

Priorities
Committee
Agenda

to be held on
Wednesday, November 26th, 2003
at
7:00 p.m.

**Deputy Mayor
Dave Courtemanche
Chair**



**Councillor
Gerry McIntaggart
Vice-Chair**





Priorities Committee AGENDA

*TWENTY-SIXTH MEETING OF THE PRIORITIES COMMITTEE
TO BE HELD ON **WEDNESDAY, NOVEMBER 26, 2003** AT 7:00 P.M. IN THE
COUNCIL CHAMBER, TOM DAVIES SQUARE*

(PLEASE ENSURE CELL PHONES AND PAGERS ARE TURNED OFF)

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DEPUTY MAYOR COURTEMANCHE, IN THE CHAIR

1. Declarations of Pecuniary Interest

***ANY ITEMS NOT DEALT WITH BY THE ADJOURNMENT HOUR OF
10:00 P.M. WILL BE CARRIED OVER TO THE JANUARY 14, 2004
MEETING OF THE PRIORITIES COMMITTEE.***

PRESENTATIONS/DELEGATIONS

2. Letter dated 2003-07-31, with attachments, from the Sudbury Community Mediation Program regarding Free Mediation for Community Type Disputes. **1 - 3**
(VERBAL PRESENTATION) (FOR INFORMATION ONLY)

▸ Sandra Doucette, Program Coordinator

(The Sudbury Community Mediation Program offers mediation free of charge to members of our community. The Program helps people to create a shared understanding about community conflicts and disputes concerning: parent/teen situations, intergenerational situations, landlord/tenant situations, neighbourhood situations, amateur sport situations. The Sudbury Community Mediation Program is a non-profit organization and uses trained volunteer mediators to help people in conflict to talk about their situation in a safe and respectful environment.)

3. Report dated 2003-11-19, with attachments, from the General Manager of Public Works regarding Expression of Interest - Maintenance Development Plan - Water and Wastewater Facilities. **4 - 30**
(ELECTRONIC PRESENTATION)

(A Maintenance Development Plan must be developed and implemented for the purpose of meeting a requirement under the new Water Quality Legislation set out by the Provincial government. This report was deferred by Council at the meeting of October 23, 2003 (Item C-9) in order that a detailed report and presentation from the General Manager of Public Works could be made.)

RECOMMENDATION:

That the maintenance engineering firm of Gastops Limited be appointed to implement the Maintenance Development Plan for the City of Greater Sudbury water and wastewater facilities, at a proposed cost of \$362,516.00.

MANAGERS' REPORTS

{NONE}

CORRESPONDENCE - INFORMATION ONLY

{NONE}

ADJOURNMENT (10:00 P.M.) (RESOLUTION PREPARED)

{MAJORITY REQUIRED TO PROCEED PAST 10:00 P.M.}

2003-11-21

DEPUTY MAYOR COURTEMANCHE
CHAIR

CORRIE-JO CAPORALE
COUNCIL SECRETARY

Presentations and Delegations



Sudbury Community Mediation Program
Programme de Médiation Communautaire de Sudbury
1300 Marcel Street · Sudbury · Ontario · P3E 4G1

July 31, 2003

City of Greater Sudbury
P.O. Box 5000, Station "A"
P3A 5P2

Dear Mr. Mowry,

I am writing on behalf of the Board of Directors and volunteers of the Sudbury Community Mediation Program to respectfully request your consideration in allowing a 10-minute presentation of our volunteer service to the Priorities Committee on October 8th or 22nd 2003.

The Sudbury Community Mediation Program is a non-profit organization whose mandate is to strengthen our community's ability to manage conflict by utilizing trained volunteers from the community to provide free mediation for community type disputes. The Sudbury Community Mediation Program encourages neighbors to assist neighbors in restoring their relationships.

On behalf of the Sudbury Community Mediation Program Board of Directors, I thank you for your time. I have also enclosed a brochure explaining the program.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sandra Doucette".

Sandra Doucette
Program Coordinator
Sudbury Community Mediation Program
(705) 523-0390

The Sudbury Community Mediation Program offers mediation free of charge to members of our community.

Community Mediation is especially helpful in situations where maintaining a relationship with the other party is important.

“ We do not mediate Family Separation Or Organizational Disputes. ”



Le programme de médiation communautaire de Sudbury offre des services gratuits aux membres de notre communauté.

La médiation communautaire est recommandable dans les situations où le désir de maintenir la relation est important.

“ Nous ne faisons pas de médiation pour les séparations et les divorces ni de médiation organisationnelle. ”

Nous aidons à établir une entente partagée au sujet des conflits et disputes existant dans notre communauté. Par exemple:

Situations parent/adolescente
[couvre-feu, école, etc.]

Situations inter-générationes
[enfants adultes, soins d'ainé(e)s, etc.]

Situations propriétaires/locataires
[loyer, entretien, vie privée, etc.]

Situations du voisinage
[bruit, stationnement, animaux, etc.]

Situation des sports amateurs
[temps de jeu, conduite, etc.]



We help people to create a shared understanding about Community Conflict and Disputes concerning:

Parent/Teen Situations
[Curfew, school, etc.]

Intergenerational Situations
[Adult siblings, elder care issues, etc.]

Landlord/Tenant Situations
[Rent, maintenance, privacy, etc.]

Neighbourhood Situations
[Noise, parking, pets, etc.]

Amateur Sport Situations
[Bench-time, rude conduct, etc.]

Sudbury Community Mediation Program



Programme de médiation communautaire de Sudbury

Phone: (705) 523-0390

Téléphone: (705) 523-0390

ak 523-0390

“Empowering people to relate to each other with Dignity, Compassion, & Respect”

“Permettant aux gens d'établir entre eux un rapport digne, compatissant et respectueux.”

Sudbury Community Mediation

Program is a not-for-profit organization that helps people in our community understand and resolve community type conflicts.

Sudbury Community Mediation

Program uses trained volunteer mediators to help people in conflict to talk about their situation in a safe and respectful environment.

Mediation gives you control over the outcome. *You make the decisions.*



Le Programme de médiation communautaire de Sudbury est un organisme à but non lucratif qui aide les gens de notre communauté à comprendre et résoudre des conflits existant au sein de cette communauté.

C'est à l'aide de médiateur(trice)s qualifié(e)s et volontaires que **Le programme de médiation communautaire de Sudbury** aide aux gens en conflit à parler de leur situation dans un environnement sécuritaire et respectueux.

La médiation vous permet de maîtriser le résultat. **Vous faites la décision.**

Le programme de médiation communautaire de Sudbury

est engagé à bâtir une communauté saine en favorisant d'une façon calme, la résolution des conflits existants.

La médiation est une façon volontaire de résoudre un

problème/conflit. Les gens sont libres d'arrêter la médiation s'ils le désirent.

