

December 20, 2024

1000670439 Ontario Inc.
4101 Steeles Avenue West, Suite 201
Toronto, ON M3N 1V7

Attention: Janet Bobechko, Weirfoulds LLP
jbobechko@weirfoulds.com

Nagata Auto Parts Canada Co., Ltd.
1477 Sise Road
London, ON N6N 1E1

Attention: Laird French, Carlyle Peterson Lawyers LLP
lfrench@cplaw.com

Nortel Networks International Corporation
5945 Airport Road, Suite 152
Mississauga, ON L4V 1R9

Attention: Alexandra Pike, Davis Ward Phillips & Vineberg LLP
apike@dwvpv.com

Dear All:

Re: Director's Order Amending Program Approval No. 1333-AWDRUX

Pursuant to my authority under s. 11(3) of the *Environmental Protection Act*, for the reasons set out below I hereby order that Program Approval No. 1333-AWDRUX, issued to Nortel Networks International Corporation, (the "Program Approval") is amended and continued as reflected in the following two attachments, which replace all conditions of the Program Approval as originally issued:

Attachment A – 1000670439 Ontario Inc.
Attachment B – Nagata Auto Parts Canada Co., Ltd.

Nortel Networks International Corporation, being the person to whom the Program Approval was originally directed, and 1000670439 Ontario Inc. and Nagata Auto Parts Canada Co., Ltd., being the persons to whom the amended approvals are directed, have consented to this amendment.

Reasons for Amending the Program Approval

This amending Director's Order is being issued for the reasons set out in the Proposal Details section of posting [019-8148 on the Environmental Registry of Ontario](#), a copy of which is attached hereto as Attachment C to this Order.

Yours truly,

John Ritchie Digitally signed by John Ritchie
Date: 2024.12.20 14:02:14
-05'00'

John Ritchie
Regional Director (A)

Ministry of the Environment, Conservation and Parks
West Region, London District Office
733 Exeter Road
London, Ontario
N6E 1L3

Attachments

The attachments to this order form part of this amending Director's Order:

CC:

Ernst & Young Inc.
in its capacity as Monitor of Nortel Networks Corporation *et al.*
EY Tower
100 Adelaide St. West
Toronto, ON M5H 0B3

Attention: Chris Armstrong, Goodmans LLP
camstrong@goodmans.ca

Program Approval (Amended)

Sections 10 and 132 of the *Environmental Protection Act*, R.S.O. 1990, c. E.19

This Program Approval is directed to:

1000670439 Ontario Inc.
4101 Steeles Avenue West, Suite 201
Toronto, ON M3N 1V7

Part 1: Definitions

For the purposes of this Program Approval (Amended), the interpretation of all terms shall be the same as those contained in the legislation and the regulations made thereupon, unless defined below:

“Approval” means this Program Approval, as is hereby (and in future may be) amended.

“Director’s Order” means Director’s Order No. 3250-8J4J3G, issued July 20, 2011 issued to NNL, Nagata, and other parties.

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

“Former Nortel Lands” means all of the real properties formerly owned and occupied by NNL for the operation of its London manufacturing facility that included the Retained Lands and certain adjacent properties.

“Historical Contamination” means the contamination of the Former Nortel Lands, including the presence of elevated levels of volatile organic compounds in the soil and groundwater, which resulted from the operation of NNL’s manufacturing facility previously located on the Former Nortel Lands.

“Ministry” means the Ontario Ministry of the Environment, Conservation and Parks, including any employee in or agent of the Ministry, or any person involved in carrying out a program of the Ministry.

“NNL” means Nortel Networks Limited, prior owner of the Retained Lands who transferred ownership of the Retained Lands to NNIC.

“NNIC” means Nortel Networks International Corporation, prior owner of the Retained Lands.

“Retained Lands” means the real property owned by 1000 as of the date of this Approval, legally described as set out in Schedule “A” hereto.

“Settlement Agreement” means the London Properties Settlement Agreement dated November 6, 2017 and approved by order of the Ontario Superior Court of Justice on November 28, 2017 between NNL, Ernst & Young Inc. in its capacity as Monitor of Nortel Networks Corporation et al. (the “Monitor”), and Her Majesty the Queen in Right of the Province of Ontario as represented by the Minister of the Environment and Climate Change (now the Minister of the Environment, Conservation and Parks).

