



Date: November 10, 2021

To: Mayor and Council

Author: G.A. Plancke / Director of Infrastructure & Engineering

RE: Source Water Protection / Risk Assessment

Report No.: IED 2021-51

RECOMMENDED ACTION

1. That Council renew the Risk Management Services Agreement with the Essex Region Conservation Authority for the period Jan 01 2022 – Dec 31, 2024; and,
2. The Mayor and Clerk be authorized to execute the Source Protection Plan Part IV Enforcement Transfer Agreement with the Essex Region Conservation Authority.

BACKGROUND

Source Water Protection is the first line of defense in protecting drinking water. Through the Clean Water Act, 2006 (CWA), a local Source Protection Committee (SPC) worked together with ERCA, municipalities, community groups and residents to develop a local, watershed-based Source Protection Plan and policies to protect our source water from contamination and overuse, now and into the future. Our policies work by either eliminating or managing activities that could be considered a threat to our source water and are based on the foundational knowledge that the actions we take on land have an impact on our local waterways and ultimately our sources of drinking water. Following an extensive process that included broad public input and municipal consultation, the Essex Region Source Protection Plan (SPP) came into effect on October 1, 2015. For more information about the SPP and related technical work, please visit our website: <https://essexregionconservation.ca/source-water-protection/>.

The Ministry of the Environment, Conservation and Parks (MECP) prescribed certain activities as drinking water threats if they contribute substances that may be harmful to human health if consumed in high concentrations. The SPP contains policies to ensure that those activities cease to be, or never become, significant threats, using a number of different tools such as education and outreach, land use planning, stewardship, existing provincial prescribed instruments, and tools specific to Part IV of the CWA. Significant threat policies, including those written under Part IV of the CWA are legally binding and must be complied with.

The implementation of Part IV policies is the responsibility of the municipality who, under the Municipal Act, has the ability to pass bylaws pertaining to the treatment and distribution of drinking water. However, the CWA allows municipalities to delegate enforcement of their Part IV responsibilities to another municipality, a board of health, planning board or Source Protection Authority (SPA) using a formal Source Protection Plan Part IV Enforcement Transfer Agreement.

DISCUSSION

Part IV tools can only be implemented by trained and certified Risk Management Officials (RMO) or Risk Management Inspectors (RMI), collectively referred to as RMO/I. The CWA and O.Reg 287 outline the training, roles and responsibilities of these persons. Currently, three members of ERCA's staff are trained and appointed as RMO/I's with a fourth staff person to be appointed as RMO/I in November 2021. This ensures access to appropriate resources at all times to perform the duties of the RMO/I as described below as well as to be able to respond in a timely manner to inquiries and applications. In addition, these staff have access to support and technical staff at ERCA.

In carrying out SPA and CA responsibilities, ERCA staff have already built a collaborative peer network with those responsible for planning and building permit processes, engineering technical support, information technology, water treatment plant operators, neighbouring jurisdictions, and other RMO/Is throughout the province.

In 2015, all municipalities in the Essex Region delegated their Risk Management Services to the Essex Region Conservation Authority. The RMO/I provides these services on behalf of the municipalities in the Essex Region Source Protection Area (ERSPA), as well as the southernmost portion of the Thames-Sydenham and Region Source Protection Region (TSR), which includes parts of the Town of Lakeshore, the Municipality of Leamington, and the Municipality of Chatham-Kent. The Essex Region Risk Management Office collaborates with the Thames-Sydenham and Region Source Protection Authority to ensure consistent implementation of our similar policies. This agreement was amended on October 1, 2018 to extend the period of agreement. The terms of the amended agreement with the municipalities will expire on December 31, 2021.

As per Section 7.2 of the initial enforcement transfer agreement, the original agreement can be renewed. ERCA is proposing such a renewal of this agreement; however municipalities have the option of providing Risk Management Services themselves at the end of the current term (December 31, 2021). In order for it to be cost effective to provide these services on behalf of the municipalities, it is important that a multi-year commitment to funding be in place. It is therefore proposed that the renewed agreement be for a three year period beginning January 1, 2022 until December 31, 2024.

FINANCIAL CONSIDERATIONS

The proposed budget included in Appendix 1 of the Risk Management Services Proposal includes costs associated with the delivery of Risk Management Services by the Essex Region Conservation Authority on behalf of the Municipalities in the Essex Region as outlined in the proposal above. The estimated costs are for the term of the agreement from January 1, 2022 to December 31, 2024. A total fee payable by the Town of Kingsville to ERCA has been established at \$14,700 over the three-year term of the agreement. This would require a budgetary pre-approval for the next three years of \$4,900 annually should Council endorse the recommendations presented.

CONSULTATIONS

Essex Region Conservation Authority (E.R.C.A.)
Senior Management Team (SMT)



G.A. Plancke Civil Eng. Tech (Env)
Director of Infrastructure & Engineering

Reviewed by:



John Norton
Chief Administrative Officer

LINK TO STRATEGIC PLAN

- ☐ COVID-19 and the health and safety of the community
- ☐ Customer Service: Training, Technology, Staff, Review Standards/Level of service
- ☐ Housing: Affordability (lot sizes, developer incentives, second dwellings, density, etc.)
- ☐ Greenhouse: lights & dark sky, odours (site plan compliance, bylaws, other tools)
- ☐ Programming Increase: Youth and Seniors
- ☐ A development plan for Downtown Kingsville / Main Street
- ☐ Financial savings: Schools closings, Migration Hall
- ☐ Economic Development: strengthen tourism/hospitality
- ☐ COVID - economic recovery

- ☐ Communications: Strategy – Policy (social media), Website refresh and other tools, Public engagement
- ☐ Housing: Migrant Worker Housing – Inspections (Building/Fire), regulate, reduce, or increase
- ☐ Committees / Boards: Review and Report
- ☐ Policy Update: Procedural Bylaw

- ☐ Economic Development: diversify the economy, create local jobs, industrial, Cottam
- ☐ Infrastructure (non-Municipal): Union Water expansion & governance
- ☐ Infrastructure (Municipal): Asset Management Plan update, the infrastructure funding deficit
- ☒ No direct link to Council priorities