Les sessions de médiation sont habituellement d'une durée de 90 minutes à 2 heures. Les participant(e)s en décident la durée.



Sudbury Community Mediation Program is committed to building a healthy and safe community by promoting the peaceful resolution of community conflict.

Mediation is a voluntary type of dispute resolution. People are free to leave mediation if they choose.

Mediation Sessions usually last from 1 ½ hours to 2 hours. The people usually decide how long they wish to mediate.

Mediators will help you to talk about how the situation has affected you in a safe environment. Mediators do not take sides. Mediators do not judge who is right and who is wrong.

You make the decisions about the final outcome.

Mediators are neutral.

Mediation is confidential. From the first time you call, your information will be kept private.



Dans un environnement à l'abri du danger, les médiateur(trice)s vous aideront à déterminer comment la situation vous a influencé.

Les médiateur(trice)s demeurent neutres.

Les médiateur(trice)s ne jugent pas qui a raison ou qui a tort.

Vous faites la décision finale.

Les médiateur(trice)s gardent la neutralité.

La médiation est confidentielle. Dès votre premier contact, votre information est privée et demeure ainsi.

Request for Recommendation Priorities Committee




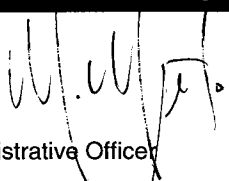
Type of Decision										
Meeting Date	November 26, 2003				Report Date	November 19, 2003				
Recommendation	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High	<input type="checkbox"/>	Low	
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed	

Report Title
Expression of Interest, Maintenance Development Plan - Water and Wastewater Facilities

Policy Implications + Budget Impact	
<input checked="" type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified
<input checked="" type="checkbox"/>	Background attached

Recommendation	
<p>That the maintenance engineering firm of Gastops Limited be appointed to implement the Maintenance Development Plan for the City of Greater Sudbury water and wastewater facilities, at a proposed cost of \$362,516.00.</p>	
<input type="checkbox"/>	Recommendation attached

Recommended by the General Manager
 D. Bélisle General Manager of Public Works

Recommended by the C.A.O.
 M. Mieto Chief Administrative Officer

Date: November 19, 2003

Report Authored By



D. Bélisle
General Manager of Public Works

Division Review

Background:

On October 23, 2003, City Council deferred a resolution to award a contract for the development and implementation of a Maintenance Development Plan for the City's water and wastewater infrastructure. A copy of the staff report recommending the contract award is attached as Appendix 'A'.

Council asked that further information be provided in report form, accompanied by a public presentation so that citizens would be fully informed of the costs, the scope, and the legal implications of this undertaking.

Following the Walkerton incident, the Ministry of Environment implemented a number of new Regulations affecting the operation of water and wastewater facilities. The new Regulations are based on Commissioner O'Connor's recommendations, the results of more than a year of government consultations, and the results of two years of monitoring, testing and analyses under the former water Regulations. This regulatory direction delineates general and specific requirements to owners and operating authorities regarding a comprehensive list of operating and maintenance obligations such as sampling, testing, and training as well as elements of maintenance programs including policies, procedures, practices, and documentation and records. The Safe Drinking Water Act (effective June 1, 2003) and Sustainable Water & Sewage Systems Act both provide general direction as follows:

SAFE DRINKING WATER ACT

Duties of owners and operating authorities

s11. (1) Every owner of a municipal drinking-water system or a regulated non-municipal drinking-water system and, if an operating authority is responsible for the operation of the system, the operating authority for the system shall ensure the following:

- 2. That, at all times in which it is in service, the drinking-water system,
 - ii. is maintained in a fit state of repair, and

Standard of care, municipal drinking-water system

s19. (1) Each of the persons listed in subsection (2) shall,

- (a) exercise the level of care, diligence and skill in respect of a municipal drinking-water system that a reasonably prudent person would be expected to exercise in a similar situation

Date: November 19, 2003

(2) The following are the persons listed for the purposes of subsection (1):

3. If the system is owned by a municipality, every person who, on behalf of the municipality, oversees the accredited operating authority of the system or exercises decision making authority over the system.

Quality Management Standard

s21. (1) On or before the first anniversary of the coming into force of this section, the Minister shall approve a Quality Management Standard for drinking-water systems

“Work is currently underway to implement the requirements for the new municipal drinking-water licence regime. In order to obtain a municipal drinking-water licence, municipalities will be required to have, among other things, an operational plan prepared in accordance with ministry directions and an accredited operating authority. Operating authorities will be accredited through an audit process based upon a ministry-approved Drinking Water Quality Management Standard (under development). Commissioner O’Connor suggested that all municipalities should have an accredited operating authority by 2006 and that having one would do much to satisfy the owner’s due diligence responsibilities and standard of care.”(Backgrounder August 2003 Roles and responsibilities of owners and operators of municipal drinking-water systems 4478e)

ONTARIO WATER RESOURCES ACT

Sewage works to be kept in repair

s61. Sewage works shall at all times be maintained, kept in repair and operated in such manner and with such facilities as may be directed from time to time by a Director. R.S.O. 1990, c. O.40, s. 61.

SUSTAINABLE WATER & SEWAGE SYSTEMS ACT

Report on full cost of water services

s3. (1) Every regulated entity that provides water services to the public shall prepare and approve a written report about those services

Contents

(5) The report must contain the following information:

1. An inventory of and management plan for the infrastructure needed to provide the water services, prepared and certified by a professional engineer.

Specific direction to operating authorities is provided via the Regulations and Certificates of Approval specific to the facility. Examples of this specific type of direction as follows:

Certificate of Approval #7504-5QTH7Z Capreol Well System

Well Inspection & Maintenance

6.10 A well inspection & maintenance plan shall be developed and implemented within 3 months

Date: November 19, 2003

of the issuance of this Certificate of Approval. This plan shall include:

- ii defined well inspection and maintenance procedures for the entire well structure including all above and below grade well components;

In order to comply with these requirements and display due diligence, it is essential that the City adhere to industry norms with respect to best practices in the operation and maintenance of Water and Wastewater facilities. The Maintenance Development Plan seeks to upgrade the current maintenance program to position Public Works to meet these new requirements. The plan also addresses related issues which have arisen recently such as: aging infrastructure; aging workforce; continuity planning; and increasing technological complexity. The plan will implement an engineered maintenance program built around the concept of Reliability Centred Maintenance which has been developed over the last 20 years in private industry. The RCM approach incorporates best industry maintenance management policies and practices to protect machinery and infrastructure assets. These assets represent a Billion Dollars of infrastructure at 164 facilities and thousands of kilometres of underground distribution and collection systems.