Part 2: Background and Approval

- 2.0 Between 1959 and 1994, NNL operated a 22.3 hectare manufacturing facility located at the Former Nortel Lands. The company carried out plastic moulding, electronics assembly, metal degreasing and painting.
- 2.1 NNL’s historical site activities were the source of contamination at the Former Nortel Lands. Numerous environmental site assessments carried out between 1993 and 1995 confirmed the presence of elevated levels of volatile organic compounds (“**VOCs**”) in the soil and groundwater.
- 2.2 In 1997, NNL demolished its building on the Former Nortel Lands. The Former Nortel Lands were subsequently subdivided into seven parcels, with NNL retaining ownership of the Retained Lands.
- 2.3 On January 14, 2009, NNL and certain of its Canadian affiliates initiated insolvency protection proceedings under the *Companies’ Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended to such date (the “**CCAA**”) and a stay of proceedings was granted by the Ontario Superior Court of Justice (the “**CCAA Court**”) and Ernst & Young Inc. was appointed as Monitor.
- 2.4 In 2011, the Ministry issued the Director’s Order to NNL and certain other owners of the Former Nortel Lands in relation to the Historical Contamination. The Director’s Order required NNL to, amongst other things, perform further assessment and remediation work in respect of the Historical Contamination.
- 2.5 On August 30, 2012, the Ministry filed a proof of claim (the “**Ministry Claim**”) in the CCAA proceedings against NNL relating to the remediation of various properties in Ontario, including the amounts alleged owing in connection with the remediation of the Former Nortel Lands.
- 2.6 On November 6, 2017, the Ministry, NNL and the Monitor executed the Settlement Agreement which was approved by order of the CCAA Court on November 28, 2017. The Settlement Agreement provides for the full and final settlement of all matters that are or could be at issue between or amongst NNL, the Monitor and the Ministry with respect to the Former Nortel Lands.
- 2.7 At the request of the Ministry and NNL, the Environmental Review Tribunal revoked the Director’s Order against NNL on February 15, 2018 on the basis that

the funds to be paid to the Ministry under the Settlement Agreement will be used to address any outstanding environmental work under the Director's Order.

- 2.8 In accordance with the terms of the Settlement Agreement and the CCAA Plan, the Ministry has received a distribution in the amount of \$3,598,308.65 as of the date of this amended Approval, not including any interest accrued. There may be future distributions pursuant to the CCAA Plan (the total payout received by the Ministry to date plus any future distributions are hereinafter referred to as the **"Settlement Payment"**).
- 2.9 On November 27, 2019, NNL obtained CCAA Court approval to transfer the Retained Lands to NNIC and NNIC obtained approval to consent to the Program Approval (as defined below).
- 2.10 On March 5, 2020, the Approval was originally issued to NNIC. As issued, the Approval required, amongst other things, the development and implementation of a work plan for the monitoring, maintenance and environmental management of Historical Contamination of the Former Nortel Lands. This work included the implementation of risk management measures and long-term monitoring to be conducted at the Former Nortel Lands.
- 2.11 Subject to the Settlement Agreement, NNIC consented to have the Settlement Payment be held by the Crown as financial assurance for the Approval, pursuant to Section 132 of the EPA, with respect to environmental measures on the Former Nortel Lands and to not seek return of the financial assurance pursuant to Section 134 of the EPA.
- 2.12 Since 2020, a number of environmental measures required by the Approval have been implemented, such that there currently remains approximately \$3,068,308.65 (CAD) available for work on the Retained Lands to address Historical Contamination (together with any accrued interest on that amount, the **"Retained Lands FA"**).
- 2.13 On December 5, 2024, 1000 purchased the Retained Lands from NNIC (as approved by the CCAA Court on November 18, 2024, for the purpose of redeveloping the property for commercial and property use. In support of this purchase, 1000 prepared a work plan for the monitoring, maintenance and environmental management of Historical Contamination of the Retained Lands that includes, but is not limited to, proposed interim site utilization and environmental measures to be implemented prior to any site development, a supplementary Phase 2 Environmental Site Assessment, vapour assessments, and the completion of a Screening Level Risk Assessment (the **"Work Plan"**).
- 2.14 As part of its purchase of the Retained Lands, 1000 requested that the MECP Director amend the Approval to reflect its ownership of the property, and its implementation of the Work Plan to address the Historic Contamination at the Retained Lands. As part of the amendment of the Approval, a separate program

approval will be issued to the owner of an adjacent portion of the Former Nortel Lands that will include a program focused on addressing the contamination at that site.

