



Ministry of  
the Environment

Ministère de  
l'Environnement

## Director's Order

Environmental Protection Act, R.S.O. 1990, c.E 19 (EPA)  
Ontario Water Resources Act, R.S.O. 1990, c. O. 40 (OWRA)  
Pesticides Act, R.S.O. 1990, c. P11 (PA)  
Safe Drinking Water Act, S.O. 2002, c.32 (SDWA)  
Nutrient Management Act, 2002, S.O. 2002, c.4 (NMA)

Order Number  
2066-8UQP82

Incident Report No.  
6624-8UQP45

To: Northstar Aerospace (Canada) Inc.  
180 Market Drive  
Milton, Ontario  
L9T 3H5

Northstar Aerospace, Inc.  
6006 WEST 73RD St  
Bedford Park, Illinois, 60638  
USA

Site: 695 Bishop Street North  
Cambridge, Ontario

### Part 1: Definitions

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

- 1.1 "Bishop Street Community" means the area under investigation based on the current extent of groundwater contaminants and trichloroethylene indoor air concentrations as a result of soil vapour intrusion.
- 1.2 "Director" means the District Manager for the Ministry's Guelph District Office.
- 1.3 "Ministry" means the Ontario Ministry of the Environment.
- 1.4 "Northstar Aerospace" means Northstar Aerospace, Inc.
- 1.5 "Northstar Canada" means Northstar Aerospace (Canada) Inc.
- 1.6 "Northstar" means Northstar Aerospace, Inc. and Northstar Aerospace (Canada) Inc.
- 1.7 "Site" or "Northstar Property" means the property which is municipally known as 695 Bishop Street North, Cambridge, Ontario more particularly described as Lt

38-39 RCP 1374 Cambridge Except Pt 3, 67R3167; Pt BLK A Pt 1319  
Cambridge as in W648730; Pt Lt 37 RCP 1374 Cambridge Pt 3, 67R3011, Except  
Pts 1 & 2, 67R3167; Cambridge

## **Part 2: Legal Authority and Reasons**

- 2.1 Northstar Canada is the owner of the property at 695 Bishop Street North in Cambridge. This Order is also directed to Northstar Aerospace for the reasons outlined in the Order issued to Northstar on March 15, 2012.
- 2.2 For the reasons set out in the attached Provincial Officer's Report and pursuant to my authority under section 132 and 196 of the Environmental Protection Act, I order Northstar to do, or cause to have done, the following:

## **Part 3: Work Ordered**

- 3.1 By June 6, 2012, or such later date agreeable to the Director, Northstar shall provide financial assurance to the Ministry in the amount of \$10,352,906. The financial assurance shall be in the form of a certified cheque payable to the Ontario Minister of Finance or an irrevocable letter of credit issued by a Canadian Chartered Bank as outlined in the Ministry's *Financial Assurance Guideline* revised November 2005 and in a form satisfactory to the Director.
- 3.2 In the event that financial assurance is in the form of an irrevocable letter of credit and notice is received by the Director or the Crown that the financial assurance will not be renewed or otherwise expire, Northstar shall forthwith replace such assurance with cash in the same amount as the irrevocable letter of credit.
- 3.3 The amount of financial assurance may be modified or reduced from time to time by the Director upon application and submission of such supporting documentation as required by the Director.

## **Part 4: General**

- 4.1 All orders are issued in the English language and may be translated into the French language. In the event that there should be a conflict between the English original and the French translation, the English original shall prevail.
- 4.2 The requirements of this Order are severable. If any requirement of this order or the application of any requirement to any circumstance is held invalid, the application of such requirement to other circumstances and the remainder of the Order shall not be affected thereby.
- 4.3 Subsection 19(1) of the EPA provides that an order of the Director is binding upon the successor or assignee of the person to whom it is directed.

- 4.4 Subsection 186(2) of the EPA provides that non-compliance with the requirements of this Order constitutes an offence.
- 4.5 Any request to change a requirement in this Order shall be made in writing to the Director, with reason for the request, at least 14 days prior to any compliance date for that requirement.
- 4.6 The requirements of this Order are minimum requirements only and do not relieve you from:
- i. complying with any other applicable order, statute, regulation, municipal, provincial or federal law, or
  - ii. obtaining any approvals or consents not specified in this Order;
- 4.7 Notwithstanding the issuance of this Order, further or other orders may be issued in accordance with legislation as circumstances require. In particular, the Director shall issue an order where the approval of the Director is required in respect of a matter under this Order and,
- i. the Director does not grant approval; or
  - ii. the Director does not grant approval because the changes which the Director considers necessary for granting approval have not been agreed to by the persons to whom this Order is issued.
- 4.8 In the event that any party to this Order is, in the opinion of the Director, rendered unable to perform or comply with any obligations herein because of:
- i. natural phenomena of an exceptional, inevitable or irresistible nature, or insurrections; or
  - ii. strikes, lockouts or other labour disturbances; or
  - iii. inability to obtain materials or equipment for reasons beyond the control of the company; or
  - iv. any other cause whether similar to or different from the foregoing beyond the reasonable control of the parties,
- the obligations hereof, as they are affected by the above shall be adjusted in a manner defined by the Director. To obtain such an adjustment, the party must notify the Director immediately of any of the above occurrences, providing details that demonstrate that no practical alternatives are feasible in order to meet the compliance dates in question.
- 4.9 Failure to comply with a requirement of this Order by the date specified does not absolve Northstar from compliance with the requirement. The obligation to complete the requirement shall continue each day thereafter.
- 4.10 This Order has no expiry date.

