

# Added Item 5.1(n)

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**Sent:** Sunday, September 19, 2021 7:07 PM  
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**Cc:** 'Mark van Zandvoort' [REDACTED]; 'Leo Longo' [REDACTED]; 'Tamminga, Mark' [REDACTED]; 'Joany Verschuuren' [REDACTED]; 'Ron Cole' [REDACTED]; 'Vidas' [REDACTED]  
**Subject:** Old Dundas Road Sewage Pumping Station (HC005) Emergency Overflow to Ancaster Creek Feasibility Study (PW14107(a)) - Ward 12

To Mayor Fred Eisenberger and all Members of Hamilton City Council

On Monday September 20, the Public Works Committee will again consider a proposal to dump untreated sewage into Ancaster Creek in the area of Old Dundas Road near the Ancaster Mill restaurant when emergency conditions exist. We were unaware that this item was on the agenda for this meeting until Friday afternoon and, unfortunately, have missed the deadline for making formal submissions to the Committee on this matter. Regardless, we are writing to all members of council in an attempt to ensure that you are all aware of the ramifications of this proposal for Ancaster Creek, for us as homeowners on Old Dundas Road and for our neighbours.

- (1) The site of the Old Dundas Road pumping station is next to the Ancaster Mill Restaurant. Sherman Falls is located several hundred meters downstream from the proposed dumping site. If implemented, raw sewage will flow over Sherman Falls with the potential to become aerosol and constitute a serious health hazard to anyone in the vicinity of the Falls.
- (2) Ancaster Creek is NOT public property in this area. It is private property throughout most of the run of the creek from the pumping station to Cootes Paradise. The proposal to dump raw sewage in the creek is, in effect, a proposal to deliberately pollute private property with human excrement. The City does not have either the legal or moral right to do this. It is disgraceful.
- (3) Downstream from Sherman Falls there are 12 residential properties through which Ancaster Creek flows. Substantial other downstream portions of the creek are owned by The Hamilton Conservation Authority and McMaster University. The creek flows approximately 10 feet from the back door of one residence.
- (4) The proposal to dump raw sewage into Ancaster Creek to alleviate a problem for some homeowners is simply a mechanism for transferring the problem to other homeowners, including ourselves.
- (5) The presence of raw sewage in Ancaster Creek will constitute a health hazard for all of us living near the creek and for anyone visiting this area. Appropriate warning signs will be necessary.

- (6) Ancaster Creek flows through our property for approximately 700 feet. (We are located at the junction of Old Dundas Road and Lower Lions Club Road, approximately 200 meters downstream from Sherman Falls.) Part of our property is flood plain. Ancaster Creek regularly bursts its banks onto this flood plain during times of heavy rainfall – exactly the times when dumping of raw sewage is proposed to take place. If raw sewage is in the creek when it bursts its banks, this sewage will be deposited on our property constituting a health hazard to us and our dogs. The hazard will also exist for our immediate neighbours.
- (7) Our property title includes riparian rights. These rights include the right to recover damages against any upstream user of the creek who despoils it and causes us harm.
- (8) As owners of a goodly portion of Ancaster Creek, we have become strong supporters of the Watershed Stewardship Program of the HCA. We have expended considerable time, effort (physical work) and money to improve our section of the creek and bring aquatic life back to it in this area. As of last year we hit a major milestone when we believe that trout returned to our section of the creek for the first time in a generation. It is also home to endangered turtles, minks, crayfish, amphibians and innumerable bird species that depend on it as a source of sustenance. A single dumping of raw sewage into the creek will endanger all of these creatures and set back our efforts by years.
- (9) The efforts of ourselves and other owners of Ancaster Creek in conjunction with staff of the HCA and McMaster University have resulted in a vast improvement to the ecology of the creek and its surrounding area in recent years to the ultimate benefit of Cootes Paradise and all Hamiltonians. This proposal is like a kick in the teeth in return for all of the efforts we have expended.
- (10) If the creek is to be despoiled with human waste during exceptionally heavy rainfalls, none of the owners of the downstream portions of the creek will have any incentive to do further work to improve it knowing that all of those efforts can be destroyed during a single occurrence of a few hours of rainfall.

In the face of these facts, we do not believe that Hamilton can morally proceed with this proposal which is an outright attack on our home and the homes of our neighbours along the creek. If, however, Hamilton decides to proceed we wish to advise council that we will use every legal means available to us to stop this from happening. And if it should happen, we will hold the city responsible for willfully damaging our property and for any adverse effects on the water in our creek or on our health. We say this not as a threat but as a simple statement of fact. We have no choice but to defend our home in any way we can.

You should also know that we have retained legal counsel and instructed them to investigate any and all means of opposing the despoiling of Ancaster Creek and our property, including obtaining an injunction against the city. We will be encouraging all of our neighbours to join in this effort.

When viewed in conjunction with the recent despoiling of Cootes Paradise by an “accidental” sewage discharge of the same nature as what is contemplated by the proposal to dump overflow into Ancaster Creek, our reaction to the PWC’s recommendation is one of sorrow. How is it possible that we have, as a community, learned nothing from the previous disaster? Our sorrow is compounded by the knowledge that it is our own councillor who brought this motion before council - a motion to take actions that will deliberately damage some of his constituents.

Finally, we invite all members of council to visit our home at your convenience and to see Ancaster Creek for yourselves. We would be delighted to introduce you to the creatures that live there and which may be destroyed by any "emergency" overflow. It is a gem in the Hamilton environment and should be treasured as such.

Respectfully Submitted

Richard & Sheila Ross

