



June 11, 2025

Ministry of the Environment, Conservation and Parks (“MECP”)

Central Region,
Halton Peel District Office
4145 North Service Road, 3rd Floor
Burlington, ON L7L 6L3

Delivered via email only:

Neil.Hannington@ontario.ca;

Copy to:

environment.haltonpeel@ontario.ca;

Christina.Liu4@ontario.ca

Attention: Neil Hannington, Halton-Peel District Issuing Director

Dear Mr. Hannington,

**Re: Draft Director’s Order Number 1-280716025
Parker’s Cleaners (Burlington) Ltd. and all, 480 Guelph Line Contamination**

Gerry Strongman Holdings Ltd. (“Strongman”) owns 466 Guelph Line, Burlington. Strongman has been named in a draft Director’s Order dated April 14, 2025 regarding 480 Guelph Line (“480 GL”) and the contamination flowing from the former dry-cleaning operations on that property to the surrounding neighbourhood. We are one of the many innocent, impacted property owners. We have spent more than \$700,000 trying to address the contamination on our property and ensuring that our tenant can safely use the building. Despite incurring these costs, we are still faced with being named in a Director’s Order and paying in perpetuity to clean up contamination that is the responsibility of others. This is neither fair, nor in the best interests of the environment and does not accord with MECP technical guidance.

The Source Property (480 GL) Must be Addressed First

It is our understanding that until such time as the source property is remediated or contained, we can expect dry cleaning contaminants to flow onto our property for decades and probably much longer. The structure of the draft Director’s Order, and the fact that our property happens to be located so close to the source property, means that we will be forever cleaning up contamination migrating onto our property from the upgradient source property. Not only is this unfair and a waste of money, but it is also nonsensical as it will merely make conditions worse on our site.

Any additional funds spent by us cleaning up our property will simply be thrown away unless the source contamination at 480 GL is addressed first. Proceeding in the fashion contemplated by the draft Director's Order is not in anyone's interest and does not solve the problem. While we are prepared to properly characterize the known groundwater contamination at our property, assess potential health risks and implement risk management measures, if necessary, we should not be required to undertake any remedial measures until the source site is addressed.

Delineation Should Occur Before Requiring Remediation

As we understand it, the actions that are being undertaken, or will be undertaken, by individual property owners will have an impact on each other. For example, if a party installs an impermeable barrier at their upgradient property boundary, it will make a permeable reactive barrier on the next door upgradient property useless and potentially drive contamination further afield. This is just one example that demonstrates the importance of coordinating the approach at the various properties to achieve the desired results. The work should be carried out in a staged fashion, with the extent of the contamination being delineated first before requiring multiple, disjointed contaminant management plans to be prepared. The delineation should be carried out, the data shared amongst all parties, and only then should the preparation of contaminant management plans be required, ideally in a coordinated fashion so as to optimize the effectiveness of the plans and minimize the costs to be incurred by innocent landowners.

This is in keeping with recommendations made by the MECP Regional Hydrogeologist, Luciana Rodrigues, in her memorandum dated March 13, 2018 entitled "Groundwater Impacts at 480 Guelph Line, Burlington, ON and surrounding area." Her conclusions, set out at page 7 of the memorandum, included the following: "Implementing a remediation system without proper plume delineation can compromise effectiveness and success of any future remedial option." At page 8 she goes on to say: "Additional characterization of the contaminants (i.e. PCE and its breakdown products) is recommended to be completed according to the ITRC guideline (ITRC, 2015)." It is my understanding that this guideline is a comprehensive document developed to guide qualified persons in the assessment of "DNAPL" sites.

The dataset available here is sporadic and insufficient upon which to devise a remediation plan. Requiring parties to develop piecemeal contaminant management plans at this time is contradictory to the best practices laid out in the ITRC document and the MECP's previous conclusions and recommendations.

Protecting Occupants Health and Safety

We understand that the MECP is concerned with the intrusion of contaminated vapours into buildings located on the impacted properties. BlueFrog previously completed indoor air quality sampling in our building in September 2021. The September 2021 data indicated that the air quality met the MECP Health Based Indoor Air Criteria (HBIAC). As a responsible landlord, we

have already conducted additional indoor air quality sampling in 2025 at 466 Guelph Line in accordance with the MECP document “(Draft) Technical Guidance for Soil Vapour Intrusion Assessment” dated January 4, 2021, as amended. The most recent sampling performed in May 2025 confirms the September previous results and indicates that concentrations for all contaminants of concern met the MECP HBIAC. As such, there is no risk to the occupants of the building. We plan on having BluMetric resample again in late fall 2025 to ensure our tenant’s employees are safe.

