



The Corporation of the Town of Tecumseh

Public Works & Engineering Services

To: Mayor and Members of Council

From: Phil Bartnik, Director Public Works & Engineering Services

Date to Council: December 14, 2021

Report Number: PWES-2021-46

Subject: Source Protection Plan, Part IV Enforcement Transfer Agreement - Amendment No. 2

Recommendations

It is recommended:

That the Public Works & Engineering Services Report PWES-2021-46, titled “Source Protection Plan, Part IV Enforcement Transfer Agreement, Amendment No. 2”, **be received**.

And that By-law No. 2021-97 **be approved** to authorize the Mayor and Clerk to execute the Source Protection Plan, Part IV Enforcement Transfer Agreement Amendment No. 2 satisfactory to the Town of Tecumseh (Town) and Essex Region Conservation Authority (ERCA), to extend the agreement to December 31, 2024.

And further the Town’s estimated cost share of \$4,000 **be funded** from the Water Operational Budget.

Background

At the July 28, 2015 Regular Meeting of Council, Council approved the recommendations (Motion: RCM-253/15) of Public Works & Environmental Services Report No. 44/15 titled “Source Water Protection Transfer Agreement” which authorized the Town to enter into a three-year agreement with the Essex Region Conservation Authority (ERCA) for the purpose of developing and implementing a joint program for the enforcement and jurisdictional rights under Part IV of the Clean Water Act 2006.

At the September 25, 2018 Regular Meeting of Council, Council approved the recommendations (Motion: RCM-288/18) of Public Works & Environmental Services Report No. PWES-2018-29 titled "Source Protection Plan, Part IV Enforcement Transfer Agreement Amendment" which authorized the Town to extend the agreement for an additional three years with the Essex Region Conservation Authority (ERCA) which expires on December 31, 2021. At the December 9, 2018, Regular Meeting of Council, By-law No. 2018-60 was adopted to authorize entering into the Agreement Amendment.

Essex Region Source Protection Plan

The *Clean Water Act 2006* enables communities to protect their drinking water sources through the preparation of collaborative, locally developed, science-based Source Protection Plans. The Source Protection Plan (SPP) for the Essex Region Source Protection Area was developed by the Essex Region Source Protection Committee which is comprised of representatives from local municipalities, businesses, industries, landowners and interested stakeholders. The SPP was approved by the Ministry of Environment and Climate Change, and since October 1, 2015, this plan has set out policies that protect the water sources that supply our municipal drinking water systems.

Policies in the Source Protection Plans include a variety of approaches to manage and prevent risks to municipal drinking water. These approaches include education and outreach, the development of risk management plans, land use planning, and monitoring. These policies have helped to keep contaminants out of our rivers and lakes that are sources of municipal drinking water.

The source protection planning process is directed and funded by the Ministry of Environment and Climate Change in conjunction with municipalities. Local Conservation Authorities provide additional technical, communications and administrative support for the source protection planning process.

Essex Region Conservation Authority – Risk Management Services

The Essex Region SPP identified a number of Significant Drinking Water Threats (SDWT) including the storage of fuel. Municipalities with SDWTs needed to have Risk Management Officials (RMO) and Risk Management Inspectors (RMI) to implement the *Clean Water Act 2006* Part IV policy tools identified in the Essex Region SPP.

ERCA has been providing Risk Management Services to all of the municipalities within its jurisdiction, as allowed for by the *Clean Water Act 2006*, since October 1, 2015. These services include program development, *Clean Water Act 2006* Part IV tasks (risk management plans, prohibition and restricted land use), compliance monitoring and enforcement, site-specific risk assessment review, land use planning support, and monitoring and reporting.

Comments

Source Protection Plan, Part IV Enforcement Transfer Agreement Amendment No.2

Each municipality is required to provide Risk Management Services as part of the Essex Region Source Protection Plan. ERCA has offered to continue to provide this service to the region's municipalities on a proportional cost recovery basis. Administration is of the opinion that this is the most cost effective way of providing the Risk Management Services component of the Essex Region Source Protection Plan.

The total cost for the Source Protection Risk Management Services provided from the Conservation Authority is detailed in Table 1 below. Table 1 presents totals for the three year proposed period of the Risk Management Amendment from January 1, 2022 until December 31, 2024.

Table 1: Cost Estimates and Accounting

Municipality	Shared Costs	Direct Costs	Total Costs
Amherstburg	\$4,600	\$2,500	\$7,100
Town of Essex	\$3,800	\$2,100	\$5,900
Kingsville	\$9,600	\$5,100	\$14,700
Lakeshore	\$4,000	\$2,900	\$6,900
LaSalle	\$2,100	\$2,000	\$4,100
Leamington	\$14,500	\$17,000	\$31,500
Pelee	\$2,400	\$1,900	\$4,300
Tecumseh	\$2,100	\$1,900	\$4,000
Windsor	\$3,400	\$3,800	\$7,200
Chatham-Kent	\$5,000	\$3,800	\$8,800
TOTAL	\$51,500	\$43,000	\$94,500

The estimated total costs to the Town of Tecumseh for Risk Management Services, outreach/education and stewardship are approximately \$4,000 for the term of the amended agreement.

Consultations

Financial Services
 Legislative Services
 Essex Region Conservation Authority

Financial Implications

Administration recommends that the Town’s estimated cost share of \$4,000 be funded from the Water Operational Budget.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh’s current and future growth is built upon the principles of sustainability and strategic decision-making.
<input checked="" type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh’s plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town’s “continuous improvement” approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town’s leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable

Website

Social Media

News Release

Local Newspaper

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Dana Reid
Public Works & Engineering Services Assistant

Reviewed by:

Brad Dupuis, C. Tech.
Manager Water Services

Reviewed by:

Tom Kitsos, CPA, CMA, BComm
Director Financial Services & Chief Financial Officer

Reviewed by:

Phil Bartnik, P.Eng.
Director Public Works & Engineering Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	2021 Risk Management Services Proposal for Renewal of Part IV Transfer Agreement
2	2021 Essex Region Conservation Authority Risk Management Services Agreement Amendment No.2
3	2015 Essex Region Conservation Authority Risk Management Services Proposal