




COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	December 21, 2022
SUBJECT:	Chedoke Creek Remediation - MECP Order Extension - HW.22.13
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Cari Vanderperk Director, Watershed Management Public Works Department
SIGNATURE:	

On December 4, 2020, the City of Hamilton (City) was served a Director's Order by the Ministry of the Environment, Conservation and Parks (MECP), to conduct targeted dredging in Chedoke Creek by December 31, 2022. The targeted dredging will remediate the impacts of the Main/King combined sewer overflow discharge that occurred between January 2014 and July 2018, which discharged 24 billion litres of combined sewage.

On December 9, 2022, the City requested a 12-month extension under Item #6 of the Ministry of Environment, Conservation and Parks (MECP) Director's Order No.1-PE3L3 (Order) which imposed a deadline for the completion of the approved Chedoke Creek Workplan (Targeted Dredge) of December 31, 2022. The formal request to extend the deadline was made after evaluating project completion scenarios including engagement with permitting agencies regarding extensions to associated permits.

On December 20, 2022, the MECP Director approved the City's requested deadline extension to December 31, 2023, with all other items in the Order remaining in effect, and unaltered. The City will continue to progress through the permitting and approvals process and will inform the various internal and external stakeholders of this amendment to the Order.

Work to begin the targeted dredging of Chedoke Creek had begun in July 2022, before being paused on August 18, 2022, when representatives of the Haudenosaunee Development Institute (HDI) arrived on site and stated that they were exercising their

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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.

treaty rights to attend the site. After several unsuccessful attempts to restart the project safely, the City agreed on October 6 to allow all contractors for the project to move to standby, and not continue to attempt dredging works until further notice. At this time, all communications from the City to the HDI were being conducted through representative Legal Counsel.

The City have entered into environmental monitoring agreements with both the Mississaugas of the Credit First Nation and the Six Nations of the Grand River Elected Council. Conversations with the Huron-Wendat Nation continue with the terms of a monitoring agreement in place, and the City is awaiting a signed agreement.

APPENDICES AND SCHEDULES ATTACHED

Appendix A - Letter from MECP dated 12/20/2022 - Director's Order 1-PE3L3
Amendment

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



December 20, 2022

Cari Vanderperk
Director, Watershed Management
Hamilton Water
Public Works, City of Hamilton
E-Mail: Cari.Vanderperk@hamilton.ca

Dear Cari Vanderperk:

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

I am in receipt of your letter dated October 6, 2022, and subsequent correspondence dated December 9, 2022, in which the city is requesting an extension of the compliance date specified in Item No. 6 of the Director's Order from December 31, 2022 to December 31, 2023.

I have reviewed your request and supplementary correspondence from your consultant WSP, '*Chedoke Creek - Targeted Dredge, Completion Scenarios, December 9, 2022*'. Based on my review of the file history and documents provided to support the city's request, I understand there are many complexities, challenges, and delays that the City of Hamilton and its contractors have experienced undertaking the in-water dredging work in Chedoke Creek pursuant to the Chedoke Creek Workplan.

Given the complexities of the required work, required work permit extensions and to ensure there is appropriate time provided to facilitate ongoing discussions with Indigenous communities that have interest in the Chedoke Creek Workplan, I agree that an extension is required.

Having considered your submissions and further to our discussions held on November 23rd and December 6th, 2022, I am of the view that the compliance date can be extended.

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. By December 31, 2023, complete the approved Chedoke Creek Workplan.

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. You may require a hearing before the Ontario Land Tribunal in respect of this amendment to the compliance date 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 letter to serve notice upon the OLT and the Director.

I encourage you to inform the various stakeholders who are interested in the work that is to be completed pursuant to my 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 'S. Burt', written on a light-colored 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
Susan Girt, Compliance & Regulations Manager, Hamilton Water