

## Director's Order

Section 157.3 Environmental Protection Act (EPA), R.S.O. 1990  
Section 16.4 Ontario Water Resources Act (OWRA), R.S.O. 1990  
Section 26.3 Pesticides Act, R.S.O. 1990  
Section 107 Safe Drinking Water Act, S.O. 2002, c.32 (SDWA)  
Section 32 Nutrient Management Act, 2002, S.O. 2002

*Order Number*  
1-MRRCX

**To:**

HAMILTON, CITY OF  
700 WOODWARD Ave N  
HAMILTON ON L8H 6P4  
Canada

**Site:** 700 WOODWARD AVE,  
HAMILTON, L8H 6P4,  
Canada

**Attention: City Clerk**

**Response to Request**

I have reviewed Provincial Officer Order 1-J3XAY ("Order") in response to your request for the review dated November 21, 2019, submitted by your lawyer, Ms. Roz Cooper. I have considered your submissions and met with the issuing Provincial Officer, Shelley Yeudall and ministry technical support staff to discuss the Order and your submissions.

Pursuant to my authority under s. 157.3 of the EPA and s. 16.4 of the OWRA I hereby alter the Provincial Officer Order as set out below.

1. By February 14, 2020 the City shall submit to the Director a written report setting out the results of an ecological risk assessment in regard to Chedoke Creek (creek). This report shall include but not necessarily be limited to: an evaluation of the environmental impact to the creek from the sewage discharged by the City between January 28, 2014 and July 18, 2018, an identification and evaluation of sewage remaining in the creek, identification of any anticipated on-going environmental impacts to the creek as a result of the sewage spill, and a review of options designed to remediate the creek and monitor the environmental condition of the creek.
2. By February 14, 2020 the City shall submit to the Director written proposed actions with justification in respect to the remediation and the monitoring of the creek including but not necessarily limited to: selected option(s) for environmental remediation and monitoring, including all supporting documentation for the selected option(s), justification for the selected option(s), and an implementation timeline for all work designed to remediate the creek including significant milestones and any approvals required.

3. By May 1, 2020 the City shall submit to the Director a written evaluation of the environmental impact to Cootes Paradise from the sewage discharged between January 28, 2014 and July 18, 2018 including a written assessment of any anticipated on-going environmental impacts. This evaluation shall include but not necessarily be limited to: an identification of contaminants related to the sewage spill, any known environmental impacts and an assessment of anticipated on-going environmental impacts from the identified contaminants, a spatial and environmental evaluation of the contaminants remaining (floatables and non floatables) in Cootes Paradise, and any proposed remedial actions and recommendations with justification including timelines.
4. By May 1, 2020 the City shall submit to the Director a written surface water monitoring program for the impacted portion of Cootes Paradise as identified by the work performed in compliance with Item No 3 above and for Chedoke Creek. The surface water monitoring program shall be designed to monitor any ongoing environmental impact on the area affected by the sewage spill described in Item No. 3 above.
5. Commencing the week of December 9, 2019 provide to the Director written, biweekly progress updates on the progress of the City to comply with this Order.
6. In conjunction with the written biweekly progress updates, the City shall meet with the Director on a biweekly basis to discuss the progress reports. The written progress report updates shall be submitted to the Director one (1) business day before the meeting to discuss progress on compliance with this Order.
7. The City shall post this Order on the web site of the City of Hamilton for public viewing within 24 hours of it being served and it shall remain posted unless otherwise directed by the Director.

### **Request for Hearing**

You may require a hearing before the Environmental Review Tribunal if, within 15 days of service of this order, you serve written notice of your appeal on the Environmental Review Tribunal and the Director. Your notice must state the portions of the order for which a hearing is required and the grounds on which you intend to rely at the hearing. Except by leave of the Environmental Review Tribunal, you are not entitled to appeal a portion of the order or to rely on grounds of appeal that are not stated in the notice requiring the hearing. Unless stayed by the Environmental Review Tribunal, the order is effective from the date of service.

Written notice requiring a hearing must be served personally or by mail upon:

The Secretary Environmental Review Tribunal 655 Bay Street, 15th Floor Toronto, ON M5G 1E5	and	Director Ministry of the Environment, Conservation and Parks 119 King St. W., 9th floor Hamilton, ON, L8P 4Y7 Fax: (905) 521-7806
---	-----	--

Where service is made by mail, the service shall be deemed to be made on the fifth day after the date of mailing and the time for requiring a hearing is not extended by choosing service by mail.

### **For your Information**

The procedures to request a hearing and other information provided above are intended as a guide. The legislation should be consulted for additional details and accurate references.

### **Reasons for Response**

I am adding new work ordered Items No. 3 and No. 4 to require an evaluation of impact to Cootes Paradise and an ongoing monitoring program.

I am adding new work ordered Items No. 5, No. 6 and No. 7 to require notice and regular updates with respect to compliance with this Director's Order.

Issued at City of Hamilton this 28/11/2019.

A handwritten signature in black ink, appearing to read 'PW', is written over a horizontal line that extends to the right.

Paul Widmeyer

Hamilton District