

Director's Order

Order Number

1-1555220305

Order Issued To

Catharine Kench
250 First St.,
Gananoque ON, K7G 2J4

Michael Kench
135 Oak Street
Gananoque, ON, K7G 2R3

Roger D. Tregunna
5166 Highway 2, RR3,
Gananoque ON K7G 2V5

Resaca Home Ltd.
745 King Street West,
Gananoque, Ontario, K7G 2T6

Site

745 King St. West
Gananoque, United Counties of Leeds and Grenville

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 Order.

PART A - WORK ORDERED

Pursuant to my authority under **EPA 18 and 197**, I order you, jointly and severally, to do the following:

Item No. 1 Compliance Due Date: Two weeks after service of the Director's Order

By two weeks after service of this Director's Order, retain the services of a Qualified Person to carry out the work described in Work Ordered Item 3 to 6, inclusive of this Order.

Item No. 2 Compliance Due Date: Three weeks after service of the Director's Order

By three weeks after service of this Director's Order, submit written confirmation from the Qualified Person to the Director by email to Cathy.Chisholm@ontario.ca and to environment.kingston@ontario.ca that they have: (a) received a copy of this Order; (b) been retained to carry out the work as described in Work Ordered Item No. 3 to No. 6, inclusive, of this Order; and (c) the experience and qualifications to carry out such work.

Item No. 3

Compliance Due Date: Two months after service of the Director's Order

By two months after service of the Director's Order, have the Qualified Person prepare a detailed Work Plan that shall include, at a minimum, the following:

1. Delineate the vertical and horizontal extent of Contaminants of Concern in soil and groundwater on Site and on all properties adjacent to the Site; and
2. 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

Compliance Due Date: Two months after service of the Director's Order

By two months after service of the Director's Order, submit to the Director via email to Cathy.Chisholm@ontario.ca and to Environment.kingston@ontario.ca, a copy of the Work Plan prepared by the Qualified Person as required in Work Ordered Item No. 3 above.

Item No. 5

Compliance Due Date: Upon receipt of the Director's written acceptance

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

Item No. 6

Compliance Due Date: Twelve months after service of the Director's Order

By twelve months after service of the Director's Order, have the Qualified Person prepare a report, which includes, at a minimum: 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 PHCs at and from the Site, as identified through the implementation of the accepted Work Plan (hereafter referred to as the 'Delineation Report').

Item No. 7

Compliance Due Date: Twelve Months after service of the Director's Order

By twelve months after service of the Director's Order, submit to the Director via email to Cathy.Chisholm@ontario.ca and to Environment.kingston@ontario.ca, a copy of the Delineation Report prepared by the Qualified Person as required in Work Ordered Item No. 7 above.

Item No. 8

Compliance Due Date: Upon service of this Order

Upon service of this Order, Catharine Kench shall, before dealing with the Site in any way, provide 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.

PART B - DIRECTOR'S REPORT

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:

"1998 Phase II ESA" means the 745 King Street West Gananoque, Ontario Phase II Environmental Site Assessment prepared by Winchurch Environmental Inc. and dated May 1998.

"2010 Order" means Provincial Officer's Order 2184-87RKVD, dated July 27, 2010.

"Contaminants of Concern" are: benzene, toluene, ethylbenzene, xylenes, petroleum hydrocarbons (F1 to F4 fractions) and polycyclic aromatic hydrocarbons.

"Director" means the undersigned Director, or any other person appointed by the Minister of the Environment, Conservation and Parks, pursuant to section 5 of the EPA for purposes of section 18 of the EPA.

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

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

"Order" means this Director's Order 1-1555220305 as it may be amended.

"Qualified Person" means a person that holds a licence, limited licence or temporary licence under the Professional Engineers Act; or a person that holds a certificate of registration under the Professional Geoscientists Act, 2000 and is a practising member, temporary member or limited member of the Association of Professional Geoscientists of Ontario.

"Site" means the property municipally known as 745 King Street West in the Town of Gananoque, Ontario, United Counties of Leeds and Grenville, Property Identifier Number 44252-0110.

Description of Person(s) Subject to the Order

Catharine Kench has been the owner of the Site since March 27, 2025.

Catharine Kench purchased the Site from her son, Michael Kench, who was the owner of the Site between May 16, 2022, until the transfer to Catherine Kench on March 27, 2025. According to conversations between Michael Kench and Ministry staff in October 2024, Mr. Kench purchased the property through a tax sale as a brownfield and he was aware of the contamination present on Site.

Mr. Kench purchased the Site from 1311252 Ontario Ltd. who was the owner of the Site between

December 3, 1999, until the sale to Mr. Kench. According to a corporate search, 1311252 Ontario Ltd. amalgamated with Resaca Homes Ltd. and 1112183 Ontario Limited on January 31, 2005, with the newly amalgamated corporation taking on the name of Resaca Homes Ltd. According to a corporate search, Resaca Homes Ltd. is an active Ontario incorporated company, corporation number 1622557 and it has been active since January 31, 2005.