Request for Meeting

We would like an opportunity to meet with you to discuss how to constructively structure the work of the draft Order so as to avoid throwing away hundreds of thousands of additional dollars to remediate contamination that will continue to flow onto our property in perpetuity unless the source is remediated. We are a responsible landlord and property owner with a 100+ year history of successfully operating a family business. Our site continues to operate safely as a tenanted commercial property serving the business needs of the local Burlington community. We are prepared to provide for long term mitigation of any health risks but only once the source contamination at 480 GL is first addressed. We will ensure our site can be safely used in the meantime.

We believe that with the cooperation of the MECP, 480 GL can be sold in the near future to a developer who is prepared to remediate the site and stop the further ongoing pollution of the neighbourhood. Thereafter, the owners of the impacted properties can address the presence of the contamination on their properties, knowing that the source has been addressed. Otherwise, a great deal more money will be wasted on ineffective remedial measures and the neighbourhood will be, in effect, “sterilized.” Developers will no longer buy properties with the intention of remediating them and residential owners will have difficulty selling their contaminated homes, as everyone will face the prospect of being subject to an MECP Order in relation to contamination that they did not cause and cannot control.

At Schedule A, you will find some questions with respect to aspects of the draft Order and some comments on the timelines, which we would ask you to consider if you proceed to issue the draft Order. However, as indicated above, we would appreciate an opportunity to meet with you in person along with representatives from BluMetric to discuss the neighbourhood contamination issue and the draft Order.

In addition, at Schedule B we have attached a copy of our letter dated August 9, 2024 addressed to your colleague, Susan Eves, which we ask that you read.

We look forward to hearing from you.

Yours truly,

A handwritten signature in black ink, appearing to read "Nick Argue". The signature is fluid and cursive, with a large initial "N" and "A".

Nick Argue, CPA, CA
President
The Strongman Group

Work 604-990-9648, ext. 226
nick@thestrongmangroup.com

Schedule A

Technical Questions and Comments on the Draft Order

We have the following technical questions or comments on the draft Order arranged by Item No.

Item No. 4

The orderees should not have to rely on the 2021 Orderees to circulate a data package on the work that was done by them or on their behalf. The MECP should provide the orderees with all the relevant data and information in the possession of the MECP.

Item No. 7

The timeline for doing the work of Item No. 7 is insufficient. It will take our consultant more than 60 days from the date of their retainer for this scope of work (for which we will have 30 days to fulfill) to review all the necessary data and prepare a Contaminant Management Plan, along with cost estimate to carry out such work. The concern with the timeframe is amplified because (a) we have no control over when the MECP will issue the final order; and (b) it is apparent from reading the draft Order that there is significantly more data available than was supplied by the MECP along with the draft Order. We don't want to have to appeal the draft Order solely for the purpose of getting a reasonable amount of time within which to comply or to get access to the data.

Item No. 8

Why is no Delineation Work Plan or Contaminant Management Plan required for this property?

Item No. 19

30 days is insufficient to retain an environmental consultant to carry out the work after the MECP approves the work plan. This is because it may be many months or longer before the plans are accepted by the MECP. As such, a new consultant may have to be retained for reasons beyond the control of the orderee (e.g. retirement of person with knowledge on file, consulting firm being sold, costs escalating due to the passage of time, etc.).

General Comments

All Delineation Work Plans and Contaminant Management Plans should be circulated to all orderees, not just the orderees in relation to a particular Item No. Similarly, the delineation work carried out by parties outside of the order context should be provided to all orderees. For example, the data generated at 458 Guelph Line is directly relevant to what we will do on our property. This demonstrates the challenges presented by the piecemeal approach adopted in the draft Order.

As set out above, the work that one party does may have a domino effect on other properties and the work proposed for those properties. As such, all ordererees should have all the information.

Schedule B



August 9, 2024

Ministry of the Environment, Conservation and Parks ("MECP")
Central Region,
Halton Peel District Office
4145 North Service Road, 3rd Floor
Burlington, ON L7L 6L3

Delivered via email only:
Susan.Eves@ontario.ca;

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environment.haltonpeel@ontario.ca;
Yash.Badlani@ontario.ca;
Tina.Dufresne@ontario.ca;
Norm.Rankin@ontario.ca

Attention: Susan Eves, Halton-Peel District Supervisor

Dear Ms. Eves,

Re: Draft Director's Order Number 1-280716025
Parker's Cleaners (Burlington) Ltd. and all, 480 Guelph Line Contamination

DRSSL Holdings Ltd. ("DRSSL") owns 466 Guelph Line, Burlington. DRSSL has been named in a draft Director's Order dated June 25, 2024 regarding 480 Guelph Line and its contamination.

