



Staff Report

Report Title: Risk Management Enforcement Renewal Agreement

Prepared By: Mary Rose Walden, Chief Administrative Officer

Department: CAO

Date: Nov. 20, 2023

Report Number: CAO-2023-11-39

File Number: C11 CAO 23

Attachments: Draft Risk Management Renewal Agreement with Ausable Bayfield Conservation Authority

Recommendation:

THAT the Council of the Township of Huron-Kinloss receives for information Report CAO-2023-11-39, prepared by Mary Rose Walden, Chief Administrative Officer;

AND FURTHER, THAT Council direct Staff to bring forward a By-law for the November 20, 2023 regular meeting authorizing the Mayor and Clerk to sign an agreement with the Ausable Bayfield Conservation Authority for the delivery of Part IV Clean Water Act services;

AND FURTHER, THAT Council directs staff to incorporate \$7,578.51 into the draft 2024 budget for Part IV Clean Water Act Services.

Background:

Under Part IV of the Clean Water Act, 2006, municipalities are responsible for the development and enforcement of Sourcewater Protection Plans. The Act further provides that municipalities may delegate their authority through an agreement for the development and implementation of these Plans. A delegation agreement can be with a Board of Health, a Planning Board, or a Source Water Protection Authority.

The Ausable Bayfield Conservation Authority (ABCA) and the Maitland Valley Conservation Authority (MVCA) serve as the Source Protection Authorities for the Ausable Bayfield Maitland Valley Source Protection Region. Since 2015, eight municipalities have delegated the Ausable Bayfield Conservation Authority (ABCA) to act as Risk Management Officials (RMO) on their behalf. The municipalities include Ashfield-Colborne-Wawanosh, Bluewater, Central Huron, Huron East, Huron-Kinloss, Morris-Turnberry, North Huron and North Perth. This is the fourth agreement

proposal for a three year period. The costing is based on all municipalities signing the agreement. If any municipalities decide not to participate then the base office cost will be adjusted accordingly. Please refer to the Financial Impact section of this report for more information on costing.

Part IV of the Clean Water Act, 2006 provides tools for municipalities to control existing and future activities in the intake protection zones and wellhead protection areas around their drinking water sources. They apply to risks that are deemed "significant" by provincial Technical Rules. The tools are enabled through local source protection plans, created by the Ausable Bayfield Maitland Valley (ABMV) Source Protection Committee, and approved by the Minister of the Environment, Conservation and Parks (MECP). The Clean Water Act, 2006 is founded on a leading municipal role in drinking water source protection, as part of the standard of care for councils and staff to provide safe, potable water to their communities.

The ABMV Source Protection Plans use of Part IV tools to address significant risks through the following means:

- Prohibit certain existing and future activities;
- Negotiate and enforce site-specific Risk Management Plans (RMP); and
- Flag development applications associated with certain land uses.

Implementing Part IV policies requires the appointment of one or more Risk Management Officials who would form the basis of a "risk management office." Risk Management Officials must complete a Provincial training course and successfully pass an exam. Four ABCA staff are certified as Risk Management Officials.

The purpose of this report is to seek Council's approval to renew a 3 year agreement with the Ausable Bayfield Conservation Authority for Part IV Clean Water Act services. The draft agreement is attached to this report for Council's consideration.

Discussion:

As noted above, the Ausable Bayfield Conservation Authority has been providing Part IV Clean Water Act services to the eight municipalities since 2015. The services build municipal capacity through the development and implementation of source water protection plans and support sustainable local actions to protect drinking water. The current agreement expires on December 31, 2023.

There is currently an amendment to the ABMV Source Protection Plans awaiting MECP approval. The amendment includes multiple policy updates related to changes in the provincial Technical Rules for threats to drinking water such as fuel, salt, snow, pesticides, and dense non-aqueous phase liquids. Many Risk Management Plans will need to be initiated, revised, or rescinded once Ministers approval has taken place.

Similar to past agreements, the renewal agreement includes the following services:

- Maintaining Risk Management Official Certification requirements.

- Maintaining Data Bases

- S.59 Notice issuance
- Annual reporting
- Support staff and IT
- Monitor Wellhead Protection Areas for prohibition/change of activity
- Travel costs
- Answering municipal/planning staff questions
- Answering property owner/realtor/Certified Crop Advisor/consultant questions
- Assist municipalities with new education policies
- Attend Provincial Risk Management Official meetings
- Attending Open Houses
- Negotiate new Risk Management Plans for activity changes/new threat rules
- Inspect existing Risk Management Plans
- Update or rescind Risk management Plans due to threat Rule changes
- Revise Risk Management Plans due to new owner/lease/activity changes

A copy of the draft renewal agreement is attached for Council’s review and consideration.

Financial Impacts:

RMO Services Costs Per Municipality								
Municipality	# of wells / WHPAs*	Fixed Program Costs (Yearly Cost)	Est. # RMPs* 2024-26	% Workload for RMPs	Yearly cost % of RMP workload	Total Yearly RMO Services Cost	Total costs 2024-2026	Total Costs 2021-2023
ACW	5	\$5,787.00	7	11%	\$1,045.05	\$6,832.05	\$20,496.14	\$19,963.62
Bluewater	0	\$5,787.00	0	0%	\$0.00	\$5,787.00	\$17,361.00	\$20,778.62
Central Huron	8	\$5,787.00	13	20%	\$1,940.80	\$7,727.80	\$23,183.40	\$24,864.62
Huron East	4	\$5,787.00	8	12%	\$1,194.34	\$6,981.34	\$20,944.02	\$24,864.62
Huron-Kinloss	9	\$5,787.00	12	18%	\$1,791.51	\$7,578.51	\$22,735.52	\$27,717.12
Morris-Turnberry	2	\$5,787.00	6	9%	\$895.75	\$6,682.75	\$20,048.26	\$22,012.12
North Huron	2	\$5,787.00	9	14%	\$1,343.63	\$7,130.63	\$21,391.89	\$26,494.62
North Perth	7	\$5,787.00	10	15%	\$1,492.92	\$7,279.92	\$21,839.77	\$30,569.62
Total		\$46,296.00	65	100%	\$9,704.00	\$56,000.00	\$168,000.00	\$197,264.92

Fixed Program costs include:			
Maintaining RMO certification requirements			
Maintaining Data Bases			
s.59 Notice issuance			
Annual reporting			
Support staff and IT			
Check WHPA's for Prohibition/change of activity			
Travel costs			
Answering municipal/planning staff questions			
Answering property owner/realtor/CCA/consultant questions			
Assist municipalities with new education policy			
Attend Provincial RMO mtgs			
Attending Open Houses			
% RMP workload costs include:			
Negotiate new RMPS for activity changes/new threat rules			
Inspect existing RMPs			
Update or rescind RMPs due to threat rule changes			
Revise RMPs due to new owner/lease/activity changes			
Travel costs			

Strategic Alignment / Link:

We are an environmentally conscious community that our good stewards to our natural environment.

Respectfully Submitted By:

Mary Rose Walden, Chief Administrative Officer

Report Approved By:

Mary Rose Walden, Chief Administrative Officer