**Part 5: Hearing Before The Environmental Review Tribunal**

- 5.1 Under section 140 of the EPA you may require a hearing before the Environmental Review Tribunal, if, within fifteen days after service upon you of this Order, you serve written notice upon the Environmental Review Tribunal and the Director.
- 5.2 Section 142 of the EPA provides that the notice requiring the hearing must include a statement of the portions of the Order for which the hearing is required and the grounds on which you intend to rely at the hearing. Except by leave of the Environmental Review Tribunal, you are not entitled to appeal a portion of the Order or to rely on grounds of appeal that are not stated in the notice requiring the hearing.
- 5.3 Written notice requiring a hearing shall be served personally or by mail on the following:

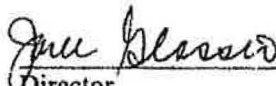
The Secretary  
Environmental Review Tribunal  
655 Bay Street, Suite 1500  
Toronto, ON  
M5G 1E5

and Director  
Ministry of the Environment  
One Stone Road West, 4<sup>th</sup> Floor  
Guelph, ON N1G 4Y2

Where service is made by mail, the service shall be deemed to be made on the fifth day after the day of mailing and the time for requiring a hearing is not extended by choosing service by mail.

Unless stayed by application to the Environment Review Tribunal under Section 143 of the EPA this Order is effective from the date of issue.

Issued at Guelph this 31st day of May, 2012.

  
Director  
Ministry of the Environment



Ministry of the Environment  
Ministère de l'Environnement

## Provincial Officer's Report

Order Number  
2066-8UQP82

Reference Number  
4242-8UQP7D

Northstar Aerospace (Canada) Inc.  
180 Market Dr  
Milton, Ontario, L9T 3H5  
Canada

Northstar Aerospace, Inc.  
6006 WEST 73RD St  
Bedford Park, Illinois, 60638  
USA

Site  
695 Bishop St N  
Cambridge, Regional Municipality of Waterloo

### Introduction

As a Provincial Officer with the Ministry of the Environment (the Ministry), Guelph District Office, West Central Region I have been involved with the Northstar Aerospace (Canada) Inc. site located at 695 Bishop Street North in Cambridge, ON since 2004.

For the purposes of this Provincial Officer's Report and the attached Director's Order "Northstar" means Northstar Aerospace, Inc. and Northstar Aerospace (Canada) Inc.

Since 2004, Northstar has been completing an extensive assessment of soil and groundwater contamination attributed to the 695 Bishop Street North property, including the delineation, remediation and mitigation of potential adverse effects associated with the contamination. The primary contaminants consist of trichloroethylene (TCE) and hexavalent chromium.

### Observations

On March 15, 2012, the Ministry issued Director's Order #6076-8RJRUP to Northstar with respect to the groundwater contamination in an area of Cambridge known as the Bishop Street Community. This Director's Order stipulates the minimum actions to be taken to ensure the protection of human health and the environment, the prevention and mitigation of potential adverse effects associated with the groundwater contamination, and the remediation of the groundwater contamination in the Bishop Street Community.

Condition 3.14.1 of Director's Order #6076-8RJRUP required Northstar to submit to the Ministry the estimated costs to comply with the work requirements of the Order. Northstar complied with this condition on May 14, 2012.

Based on the cost estimates provided by Northstar the projected total costs for 2012 to 2015 is \$5,176,453. It is important to note that these costs were estimated based upon Northstar staff completing a significant portion of the work required by the Order. If it were necessary to contract the work required by the Order to a third party the actual costs are likely to be at least double or \$10,352,906.

### Conclusion

Recent financial disclosures made by Northstar have revealed there is significant doubt regarding the Corporation's ability to continue as a going concern which could impact on the environmental remediation programs.

Although it is not possible to accurately estimate when the environmental issues within the Bishop Street Community will be resolved, it is likely that the work required by Order #6076-8RJRUP will continue for a minimum of ten years.

The purpose of the attached Order is to provide financial assurance with respect to the work required by Order #6076-8RJRUP based on the estimates provided by Northstar.



Provincial Officer: Phil Shewen  
Badge Number: 357  
Date: March 15, 2012  
District Office: Guelph