

## Draft Director's Order

Director's Order Number

1-279390152

### Director's Order Issued To

962514 ONTARIO INC.  
201 MAJOR ST, WELLAND, ON, L3B 6A9

POP & LOCK CORPORATION  
201 MAJOR ST, WELLAND, ON, L3B 6A9

4318072 CANADA INC.  
38-10 PLACE DU COMMERCE BUREAU 116  
ILE-DES-SOEURS, QC, H3E 1T8

CHRISTIAN DUPONT LAROCQUE  
38-10 PLACE DU COMMERCE BUREAU 116  
ILE-DES-SOEURS, QC, H3E 1T8

RICHARD G. LIMOGES  
201 MAJOR ST, WELLAND, ON, L3B 6A9  
BRIAN MITCHELL  
201 MAJOR ST, WELLAND, ON, L3B 6A9

### Site

201 MAJOR ST, WELLAND, ON, L3B 6A9

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

Pursuant to section 136 of the EPA, I hereby require the performance of some of the environmental measures in the 2017 Director's Order which is described in the Notice of Intention to Cause Work To Be Done and authorize the Crown to carry out the environmental measures for which the Crown holds the Financial Assurance and to require the use of the Financial Assurance for the performance of such environmental measures.

## 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:

"Crown" means His Majesty the King in right of Ontario as represented by the Minister of the

Ministry of the Environment, Conservation and Parks.

"Director" means the undersigned director or, in the event that the undersigned is unable to act, a person appointed in writing by the Minister of the Ministry pursuant to section 5 of the EPA for the purposes of section 136 of the EPA.

"Director's Order" means this Director's Order, as may be amended.

"2017 Director's Order" means the order issued to the Parties on June 29, 2017 (No. 0268-8Y8HS7) relating to the Site the requirements of which were not complied with.

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

"Financial Assurance" means the cash held by the Crown as a result of the payments made by Messrs. Mitchell and Limoges as described below, together with the interest accumulated thereon.

"Notice of Intention to Cause Work to be Done" means the Notice of Intention to Cause Work to be Done by the Ministry of the Environment, Conservation and Parks issued under subsection 147(1) of the EPA on February 1, 2024. by the Director.

"Parties" means the persons to whom this Order is directed on page 1 above.

"Property" or "Site" means the real property, buildings and associated land located at the property municipally known as 201 Major Street, Welland, Ontario, and legally described as all of PIN 64115-0002 (LT),

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

This Order is being directed, as required by subsection 136 (3) of the EPA, to the Parties as they are either the persons who provided the Financial Assurance and/or were persons subject to the 2017 Director's Order.

The Director's Order is being issued to provide notice to the Parties of the the use of the Financial Assurance, and does not require the Parties to do anything relating to the Director's Order.

### **Description of the Site and/or System/Facility**

The Site is an abandoned industrial property known as the Mitech or Pop and Lock Corporation property on which a variety of plastic components have been manufactured for the commercial, defence and retail markets until 2011. The Site is approximately 0.4 hectares (0.9 acres) in size and is occupied by a single industrial building.

Trichloroethylene and its degradation products, including vinyl chloride (a carcinogen), has been detected in shallow groundwater and soil on the Site and some voluntary measures, including a pump and treatment system and an alternative containment system that involved phytoremediation using hybrid poplar trees were carried out in an attempt to control the contaminants. These measures were unsuccessful, and the 2017 Director's Order was issued regarding the Site.

Immediately to the south of the Site are residences. To the north and west of the Site are

roadways and existing industrial uses. A roadway separates the Site from homes located to the east. Groundwater from the Site is migrating in a south easterly direction from the Site. There is historic evidence of offsite contamination from the Site.

### **Reasons for the Director's Order**

On October 28, 2021, Messrs. Mitchell and Liimoges were convicted of an offence regarding the failure to comply with the 2017 Director's Order and a Court Order was issued to them to provide financial assurance to the Crown in the amount of a total of \$20,000 by December 31, 2022 to be used regarding the Site. The Crown has received the required money and now holds the Financial Assurance.

The Ministry intends to use the Financial Assurance in furtherance of environmental measures regarding the Site. A Qualified Person (as defined in the 2017 Director's Order) is being retained to develop a delineation plan, to better understand the nature and extent of the contamination on Site as well as a schedule and cost estimate for remediation that may be required.

Based on the foregoing, I have reasonable and probable grounds to believe that the required environmental measures will not be carried out by the Parties under the 2017 Director's Order. I also believe that it is necessary for the Crown, as represented by the Ministry, following the issuance of this Director's Order, to use the Financial Assurance to do the work set out in the Notice of Intention to Cause Work to be Done and which is described above.

### **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:

This Director's Order is being issued under subsection 136(1) of the EPA.

Pursuant to subsection 136(1) of the EPA a director may, by order, require the performance of environmental measures for which the Crown holds financial assurance and may require the use of the financial assurance for the performance of the environmental measures.

Subsection 136(2) of the EPA provides that the director may make an order mentioned in subsection (1) if the director has reasonable and probable ground to believe that any environmental measure required by an order in respect of which the financial assurance was given has not been or will not be carried out in accordance with the requirement.

### **Attachments**

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

**ISSUING DIRECTOR**

## 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](mailto:OLT.Registrar@ontario.ca)

and

Director  
Ministry of the Environment,  
Conservation and Parks  
West Central Region  
119 KING ST W, 12TH FLR  
HAMILTON, ON L8P 4Y7  
Office Email: [Environment.Hamilton@ontario.ca](mailto:Environment.Hamilton@ontario.ca)  
Fax: (905) 521-7820

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](http://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](http://www.ontario.ca/laws).**