- 2.15 The MECP Director and 1000 have agreed that 1000 may submit copies of paid invoices for amounts paid for carrying out work under the Work Plan as requests for the release of financial assurance held under the Approval for the purposes of Part XII of the EPA, up to a maximum amount of the Retained Lands FA.
- 2.16 For the avoidance of doubt, nothing in this Approval will amend the Settlement Agreement or the releases delivered thereunder.

Part 3: Voluntary Agreement

- 3.1 Subsection 11(1) of the EPA provides that the Director shall, in a program approval,
- (a) set out the name of the person to whom the approval is directed;
 - (b) set out the location and nature of the source of contaminant;
 - (c) set out the details of the program; and
 - (d) approve the program.
- 3.2 Subsection 11(3) of the EPA provides that the Director may, by order, amend a program approval with the consent of the person to whom the program approval is directed. NNIC has consented to the amendment and transfer of this Approval to 1000.
- 3.3 As the owner of the Retained Lands, 1000 is a person responsible for a source of contaminant, namely the Historical Contamination, for the purposes of subsection 10(1) of the EPA.
- 3.4 Subsection 10(1) of the EPA provides that a person responsible for a source of contaminant may submit to the Director a program to prevent or to reduce and control the discharge into the natural environment of any contaminant from the source of the contaminant. For the purposes of this Approval, the Work Plan is a program under subsection 10(1) of the EPA.
- 3.5 1000 consents to this amendment of the Approval to provide that 1000 is the person to whom this Approval is directed and to incorporate the Work Plan as a program.
- 3.6 Section 132 of the EPA provides that the Director may include in a program approval in respect of a works a requirement that the person to whom the program approval is issued provide financial assurance to the Crown in right of Ontario for any one or more of the following environmental measures:

- (a) the performance of any action specified in the program approval;
- (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 the works to which the program approval is related; and
- (c) measures appropriate to prevent adverse effects upon and following the cessation or closing of the works.

3.7 Section 134 of the EPA provides that upon request, part or all of the financial assurance given in respect of a works may be returned or released pursuant to an order in writing by the Director. The MECP confirms that 1000 is the only party permitted to request a return of the Retained Lands FA (or any portion thereof).

Part 4: Approval and Order

- 4.1 I am satisfied that implementation of the program will prevent or reduce and control contaminants on or from the Retained Lands.
- 4.2 For the above reasons, I hereby approve the program. The details of the program are as follows:
- 1. implement the Work Plan, a copy of which is attached as appendix "A" to this Approval (and as may be updated in accordance with 4.2 2.); and
 - 2. update the Work Plan as appropriate, as work under the plan is completed and risk management measures may be identified.
- 4.3 For the purpose of s. 132 of the EPA, the Retained Lands FA shall be held as financial assurance for the purposes of carrying out some or all of the work described in this Approval.
- 4.4 For the purpose of s. 134 of the EPA, 1000 agrees to submit paid invoices in respect of work completed under the Work Plan as requests for the release of financial assurance up to a maximum of the amount of the Retained Lands FA and the MECP agrees to consider such requests in a timely manner.

Issued at London, Ontario, Canada this 20th day of December, 2024.

John Ritchie

Digitally signed by John Ritchie
Date: 2024.12.20 14:03:16
-05'00'

John Ritchie
Director, EPA sections 10 & 132
Ministry of the Environment, Conservation and Parks
Southwest Region, London District Office
733 Exeter Road
London, Ontario N6E 1L3

Schedule "A"

Retained Lands Legal Description

PIN: 08485-0224 (LT)

PT LOT 15 CON 3 DESIGNATED AS PARTS 3, 4, & 5 33R13850; S/T EASE OVER PART 4, 33R-13850 AS IN ER29687; S/T EASE OVER PART 1, 33R14039 AS IN ER55723; S/T EASE OVER PART 5, 33R-13850 AS IN ER64027; S/T EASE OVER PART 1, 33R-14039 AS IN ER64027; T/W EASE OVER PART 2, 33R13850 AS IN ER64027; T/W TEMP EASE OVER PART 7, 33R-13850 AS IN ER29687; T/W EASE OVER PART 3, 33R-13566 AS IN LT544556; LONDON/WESTMINSTER TWP.