Specific objectives of this project include enhanced compliance capability, improved equipment and system reliability, improved performance and level of service, and controlled maintenance costs through improved use of available resources. The Reliability Centred Maintenance Plan approach incorporates preventive, predictive, and corrective maintenance activities integrated in a computerized maintenance management system. When complete the plan will provide an inventory of equipment assets, maintenance forecasts and schedules, documentation of work performed, and other such items related to meeting best practice criteria and displaying due diligence.

Such an approach is consistent with similar initiatives already in place in other jurisdictions such as the City of Ottawa, Regional Municipality of Waterloo, and Regional Municipality of Niagara. Maintenance programs have proven successful in managing assets and supporting production in private sector industries such as mining and automotive.

The selection process for a service provider began with an open Expression of Interest which attracted four firms. The Review Committee short listed all four. Three firms submitted detailed proposals for the project which were evaluated by the Review Committee. All three proposals incorporated a similar organizational structure blending local and provincial expertise to achieve the objectives and requirements of the request for proposal. The proposals all utilized local contractors for data collection and collation with maintenance analysis and development performed by the primary group of experts. This breakdown reflects the fact that field machinery maintenance management is a highly specialized field, therefore all three proposals offered a blend of local expertise supported by experienced contractors. In order to make a project of this nature feasible it is necessary to expedite the implementation phase to ensure that the data is still accurate and complete when utilized. To accomplish this the proposals anticipate project teams of about 6 - 7 qualified individuals working with specialized software tools to accomplish a project completion time line of 11 months.

Date: November 19, 2003

The quotations were received as follows:

	Proposed Cost
Gastops Ltd	\$ 362,516
Acres International	\$ 453,787
Dennis Consultants	\$ 475,305

Following a detailed evaluation of the proposals, the review committee recommends that the proposal from Gastops Ltd. be accepted.

The project schedule is divided in two phases. Phase 1 implements the plan at 'core' strategic facilities and Phase 2 follows with the remaining facilities. We estimate project completion in approximately 11 months. Following completion of the project the maintenance development plan will be utilized and maintained by Public Works management and staff as an integral component of our daily maintenance program. The Maintenance Compliance Officer will be a primary user of the system for coordinating maintenance activities and ensuring compliance with regulatory requirements and best practices in the industry.

Full development of this plan will include a future project to expand the scope of the maintenance development plan to include water distribution and wastewater collection system infrastructure and equipment to ensure complete compliance with best practices and relevant legislation.

Council has the option of not awarding this contract, and can choose to rely on internal staff and resources to keep the Municipality in compliance with evolving laws and Regulations. I respectfully submit that our staff have done as much as they can to keep us in compliance with these emerging Regulations, and now we need assistance to ensure that we remain diligent in safeguarding our drinking water supplies and the disposal of our sanitary wastes. It is a singular tribute to our staff that this City has not been charged or fined for any regulatory infractions since Walkerton, given the complexity and geography of our water and wastewater systems. What other City in Ontario operates six (6) water supply and distribution systems, and thirteen (13) sewage works? None other, and the enclosed sampling of Provincial charges and fines, since Walkerton marked as Appendix 'B', are indicative of what can happen to us if we do not remain diligent.

Every Council Member needs to know, that under current Legislation, each individual Council Member is subject to personal fines and/or imprisonment if they knowingly disregard the advice and recommendations of a Water or Wastewater Operating Authority (that is the General Manager of Public Works and associated staff) where the resulting disregard resulted in a violation of drinking water Regulations. Further, as the owner of a water/wastewater system, City Council cannot contract out this responsibility to another party, not even to the Province's own Ontario Clean Water Agency (OCWA), who operate numerous municipal facilities throughout the Province. To seal the matter further, a municipality cannot sell off its water or wastewater infrastructures, thereby getting out of the business and avoiding the liabilities.

Date: November 19, 2003

The foregoing is not intended to scare Council or coerce it into any particular course of action. Since Walkerton, City Council has reacted diligently to all staff recommendations aimed at meeting or exceeding emerging water quality Regulations. Council has committed significant funding to this end and the City is well positioned to comply with the law, and continue to deliver safe drinking water to its residents. The current contract award for the development of a comprehensive maintenance and repair program of our infrastructure will ensure that we remain diligent, and continue to obtain the best value for our residents.

Funding for this project (\$362,516.00) will be derived from the 2003 Capital Water Program (\$200,000 - from allocation to meet O. Reg. 459, 505, & Safe Drinking Water Act) and the 2003 Capital Wastewater Program (\$162,516 - from allocation for Operating Manuals and As Constructed Plans).

Attachments

Request for Decision City Council



Type of Decision									
Meeting Date	October 23, 2003				Report Date	October 15, 2003			
Decision Requested	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High	<input type="checkbox"/>	Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed

Report Title
Expression of Interest Maintenance Development Plan - Water and Wastewater Facilities

Policy Implication + Budget Impact	
<input checked="" type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
<input checked="" type="checkbox"/>	Background Attached

Recommendation
<p>That the maintenance engineering firm of Gastops Limited be appointed to implement the Maintenance Development Plan for the City of Greater Sudbury's Water and Wastewater Facilities, at a proposed cost of \$362,516.00 (including GST).</p>
<input checked="" type="checkbox"/> Recommendation Continued

Recommended by the General Manager

Don Bélisle

Don Bélisle
General Manager of Public Works

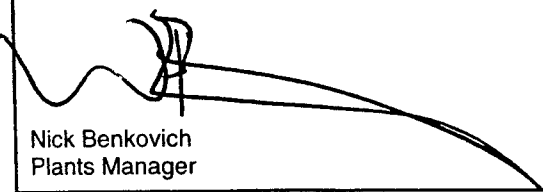
Recommended by the C.A.O.

Mark Mioto

Mark Mioto
Chief Administrative Officer

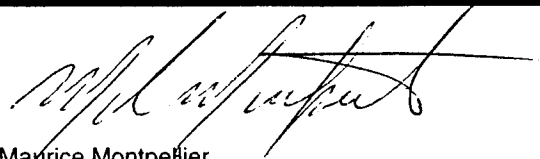
October 15, 2003

Report Prepared By



Nick Benkovich
Plants Manager

Division Review



Maxrice Montpeltier
Director of Operations

Background

The Ministry of Environment has implemented a number of new regulations following the Walkerton incident which affect the operation of the City of Greater Sudbury's Water and Wastewater Facilities. The Maintenance Development Plan seeks to upgrade the current maintenance program in order to position the Plants Section to meet these new requirements. The plan will implement an engineered maintenance program which incorporates best industry maintenance management policies and practices to protect machinery and infrastructure assets at 164 Plants Section facilities.

Specific objectives of this project include enhanced compliance capability, improved equipment and system reliability, improved performance and level of service, and lower maintenance costs through improved use of available resources. The reliability centred maintenance plan approach incorporates preventative, predictive, and corrective maintenance activities integrated in a computerized maintenance management system.

