

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

119 King Street West, 9th Floor
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 14, 2023

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

Attention Nick Winters, Director, Hamilton Water:

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

I am in receipt of your letter and appended correspondence dated March 13, 2023, in which the City of Hamilton outlines the reasons they are unable to complete the dredging activities by the August 31, 2023 deadline as set out in the amended Director's Order No.1-PE3L3 as of March 3, 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 August 31, 2023 to October 31, 2023.

In considering this request, I have reviewed the City's letter and supplementary correspondence from its contractors. Based on my review of the materials provided to support the City's request, I understand there are many complexities that can occur on the project which could result in delays. Unexpected events such as staffing and supply chain challenges, work stoppages due to prolonged wet weather creating high flows as well as mechanical and equipment issues create project timeline uncertainties and could impact the City's ability to comply with the August 31, 2023 deadline. The City of Hamilton remains responsible to address their contractors concerns and their request for a confirmation letter regarding a safe and secure work environment.

Having considered your submissions, I am of the view that the compliance date may be amended. To ensure the ministry is made aware of any impacts to the revised timelines as soon as possible, I will also require that the City of Hamilton provide the ministry with weekly written reports outlining progress on key milestones before dredging begins and weekly written project updates once the dredging begins. Further discussions on format of these project updates can be held at our next monthly Chedoke Creek update meetings required by the Order, the next of which is scheduled on April 4, 2023.

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. Commence activities in the approved Chedoke Creek Workplan as soon as possible such that all dredging activities are completed by October 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 be 'SB', on a light gray 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
Carlyle Khan, General Manager Public Works, City of Hamilton
Cari Vanderperk, Director, Watershed Management Hamilton Water
Susan Girt, Compliance & Regulations Manager, Hamilton Water