

## Director's Order Amendment No. 1

### Ontario Water Resources Act, R.S.O. 1990, c. O. 40 (OWRA)

**To:** The Corporation of the City of Timmins  
220 Algonquin Blvd. E.  
Timmins, Ontario, P4N 1B3

**Site:** 815 Gervais St. N. Sewage collection system for the community of Porcupine & South Porcupine as associated with the Whitney-Tisdale Sewage Treatment Plant  
Timmins, District of Cochrane

Pursuant to my authority under section 16.3 of the OWRA, I hereby amend Director's Order 4703-933KH3 issued on August 21, 2017 (Director's Order) by revoking and replacing Item No. 1, which amends the compliance date for Item No. 2 of Provincial Officer's Order 4703-933KH3 issued December 18, 2012 (Provincial Officer's Order), to The Corporation of the City of Timmins. This amends the Director's Order in the manner and for the reasons described below.

- A. The compliance date for Item No. 1 of the Director's Order which amended Item No. 2 of the Provincial Officer's Order, is changed to **June 30, 2021**.
- B. The City of Timmins shall Post this Director's Order Amendment No. 1, on the web site of the City of Timmins for public viewing within 24 hours of it being served and it shall remain posted unless otherwise directed by the Director.

All other compliance dates listed in (i) Items No. 2, 3 and 4 of the Director's Order remain in effect, and (ii) Items No. 5 – 11 inclusive, of the Provincial Officer's Order remain in effect.

#### **Reason for Issuing Amendment No. 1 to the Director's Order:**

The compliance date for Item 1 of the Director's Order is amended in response to information received in the Timmins District Office of the Ministry of the Environment, Conservation and Parks (Ministry) from the City of Timmins, because of information gathered by Provincial Officers of the Ministry, and most recently, due to construction delays associated with COVID-19.

The information submitted by the City of Timmins describing the reasons for the delay in completion of the work and the remediation work necessary to complete the work referenced by Item 1 of the Director's Order is contained in the following documents (not an exhaustive list):

- August 10, 2020 Monthly Update Meeting and Minutes for the Whitney/Tisdale Project
- March 7, 2019 letter and report dated March 6, 2019 prepared by J.L Richards outlining a preliminary schedule for the stabilization and commissioning of the Whitney-Tisdale Pumping Station No. 4, based on the implementation of a Jet Grouting and Compaction Grouting site remediation.
- February 21, 2019 Annual Progress Update of the Whitney- Tisdale Sewage Upgrades project prepared by J.L. Richards on behalf of the City of Timmins;
- February 19, 2019 document entitled "Project Update Whitney-Tisdale Pumping Station No. 4", prepared by the City of Timmins, presented to municipal council and provided to the Ministry.
- December 20, 2018 letter to the Ministry from the City of Timmins outlining the tentative schedule for foundation remediation of Pumping Station No. 4 and commissioning of the pumping station upgrades;
- report presented to the Timmins District Office on July 18, 2018, entitled "Whitney Pump Station Upgrade Project - Key Issues";
- April 6, 2018 letter and associated report prepared by GHD Ltd. which provides a geotechnical review of construction of Pumping Station No. 4 and the equalization tanks; and,
- January 15, 2018 Annual Progress Update of the Whitney-Tisdale Sewage Upgrades project prepared by J.L. Richards on behalf of The City of Timmins;

It has previously been noted in the Director's Order that the delays related to work described in Item 2 of the Provincial Officer's Order also known as Phase 1 of the Action Plan were largely unavoidable prior to May 1, 2017, when construction resumed. Furthermore, up until January 2018 when construction ceased again as a result of further ground settlement, the City had made significant progress in complying with the requirements of Item No. 2 as originally written in the Provincial Officer's Order.

I believe it is reasonable to change the compliance date for completion of Phase 1 of the Action Plan for the purpose of allowing additional time to conduct the geotechnical review, design the stabilization plan, complete the stabilization construction phase and commission the pumping station and equalization tanks. Pursuant to the authority of sections 49 and 54 of the Legislation Act, 2006, S.O. 2006 chapter 21, Schedule F, I may amend my Director's Order and I hereby do so for the reasons noted here and as I reasonably believe it is in the public interest.

## 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  
Tel: (416) 212-6349  
Toll free: 1-866-448-2248  
[ERTTribunalsecretary@ontario.ca](mailto:ERTTribunalsecretary@ontario.ca)

and

Director  
Ministry of the Environment, Conservation and Parks  
3rd floor, Suite 331B, 435 James St. S.  
Thunder Bay ON P7E 6S7  
Fax: (807) 475-1754

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.



Jean Guindon,  
Manager, Timmins District

Signed at the City of Timmins, ON on the 3rd day of September, 2020.