



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF INFRASTRUCTURE SERVICES

MISSION STATEMENT: *Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.*

Author's Name: Antonietta Giofu	Report Date: November 30, 2021
Author's Phone: 519 519 736-3664 ext. 2320	Date to Council: December 13, 2021
Author's E-mail: agiofu@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Drinking Water Source Protection Risk Management Services

1. **RECOMMENDATION:**

It is recommended that:

1. The Town of Amherstburg **ENTER INTO** an agreement with the Essex Region Conservation Authority for Drinking Water Source Protection Risk Management Services and the Mayor and Clerk **BE AUTHORIZED** to sign same.

2. **BACKGROUND:**

Based on the recommendations from Justice O'Connor's inquiry into the 2000 Walkerton drinking water crisis, the Clean Water Act of Ontario was enacted in 2006 to ensure and protect safe drinking water. Ontario has a multi-barrier approach to protect drinking water. The first step is protecting the surface or ground water that supplies municipal drinking water systems. This is called source protection. The Clean Water Act also provides a framework for the development and implementation of watershed-based Source Protection Plans.

A regional Drinking Water Source Protection Committee (SPC) was established to determine significant drinking water threats in the region as well as the appropriate policy tools to address these threats. The Committee is comprised of representatives from three sectors – municipal, economic and other interests. During the past several years, under the guidance of the SPC, the Essex Region Conservation Authority (ERCA) has carried out technical studies to produce a Source Protection Plan specifying action to protect sources of drinking water to meet the requirements of the Clean Water Act. The Plan was approved by the Ministry of Environment and Climate Change on April 15, 2015.

In 2015, all municipalities in the Essex Region delegated their Risk Management Services to the Essex Region Conservation Authority. Council authorized this agreement with

ERCA on August 10, 2015. 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. 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.

3. DISCUSSION:

The Source Protection Plan, including policies, came into effect on October 1, 2015. The Town of Amherstburg is required to have a Risk Management Official (RMO) and a Risk Management Inspector (RMI). The RMO/I are responsible for implementing policies written under Part IV of the Clean Water Act.

The Risk Management Services are the responsibility of the municipality. However, the Clean Water Act allows for 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.

Administration is recommending that the Town continue to delegate the Risk Management services to the Essex Region Conservation Authority. In addition to the technical expertise, ERCA has two fully trained officers on staff. Utilizing ERCA would eliminate the need to train current Town staff and potentially the need for additional resources to carry out the requirements of these positions. ERCA has provided a proposal to all surrounding municipalities to continue to provide this service regionally. Most municipalities have given their concurrence with ERCAs proposal with some municipalities already formalizing their Council authorized agreements.

This proposal will see ERCA providing participation in land use planning and other technical services needed to achieve the Clean Water Act objectives, including monitoring, inspection and reporting requirements. ERCA will also provide site-specific assessments, negotiation with landowners, compliance and, where necessary, enforcement.

ERCA is proposing that each participating municipality enter into a three-year agreement. ERCA's costs are based on the number of potential significant drinking water threats that are located in the respective municipalities. For the Town of Amherstburg, the estimated cost for the three-year agreement is \$7,100. The total cost may vary slightly depending on whether the other municipalities in the region opt not to engage ERCA's services because the development costs are split evenly amongst the nine member municipalities of the Essex Region Source Protection Area.

On November 1, 2013, the Ministry of Environment and Climate Change launched Ontario's Source Protection Municipal Implementation Fund (SPIMF), which distributed \$13.5 million to 189 eligible municipalities over three years. This funding was created to offset a portion of the costs in implementing the Source Protection Plan in small, rural municipalities for risk management services, and education and outreach.

There was also a collaborative incentive that was available to eligible municipalities in December 2014, who work together to implement the Source Protection Plan. Municipalities in the Essex Region signed collaboration statements in December 2014, which allowed each of them to receive an additional \$15,000 towards implementation.

A total of \$250,346 was announced for municipalities within the Essex Region. The Town of Amherstburg received a total of \$70,882. These funds have been used for the Risk Management Services to date and there are still funds available to cover the costs during the entire term of this agreement.

4. RISK ANALYSIS:

Risk Management Officials and Inspectors are required under the Clean Water Act to implement Source Protection Plan policies. The funding received from the Ontario's Source Protection Municipal Implementation Fund (SPIMF) will cover the estimated cost associated with these services for the next three years resulting in no financial risk to the Town.

5. FINANCIAL MATTERS:

The cost to ERCA to provide the Risk Management Services for the Town for a three year period is estimated to be \$7,100. The funding received from Ontario's Source Protection Municipal Implementation Fund (SPIMF) will cover the cost for these services.

6. CONSULTATIONS:

Katie Stammer, Water Quality Scientist/Source Water Protection Project Manager, Essex Region Conservation Authority

7. CONCLUSION:

Administration is recommending that Council enter into an agreement with the Essex Region Conservation Authority for Drinking Water Source Protection Risk Management Services.



Antonietta Giofu


Director of Infrastructure Services

Report Approval Details

Document Title:	Drinking Water Source Protection Risk Management Services.docx
Attachments:	
Final Approval Date:	Dec 3, 2021

This report and all of its attachments were approved and signed as outlined below:

Tiffany Hong

A handwritten signature in black ink, appearing to read 'Tiffany Hong', with a stylized, cursive script.

Tony Haddad

A handwritten signature in black ink, appearing to read 'Tony Haddad', with a stylized, cursive script.

Valerie Critchley