

Director's Order

Director's Order Number

1-230768005

Director's Order Issued To

CREWS AUTO LTD.
326 COLEMAN ST , BELLEVILLE, ON, K8P 3J2

CHARLES CREWS
262 MURRAY ST , QUINTE WEST, ON, K8V 5P4
MARGARET MILLINGTON
48 NICKLAUS DR , BANCROFT, ON, K0L 1C0

Site

One hour Martinizing Dry Cleaning
322 PINNACLE ST, BELLEVILLE, ON, K8N 3B4

Refer to the Definitions section in Part B of this Director's Order, for the meaning of all the capitalized terms that are used in this Director's Order.

PART A - WORK ORDERED

This work is ordered pursuant to my authority under **EPA | 18 | (1), EPA | 197 | (1)**, I order you, jointly and severally, unless otherwise indicated, to do the following:

Item No. 1

By December 18, 2023, retain the services of a Qualified Person satisfactory to the Director to carry out the work as described in Work Ordered items 3 to 9.

Item No. 2

By January 5, 2024, submit to the Director written confirmation from the Qualified Person(s) by email to cathy.chisholm@ontario.ca and to sharilyn.kennedy@ontario.ca that they have, (1) received a copy of the Order; (2) been retained to carry out the work as described in Work Ordered Item Nos. 3 to 9; and (3) the experience and qualifications to carry out such work.

Item No. 3

By March 4, 2024, have the Qualified Person(s) prepare a detailed Work Plan that shall include, at a minimum, the following:

1. Assess and evaluate the human health risk to residents and clients at all locations in the immediate vicinity, including on the subject lands, as per the

known pathways of exposure from dry-cleaning product (i.e., soil and groundwater to indoor air).

I. Consideration should be given to whether there is a risk at the sewer alignment works, which appear to have been recently active along Front Street and for which there is an active PTTW.

2. Delineate the vertical and horizontal extent of Contaminants of Concern in soil and groundwater at the Site and that may have migrated off-site and include, at a minimum, the following:

I. Provide additional land use history assessment to ensure the full environmental conditions are understood at and around the Site (i.e., complete a Phase I ESA).

II. Provide additional characterization and documentation of fundamental hydrogeological conditions and buried infrastructure at and around the site.

III. Provide additional contaminant groundwater delineation (installation of groundwater monitoring wells) and documentation, on-site and off-site. Based on additional groundwater delineation, potential risk to on and off-site properties should be determined, and additional assessment undertaken as necessary (e.g., soil vapour probes, indoor air quality monitoring).

3. A copy of the site plan that identifies the locations of boreholes and monitoring wells that will form part of the soil and groundwater monitoring assessment.

4. A proposed schedule for implementing the work described in the Work Plan that results in the work being completed no later than twelve months after issuance of this Order.

Item No. 4

By April 4, 2024, submit to the Director by email to cathy.chisholm@ontario.ca and to sharilyn.kennedy@ontario.ca the Work Plan prepared by the Qualified Person as required in Work Ordered Item No. 3 above.

Item No. 5

Upon receipt of the Director's written acceptance of the Work Plan, arrange for the Qualified Person(s) to implement the accepted Work Plan in accordance with the accepted implementation schedule.

Item No. 6

Before March 4, 2025, have the Qualified Person(s) prepare a report, which includes but is not necessarily limited to: a) information collected through the implementation of the accepted Work Plan; and b) the steps, with a proposed implementation schedule, that will be taken to address soil and groundwater impacted by Contaminants of Concern which originates at and from the Site, which may have migrated off Site, as identified through the implementation of the accepted Work Plan (hereafter referred to as the 'Delineation Report').

Item No. 7

By March 4, 2025, submit to the Director, by email to cathy.chisholm@ontario.ca and to sharilyn.kennedy@ontario.ca, a copy of the Delineation Report referred to in Item No. 6 above.

Item No. 8

Upon service of this Order, Charles Crews and Crews Auto Ltd., 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. 9

Within thirty days of receipt of an acknowledgment and direction form signed by the Director enclosing a certificate of requirement, Crews Auto Ltd. shall register the certificate of requirement issued under s. 197 (2) of the EPA, on title to the Site, in the appropriate land registry office.

Item No. 10

Within seven days of registration of the Certificate of Requirement on title, Crews Auto Ltd. shall provide written verification to the Director by email to cathy.chisholm@ontario.ca and to sharilyn.kennedy@ontario.ca that the Certificate of Requirement has been registered on title to the Site as required by Item No. 9 above.

PART B - BACKGROUND AND REASONS

This Director's Order is being issued for the reasons set out below.