The selection process began with an Expression of Interest which attracted four firms. The Review Committee short listed all four. Three firms submitted detailed proposals for the project which were evaluated by the Review Committee. The quotations received are as follows:

<u>Firm</u>	<u>Proposed Cost</u>
GasTOPS Ltd.	\$362,516.00
Acres International	\$453,787.00
Dennis Consultants Civil Engineers	\$475,305.00

Following a detailed evaluation of the proposals, the Review Committee recommends that the proposal from GasTOPS Ltd. be accepted.

The project schedule is divided into two phases. Phase 1 implements the plan at 'core' strategic facilities and Phase 2 follows with the remaining facilities. We estimate project completion in approximately eleven months.

Funding for this project (\$362,516.00) will be derived from the 2003 Capital Water Program (\$200,000.00 from allocation to meet Ontario Regulation 459, 505 and the Safe Drinking Water Act) and the 2003 Capital Wastewater Program (\$162,516.00 from allocation for Operating Manuals and As Constructed Plans).



APPENDIX 'B'

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News Release

September 27, 2001

CONNELL INDUSTRIES CANADA COMPANY FINED \$100,000 FOR ENVIRONMENTAL OFFENCE IN GUELPH

GUELPH - Connell Industries Canada Company, carrying on business as Wabash Alloys Guelph, was fined \$100,000 today after pleading guilty to an offence under the *Environmental Protection Act*.

On August 15, 1999, furnace failures at Connell's Guelph facility resulted in the discharge of chlorine gas into the natural environment that adversely affected the health of staff at the neighbouring Corvex Manufacturing facility. The adverse health effects resulted in Corvex evacuating its workers and temporarily shutting down its operation.

Connell has subsequently taken steps to prevent future inadvertent discharges, including modifying its furnaces and enhancing its preventative maintenance inspection schedule.

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[Disponible en français](#)

For further information:

John Steele
Communications Branch
(416) 314-6666

Rick Day
Hamilton Regional Office
(905) 521-7664

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News Release

September 26, 2001

FIVE CHARGES LAID FOR VIOLATIONS OF THE ONTARIO WATER RESOURCES ACT IN HAWKESVILLE

John Kepkiewicz faces five charges and Heather Wood faces four water works related charges under the *Ontario Water Resources Act* (OWRA)

The two defendants have been charged with altering an existing water works without approval, operating a water works without approval from a director and failing to ensure that the facility is operated by an appropriately licensed operator.

The fourth charge relates to owning a water treatment or distribution system that was not in compliance. Mr. Kepkiewicz faces a fifth charge for failing to submit inspection and maintenance records to the Ministry of the Environment.

The alleged violations took place between Sept. 14, 1998 and June 11, 2001 at 1131 Geddes Street in Hawkesville, located roughly 10 km northwest of Waterloo.

John Kepkiewicz and Heather Wood are scheduled to appear in court at 9:00 a.m. on October 3, 2001 at 50 Queen Street North, 5th Floor, Room # 1 in Kitchener.

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*Disponible en français***Contact:**

John Steele
Ministry of the Environment
(416) 314-6666

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News Release

For immediate release
March 24, 2003

TOWNSHIP OF TAY CHARGED UNDER *ONTARIO WATER RESOURCES ACT*

The Township of Tay has been charged with a total of six counts of failing to properly operate three waterworks in the municipality.

The Township faces two charges under section 8(1)(a)(i) of Ontario Regulation 459/00, made under the *Ontario Water Resources Act*, of failing to immediately notify the ministry of turbidity exceedances at the Victoria Harbour and Rope waterworks. The Township is also charged with one count under section 8(1)(a)(iii) of Ontario Regulation 459/00 of failing to immediately notify the ministry of low free chlorine residual in the distribution system at the Rope waterworks.

In addition, the ministry charged the Township under section 107(3) of the *Ontario Water Resources Act* with two counts of failing to comply with the Certificates of Approval issued for the Victoria Harbour and Waubaushene waterworks. The ministry alleges that the equipment at these plants was not properly operated and maintained at all times.

The Township also faces one charge under section 30(1) of the *Ontario Water Resources Act* of discharging a contaminant from the Waubaushene waterworks that may impair water quality.

The ministry alleges the above offences took place in mid-2001.

The first court date is set for April 3, 2003 in the Ontario Court of Justice (Provincial Offences Division) in Penetanguishene.

- 30 -

Contact:
John Steele
Communications Branch
(416) 314-6666

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News Release

For immediate release
July 24, 2002

TOWNSHIP FINED FOR WATERWORKS NON-COMPLIANCE

PEMBROKE - The Township of Whitewater Region received a \$5,000 fine plus the victim fine surcharge for not being in compliance with its certificate of approval in August 2000.

The township pleaded guilty to one charge under section 107(3) of the *Ontario Water Resources Act* for failing to ensure that the waterworks and all related equipment were properly operated and maintained. The township has since brought its waterworks into compliance with its certificate of approval.

The matter was heard on July 15, 2002 in the Ontario Court of Justice (Provincial Offences Division) in Pembroke.

- 30 -

*[Disponible en français](#)***Contact:**Mark Rabbior
Communications Branch (Environment)
(416) 314-6666

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News Release

For immediate release
June 14, 2002

BRANT COUNTY FINED \$45,000

BRANTFORD - The Corporation of the County of Brant has been fined a total of \$45,000 plus a victim fine surcharge for environmental offences.

Brant County pleaded guilty in Provincial Offences Court in Brantford to three charges under section 107(3) of the *Ontario Water Resources Act* in connection with failing to comply with various conditions set out in a certificate of approval.

Brant County pleaded guilty to charges that it failed to collect and analyze samples of treated water for turbidity on a weekly basis and fluoride on an annual basis, and that it failed to calibrate flow measuring devices at regular intervals.

The charges pertain to the period between March 1999 and November 2000. The company was convicted June 4, 2002.

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Contact:

John Steele
Communications Branch
(416) 314-6666

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THE CORPORATION OF THE TOWN OF ORANGEVILLE FINED TOTAL OF \$50,000

ORANGEVILLE – The Corporation of the Town of Orangeville has been fined a total of \$50,000, plus a 25-percent victim fine surcharge, after pleading guilty to four charges from two separate court cases.

The Court heard that in the spring and early summer of 2001, a sewage treatment plant owned by the Town of Orangeville experienced upset conditions that resulted in severe odours in the surrounding community, as well as in discharges to the Credit River that exceeded the limits imposed by the certificate of approval issued for the sewage plant. The company pleaded guilty to discharges that exceeded permitted levels for biochemical oxygen demand. In a separate case, the Court heard that in March of 2003 the sewage plant discharged effluent to the Credit River which exceeded the limit stipulated in the certificate of approval for biochemical oxygen demand.

