

Draft DIRECTOR'S ORDER

Director's Order Issued To:

677075 Ontario Limited
1696 Bayview Ave
Toronto, Ontario, M4G 3C4
Canada

880188 Ontario Limited, carrying on business as "Burdock's Dry Cleaners"
180 Wortley Rd
London, Ontario, N6C 3P7
Canada

Sherry Marie Gouthro
Suite 2 - 1028 Commissioners Rd W
London, Ontario, N6K 1C3
Canada

Edward Leo Gouthro
Suite 410 - 10 Beechwood Pl
London, Ontario, N6C 1H7
Canada

Gary Howard Fine
11 Browside Avenue
Toronto, Ontario, Canada, M5P 2T9
Canada

Christopher Hercule Morin
21 Holgate Street
Etobicoke, Ontario, M9R 1C6
Canada

Site:

180 Wortley Road
London, County of Middlesex
Ontario, N6C 3P7

Item No. 8**Compliance Due Date:**

Upon service of this Order, 677075 Ontario Limited and 880188 Ontario Limited shall permit access to the Site by Gary Howard Fine and Christopher Hercule Morin, and any person and equipment considered necessary, for the purposes set out in this Order.

PART B - BACKGROUND AND REASONS

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:

"EPA" means *Environmental Protection Act*, R.S.O. 1990, c. E. 19.

"MECP" means the Ministry of the Environment, Conservation and Parks.

"Order" means the Director's Order No. XX as it may be amended, and includes the Director's Report and any of its attachments.

"Site" refers to the property that is the subject of this Order, namely the property municipally described as 180 Wortley Road, London ON, N6C 3P7 and legally described as PT LTS 3 AND 4 E/S WORTLEY ROAD R.P. 1(4TH) DESIGNATED AS PART 2 33R-12068T/W 948117 LONDON.

"O. Reg. 153/04" means Ontario Regulation 153/04, "Records of Site Condition – Part XV.1 of the Act" under the EPA.

"Owner" means the current property owner of the Site, 677075 Ontario Limited.

"Operator" means the current operator at the Site, 880188 Ontario Limited, carrying on business as Burdock's Dry Cleaners.

"Orderees" means the persons named in this Order.

"Provincial Officer" means Provincial Officer Nicole Does, or in the event that she is unable to act, any other provincial officer with the MECP London District Office authorized to act pursuant to the EPA.

"Qualified Person" means a person who meets the qualifications described in Section 5 of O. Reg. 153/04 and possesses hydrogeological expertise and experience in completing subsurface soil, groundwater and soil vapour site assessments; and implementing appropriate measures for site remediation and evaluating human and ecological risks associated with PCE contamination and its associated derivatives.

"PCE" means perchloroethylene, also known as tetrachloroethylene, and includes its derivatives such as trichloroethylene, dichloroethylene and vinyl chloride.

Description of Person(s) Subject to the Director's Order

The current Owner of the Site, 677075 Ontario Limited, has owned the Site since 1986. The current directors and officers of the Owner are Edward Leo Gouthro and Sherry Marie Gouthro, who became directors in 2015. Gary Howard Fine and Christopher Hercule Morin were directors of the Owner since 1986 until approximately May 2019.

The current Operator of the Site, 880188 Ontario Limited, carrying on business as "Burdock's Dry Cleaners", has operated since approximately 1990. The current directors of the Operator are Edward Leo Gouthro and Sherry Marie Gouthro, who were directors since the company was incorporated in March 1990.

As the current directors of the Owner and Operator, I have reasonable and probable grounds to believe that Sherry Marie Gouthro and Edward Leo Gouthro are persons who have management and control of the Site. As former directors of the Owner, I have reasonable and probable grounds to believe that Gary Howard Fine and Christopher Hercule Morin had management and control of the Site.

Description of the Site and/or System/Facility

The Site is a 1270 square meter lot, surrounded by residential and commercial properties. It consists of a single-storey commercial building currently occupied by the Operator who is operating a dry-cleaning business.

Dry cleaning operations appear to have been conducted at the Site since 1962. From approximately 1962 to 1989, the dry-cleaning operations operated under the names Forsyth Cleaners, Forsyth Launderers and Dry Cleaners, Forsyth Fabric Care Centre and Heritage Dry Cleaners Ltd. From approximately 1990 to present, the Site has been operated by the current Operator, carrying on business as Burdock's Dry Cleaners.

Events Leading up to the Director's Order

On September 27, 2019 the MECP received copies of several environmental reports prepared for and conducted on the neighbouring property, 190 Wortley Road, London. Of these reports, the reports prepared by JFM Environmental entitled "Phase II

Environmental Site Assessment Added Groundwater Delineation” dated June 27, 2017, and “2018 Annual Groundwater Sampling Program” dated January 21, 2019 identified groundwater contamination across the northern portion of the property. It was stated in both reports that the impacts were suspected to have originated from the dry-cleaning business located at the Site.