The earliest document available through the electronic land registry records for the Site is a Transfer/Deed of Land from August 8, 1999, from 1112183 Ontario Ltd. to 1311252 Ontario Ltd. According to the corporate profiles, Roger D. Tregunna is the sole director for both of the numbered companies in addition to Resaca Homes Ltd. In this capacity, Mr. Tregunna exercised management and control of the Site and of the Contaminants of Concern originating from it which may be migrating beyond the Site's property boundaries.

Description of the Site and/or System/Facility

The Site is located at 745 King St. West, Gananoque and it is currently a retail outlet called Life on The River Co.

Historical aerial imagery from 1961, the earliest year imagery is available to the Ministry, shows the Site consisted of a structure on the west side of a square shaped lot. This structure has remained in all imagery up to today as such, the current onsite building is believed to be the original structure which is a single-story three bay garage with an office. Aerial images from 1961 and 1967 show what appears to be a pump island on the north side of the garage, adjacent to King St. West. Imagery from 1977 shows an addition was built on the west side of the garage (the third garage bay) and the pump island is not present. The 1998 Phase II ESA report for the Site indicates four underground storage tanks (USTs) containing diesel and gasoline were located on the west side of the garage and therefore the addition was constructed on top of the four USTs.

Municipal records indicate the 0.51-acre Site operated as Suny's Gas Bar and Mikes Westend Service from at least the mid 1980's. From 1999 to approximately 2014, the Site operated as Mr. Rogers Autos (car dealership), and West Gate Auto Service.

The Site is located in a mixed residential/commercial area of Gananoque, fully serviced with municipal utilities, including water and sewers. The Site is bound by a vacant property to the west (755 King St. West), King Street to the north, and residences to the south and east.

Reasons for the Order

The earliest environmental document the ministry has for the Site is a 1998 Phase II ESA completed on behalf of West Gate Auto Services. The report indicates that four USTs were installed in approximately 1996 in the northwest corner of the Site to replace the four previous USTs located under the addition to the garage. It is understood the original USTs have been removed. The report concludes that petroleum odours were detected in four of the six boreholes which were drilled to 2.23 metres below ground surface.

In 2005, the four USTs installed in 1996 were removed, and a soil sample was collected from the west wall of the excavation. Results determined the sample exceeded ministry criteria for benzene, ethylbenzene, toluene, xylenes (BTEX), and petroleum hydrocarbon

(PHC) fractions F1 to F4, contaminants consistent with diesel and gasoline impacts. The author of the report stated that these results indicated petroleum impacted soil was present at the property line and had likely migrated off-site.

Between 2006 and 2014, many soil and groundwater monitoring programs were completed at 740, 745, 755, and 710 King St. West, and within the roadway of King St. West to delineate the fuel plume. The reports all conclude the former UST nest at 745 King St. West is the source of petroleum. Fuel migrated north under King St. West, then west along underground service trenches to 755 King St. West.

The property at 755 King St. West consisted of an apartment building located immediately next to the garage (and former tank nest) at 745 King St. West. The fuel impacts to 755 King St. West were not addressed, resulting in the apartment building being demolished in 2009 due to soil vapour intrusion impacts associated with PHC contamination, the property remains vacant today.

Provincial Officer's Order 2184-87RKVD was issued in 2010 to Resaca Home Ltd. to completely delineate the extent of the fuel plume. Resaca Home Ltd. never complied with the order and contaminated soil remains in place at 745 and 755 King St. West. In 2014, a certificate of requirement was registered on title pursuant to the 2010 Order.

Due to the inability of Resaca Home Ltd. to delineate the plume as per the 2010 Order, the Ministry completed groundwater and soil sampling in 2014 and 2015. The results were similar to previous investigations. At the time of sampling, PHC impacted soil and groundwater were present at 745 King St. West and they were present north into the municipal roadway and west to 755 King St. West. The plume has not been delineated to the east. Because the source of contamination on 745 King St. West has not been remediated, the Site continues to act as an uncontrolled source of PHCs and continues to migrate off-site, contaminating neighbouring municipal and private properties.

The presence and migration of COCs, which are all known contaminants, to municipal and private properties poses a threat to human health due to soil vapour intrusion, and to the environment via groundwater and soil impacts.

Authority to Issue the Order

I am issuing this Order under my authority as a Director under the following legislation, which also includes the authority to take intermediate action and/or procedural steps: Sections 18 and 197 of the EPA.

I reasonably believe the requirements specified in this Order are necessary or advisable so as to prevent, or reduce the risk of any discharge of contaminants, namely PHCs, into the natural environment from the property, or to prevent, decrease or eliminate an adverse effect namely soil and groundwater contamination, 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.

Attachments

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