



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: January 28, 2025

Report Number: PWES-2025-01

Subject: Spills and Emergency Remediation of Storm Infrastructure 2024

Recommendations

It is recommended:

That the report PWES-2025-01 Spills and Emergency Remediation of Storm Infrastructure 2024 **be received.**

Background

In 2024, the Town has responded to several “spills” as defined in Section 91 of the *Environmental Protection Act* (Act), meaning in reference to a pollutant being discharged into the natural environment. Pursuant to Section 100 of the Act, the Town has a duty to respond and clean up these spills to the best of its abilities.

The Act is enforced and administered by the Ontario government through the Ministry of Environment, Conservation and Parks (MECP). Officers in this ministry can perform inspection duties and issue orders relating to contraventions and other provisions of the Act.

The Spills Action Centre (SAC) acts as a communication hub with the MECP for the reporting of pollution like illegal waste dumping, improper pesticide use and pollution on land, in the water or air. The SAC is the first line of communication following the discovery of a spill.

In addition to the Act, the Town has By-Law 2003-80 and Amending By-law 2024-104 to prohibit, regulate and inspect the discharge of sewage into the Municipal sewage system. This works to ensure the safe use of the Town's sewage systems including both sanitary and storm systems.

The Town can utilize provisions under either the Act or in By-Law 2003-80 as tools in the response, penalties and cost recovery of a spill.

Comments

Notably, the Town would like to outline and provide a summary regarding three spills from 2024 which required an extensive investment of resources.

August 2024 – East Townline Drain (St. Clair Outlet) (ETLD)

In mid-August, the Town was made aware of a property in the watershed of the ETL, placing waste oils and grease into a private storm sewer inlet. This storm sewer inlet connected directly to the ETL with the outlet through Lakewood Park South and ultimately into Lake St. Clair. Once the Town was made aware of the illegal discharge, contaminants were found within the drain including the large open channel within Lakewood Park South. Town Staff and additional resources were deployed to remediate and clean up the spill (refer to Attachment 1 for spill extent).

The local MECP office was contacted and a report was made to the SAC. The following is a general summary of the actions taken by the Town to remedy the pollutants.

- Investigated the property in question and discussed the illegal dumping activities with the tenant.
- Coordinated hydro-vacuum cleaning of the storm sewer inlet and the municipal drain.
- Installed and monitored containment oil-absorbing booms within the municipal drain.
- Provided a cease-and-desist notice to the property owner and tenant.
- Monitored the municipal drain and undertook further cleanings until no more evidence of contamination was apparent.
- Pursued full cost recovery of the incurred costs to date.

September 2024 – Wolfe Drain

In mid-September, the Town was made aware of the potential dumping of effluent into a municipal storm sewer within the boundaries of Outer Drive, Highway No.3, Walker Road, and North Talbot Road. This was within the watershed of the Wolfe Drain. Accordingly, the Drainage Superintendent was asked to investigate the drain for evidence of contamination.

Through this investigation, an unknown black substance was found within a large extent of the drain which prompted contact with the local MECP office as well as the SAC. In addition, an oily type substance was found to be discharging into the drain from a municipal storm sewer. This oil was cleaned and the black substance was monitored and reviewed with the MECP officers. Periodic cleaning of the drain and storm sewer was required to appropriately respond to the contaminants.

At the beginning of October, previously unseen water quality issues were observed in the drain including discoloured water with a strong odour. Further discussions were had with the MECP and the SAC. It was decided to engage support from environmental specialists (a consultant) to mitigate any impact and ensure our compliance with the Act.

The following month focused on remediation, water sampling, and source identification in an effort to stop any continued discharge of pollutants. From our observations, there did not appear to be any adverse impacts to the environment. Throughout this period the Town continued to address the initial contaminant within the storm sewer and drain as needed.

Refer to Attachment 2 for the extent of the above noted spills in the Wolfe Drain.

In response to the above, the Town distributed notices to the above-mentioned area regarding this situation. Town Staff also had discussions with particular properties based on our sourcing and investigation work. In early December, and stemming from this incident, proposed amendments to the Town's Sewer Use By-Law through Report [PWES-2024-62](#) were accepted by Council.

At the time of writing this report, Town Staff are continuing to respond to contamination within our storm sewers and municipal drain. Discussions with MECP and internal departments are ongoing to determine the next course of action.

December 2024 – East Townline Drain (St. Clair Outlet) (ETLD)

In mid-December, the Town was made aware of a suspected diesel spill within the ETLD, specifically within the large open channel in Lakewood Park South. Town Staff immediately started to contain the diesel within the stormwater channel and initiated cleanup efforts. The SAC was contacted and made aware of this situation and updates were provided as needed (refer to Attachment 1 for spill extent).