The Town of Orangeville was fined \$35,000 on a charge under section 14(1) of the *Environmental Protection Act* for allowing the release of an odour that had adverse effects on the community. The Town was also fined \$5,000 for each of three charges under section 107(3) of the Ontario Water Resources Act for discharging effluent that exceeded the biochemical oxygen demand limits set out in the certificate of approval.

Justice of the Peace John Jackson heard the cases on October 22, 2003 in the Ontario Court of Justice in Orangeville.

CITY OF VAUGHAN FINED TOTAL OF \$32,000

RICHMOND HILL – The City of Vaughan has been fined a total of \$32,000, plus a 25-percent victim fine surcharge, after pleading guilty to four infractions of Regulation 459/00 of the *Ontario Water Resources Act* (OWRA) pertaining to a water distribution system it operates in Kleinburg.

The Court heard that in July 2002 an inspection conducted by the Ministry of the Environment revealed that The City of Vaughan had failed to carry out microbiological water sampling and analysis at the Kleinburg water distribution system for four weekly periods between 2001 and 2002.

The City of Vaughan pled guilty to four charges under section 7(1)(a) of Regulation 459/00 of the OWRA and was fined \$8,000 for each offense.

Justice of the Peace Julius Dogbe heard the case on September 8, 2003 in the Ontario Court of Justice in Richmond Hill.

MAPLETON TOWNSHIP FINED \$10,000 OVER SEWAGE WORKS OPERATIONS

GUELPH – The Township of Mapleton has been fined \$10,000 after pleading guilty to two charges related to the operation of the sewage works serving the community of Drayton.

The Court heard that in February 2002, an inspection by the Ministry of the Environment found that the sewage works was being operated by unlicensed staff.

The Township of Mapleton was fined \$4,000 under section 13(1) of Regulation 435/93, made under the Ontario Water Resources Act (OWRA) for failing to ensure that the licensed operator held a licence that was applicable to the type of sewage works operated by the Township. The Township was fined a further \$6,000 under section 107(3) of the OWRA for failing to comply with its certificate of approval requiring that the sewage works be run by a licensed operator.

A 25-percent victim fine surcharge was added to the fines.

Justice of the Peace Stewart Taylor heard the case on July 9, 2003 in the Ontario Court of Justice in Guelph

REGIONAL MUNICIPALITY OF DURHAM FINED \$40,000

FOR WATERWORKS OFFENCES

WHITBY - The Regional Municipality of Durham has been fined \$40,000 after pleading guilty to six violations of the *Ontario Water Resources Act* (OWRA) at water treatment and distribution systems serving Sunderland, Cannington, Uxbridge and Greenbank. A victim fine surcharge has been added to the fine.

The Region was fined \$8,000 on each of four counts under section 8(1)(a)(iii) of Regulation 459/00, made under the OWRA. These charges involve failure to notify the Ministry of the Environment and the Medical Officer of Health of low chlorine residuals, an indicator of adverse water quality. In November 2001, Ministry of the Environment inspectors found that plants run by the Region in Uxbridge, Cannington and Sunderland (two occasions) had failed to provide this notification.

The Regional Municipality of Durham was also fined \$4,000 for each of two offences at the Greenbank waterworks:

- contravening section 107(3) of the OWRA by failing to comply with a condition of the certificate of approval requiring monthly testing of nitrates in October, 2002; and
- contravening section 107(2) of the OWRA by exceeding the flow rate of 70-litres-per-minute allowed in the permit to take water for 2000.

The case, which concluded March 27, 2003, was heard by Justice of the Peace Richard Quon at the Ontario Court of Justice in Whitby.

TOWNSHIP OF TAY CHARGED UNDER *ONTARIO WATER RESOURCES ACT*

The Township of Tay has been charged with a total of six counts of failing to properly operate three waterworks in the municipality.

The Township faces two charges under section 8(1)(a)(i) of Ontario Regulation 459/00, made under the *Ontario Water Resources Act*, of failing to immediately notify the ministry of turbidity exceedances at the Victoria Harbour and Rope waterworks. The Township is also charged with one count under section 8(1)(a)(iii) of Ontario Regulation 459/00 of failing to immediately notify the ministry of low free chlorine residual in the distribution system at the Rope waterworks.

In addition, the ministry charged the Township under section 107(3) of the *Ontario Water Resources Act* with two counts of failing to comply with the Certificates of Approval issued for the Victoria Harbour and Waubaushene waterworks. The ministry alleges that the equipment at these plants was not properly operated and maintained at all times.

The Township also faces one charge under section 30(1) of the *Ontario Water Resources Act* of discharging a contaminant from the Waubaushene waterworks that may impair water quality.

The ministry alleges the above offences took place in mid-2001.

The first court date is set for April 3, 2003 in the Ontario Court of Justice (Provincial Offences Division) in Penetanguishene.

March 4, 2003

TOWNSHIP OF SMITH-ENNISMORE-LAKEFIELD, CHIEF OPERATOR FINED \$8,100 FOR WATER QUALITY REPORTING OFFENCE

The Township of Smith-Ennismore-Lakefield and chief operator Christopher Norman have been fined a total of \$8,100 after pleading guilty to failing to meet a reporting requirement of Ontario's Drinking Water Protection Regulation 459/00.

The Court heard that the Township failed to notify the Ministry of the Environment and the Medical Officer of Health of test results indicating low chlorine residual levels in the water treatment and distribution system for the former Village of Lakefield. This contravention of section 8 of Regulation 459/00, made under the *Ontario Water Resources Act*, occurred on five occasions between October 3, 2000 and March 20, 2001.

The Township of Smith-Ennismore-Lakefield was fined \$8,000 while Norman received a \$100 fine. The matter was heard by Justice of the Peace Michael O'Toole in the Ontario Court of Justice in Peterborough on February 20, 2003. A victim fine surcharge was added to the fine.

FOLEYET LOCAL SERVICES BOARD CHARGED UNDER *ONTARIO WATER RESOURCES ACT*

The Foleyet Local Services Board has been charged with failing to comply with an order requiring it to have a licensed operator run its sewage treatment plant.

The Foleyet Local Services Board faces one charge under section 107(2) of the *Ontario Water Resources Act* involving failure to comply with a Provincial Officer Order to ensure that a licensed operator was in charge of its sewage treatment plant.

The matter will be heard on May 14, 2003 in the Ontario Court of Justice in Chapleau.

February 5, 2003

TOWN OF WHITCHURCH-STOUFFVILLE CHARGED UNDER *ONTARIO WATER RESOURCES ACT*

The Town of Whitchurch-Stouffville has been charged with failing to ensure proper training for staff operating the water distribution system serving the Town of Stouffville.

The Town faces one charge under section 17(1) of Regulation 435, made under the *Ontario Water Resources Act*, of failing to ensure that a number of the system's operators were provided with 40 hours of training as required.

