




Hamilton

INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	September 18, 2024
SUBJECT/REPORT NO:	Chedoke Creek Order - Remediation Update (PW19008(w)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Tim Crowley (905) 546-2424 Ext. 5063
SUBMITTED BY:	Cari Vanderperk Director, Watershed Management Public Works Department
SIGNATURE:	

COUNCIL DIRECTION

N/A

INFORMATION

The City of Hamilton (City) was served Director's Order No.1-PE3L3 (Order) by Ontario's 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, as identified in the Chedoke Creek Workplan, requires the City to complete the targeted dredging of sediment in Chedoke Creek. This work is now complete to the satisfaction of the Ministry.

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.

Chedoke Creek Workplan:

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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.

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As previously reported at the September 20, 2023 (Report PW19008(u)) General Issues Committee, in-water work began on July 17, 2023, with dedicated surface 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. Targeted dredging continued to move south throughout the summer and fall of 2023. Interim progress surveys, measuring the depth of water in the creek, were completed as the work advanced with any identified high spots addressed after the completion of the initial targeted dredge template.

Unseasonably wet weather and unexpected buried debris caused some delays, and the City was granted an extension by the Ministry to complete in-water work by November 30, 2023, from October 31, 2023. The contractor completed the targeted dredging work on November 17, 2023, in advance of the revised deadline and began transporting dewatered sediment to designated landfills.

Excavation and transport of dewatered sediment continued until December 30, 2023, with all dredged material removed from the site one day in advance of the December 31, 2023 Order deadline. In total, 281 truckloads transported approximately 10,000 metric tonnes to three designated landfills.

After the completion of sediment disposal, the contractor continued to work on the removal of temporary berm material used to construct the southern and northern containment cells. This work continued in 2024, with final Kay Drage Park restoration works completed in June 2024.

Under Item #7 of the Order, within one month of completion of the Chedoke Creek Workplan, specifically the sediment disposal, the City was required to submit to the Ministry a report confirming that “the natural environment has been restored to pre-spill conditions and that further impairment to the natural environment will not occur as a result of the spill to Chedoke Creek”. At a minimum, the report must contain the following:

- i. Workplan requirements specified by the Ministry and the details of the work undertaken to complete the Chedoke Creek Workplan,
- ii. Any monitoring results completed before, during and after the work undertaken in accordance with the Chedoke Creek Workplan,
- iii. Analysis of the results in Item #7(ii) above for the purposes of the intended monitoring; and,
- iv. Determination if any requirement for on-going monitoring is required to verify the effectiveness or maintenance of the remedial actions undertaken is necessary.

The required report was submitted to the Ministry on February 2, 2024. On May 22, 2024, the City received Ministry comments and subsequently on June 11, 2024, conducted a meeting with the Ministry to clarify their comments. After addressing Ministry comments, the City resubmitted the final report on July 12, 2024.

The report includes a detailed summary of the work undertaken along with specifics on construction, water quality and environmental monitoring results, aligning with the requirements of Item #7 of the Order, listed above. The Ministry approved the report on August 9, 2024, attached as Appendix “A” to Report PW190008(w), which can also be found on the Chedoke Creek Spill & Remediation Activities webpage at www.hamilton.ca/chedokecreek, under Chronology of Events.

Chedoke Creek Workplan Costs:

The total costs for the Chedoke Creek Workplan are shown in Table 1, which remain within the allocated budget for the identified Project ID. Included are the Contractor (Milestone), Consultant (WSP) and Indigenous Environmental Monitoring Agreement costs from the Mississaugas of the Credit First Nation, Six Nations of the Grand River, and Haudenosaunee Confederacy Chiefs Council, as represented by the Haudenosaunee Development Institute.

Table 1

Project ID 5162168777	Cost
• Small Scale Offsetting	\$39,205
• WSP Emergency Procurement - Workplans, Design and Permitting	\$796,469
• WSP Non-Competitive Procurement - Contract Administration	\$548,086
• WSP - Standby Costs	\$151,169
• Milestone Environmental Contracting Inc. – Project Costs	\$5,135,262
• Milestone Environmental Contracting Inc. - Standby Costs	\$1,421,609
• First Nations Communities - Environmental Monitoring Agreements	\$153,995
Total	\$8,245,795

Cootes Paradise Workplan:

Consultant assignments for three Master Planning Municipal Class Environmental Assessments continue being executed concurrently. 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 was finalized in February 2024, with investigative field work in 2023 that included 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 2024/25 with the appropriate City departments. The Stormwater Management Policy review consists of updating the policy for Redevelopment Sites in the City of Hamilton and contains a prescription of Best Management Practices including Low Impact Development measures. The Road Retrofits Rehabilitation policy examines opportunities to provide stormwater management improvements for rehabilitated/reconstructed roads. The intent of this project is to strengthen the City's process and practices and to maximize runoff treatment for rehabilitated roads.

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 finalize each of the three Cootes Paradise Workplan Municipal Class Environmental Assessment studies in 2025/26.

Cootes Paradise Workplan Costs:

The current committed costs for the Cootes Paradise Workplan are shown in Table 2, which remain within the allocated budgets for the identified Project IDs.

Table 2

Project ID	Cootes Paradise Workplan Items	Amount
5162168777	Sediment Nutrient Inactivation Study	\$223,052
5162268757	Lower Chedoke Combined Environmental Assessment	\$181,428
5162268767	Chedoke Watershed Stormwater Management Environmental Assessment	\$221,112
5162262305	Ainslie Wood Creek Separation Municipal Class Environmental Assessment	\$174,682
	Total	\$800,274

To address the outcomes of the Cootes Paradise Workplan, approximately \$20 million remains programmed into the 10-year Water, Wastewater, and Storm Rate Capital

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Budget. Within the next five years and once known, any additional required resources will be included in future budget requests.

Additional Chedoke Creek Costs:

Other costs related to the Main/King combined sewer overflow discharge remain outside of the individual workplan costs described above and are reported below to provide a holistic view of the costs of the discharge to date.

As previously reported at the September 20, 2023 (Report PW19008(u)) General Issues Committee on July 20, 2023, the City of Hamilton entered a guilty plea in the Ontario Court of Justice related to the Chedoke Creek discharge. The paid fine, damages and surcharge along with the previous investigative, clean up and up to date legal and risk management costs are shown in Table 3 below.

Table 3

Previous Project IDs and/or Operating Accounts	Cost
• Investigative and Clean Up Costs (from 2018-2020)	\$1,934,269
• Legal and Risk Management Costs (to June 30, 2024)	\$267,440
• Ministry of the Environment, Conservation and Parks Fine	\$2,100,000
• Royal Botanical Gardens Damages	\$364,500
• Victim Fine Surcharge	\$525,000
Total	\$5,191,209

Communications:

The City's Communications and Strategic Initiatives Division continues to support the project to ensure the community is informed. This includes media releases, webpage updates and the use of social media, which provides information and updates to the community and stakeholders on the Chedoke Creek remediation progress.

To learn more about the status of the remediation efforts identified in the Cootes Paradise Workplan, please visit: www.hamilton.ca/chedokecreekremediation.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PW19008(w) – Chedoke Creek Workplan Post Work Report