

## Director's Order Amendment No. 3

### 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 **January 28, 2022**.

B. The City of Timmins shall Post the Director's Order and all Amendments, 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 Items No. 6 – 11 inclusive, of the Provincial Officer's Order remain in effect.

#### **Reason for Issuing Amendment No. 3 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, due to repairs related to leaking in Tank No. 1 and 2 and subsequent flooding and repair of dry well pumps and motors.

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):

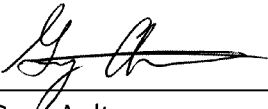
- October 20, 2021 Letter to MECP - Request for Extension to Director's Order 4703-933KH3 Whitney-Tisdale Sanitary System Upgrades Pumping Station No. 4 Foundation Remediation, City of Timmins, Ontario.
- May 18, 2021 Letter to MOE – May 17, 2021 – WT Pumping Station 4 Foundation Remediation; City Update to MOECC Whitney Tisdale Sanitary System Upgrades 2021 Progress Report; and Whitney Tisdale ps#4 Compliance Schedule.
- 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.

Following resumption of work in 2019, progress was again halted due to social distancing and safety protocols associated with COVID-19 wherein ground settlement and groundwater intrusion became an issue again. Work resumed in October 2020 but required a further extension to the Director's Order for work related to unforeseen structural and material delays. Most recently, additional delays to the commissioning of Pump Station No. 4 are due to unexpected leaking of the equalization tanks and flooding of pump equipment.

I believe it is reasonable to extend the compliance date for completion of Phase 1 of the Action Plan. The additional time will allow the City of Timmins to detect and repair leaks within the tanks, repair pump equipment and finally 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 the Director's Order and I hereby do so for the reasons noted here and as I reasonably believe it is in the public interest.



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Greg Ault,

Manager, Timmins District

Signed at the City of North Bay, ON on the 25<sup>th</sup> day of October 2021

### **Request for Hearing**

You may require a hearing before the Ontario Land Tribunal if, within 15 days of service of this Director's Order, you serve written notice of your appeal on the Ontario Land Tribunal and the Director. Your notice of appeal must state the portions of this Director's Order for which a hearing is required and the grounds on which you intend to rely at the hearing. Unless you receive permission (leave) from the Ontario Land Tribunal, you are not entitled to appeal a portion of this Director's Order or to rely on grounds of appeal that are not stated in the notice of appeal. Unless stayed by the Ontario Land Tribunal, this Director's Order is effective from the date of service.

### **CONTACT INFORMATION**

The contact information for the Director and the Ontario Land Tribunal is the following:

Registrar

Ontario Land Tribunal

655 BAY STREET, SUITE 1500

TORONTO, ON M5G 1E5

Email: [OLT.Registrar@ontario.ca](mailto:OLT.Registrar@ontario.ca)

And

Director

Ministry of the Environment, Conservation and Parks

Timmins District – North Bay Office

191 Booth Road, unit 16-17, North Bay ON P1A 4K3

Fax: 705 497-6866

Email: [greg.ault@ontario.ca](mailto:greg.ault@ontario.ca):

The contact information for the Ontario Land Tribunal and further information regarding its appeal requirements can be obtained directly from the Tribunal at:

Tel: (416) 212-6349 Toll Free: 1 (866) 448-2248 or [www.olt.gov.on.ca](http://www.olt.gov.on.ca)

#### SERVICE INFORMATION

Service of the documentation referred to above can be made personally, by mail, by fax (in the case of the Director only), by commercial courier or by email in accordance with the legislation under which this Director's Order is made and any corresponding Service Regulation.

Please note that where service is made by mail, it is deemed to be made on the fifth day after the date of mailing and choosing service by mail does not extend any of the above-mentioned timelines.

#### ADDITIONAL INFORMATION

Failure to comply with a requirement of this Director's Order constitutes an offence. The requirements of this Director's Order are minimum requirements only and do not relieve you from complying with the following:

- any applicable federal legislation;
  - any applicable provincial requirements that are not addressed in this Director's Order;
- and
- any applicable municipal law.

The requirements of this Director's Order are severable. If any requirement of this Director's Order, or the application of any requirement to any circumstance, is held invalid, such finding does not invalidate or render unenforceable the requirement in other circumstances nor does it invalidate or render unenforceable the other requirements of this Director's Order.

Further orders may be issued in accordance with the legislation as circumstances require.

The procedures to request a hearing and an appeal of this Director's Order and other information provided above are intended as a guide. The legislation should be consulted for additional details and accurate reference. Further information can be obtained from e-Laws at [www.ontario.ca/laws](http://www.ontario.ca/laws).