Definitions

For the purposes of this Director's Order, the following capitalized terms shall have the meanings set out below:

"2021 Indoor Air Quality Report" means the report entitled Indoor Air Quality Sampling at 322 Pinnacle Street, in Belleville, ON. Prepared by Cambium and dated January 8, 2021.

"Adverse Effect" has the same meaning as in subsection 1(1) of the EPA.

"Contaminants of Concern" are: volatile organic compounds (VOC) including organochlorine tetrachloroethylene.

"Director" means the undersigned, or any other person appointed for purposes of sections 18, and 197 of the EPA.

"Director's Order" means this Director's Order 1-230768005 dated December 4, 2023.

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

"November 2016 Report" means the report entitled Final Phase II Environmental Site Assessment 322 Pinnacle Street Belleville, Ontario dated November 30, 2016, and prepared by Pinchin Ltd.

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

"Proposal for Preliminary Remedial Action Plan" means the report entitled Proposal for Preliminary Remedial Action Plan 322 Pinnacle Street, Belleville, Ontario. Prepared by Pinchin and dated April 17, 2019.

"Provincial Officer" means Sharilyn Kennedy, or in the event that she is unable to act, any other provincial officer authorized to act pursuant to the EPA.

"Qualified Person" 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 Director's Order, the person shall also meet the qualifications set out in Section 5 of Ontario Regulation 153/04 made under the EPA.

"Site" means the property located at 322 Pinnacle St. Belleville Ontario and legally described as: PT LT 7-8 PL 99 Thurlow as in QR421026; Belleville; County of Hastings with the Property Identifier Number (PIN) 40475-0044 (LT).

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

Crews Auto Ltd. is the current owner of the Site and has been the owner since March 15, 2019. Charles Crews is the sole director of Crews Auto Ltd., as such, both the corporation and Charles Crews are being issued this Order. In this capacity, Charles Crews currently has management and control of the Site and the Contaminants of Concern originating from the Site which may be migrating beyond the Site's property boundaries.

Crews Auto Ltd. purchased the Site from Margaret and Michael John Millington, who had been the owners of the Site since August 31, 1989, both of which exercised a certain degree of management and control of the Site, and the contaminants present on and beneath the Site. The Director has reason to believe that Michael John Millington is deceased.

Description of the Site and/or System/Facility

The Site is located at 322 Pinnacle St. Belleville, Ontario.

The Site consists of a rectangular parcel of land covering approximately 5,350 square feet with a two-story building, which formerly operated as One Hour Martinizing Dry Cleaners. The Site is in a commercial land use area and is municipally serviced. The second floor of the building is occupied by a residential tenant. It is unknown if this residential tenancy is permitted by the City. The Site is located in downtown Belleville and surrounded by commercial properties to the north, west and south; and a Catholic church to the east.

Reasons for the Director's Order

On November 30, 2016, Pinchin Ltd. (Pinchin) provided Margaret Millington the November 2016 report for the Site (attached). The report identified that tetrachloroethylene, a chemical used in dry-cleaning, was present in soil at a concentration of 9,460 ug/L and in groundwater at a concentration of 176,000 which greatly exceeded the MECP Table 7 Standard of 4.5 ug/L and 0.5 ug/L respectively. The concentration in the groundwater sample was indicative of pure product. The concentration of Contaminants of Concern was so high, the laboratory was required to elevate their detection limits to achieve an adequate dilution factor. As such, the detection limits for 22 of the 33 volatile organic compounds (VOCs) analyzed were above Table 7 Standards, indicating that additional VOC exceedances are possible.

The plume of Contaminants of Concern was identified at the western property boundary. The groundwater flow direction in the area is likely toward the Moira River located approximately 200 m west. Given the location of the plume of pure product on the western property boundary, it is expected that off-site migration has likely occurred.

The November 2016 report recommended a remedial excavation and dewatering program be completed to remove the soil and groundwater exceeding the Table 7 Standards. To the ministry's knowledge, this was never completed, and the property was sold to Charles Crews

in early 2019.

On April 17, 2019, Pinchin provided Charles Crews the Proposal for Preliminary Remedial Action Plan. The report recommended further assessment of the uninvestigated soil and groundwater beneath the Site building to further delineate the extent of VOC impacts identified in the November 2016 Report. As part of the delineation process, Pinchin recommended the advancement of four new boreholes, one of which would be drilled in the footprint of the building. To the ministry's knowledge, this work has not been initiated.