Being the whole of the PIN, and municipally known as 811 Wilton Grove Road, London, Ontario.

Program Approval (Amended)

Sections 10 and 132 of the *Environmental Protection Act*, R.S.O. 1990, c. E.19

This Program Approval is directed to:

Nagata Auto Parts Canada Co., Ltd.
1477 Sise Road
London ON N6N 1E1

Part 1: Definitions

For the purposes of this Program Approval, the interpretation of all terms shall be the same as those contained in the legislation and the regulations made thereupon, unless defined below:

“Approval” means this Program Approval, as may be amended.

“Director’s Order” means Director’s Order No. 3250-8J4J3G, issued July 20, 2011 issued to NNL, Nagata, and other parties.

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

“Former Nortel Lands” means all of the real properties formerly owned and occupied by NNL for the operation of its London manufacturing facility that included the Nagata Site and certain adjacent properties.

“Historical Contamination” means the contamination of the Former Nortel Lands, including the presence of elevated levels of volatile organic compounds in the soil and groundwater, which resulted from the operation of NNL’s manufacturing facility previously located on the Former Nortel Lands.

“Ministry” means the Ontario Ministry of the Environment, Conservation and Parks, including any employee in or agent of the Ministry, or any person involved in carrying out a program of the Ministry.

“Nagata” means Nagata Auto Parts Canada Co., Ltd.

“Nagata Order” means the Provincial Officer’s Order No. 6277-AWLJL6, issued to Nagata, dated March 8, 2018, as may be amended .

“Nagata Site” means the real property owned by Nagata Auto Parts Canada Co., Ltd. as of the date of this Approval, legally described as Concession 3, PT Lots 14 & 15 RP 33R-12879 Parts 1 & 2, County of Middlesex, Ontario.

“NNL” means Nortel Networks Limited, a prior owner of the Former Nortel Lands.

“NNIC” means Nortel Networks International Corporation.

“Settlement Agreement” means the London Properties Settlement Agreement dated November 6, 2017 and approved by order of the Ontario Superior Court of Justice on November 28, 2017 between NNL, Ernst & Young Inc. in its capacity as Monitor of Nortel Networks Corporation et al. (the “Monitor”), and Her Majesty the Queen in Right of the Province of Ontario as represented by the Minister of the Environment and Climate Change (now the Minister of the Environment, Conservation and Parks).

Part 2: Background and Approval

- 2.0 Between 1959 and 1994, NNL operated a 22.3 hectare manufacturing facility located at the Former Nortel Lands. The company carried out plastic moulding, electronics assembly, metal degreasing and painting.
- 2.1 NNL’s historical site activities were the source of contamination at the Former Nortel Lands. Numerous environmental site assessments carried out between 1993 and 1995 confirmed the presence of elevated levels of volatile organic compounds (“**VOCs**”) in the soil and groundwater.
- 2.2 In 1997, NNL demolished its building on the Former Nortel Lands. The Former Nortel Lands were subsequently subdivided into seven parcels, which included the Nagata Site. On April 22, 1997 Nagata purchased the Nagata Site.
- 2.3 On January 14, 2009, NNL and certain of its Canadian affiliates initiated insolvency protection proceedings under the *Companies’ Creditors Arrangement Act*, R.S.C. 1985, c. C-36, (the “**CCAA**”) and a stay of proceedings was granted by the Ontario Superior Court of Justice and Ernst & Young Inc. was appointed as Monitor.
- 2.4 In 2011, the Ministry issued a Director’s Order (“**2011 Order**”) to NNL as owner of the Former Nortel Lands, and to Nagata and others, who were owners or subsequent owners of a part of the Former Nortel Lands, in relation to the Historical Contamination. The 2011 Order required Nagata to, amongst other things, perform further assessment and remediation work in respect of the Historical Contamination as it related to the Nagata Site.
- 2.5 On August 30, 2012, the Ministry filed a proof of claim (the “Ministry Claim”) in the CCAA proceedings against NNL relating to the remediation of various properties in Ontario, including the amounts alleged owing in connection with the remediation of the Former Nortel Lands.
- 2.6 On November 6, 2017, the Ministry, NNL and the Monitor executed the Settlement Agreement which was approved by order of the CCAA Court on November 28,

2017. The Settlement Agreement provides for the full and final settlement of all matters that are or could be at issue between or amongst NNL, the Monitor and the Ministry with respect to the Former Nortel Lands.

