

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

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Hamilton, Ontario L8P 4Y7

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



March 3, 2023

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

Attention City Clerk:

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

I have recently completed my review of correspondence dated February 6, 2023, from Tim Crowley, Project Manager Watershed Management, for the City of Hamilton. The correspondence confirms that the City of Hamilton has now obtained all the required work permit extensions and renewals from the various permitting agencies. I have also considered the discussions with City of Hamilton held on February 2 and 7, 2023 where updates on the Chedoke Creek Workplan and timelines were discussed.

The correspondence confirms that the City of Hamilton has had discussions with the Ministry of Natural Resources and Forestry, the Hamilton Conservation Authority and the Canadian Department of Fisheries and Oceans regarding the work permits and seeking in-water work restriction exception. The City of Hamilton has confirmed that the work permits, and approvals related to in water portion of this project did not recommend a fisheries timing window be adhered to as the only restriction was related to the water temperature threshold for the mussel relocation which was completed in 2022 and is not required for work completed within 2023. I am satisfied that, under the conditions set out in the Order and through the required permits and authorizations, that the Workplan prepared by the City of Hamilton will protect fish and aquatic habitat while the remediation work is completed. Any effects from the remediation work would be temporary in nature and occur during the actual dredging and would be minimal taking into consideration the protective measures that will be in place. Based on this information I am of the view that the City can commence the dredging activities as set out in the approved Chedoke Creek Workplan as soon as the weather permits.

Having considered these submissions, the previous delays to the project and further to our ongoing discussions related to compliance with Director's Order No.1-PE3L3, I am of the opinion that the project timelines require stricter management to ensure the remediation work is completed this year. I am of the view that it is necessary and advisable that the Director's Order be amended to ensure this work commences as soon as possible to prevent further negative environmental impacts to Chedoke Creek and the Cootes Paradise watershed from the presence of contaminants and raw sewage that remain in Chedoke Creek from the spill that occurred during the period between January 28, 2014, and July 18, 2018. If dredging activities do not commence as soon as possible, the effects resulting from the spill will persist and contribute to the degradation and adverse effects being experienced in the watershed.

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 revoke Item No. 6 of Director's Order No.1-PE3L3 (as amended) and replace it with the following:

6. Commence activities in the approved Chedoke Creek Workplan as soon as possible such that all dredging activities are completed by August 31, 2023, with the remaining activities in the approved Chedoke Creek Workplan completed 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,

A handwritten signature in black ink, appearing to read 'S. Burt', is written over a light grey rectangular background.

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
Nick Winters, Director, Hamilton Water
Cari Vanderperk, Director of Watershed Management, Hamilton Water
Susan Girt, Compliance & Regulations Manager, Hamilton Water