The matter will be heard on February 10, 2003 in the Ontario Court of Justice in Richmond Hill.

January 28, 2003

CITY OF DRYDEN CHARGED WITH NON-COMPLIANCE WITH DIRECTION TO REPORT ON SEWAGE WORKS

The City of Dryden has been charged with failing to provide a report on the capacity and condition of its sewage works to the Ministry of the Environment.

The ministry issued a direction under the *Ontario Water Resources Act* (OWRA), requiring the City to assess and report on its sewage works in an area where residences have been flooded with sanitary sewage during major storms. The City faces one charge under section 107(2) of the OWRA, pertaining to failure to comply with a direction from the ministry.

The alleged offence occurred between February 21, 2002 and January 13, 2003.

The matter will be heard in the Ontario Court of Justice in Kenora on February 27, 2003.

January 20, 2003

CITY OF QUINTE WEST CHARGED UNDER *ONTARIO WATER RESOURCES ACT*

The Corporation of the City of Quinte West has been charged with one offence under the *Ontario Water Resources Act* (OWRA) for failing to ensure that water sampling and analysis were carried out at the Batawa Water Treatment Plant in accordance with provincial regulations.

The charge relates to failure to ensure that water sampling and analysis for nitrites and nitrates was carried out in accordance with Schedule 2 of Regulation 459/00, made under the OWRA. The alleged offence occurred between April 1 and June 30, 2001.

The City of Quinte West was charged on January 8, 2003. The first court date is set for February 14, 2003 in the Ontario Court of Justice in Trenton.

TOWN OF INNISFIL FINED \$10,000 FOR DRINKING WATER INFRACTION

The Town of Innisfil has been fined \$10,000 after pleading guilty to failing to maintain required chlorine residual levels in treated water in its Crossroads Water Supply System.

The Ministry of the Environment found during an inspection on October 12, 2000 that the Town of Innisfil was not meeting the conditions of its ministry-issued certificate of approval for the facility. The Town of Innisfil contravened Section 107(3) of the *Ontario Water Resources Act* by failing to comply with the requirement to maintain chlorine residuals in treated water.

A victim fine surcharge was added to the fine. The matter was heard on January 6, 2003 by Justice of the Peace Guy Maurice in the Ontario Court of Justice in Barrie.

January 9, 2003

SOUTHGATE TOWNSHIP FINED \$15,000 FOR WATER REPORTING INFRACTIONS

Southgate Township has been fined \$15,000 for failing to meet reporting requirements set out in Ontario's Drinking Water Protection Regulation (Regulation 459/00).

The court also ordered the Township to ensure that the operator in charge of its Dundalk water treatment plant has the qualifications required under the Regulation. The order, which was issued under section 112 of the Ontario Water Resources Act (OWRA), also requires the operator to successfully complete a course approved by the Ministry of the Environment Director relating to the operation of that type of facility.

The court heard that the Township failed to inform either the Ministry of the Environment or the local Medical Officer of Health that water samples taken at the Dundalk facility contained chlorine residual levels below 0.05 milligrams per litre, the minimum level allowed under Regulation 459/00.

The offences occurred between September 13, 2000 and January 25, 2001. During that time, there were 23 days when the chlorine residual levels should have been reported to the appropriate authorities.

Southgate Township pleaded guilty to two counts under section 8(1)(a)(iii) of Regulation 459/00, made under the OWRA, involving failure to notify the ministry and the local Medical Officer of Health of water samples with low chlorine residual levels. The Township was fined \$7,500 on each count.

A victim fine surcharge has been added to the fine. The Township appeared yesterday before Justice of the Peace Pauline Aguirre in the Ontario Court of Justice in Walkerton.

December 20, 2002

NEW MUNICIPAL DRINKING-WATER INSPECTORS CONDUCT TOUGHER INSPECTIONS TO HELP SAFEGUARD WATER

TORONTO - More than 50 new municipal drinking-water systems inspectors and 10 supervisors are conducting

more enhanced and comprehensive inspections at every municipal system across Ontario said Environment Minister Chris Stockwell today.

"The Ernie Eves government is committed to ensuring that Ontario has, and enforces, the best and toughest clean water policies in the world," said Stockwell. "These dedicated inspectors have completed an intensive training program that will allow them to implement the most stringent drinking-water inspections program in North America."

As part of the Ministry of the Environment's commitment to continuous improvement, more than 50 municipal drinking-water systems inspectors and 10 supervisors received training that included new inspections procedures and methods. The training will enable them to:

- continue to monitor compliance with legislation;
- examine the functioning of water systems, including the source, treatment and distribution of drinking water;
- assess management practices that affect the safety of drinking water; and
- work with the owners and operators of water systems to encourage them to adopt best practices.

The government is addressing all of Commissioner O'Connor's recommendations in the Report of the Walkerton Inquiry, including those relating to the inspection of drinking-water systems in the province. Among other things, the government has:

- doubled the number of dedicated municipal water systems inspectors, and provided adequate resources to further improve inspections by making them more enhanced and comprehensive;
- continued the ministry's annual inspections of municipal water systems, and introduced unannounced inspections - one out of every three municipal drinking-water systems inspections will be unannounced;
- provided inspectors with a new written protocol that includes standard guidelines to ensure more comprehensive inspections; and
- directed inspectors to conduct follow-up inspections within one year of facilities found to have significant deficiencies.

"Safe drinking water remains a top priority for this government," said Stockwell. "We continue to move ahead on implementing Commissioner O'Connor's recommendations, and these new inspectors will play a key role."

December 5, 2002

CITY OF BARRIE SENTENCED TO \$50,000 PENALTY FOR SEWAGE SPILL

The City of Barrie has been sentenced to a \$50,000 penalty after being found guilty of a discharge of untreated sewage that killed fish in Bear Creek.

In addition to receiving a \$35,000 fine, the City was directed to pay \$15,000 to the Nottawasaga Valley Conservation Authority for stream restoration.

The court heard that, in August 1998, between 75,000 and 85,000 gallons of untreated sewage overflowed from a manhole into Bear Creek.

On June 9, 2002, the City of Barrie was convicted on one count under section 30(1) of the *Ontario Water Resources Act* (OWRA), relating to causing or permitting the discharge of untreated sewage that impaired a watercourse. The payment to the Nottawasaga Valley Conservation Authority was ordered by the Court pursuant to section 112 of the OWRA.

The sentencing hearing was held on November 29, 2002. A victim fine surcharge was added to the fine, which was delivered by Justice of the Peace Susan Robillard in the Ontario Court of Justice in Barrie.

November 4, 2002

REGIONAL MUNICIPALITY OF YORK CHARGED WITH ENVIRONMENTAL OFFENCES

The Regional Municipality of York has been charged in connection with a sewage discharge from its Wood River

Bend sewage pumping station. The station collects sewage from the north end of the town of Sutton, as well as Jackson Point.