- 2.7 At the request of the Ministry and NNL, the Environmental Review Tribunal revoked the 2011 Order against NNL on February 15, 2018 on the basis that the funds to be paid to the Ministry under the Settlement Agreement will be used to address any outstanding environmental work under the Director's Order.
- 2.8 In accordance with the terms of the Settlement Agreement and the CCAA Plan, the Ministry has received a distribution in the amount of \$3,598,308.65 as of the date of this amended Approval, not including any interest accrued. There may be future distributions pursuant to the CCAA Plan (the total payout received by the Ministry to date plus any future distributions are hereinafter referred to as the "**Settlement Payment**").
- 2.9 On March 8, 2018, the Nagata Order was issued to Nagata on consent, which required Nagata to carry out certain necessary assessment and remediation work in respect of the Nagata Site. In addition, the Ministry and Nagata entered into a settlement agreement which provided that Nagata may request the release of financial assurance held by MECP to reimburse costs incurred in carrying out the work in the Nagata Order up to a maximum amount of \$245,000 ("**Nagata Site FA**").
- 2.10 On March 5, 2020, the Approval was originally issued to NNIC. As issued, the Approval required, amongst other things, the development and implementation of a work plan for the monitoring, maintenance and environmental management of Historical Contamination of the Former Nortel Lands. This work included the implementation of risk management measures set out in the Nagata Order to be conducted at the Nagata Site. The purpose of the Approval was to provide an instrument for the Settlement Payment to be held as financial assurance in respect of the Former Nortel Lands, including the Nagata Site FA.
- 2.11 Subject to the Settlement Agreement, NNIC consented to have the Settlement Payment be held by the Crown as financial assurance for the Approval, pursuant to Section 132 of the EPA, with respect to environmental measures on the Former Nortel Lands and to not seek return of the financial assurance pursuant to Section 134 of the EPA.
- 2.12 On December 5, 2024, a new purchaser ("**Purchaser**") acquired a portion of the Former Nortel Lands ("**Purchased Lands**") and requested that the Approval be amended into two separate program approvals: one directed at the Nagata Site; the second directed at the Purchased Lands. This Approval is the program approval directed at the Nagata Site and the Nagata Site FA will now relate only to this Approval.

Part 3: Voluntary Agreement

- 3.1 Subsection 11(1) of the EPA provides that the Director shall, in a program approval,
- (a) set out the name of the person to whom the approval is directed;
 - (b) set out the location and nature of the source of contaminant;
 - (c) set out the details of the program; and
 - (d) approve the program.
- 3.2 Subsection 11(3) of the EPA provides that the Director may, by order, amend a program approval with the consent of the person to whom the program approval is directed. NNIC has consented to the amendment and transfer of this Approval to Nagata as set forth herein.
- 3.3 As the owner of the Nagata Site, Nagata is a person responsible for a source of contaminant, namely the Historical Contamination, as it relates to the Nagata Site only, for the purposes of subsection 10(1) of the EPA.
- 3.4 Subsection 10(1) of the EPA provides that a person responsible for a source of contaminant may submit to the Director a program to prevent or to reduce and control the discharge into the natural environment of any contaminant from the source of the contaminant. For the purposes of this Approval, the work required by the Nagata Order is a program under subsection 10(1) of the EPA.
- 3.5 Nagata consents to this amendment of the Approval to provide that Nagata is the person to whom this Approval is directed and to incorporate the requirements of the Nagata Order as a program. Nagata will carry out work on the Nagata Site in accordance with this Approval.
- 3.6 Section 132 of the EPA provides that the Director may include in a program approval in respect of a works a requirement that the person to whom the program approval is issued provide financial assurance to the Crown in right of Ontario for any one or more of the following environmental measures:
- (a) the performance of any action specified in the program approval;
 - (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 the works to which the program approval is related; and
 - (c) measures appropriate to prevent adverse effects upon and following the cessation or closing of the works.