On January 8, 2021, Cambium provided Charles Crews the 2021 Indoor Air Quality Report (attached) for sampling conducted on the first floor of the onsite building over an 8-hour period on December 8, 2020. The report identified exceedances of the ministry's Health Based Indoor Air Criteria for Contaminants of Concern in the former dry-cleaning area (now a warehouse) and the store front (now a café). The report concluded that the building was unfit for its intended purpose as a commercial space. The report did not address the occupation of the upstairs 1-bedroom apartment by a residential tenant or include sampling of air quality on the second floor. The report recommended the remediation of contamination, or the implementation of an extraction system for the contamination prior to the Site being used for commercial application. To the Director's knowledge, Charles Crews installed a ventilation system in the rear of the building on the first floor in 2020.

On September 25, 2023, the Ministry's hydrogeologist completed a review of both the 2016 Phase II ESA and the 2019 RAP (attached). It was determined that the 2019 RAP was insufficient and needed to be updated before delineation work could commence. In addition, it was recommended that the Owner assess and evaluate the human health risk to residents and clients at all locations in the immediate vicinity and consideration should be given to whether there is risk at the sewer alignment works, which appear to have been recently active along Front Street.

To the Ministry's knowledge, soil impacted with Contaminants of Concern are present on the Site and contaminated soil is an ongoing source of contamination to groundwater beneath the Site. A full delineation of Contaminants of Concern originating from the Site, as required by the November 2016 Report, has not been conducted and it is still likely that Contaminants of Concern extend beyond the Site's property boundaries and have the potential to impact indoor air quality of neighboring businesses. The tenant residing in the 1-bedroom apartment on the second floor of the onsite building has the potential of being exposed to indoor air that exceeds ministry guideline values.

Authority to Issue the Director's Order

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

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

- Section 18 of the EPA; and
- Section 197 of the EPA.

Therefore, based on the foregoing, I am of the opinion that Margaret Millington and Charles Crews were previously or are currently the owners or persons in charge, management or control of the Site that is contaminated with Contaminants of Concern and that the requirements specified in the Director's Order are in the public interest to ensure the protection of public health and the natural environment.

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 and that the Site is a source of Contaminants of Concern which have likely migrated off Site and onto adjacent properties. The extent of the contamination on and off 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 Contaminants of Concern may have and may continue to migrate off the Site onto adjacent properties where adverse effects related to groundwater impacts may occur or have already occurred, posing a potential risk to human health and the natural environment as identified by indoor air quality exceedances.

I reasonably believe that the requirements of this Director's Order are necessary and advisable 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.

Attachments

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

Addendum A – 2016 Phase II ESA report

Addendum B – 2021 Indoor Air Quality Assessment

Addendum C – 2023 Technical Hydrogeological Review of PCE Contaminated Site One-hour Martinizing Dry Cleaning

ISSUING DIRECTOR

Name: Cathy Chisholm

Job Title: Kingston District Manager

Badge Number: 1723

Address: 1259 Gardiners Road, Unit 3, Kingston, Ontario, K7P 3J6

Director Email: Cathy.Chisholm@Ontario.ca

Office Email: Kingston.Environment@Ontario.ca

Date: December 4, 2023

Signature:



APPEAL TO THE ONTARIO LAND TRIBUNAL INFORMATION

REQUEST FOR HEARING

You may require a hearing before the Ontario Land Tribunal if, within 15 days of service of this Director's Order, you serve written notice of your appeal on the Ontario Land Tribunal and the Director as indicated in the Contact Information below. Your notice of appeal must state the portions of this Director's Order for which a hearing is required and the grounds on which you intend to rely at the hearing. Unless you receive leave (permission) from the Ontario Land Tribunal, you are not entitled to appeal a portion of this Director's Order or to rely on grounds of appeal that are not stated in the notice of appeal.

CONTACT INFORMATION

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

Registrar
Ontario Land Tribunal
655 BAY STREET, SUITE 1500
TORONTO, ON M5G 1E5
Email: OLT.Registrar@ontario.ca

and

Director
Ministry of the Environment,
Conservation and Parks
Drinking Water and Environmental
Compliance Division
135 ST CLAIR AVE W, 8TH FLR
TORONTO, ON M4V 1P5
Office Email: DWECD
Fax: () -

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 Director's Order is made and any corresponding Service Regulation.

ADDITIONAL INFORMATION

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

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

The requirements of this Director's 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 Director's Order.

The requirements of this Director's Order are severable. If any requirement of this Director's Order, or the application of any requirement to any circumstance, is held invalid, such finding does not invalidate or render unenforceable the requirement in other circumstances. It also does not invalidate or render unenforceable the other requirements of this Director's Order.

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

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

The procedures to request a hearing and an appeal of this Director's Order and other information provided above are intended as a guide. The legislation should be consulted for additional details and accurate reference. Further information can be obtained from e-Laws at www.ontario.ca/laws.