The following is a general summary of the actions taken by the Town to handle this spill.

- Investigated potential source locations for the diesel, which was determined to be coming from Desro Drive.
- Coordinated hydro-vacuum cleanings of the drain and applicable storm infrastructure including the Manning Road Storm pump station.
- Adjusted the operation of the pump to minimize any chance of diesel being expelled to Lake St. Clair.
- Installed and monitored containment oil-absorbing booms within the municipal drain.
- Initiated discussions with properties in the area of interest.
- Monitored the drain throughout the 2024 Holiday Season until no more contaminants were visible.

At the time of writing this report, Town Staff are continuing to monitor for further evidence of contamination within our storm sewers and drain per our duty under the Act.

Procurement Policy

Procurement for services necessary to address the spills were sourced per the Town's Purchasing Policy No. 17, Sections 3.9 and 3.10:

3.9 Non-Competitive Purchases

- (a) The requirement for competitive bid solicitation for goods, services and construction may be waived under joint authority of the appropriate Department Director and the Purchasing Coordinator and replaced with negotiations by the Department Director under the following circumstances:
- (vi) where in the event an "Emergency" as defined by the Policy, a requirement exists, where "emergency" means a situation, or the threat of an impending situation, which may affect the environment, the life, safety, health and/or welfare of the general public, or the property of the residents of the Town of Tecumseh, or to prevent serious damage, disruption of work, or to restore or to maintain essential service to a minimum level.

3.10 Procurement in Emergencies

Where, in the opinion of the Chief Administrative Officer, or two Department Directors, an emergency has occurred requiring the immediate procurement of goods, services or construction,

- (a) The Department Director, with authorization by the Chief Administrative Officer, or two Department Directors, may initiate a purchase in excess of the preauthorized expenditure limit by the most expedient and economical means; and
- (b) Any purchase under such conditions together with a source of financing shall be justified and reported to the next meeting of the Town Council following the date of the purchase.

The Director Public Works & Engineering Services, through the Manager Engineering Services, advised the Purchasing Coordinator (Director Financial Services & CFO) of the situations immediately following the identification of the spills and the Director Public Works & Engineering Services and Purchasing Coordinator/Director Financial Services agreed that immediate action was required and that the competitive bid solicitation process should be waived, based on the following:

- The MECP advised the Town that since the spills reached an open municipal drain and environment, the Town has a duty under the Act to remediate and clean-up the contamination and to minimize further environmental impacts. Failure to act would have resulted in an Order being issued by the MECP to the Town for immediate remediation.
- Having an immediate response to the spills limited the area of contamination and the scope and associated costs of the remediation.

Consultations

Financial Services

Financial Implications

Costs will be funded through the Town's Storm Lifecycle Reserve with costs to be recovered from the offenders where those offenders can be identified as per the following:

The Act offers a means of cost recovery for the response by a Municipality to remediate a spill. In addition, the Sewer Use By-Law includes a means of charging an offender with costs associated with the contravention of the by-law. Under both of these cost

recovery options, however, there are significant challenges in determining the source of the contamination to a degree that is defensible in a court of law.

The Town has incurred a total of approximately \$270,000 for these three spills in staff time, consultants, contractors, materials and supplies, sampling, and disposal of contaminants. Town Staff continue to investigate cost recovery mechanisms available to recover these costs (i.e. *Environmental Protection Act*, *Drainage Act*, *Sewer-Use By-law*). These costs are distributed as follows:

- **August 2024 – East Townline Drain (St. Clair Outlet)**
 - Costs incurred: \$17,950
 - The Town has identified the source and initiated cost recovery with the property owner.

- **September 2024 – Wolfe Drain**
 - Costs incurred: \$195,820
 - The Town is continuing remediation works in consultation with the MECP and have a suspected source for the contamination.

- **December 2024 – East Townline Drain (St. Clair Outlet)**
 - Anticipated costs: \$55,000
 - The Town is continuing remediation works in consultation with the MECP and does not have a suspected source for the contamination at this time.

Link to Strategic Priorities

Applicable	2023-2026 Strategic Priorities
<input checked="" type="checkbox"/>	Sustainable Growth: Achieve prosperity and a livable community through sustainable growth.
<input type="checkbox"/>	Community Health and Inclusion: Integrate community health and inclusion into our places and spaces and everything we do.
<input type="checkbox"/>	Service Experience: Enhance the experience of Team Tecumseh and our citizens through responsive and respectful service.

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:

Matthew Shiha, E.I.T.
Drainage Superintendent

Reviewed by:

John Henderson, P.Eng.
Manager Engineering Services

Reviewed by:

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

Reviewed by:

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

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	East Townline Drain (St. Clair Outlet) Spills Extent Map
2	Wolfe Drain Spill Extent Map