- 3.7 Section 134 of the EPA provides that upon request, part or all of the financial assurance given in respect of a works, which for purposes of this Approval is the Nagata FA, may be returned or released pursuant to an order in writing by the Director. The MECP confirms that Nagata is the only party permitted to request a return of the Nagata Site FA.

Part 4: Approval and Order

- 4.1 I am satisfied that implementation of the program will prevent or reduce and control contaminants on or from the Nagata Site.
- 4.2 For the above reasons, I hereby approve the program. The details of the program are as follows:
- (a) implement the work required by the Nagata Order.
- 4.3 For the purpose of s. 132 of the EPA, the Nagata Site FA shall be held as financial assurance for the purposes of carrying out some or all of the work described in this Approval.
- 4.4 For the purpose of s. 134 of the EPA, Nagata agrees to submit paid invoices in respect of work completed under the Nagata Order as requests for the release of financial assurance up to a maximum of the amount of the Nagata Site FA and the MECP agrees to consider such requests in a timely manner.

Issued at London, Ontario, Canada this 20th day of December, 2024.

John Ritchie Digitally signed by John Ritchie
Date: 2024.12.20 14:02:44 -05'00'

John Ritchie
Director, EPA sections 10 & 132
Ministry of the Environment, Conservation and Parks
Southwest Region, London District Office
733 Exeter Road
London, Ontario N6E 1L3



Environmental Registry of Ontario

1000670439 Ontario Inc.

Instrument type: Approval of a program to prevent, reduce or control discharge (/taxonomy/term/379)

ERO (Environmental Registry of Ontario) number	019-8148
Ministry reference number	1333-AWDRUX
Notice type	Instrument
Act	Environmental Protection Act, R.S.O. 1990
Posted by	Ministry of the Environment, Conservation and Parks
Notice stage	Proposal
Proposal posted	June 28, 2024
Comment period	June 28, 2024 - August 12, 2024 (45 days) Closed
Last updated	June 28, 2024

This consultation was open from:

**June 28, 2024
to August 12, 2024**

Proposal summary

Proposal to amend Program Approval No. (number) 1333-AWDRUX under section 11 (3) of the *Environmental Protection Act* to address historical contamination from prior operations at the site in order to bring the environmental condition to a state that is suitable for industrial/commercial redevelopment.

Location details

Site address

811 Wilton Grove Road & 1477 Sise Road
London, ON
N6N 1N7

Canada

Site location details

1000670439 Ontario Inc..(Incorporated) Site:

811 Wilton Grove Road,

London, Ontario

N6N 1N7

Nagata Site:

1477 Sise Road,

London, Ontario

N6N 1E1

Site location map

The location pin reflects the approximate area where environmental activity is taking place.

[View this location on a map](https://maps.google.com/?q=42.92447,-81.20838) [\(https://maps.google.com/?q=42.92447,-81.20838\)](https://maps.google.com/?q=42.92447,-81.20838)

Proponent(s)

1000670439 Ontario Inc.

4101 Steeles Avenue West, Suite

Toronto, ON

M3N 1V7

Canada

Nagata Auto Parts Canada Co., Ltd.

1477 Sise Road

London, ON

N6N 1E1

Canada

Proposal details

On March 5, 2020, a program approval was issued to Nortel Networks International Corporation ("NNIC") that provided for environmental measures on lands in London, Ontario that were formerly owned by Nortel Networks Limited (the "Nortel Program Approval"):

- a property located at 811 Wilton Grove, London Ontario, currently owned by NNIC (Nortel Networks International Corporation), referred to as the "Retained Lands";
- a property located at 1477 Sise Road, London Ontario, currently owned by Nagata Auto Parts Canada Co. (company), Ltd. (Limited), referred to as the "Nagata Site"; and
- a property owned by Daimler Truckers Canada Ltd. (Limited), referred to as the "Daimler Site".

For more information on the Nortel Program Approval and these properties, see ERO (Environmental Registry of Ontario) posting **019-0978** (<https://ero.ontario.ca/notice/019-0978>), a link to which is provided further below in this Notice.