The charges allege that - between May 25 and 28, 2001 - sewage was discharged from the station into a tributary of the Black River. It is alleged that approximately one million litres of sewage was released.

The Regional Municipality faces one charge under section 30(1) of the *Ontario Water Resources Act*, which relates to discharging a contaminant that may impair water quality, as well as one charge under section 14(1) of the *Environmental Protection Act*, which pertains to discharging a contaminant that is likely to cause an adverse effect on the environment.

A court date has been set for December 9, 2002 in the Ontario Court of Justice in Richmond Hill.

TOWNSHIP FINED FOR WATERWORKS NON-COMPLIANCE

PEMBROKE - The Township of Whitewater Region received a \$5,000 fine plus the victim fine surcharge for not being in compliance with its certificate of approval in August 2000.

The township pleaded guilty to one charge under section 107(3) of the *Ontario Water Resources Act* for failing to ensure that the waterworks and all related equipment were properly operated and maintained. The township has since brought its waterworks into compliance with its certificate of approval.

The matter was heard on July 15, 2002 in the Ontario Court of Justice (Provincial Offences Division) in Pembroke.

February 13, 2002

CITY OF TORONTO FINED \$40,000 FOR ILLEGAL SEWAGE DISCHARGE

TORONTO - The City of Toronto has been fined \$40,000 for discharging 640,140 litres of untreated human sewage from its Mimico pumping station into Lake Ontario. The material also flooded a nearby daycare centre.

The City pleaded guilty to one count under section 30 of the *Ontario Water Resources Act*, which prohibits the discharge of contaminants that may harm water quality. The offence occurred on July 3 and 4, 1999.

The court heard that, following a thunder storm, there was a malfunction in the communication link between the automated pumping station and the Humber sewage treatment plant. After finding that the pump was still working, staff allowed the plant to continue functioning without supervision. The pump broke down shortly thereafter, with untreated human sewage accumulating in the system and overflowing into the adjacent daycare centre and Lake Ontario.

The fine, levied on Monday, February 11, 2002, comes with a 20 per cent victim fine surcharge.

June 14, 2001

REGIONAL MUNICIPALITY OF WATERLOO CONVICTED UNDER *ONTARIO WATER RESOURCES ACT*

KITCHENER __ The Regional Municipality of Waterloo was fined a total of \$15,000 plus a victim fine surcharge of \$3,750 yesterday after pleading guilty to a charge under the *Ontario Water Resources Act (OWRA)*. The charge pertained to failing to ensure staff held applicable certifications to operate a waterworks

Section 14 (1) of Regulation 435/93 under the *OWRA* stipulates that the owner of the facility shall ensure that every operator employed in the facility holds a license applicable to that type of facility or a license as an operator-in-training. The Regional Municipality of Waterloo pleaded guilty to the charge that resulted after a January 26, 2001 ministry inspection of the St. Jacob's Pumping Station water supply facility. The inspection revealed there were three operators working in the facility who did not renew their Certificates of Competence and therefore operated with an

expired licence.

The operators have subsequently renewed their certificates and the Region now reviews the certificates for each operator on a monthly basis.

April 27, 2001

ENVIRONMENT MINISTRY CHARGES CITY OF HAMILTON AND EMPLOYEE

HAMILTON - The Ministry of the Environment has charged the City of Hamilton and Jeff McIntyre, Water Quality Technologist for the City of Hamilton, each with two charges related to the discharge of sewage at or near the Woodward Sewage Treatment Plant, in the City of Hamilton.

The first charge, laid under Section 30(1) of the Ontario Water Resources Act, alleges that between the 26th day of April and the 1st day of May 1999, the parties caused or permitted the discharge of sewage into a wetland that may impair the quality of water.

The second charge, laid under Section 30(2) of the Ontario Water Resources Act, alleges that between the 26th day of April and the 29th day of June 1999, the parties failed to forthwith notify the Ministry of the discharge.

The first court date is June 5, 2001 at the Ontario Court of Justice, Hamilton.

October 3, 2000

Environment ministry orders corrective actions at four more Ontario water works

The owners of four water treatment plants have been ordered to take corrective action to meet the province's stringent standards for drinking water, Environment Minister Dan Newman said today.

The field orders follow inspections at 31 facilities between September 5 and 15, 2000. Nine plants were found to have operating deficiencies; further orders are pending. The inspections are part of Operation Clean Water, Ontario's action plan to ensure the safety of the province's drinking water.

As of September 15, 2000, the Ministry of the Environment had completed 365 inspections since early June. Various deficiencies were found at 195 facilities and 147 field orders have been issued.

"I won't be satisfied until Ontario has the safest drinking water in Canada," Newman said. "Operation Clean Water is ensuring that Ontario's municipal water treatment plants conform to the highest operating standards.

"We have given the force of law to universal standards for water quality and testing," Newman added. "We will not hesitate to enforce these standards to protect the health of Ontarians."

The three most common reasons water treatment plants were found deficient by the ministry during recently completed inspections (please see attached list for names of facilities):

- at four plants, inspectors found an insufficient number of bacteriological or chemical samples being taken and analyzed. Plants which were not sampling often enough for bacteriological substances - those most likely to cause health concerns - have been ordered to comply immediately;
- four plants were found not to have adequately maintained their disinfection equipment, e.g., there was no alarm to signal a chlorination failure or there was no back-up system in the event of such a failure;
- in five cases, plant operators were not appropriately certified by the ministry or had inadequate ongoing training.

For further information:

Lynne Hamilton, (416) 314-6739

Minister's Office

Isabella di Cristofaro, (416) 314-6666

Communications Branch

As of September 15, 2000

Failure to conform with minimum sampling requirements (4)

Municipality or owner

Plant name

York, Regional Municipality of

Keswick WTP

Mono, Town of

Purple Hill WTP*

Mono, Town of

Cardinal Woods WTP*

Mono, Town of

Coles Subdivision WTP*

Failure to adequately maintain disinfection equipment (4)

Municipality or owner

Plant name

Mono, Town of

Purple Hill WTP*

Mono, Town of

Cardinal Woods WTP*

Mono, Town of

Coles Subdivision WTP*

Brant, County of

St. George WTP

Failure to meet training or certification requirements (5)

Municipality or owner	Plant name
Village of Bayfield	Bayfield Water System*
Mono, Town of	Purple Hill WTP*
Mono, Town of	Cardinal Woods WTP*
Mono, Town of	Coles Subdivision WTP*
Brant, County of	St. George WTP

* Remedial action required through Ministry of the Environment field order

September 21, 2000

Environment ministry orders corrective actions at six more Ontario water works

The owners of six water treatment plants have been ordered to take corrective action to meet the province's stringent standards for drinking water, Environment Minister Dan Newman said today.