DRSSL opposes being named in a Director's Order on the basis that it is unfair, impractical and unnecessary. There are other options to address the contamination that the Ministry of the Environment, Conservation and Parks (the "MECP") ought to consider to address the contamination, as described in more detail below:

Unfair

Issuing an order in the form of the draft Director's Order is unfair. DRSSL is not responsible for the contamination. It is an innocent flow-through property owner. As such, it is unfair to name DRSSL in a Director's Order when neither it, nor its tenants, have done anything to cause the contamination, as acknowledged by the MECP.

The source of the dry-cleaning contaminants is the former dry-cleaning operations at 480 Guelph Line. The current and former owners of this property, and the operations on the property, should

be held responsible for the environmental damage they have caused. The MECP has considerable powers it can use to force these parties to address the contamination, including as part of a prosecution for failing to comply with an order (sections 190 and 190.1 of the *Environmental Protection Act*).

It is a significant overreach for the MECP to require innocent property owners to clean up contamination they did not cause. This is akin to a by-law officer trying to deal with a rotten tree on a property by asking the neighbours to pay for its removal rather than requiring the offending property owner to deal with it. It is not our fault that we happen to own property next to a polluter. It is unfair to foist on to innocent property owners responsibility for the significant costs involved dealing with contamination they did not cause. To date, we have already spent more than \$700,000 to try to address this situation over a number of years. Compliance with the Director's Order, if issued, will require a significant additional outlay of funds.

In addition to the money we have already expended dealing with these issues, the value of our property has significantly deteriorated due to the contamination that we did not cause. At the present time, it is unmarketable due to the contamination that continues to migrate onto it from 480, with the result that it has minimal value. We have suffered enough hardship without having to pay for the work set out in the draft order. We are small, family business and we do not have further significant resources to spend on cleaning up of contamination on our site; contamination that we did not cause.

Impractical and Inefficient

The work envisioned by the draft order is also impractical. Asking each of the twenty different parties named to retain their own Qualified Person ("QP") is a mistake. The MECP admitted as much in the July 29, 2024 Townhall conference call meeting, i.e. that having one QP to act as a central agency would be preferable due to efficiencies, synergies and cost savings rather than having a mix of twenty different QPs each acting independently and with varying degrees of work quality. We would ask the MECP to take a leadership role on this in conjunction with some of the larger parties named (ex: Suncor and the City of Burlington) to determine a suitable QP for all parties to use. Furthermore, we believe it is unwise to ask of owners such as a residential condominium corporation with no experience in such matters to research and select their own QP. This will result in disjointed, uncoordinated and unnecessary work being carried out, running up the costs for everyone.

In addition, it does not make sense to require a number of flow-through property owners to stop migration at their downgradient property boundaries and, in effect, create a series of isolated sites, each containing dry-cleaning contaminants. It is not a good use of funds to carry out unnecessary and redundant environmental work at each downgradient property boundary. Moreover, if the polluter fails to take measures to stop migration from its property, that will leave our site, 466 Guelph Line, left to receive increasing amounts of contamination from 480 Guelph

Line and to deal with it. Not only is this unfair, but it is nonsensical as it will merely make conditions worse on our site. Any additional funds spent by us on our site are wasteful until the source contamination at 480 Guelph Line is addressed and cleaned up so that further contamination from the source site does not continue to flow onto our site.

Other Options

If MECP does not believe it will have success in forcing the polluters to clean up, then the MECP should use its considerable powers under the *Environmental Protection Act* to conduct remediation on the source property and other properties and recover its costs of doing so from the polluters (see sections 99(2), 99.1(1), 147, 150, and 153, as well as Section 16(2) of the *Escheats Act*.)

We understand that the owners of 480 Guelph Line are currently in the process of trying to sell their property to a developer that will assume the liability and responsibility for cleaning up the source property contamination as well as cleaning up our site. We understand that the developer specializes in environmental site remediation. We strongly believe MECP should work with the prospective purchaser and use MECP resources to encourage and incentivize this developer to purchase 480 Guelph Line. This is a practical and viable solution for funding the clean-up of the source, which is in the interest of all parties and the public interest. We are concerned that the draft Director's Order will scare them away.

Conclusion

Not only is it unfair to order innocent, impacted property owners to remediate their properties, it is also premature. The extent of the contamination problem should be delineated prior to ordering any remediation. Thereafter, stakeholders, including the Province of Ontario, should meet to discuss the problem and arrive at a cost-effective and efficient means to ensure the safe occupation of properties. In the meantime, with the cooperation of the MECP, the sale of 480 Guelph Line can occur and the source can be remediated.

Our site continues to operate as a tenanted commercial property and serving the business needs of the local Burlington community.

Respectfully submitted,



Nick Argue, CPA, CA
President
The Strongman Group

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