fifteen (15) days after service on you of a copy of the CPU.
- 6.6 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.
- 6.7 For your information, under section 38 of the EBR, any person resident in Ontario with an interest in the CPU may seek leave to appeal the CPU. Under section 40 of the EBR, the application for leave to appeal must be made to the Tribunal by the earlier of:
- 6.7.1 fifteen (15) days after the day on which notice of the issuance of the CPU is given in the Environmental Registry of Ontario; and
- 6.7.2 if you appeal, fifteen (15) days after the day on which your notice of appeal is given in the EBR Environmental Registry of Ontario.

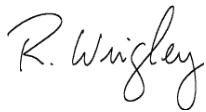
Further information on the requirements of the Tribunal regarding an appeal can be obtained directly from the Tribunal by:

Tel: (416) 212-6349

Fax: (416) 326-5370

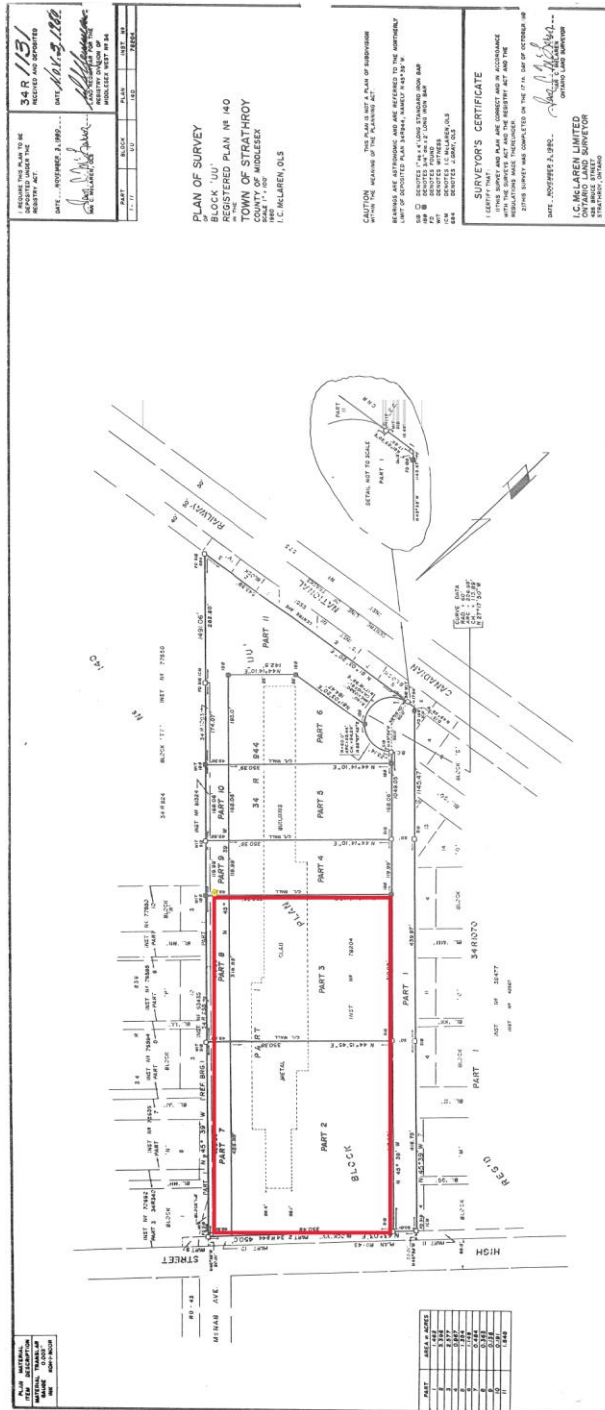
[www.eto.gov.on.ca](http://www.eto.gov.on.ca)

Issued at London this 13th day of August, 2020.



Rob Wrigley,  
Director, section 168.6 of the Act

Schedule 'A': Figure 1- Site Plan Showing RSC and RA property in Red





**Schedule A: Table 1**

**Property Specific Standards (PSSs) (Soil)**

<b>Soil Contaminant of Concern (COC)</b>	<b>Property Specific Standard (µg/g)</b>
PHC F3 (C16-C34)	9,432
PHC F4 (C34-C50)	7,140

**Property Specific Standards (PSSs) (Groundwater)**

<b>Groundwater Contaminant of Concern (COC)</b>	<b>Property Specific Standard (µg/L)</b>
Chloroethane	12
Dichloroethane, 1,1-	322
Dichloroethylene, 1,1-	64
Dichloroethylene, 1,2-cis-	32
Tetrachloroethylene	112
Trichloroethane, 1,1,1-	4,776
Trichloroethane, 1,1,2-	1.1
Trichloroethylene	60
Vinyl chloride	7.1
PHC F1 (C6-C10)	840
PHC F2 (C10-C16)	864
PHC F3 (C16-C34)	2,256
PHC F4 (C34-C50)	624



**Schedule B**

**CERTIFICATE OF REQUIREMENT**

**s.197(2)**

***Environmental Protection Act***

This is to certify that pursuant to Item 4.6 of Certificate of Property Use number 8448-BLALXM issued by Rob Wrigley, Director of the Ministry of the Environment, Conservation and Parks, under sections 168.6 and 197 of the *Environmental Protection Act*, on August 13, 2020, being a Certificate of Property Use and order under subsection 197(1) of the *Environmental Protection Act* relating to the property municipally known as 1 Firestone Road, Strathroy, Ontario, being all of Property Identifier Numbers 09613-0003 (LT) and 09613-0004 (LT) (the "Property") with respect to a Risk Assessment and certain Risk Management Measures and other preventive measure requirements on the Property

[Gates Canada Inc.](#)

and any other persons having an interest in the Property, are required before dealing with the Property in any way, to give a copy of the Certificate of Property Use, including any amendments thereto, to every person who will acquire an interest in the Property. Under subsection 197(3) of the *Environmental Protection Act*, the requirement applies to each person who, subsequent to the registration of this certificate, acquires an interest in the Property.

PIN 09613-0003 (LT)

PIN: 09613-0004 (LT)