Some of the work provided for in the Nortel Program Approval has been carried out and there is a proposed acquisition of one of the properties. The Director of the Ministry of the Environment, Conservation and Parks ("Ministry") proposes to amend the Nortel Program Approval pursuant to section 11(3) of the *Environmental Protection Act, R.S.O. (Revised Statutes of Ontario) 1990, c. (chapter) E.19* ("EPA") to account for these developments.

Retained Lands

1000670439 Ontario Inc. (Incorporated) ("1000") is proposing to acquire and develop the Retained Lands. As 1000 is only proposing to purchase the Retained Lands it is requesting that the Nortel Program Approval be amended, such that there be a stand-alone program approval that deals specifically with the Retained Lands (the "1000 Program Approval") and which contains a modified work plan.

The environmental measures outlined in the proposed 1000 Program Approval consist of the Environmental Management Work Plan prepared by 1000's consultant Fisher Engineering Limited. The measures proposed are required to address the remaining historical contamination at the Retained Lands and to bring the environmental condition of the Retained Lands to a state that is suitable for industrial/commercial redevelopment.

A brief summary of the proposed measures without limitation, are provided as follows:

- Interim site utilization and control measures/procedures including fencing the perimeter of the site and the development of site specific health and safety plans;
- Initiation of supplementary Phase 2 Environmental Site investigation(s) and monitoring/sampling of existing monitoring wells;
- Soil vapour assessment to establish current baseline and evaluate appropriate potential risk management controls;
- Additional remedial excavations and groundwater pumping to remove impacted media, where applicable;
- Screening Level Risk Assessment ("SLRA") to evaluate the potential human health and ecological risks associated with the remaining subsurface impacts;
- Based on the findings of the SLRA (Screening Level Risk Assessment), develop and implement Risk Management Measures to mitigate potential risk to applicable receptors;
- Evaluate (and install where applicable) the need for barriers or measures to control the migration of existing impacts;
- Complete long term groundwater monitoring and sampling to confirm that measures taken to reduce risk and/or reduce concentrations of impact are appropriately effective.

Nagata Site

Work on the Nagata Site has not yet been completed. The Ministry is proposing to amend the Nortel Program Approval to provide for a separate program approval that would address the work on the Nagata Site (the "Nagata Program Approval"). The proposed Nagata Program Approval would contain the same work program that existed for the Nagata Site under the Nortel Program Approval, namely the implementation of the work required by Provincial Officer's Order No. (number) 62777-AWLJL6, issued to Nagata Auto Parts Canada Co. (company), Ltd. (Limited), dated March 8, 2018.

Daimler Site

Work on the Daimler Site was undertaken to the Ministry's satisfaction and that work is no longer necessary to include in a program. As a result, the Ministry proposes to remove that work from the program.

Financial Assurance

Financial assurance is currently held by the Ministry pursuant to section 132 of the EPA (Environmental Protection Act) for the performance of the actions specified in the Nortel Program Approval (the “Financial Assurance”). As part of the proposed amendment, the Financial Assurance would be apportioned between the 1000 Program Approval and the Nagata Program Approval in a manner that would reflect the costs of the respective programs. The Ministry is proposing to allow each of 1000 and Nagata to request the release of the relevant financial assurance upon completing the prescribed work.

The Ministry intends that the proposed amendments be made in the event that 1000’s purchase of the Retained Lands occurs.

Related files

1000670439 Ontario Inc. Draft Program Approval
(<https://prod-environmental-registry.s3.amazonaws.com/2024-06/1000670439 Ontario Inc. Program Approval.pdf>)
pdf (Portable Document Format file) 170.17 KB

1000670439 Ontario Inc. Draft Program Approval
(<https://prod-environmental-registry.s3.amazonaws.com/2024-06/Nagata Auto Parts Canada Co., Ltd Program approval.pdf>)
pdf (Portable Document Format file) 184.27 KB

Related ERO (Environmental Registry of Ontario) notices

Nortel Networks International Corporation - Approval of a program to prevent, reduce or control discharge (/notice/019-0978)

View materials in person

Some supporting materials may not be available online. If this is the case, you can request to view the materials in person.

Supporting materials

Get in touch with the office listed below to find out if materials are available.

Comment

Commenting is now closed.

The comment period was from June 28, 2024
to August 12, 2024

Connect with us

Contact

Nilima Gandhi

 [437-242-7112](tel:437-242-7112)

 nilima.gandhi@ontario.ca