



## **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:** Tuesday, May 13, 2025

**Report Number:** PWES-2025-32

**Subject:** Environmental Spill on the Hurley Relief Drain and Branch

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### **Recommendations**

It is recommended:

**That** Report PWES-2025-32 Environmental Spill on the Hurley Relief Drain and Branch **be received.**

### **Background**

The Town of Tecumseh (Town) has a responsibility for “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 clean up these spills to the best of its abilities.

The Act is enforced and administered by the provincial 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 By-Law 2003-80 as tools in the response, penalties and cost recovery of a spill.

## Comments

On April 10, 2025, the Town was made aware of a potential spill within the Hurley Relief Drain and Hurley Relief Branch Drain (Drains). Town staff immediately went to investigate and confirmed the report of a spill of an oily substance. Following confirmation, containment was placed within the Drains, and the SAC was notified.

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

- Alerted the City of Windsor, as it is the receiving watercourse.
- Investigated potential source locations for the spill material along the affected sections of the Drains.
- Coordinated hydro-vacuum cleaning of the Drains at isolated and accessible locations.
- Installed and monitored containment oil-absorbing booms within the Drains.
- Continued to provide updates to the SAC and local officers of the MECP.

At the time of writing this report, Town staff are continuing to monitor for further evidence of contamination within the Drains and addressing contamination as needed per our duty under the Act. Sourcing efforts will also continue in order to pursue cost recovery through the identified source/property.

## Procurement Policy

Procurement for services necessary to address the spill was 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 Drainage Superintendent advised the Director Public Works & Engineering Services and the Purchasing Coordinator (Director Financial Services & CFO) of the situation immediately following the identification of the spill and they agreed that immediate action was required and that the competitive bid solicitation process should be waived, based on the following:

- The SAC requires immediate action to be taken to contain and mitigate spills.
- As was the case in past spills, the MECP advised 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 could have resulted in an Order being issued by the MECP to the Town.
- Having an immediate response to the spills limits the area of contamination as well as 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.

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 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.

Town staff continue to investigate cost recovery mechanisms available to recover these costs (i.e. *Environmental Protection Act*, *Drainage Act*, Sewer-Use By-law). The Town is continuing remediation works in consultation with the MECP and does not have a suspected source for the contamination.

At the time of writing this report the approximate cost for remediation is \$33,000 (billed costs: \$23,000, pending costs: \$10,000).

## Link to Strategic Priorities

| Applicable                          | <a href="#">2023-2026 Strategic Priorities</a>  |
|-------------------------------------|---|
| <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:

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

| <b>Attachment<br/>Number</b> | <b>Attachment<br/>Name</b>                    |
|------------------------------|---|
| 1                            | Hurley Relief Drain & Branch Spill Extent Map |