




Hamilton

# INFORMATION REPORT

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	September 20, 2023
<b>SUBJECT/REPORT NO:</b>	Chedoke Creek Order - Remediation Update (PW19008(u)) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Tim Crowley (905) 546-2424 Ext. 5063
<b>SUBMITTED BY:</b>	Cari Vanderperk Director, Watershed Management Public Works Department
<b>SIGNATURE:</b>	

## COUNCIL DIRECTION

N/A

## INFORMATION

The City of Hamilton (City) was served Director’s Order No.1-PE3L3 (Order) by the Ministry of the Environment, Conservation and Parks (Ministry) on December 4, 2020, as a result of the Main/King combined sewer overflow discharge which occurred between January 2014 and July 2018.

The Order consists of two parts:

The first part, identified in the Chedoke Creek Workplan, requires the City to complete the targeted dredging of sediment in Chedoke Creek.

The second part, as identified in the Cootes Paradise Workplan, requires the City to conduct various studies and policy reviews to improve the water quality entering Cootes Paradise from City-owned infrastructure. A status update on each of the associated Ministry approved workplans is provided below.

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

Chedoke Creek Workplan:

As previously reported at the March 22, 2023 ([Report PW19008\(t\)](#)) General Issues Committee, the Ministry issued a fourth amendment to the Order, requiring the completion of the targeted dredging works on an accelerated schedule under which all in-water dredging work needs to be completed by October 31, 2023, with the remaining activities in the approved Chedoke Creek Workplan completed by December 31, 2023.

To support the accelerated schedule, the contractor for the City, Milestone Environmental Contracting Inc., remobilized equipment and completed the installation of the floating pipeline and the construction of the Dredge Material Management Area at Kay Drage Park on July 16, 2023. In-water work began on July 17, 2023, with dedicated debris removal between the Desjardins Recreation Trail bridge and the Kay Drage Park bridge. The debris removal was followed by the commencement of targeted dredging approximately 100 meters north of the Desjardins Recreation Trail bridge.

Steps in the targeted dredging process include:

- The removal of sediment from the creek using a hydraulic dredger which employs a cutterhead and pump to vacuum and transport the material to the Dredge Material Management Area.
- The material, which includes water, soil, and organic matter left behind after the spill, receives an injection of polymer to allow it to become more solid and ready for transport.
- In the Dredge Material Management Area, the water is removed from the material, and moved into the City's sewer system where it is sent to the Woodward Wastewater Treatment Plant. This occurs on dry days only.
- The left-over dry material is disposed of an authorized landfill.

Targeted dredging has progressed into the area between the Desjardins Recreation Trail bridge and the Kay Drage Park bridge and to-date, three hydrographic surveys have been performed to support dredging operations. The surveys determine physical features of the underwater environment.

The project remains on schedule for the in-water work to be completed by October 31, 2023, but the schedule has been impacted by the rainfall Hamilton has received during the clean-up process. During heavy rainfall work needs to pause to minimize any chance of the water, that has been removed from the sediment, from going back into the natural environment until it has been treated. Future delays could result in challenges meeting the Order deadline, and as such staff will contact the Ministry immediately to begin discussions regarding an extension should additional delays occur.

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As Council are aware, the City also entered into environmental monitoring agreements for the project with the Huron-Wendat Nation, Mississaugas of the Credit First Nation, Six Nations of the Grand River, and Haudenosaunee Confederacy Chiefs Council, as represented by the Haudenosaunee Development Institute. Since the commencement of the in-water work, environmental monitors from each group continue to attend the work site.

Tours of the project site were also performed on an as needed basis for any permitting agency that issued a permit for the project. To-date, the Royal Botanical Gardens, Hamilton Conservation Authority and the local Ministry of the Environment, Conservation and Parks District Office, with Deputy Minister Imbrogno, have been provided a project site tour.

Cootes Paradise Workplan:

Consultant assignments for three Master Planning Municipal Class Environmental Assessments are currently being executed. The studies include a detailed environmental, social, and economic assessment of opportunities to improve water quality and address related water quantity matters. The timing and capital budgets for the identified preferred solutions from each Municipal Class Environmental Assessment study will be identified once each study is completed.

A sediment study in Cootes Paradise is also advancing in 2023 with investigative field work that includes the evaluation of the potential impacts from various sediment treatment alternatives. This will assist the City in evaluating the potential for the implementation of targeted water quality restoration projects within Cootes Paradise.

Lastly, the Road Retrofits Rehabilitation and Stormwater Management policy reviews will continue throughout 2023/24 with the appropriate City departments. It is important to note that the Order does not specify completion deadlines for the proposed initiatives identified in the Cootes Paradise Workplan. However, the City is expected to complete each of the three Cootes Paradise Workplan Municipal Class Environmental Assessment studies by the end of 2024, as communicated to the Ministry.

Costs:

The current expected costs for the Chedoke Creek and Cootes Paradise Workplans remain within the allocated budgets. To address the outcomes of the Cootes Paradise Workplan, approximately \$20M remains programmed into the 2024 Water, Wastewater, and Storm Rate Capital Budget. Within the next five years and once known, any additional required resources will be included in future budget requests.

Chedoke Creek Spill Charges and Fines:

On July 20, 2023, the City of Hamilton entered a guilty plea in the Ontario Court of Justice related to the Chedoke Creek spill charges laid by the Ministry of the Environment, Conservation and Parks in 2020 and received a fine of \$2.1 million, which has now been paid in full. The City and the Crown reached an agreement with respect to the appropriate penalties, which was presented to the Court as a joint submission. In addition to the \$2.1 million fine, the City has paid the Royal Botanical Gardens \$364,500 for damages incurred as result of the discharges, as well as a \$525,000 Victim Fine Surcharge for a total of \$2,985,500.

Communications:

As required by the Order, the City provides weekly and monthly written reports to the Ministry outlining progress on key milestones. Each monthly report is followed by a meeting to provide an opportunity for all parties to ask questions or raise any concerns.

The City's Communications and Strategic Initiatives team also continues to support the project with a robust communications strategy to ensure the community is informed. This includes various strategies including media releases, webpage updates and the use of social media, which ensures the community and stakeholders are kept updated on the Chedoke Creek remediation progress.

To learn more about the status of the targeted dredging activities and the remediation efforts identified in the Cootes Paradise Workplan, please visit:  
[www.hamilton.ca/chedokecreekremediation](http://www.hamilton.ca/chedokecreekremediation).

**APPENDICES AND SCHEDULES ATTACHED**

N/A