On October 15, 2019, Mr. Gouthro’s legal counsel provided upon the MECP’s request a copy of the report entitled “Parkers Cleaners, Subsurface Investigation Report, 180 Wortley Road London, Ontario” prepared by Altech Environmental Consulting Ltd., dated January 30, 1995. This report identified PCE-impacted soil near the drum storage shed which was located at the northwest end of the building at the Site. On January 30, 1995, two of the directors of 677075 Ontario Limited were Mr. Morin and Mr. Fine. The company named on the title of this report was Parker’s Cleaners (York) Limited. The director of this company at the time of the report was Mr. Fine.

On February 21, 2020, the MECP received a copy of the report entitled “Final Phase II Environmental Site Assessment” for the Site, prepared by Pinchin Ltd., dated February 21, 2020, on behalf of 677075 Ontario Ltd. The report was prepared further to a written request by the MECP made on October 17, 2019 to the directors of 677075 Ontario Ltd. The report recommended that a soil vapour investigation be conducted at the Site, based on the identified groundwater contamination of mainly PCE in multiple locations at the Site, including around the “drum storage shed” as referenced in the 1995 report.

On October 19, 2020, Provincial Officer Nicole Does issued Provincial Officer’s Order No. 4110-BSVQGD to the Owner and Operator of the Site including the Owner’s corporate directors at that time, who included Mrs. Gouthro and Mr. Gouthro. The work ordered included requirements for the preparation and submission of a soil vapor investigation plan to identify and assess the potential risk of PCE contamination to adjacent off-Site receptors. This work focused on addressing the area in which the risk of impacts from soil vapour was highest. At the time, the MECP communicated its expectations to the Owner and Operator that a full delineation of the contamination would still be necessary to assess impacts related to subsurface contamination.

Several timeline extensions were granted by the MECP to comply with the work required by Provincial Officer’s Order No. 4110-BSVQGD at the request of Mr. Gouthro, on the basis of financial constraints and impacts from the COVID-19 pandemic. On February 17, 2022, the MECP received a copy of the report entitled “DRAFT Soil Vapour Assessment”, prepared in respect of the Site by Pinchin Ltd. on behalf of 677075 Ontario Ltd. This report concluded that based on the results, the indoor air quality within neighbouring properties to the north and west of the Site are unlikely to be adversely affected by the volatile soil or groundwater impacts identified at the Site.

On August 19, 2022, the MECP technical staff completed their review of the report and found that additional work is required to confirm the report’s conclusions regarding offsite soil vapour impacts.

On September 15, 2022, a meeting was held with MECP London District Office staff and Mr. Gouthro to discuss the comments on the draft soil vapour assessment report. Prior to the meeting the directors of 677075 Ontario Ltd. indicated that Mr. Gouthro would be speaking on their behalf. During the meeting Mr. Gouthro indicated that he had limited financial resources to continue the work and expressed his concern that he was incurring costs in relation to contamination that he believes pre-existed his involvement and ownership of the Site. He believed that the contamination was the result of activities by previous owners of the Site.

On May 16, 2023, the MECP received a copy of a report entitled "FINAL Soil Vapour Assessment" for the Site, prepared by Pinchin Ltd. on behalf of 677075 Ontario Ltd., which did not contain any changes to the conclusion made within the draft report submitted on February 17, 2022, and did not address MECP technical staff's comments on the draft report, as requested.

On June 6, 2023, Mr. Gouthro advised Provincial Officer Nicole Does via telephone that neither his business nor personal finances were sufficient to complete any further delineation work at the Site. The need for further work to be completed was discussed to determine the extent of the contamination from the Site, and Mr. Gouthro stated that he would not be able to comply with another Order if issued to the current Owner and Operator of the Site.

I believe that the delineation work required by Work Ordered Items Nos. 1 to 4 are necessary to determine the level of risk and/or impacts to off-Site receptors, and to determine whether protective measures and/or remedial work is warranted to prevent or reduce an adverse effect.

I also believe that the requirements in Work Ordered Items Nos. 5 to 7 are necessary to ensure that any person who may acquire an interest in the Site is made aware of the issues and work described in this Order.

Lastly, I believe that the requirement in Work Ordered Item No. 8 for the Owner and Operator to provide access to the Site to the other Orderes is necessary to ensure that all the Orderes may undertake the other work items ordered jointly and/or severally.

Authority to Issue the Director's Order

This Order is issued pursuant to EPA s. 18 and s. 197.

I have reasonable and probable grounds to believe that the requirements specified in this Order are necessary or advisable so as to prevent, or reduce the risk of any discharge of contaminants, namely PCE into the natural environment from the Site, or to prevent, decrease or eliminate an adverse effect, that may result from (i) the discharge of a contaminant from the undertaking, or (ii) the presence or discharge of a contaminant in, on or under the property.

Further, 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.

Attachments

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

ISSUING DIRECTOR

Name: Adrien Pierre

Job Title: District Manager

Badge Number: 2074

Address: 733 Exeter Road, London, Ontario, N6E 3T1

Director Email: Adrien.pierre@ontario.ca

Office Email: environment.london@ontario.ca

Date: 2023/XX/XX

Signature: