

Ministry of the Environment, Conservation
and Parks
Drinking Water and Environmental
Compliance Division
West Central Region
Hamilton District Office

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Ministère de l'Environnement de la Protection
de la nature et des Parcs
Division de la conformité en matière
d'eau potable et d'environnement
Direction régionale du Centre-Ouest
Bureau de district de Hamilton

119 rue King Ouest, 9^e étage
Hamilton (Ontario) L8P 4Y7



October 30, 2023

The City of Hamilton
71 Main Street West, 1st Floor
Hamilton, ON L8P 4Y5

Attention Cari Vanderperk, Director, Watershed Management:

Re: Amendment of Item No.6 of Director's Order No.1-PE3L3

I am in receipt of your letter and appended correspondence dated October 13, 2023, in which the City of Hamilton outlines the reasons the city is unable to complete the dredging activities by the October 31, 2023, deadline as set out in the amended Director's Order No.1-PE3L3, last amended on March 14, 2023. I have considered the City's request to extend the compliance date for the dredging activities specified in Item No. 6 of the Order from October 31, 2023, to November 30, 2023. I have also considered the request to extend the compliance date for the remaining activities in the approved Chedoke Creek Workplan to be completed by May 31, 2024, from December 31, 2023.

In considering this request, I have reviewed the City's letter, the attachments thereto, the weekly updates, monthly progress reports and the information provided at the meeting between ministry staff and City staff on October 20, 2023. Based on my review of the information provided to support the City's request, I understand due to the unseasonably wet weather experienced through July and August, as well as equipment challenges caused by larger rocks and unexpected materials within dredged materials, that the scheduling contingencies to meet the October 31, 2023, deadline for dredging activities have been utilized. As such, the utilization of the schedule contingencies for the project has now impacted the City's ability to comply with the October 31, 2023, deadline to complete dredging activities. I also understand that due to these challenges, it is the City's view that the ability of the city to complete the remaining activities in the Chedoke Creek workplan by December 31, 2023, will be impacted.

Having considered the City's submissions, I am of the view that the compliance date in Item No. 6 of the Order may be amended, however, the remaining activities in the Chedoke Creek workplan, which includes dredged material dewatering activities, sediment management and disposal activities, must still be completed by the City by December 31, 2023. For clarity, I am of the view that the remaining activities do not include the deconstruction and restoration of the dredged material management area in Kay Drage Park, which may be managed in accordance with the City's project timelines.

As such, pursuant to my authority under sections 157.3 of the *Environmental Protection Act*, s.16.4 of the *Ontario Water Resources Act*, and sections 49 and 54 of the *Legislation Act, 2006*, I hereby alter the compliance date in Item No. 6 as requested so that Item No. 6 now reads as follows:

6. Complete all dredging activities by November 30, 2023, and complete the remaining activities in the approved Chedoke Creek Workplan by December 31, 2023.

All other Items in the Order remain in effect, and unaltered. This Order alters and constitutes part of Director's Order No. 1-PE3L3, issued on December 4, 2020 (as amended). You may require a hearing before the Ontario Land Tribunal (OLT) in respect of this amendment to Item No. 6 in accordance with the *Environmental Protection Act* and the *Ontario Water Resources Act*. If you require a hearing, you have 15 days after the service of this Order to serve notice upon the OLT and the Director.

I encourage you to inform the indigenous communities and various stakeholders who are interested in the work that is required pursuant to the Director's Order, of this amendment.

If you have any questions concerning this amendment to Director's Order No. 1-PE3L3, please do not hesitate to contact me.

Regards,



Stephen Burt

District Manager & Director appointed for the purposes of s.157.3 EPA, s.16.4 OWRA.

Cc. Lubna Hussain, Director, West Central Region, MECP
Elizabeth Chee Sing, Supervisor, MECP
Carlyle Khan, General Manager Public Works, City of Hamilton
Nick Winters, Director, Hamilton Water
Charlene McKay, Compliance & Regulations Manager, Hamilton Water