The field orders follow inspections at 24 facilities between August 21 and September 1, 2000. Ten plants were found to have operating deficiencies; further orders are pending. The inspections are part of Operation Clean Water, Ontario's action plan to ensure the safety of the province's drinking water.

As of September 1, 2000, the Ministry of the Environment had completed 325 inspections since early June. Various deficiencies were found at 184 facilities and 135 field orders have been issued.

"I won't be satisfied until Ontario has the safest drinking water in Canada," Newman said. "Operation Clean Water is ensuring that Ontario's municipal water treatment plants conform to the highest operating standards.

"We have given the force of law to universal standards for water quality and testing," Newman added. "We will not hesitate to enforce these standards to protect the health of Ontarians."

The three most common reasons water treatment plants were found deficient by the ministry during recently completed inspections (please see attached list for names of facilities):

- at seven plants, inspectors found an insufficient number of bacteriological or chemical samples being taken and analyzed. Plants which were not sampling often enough for bacteriological substances – those most likely to cause health concerns – have been ordered to comply immediately;
- one plant was found not to have adequately maintained its disinfection equipment, e.g., there was no alarm to signal a chlorination failure or there was no back-up system in the event of such a failure;
- in three cases, plant operators were not appropriately certified by the ministry or had inadequate ongoing training

December 20, 2002

STATUS OF GOVERNMENT'S ACTIONS ON O'CONNOR RECOMMENDATIONS

The Ontario government is committed to ensuring that Ontario has and enforces the best and toughest clean-water policies in the world. As announced earlier in the year, the government will implement all of Commissioner Dennis O'Connor's recommendations from both Part One and Part Two of the *Report of the Walkerton Inquiry*. Significant work has already been done to meet many of Commissioner O'Connor's 28 Part One and 93 Part Two recommendations. The government will work with all of its partners to ensure that together, we achieve the goals set out by the inquiry's recommendations. Having tough and effective water safety rules means taking the time to get them right and making sure they work as intended.

Part One Recommendations Overview:

Part One of Commissioner O'Connor's *Report of the Walkerton Inquiry* deals with the causes of the outbreak and how it could have been prevented. The report makes 28 recommendations.

The Ministry of the Environment has the lead responsibility on 22 of the 28 Part One recommendations and is proceeding rapidly to implement them. The Ministry of Health and Long-Term Care has the lead responsibility on the six remaining recommendations.

Progress on Part One Recommendations in Detail:

Four of the 22 recommendations that the Ministry of the Environment is leading were implemented in advance of the release of Commissioner O'Connor's Part One report. These are in the areas of:

- conducting annual inspections of municipal drinking-water systems;
- inspecting municipal drinking-water systems for certification and training standards;
- developing criteria for "groundwater under the influence of surface water"; and
- implementation of time-limited Certificates of Approval.

Eight more have been implemented since the release of the Part One report including:

- the recruitment of more than 50 new municipal drinking-water inspectors and 10 supervisors, more than doubling the number of municipal drinking-water systems inspectors;
- the development of a more comprehensive inspection program, including unannounced inspections and follow-up inspections when significant deficiencies are found;
- the development of strengthened training and certification requirements, including course curriculum and examination material; and,
- the development and implementation of an enhanced inspector training program for ministry staff.

One more recommendation will be implemented by December 31, 2002:

- ensuring that information about inspections results is shared with all key stakeholders responsible for aspects of providing safe drinking water.

The government continues to make significant progress on the remaining nine Part One recommendations it is leading. These remaining recommendations are much broader in scope and are in the areas of:

- developing an integrated information system (information technology);
- ongoing ministry technical staff training; and
- implementing operator training and operator certification/re-certification requirements.

The Ministry of Health and Long-Term Care is working closely with the Ministry of the Environment and other partner ministries on the recommendations it is leading. Work is well underway, and all recommendations will be implemented. This includes requiring all boards of health to work expeditiously to fill all full-time Medical Officers of Health positions. Currently, all boards of health without full-time Medical Officers of Health have hired acting Medical Officers of Health until the positions can be filled permanently. The Ministry of Health and Long-Term Care is helping the boards in their recruitment to fill the positions.

The Ministry of Health and Long-Term Care is developing an Accountability Framework as a tool to support planning and evaluating for which boards of health could be held accountable.

The Ministry of Health and Long-Term Care has also commenced a review of the Safe Water Mandatory Program. It provides details of the activities Health Units are mandated to carry out in relation to the safety of drinking and recreational water (bathing beaches) in Ontario. This may include the issuance of Boil Water Advisories, Boil Water Orders and beach closures.

In addition, a draft Boil Water Protocol was posted on the Environmental Bill of Rights Registry for public

consultation (July 2001). The Boil Water Protocol is being further reviewed following Commissioner O'Connor's Part Two report.

Part Two Recommendations Overview:

Part Two of Commissioner O'Connor's Report of the Walkerton Inquiry sets out a framework for water system management and accountability. The specific recommendations are classified into five areas:

- 1) Source Protection
- 2) Standards and Technology
- 3) Municipal Water Providers
- 4) Provincial Oversight
- 5) Special Cases, including small water systems

The report makes 93 recommendations on the main components of Ontario's water-delivery system. The report focuses on several key deliverables including:

- the need for a Safe Drinking Water Act;
- financial requirements to help ensure the sustainability of municipal drinking water systems; and
- watershed-based source protection.

Progress on Part Two Recommendations in Detail:

The following initiatives respond to 70 of the 93 recommendations in Commissioner O'Connor's Part Two *Report of the Walkerton Inquiry*.

Safe Drinking Water Act, 2002

In Part Two of the *Report of the Walkerton Inquiry*, Commissioner O'Connor recommended that the Ontario government enact a Safe Drinking Water Act. As articulated by Commissioner O'Connor, the purpose of a Safe Drinking Water Act would be to gather in one place all legislation and regulations relating to the treatment and distribution of drinking water.

As recommended by Commissioner O'Connor, the government introduced the *Safe Drinking Water Act, 2002*, which will expand on existing policies and practices and introduce new features to protect drinking water in Ontario.

This act - which received Royal Assent on December 13, 2002 - provides legislative authority to implement 50 of the 93 recommendations made in Commissioner O'Connor's Part Two Report.

The government consulted broadly with the public and stakeholders in September 2002 on the proposed components of a Safe Drinking Water Act. Comments were solicited through minister-led consultations in London, Ottawa and Thunder Bay, through widely-held stakeholder meetings and through the Environmental Bill of Rights Registry posting of proposed components of an act.

In addition, public consultations were held in November and December, 2002 by the Standing Committee on General Government. These consultations took place in Ottawa (one session), Toronto (three sessions) and Walkerton (one session). One Toronto session included teleconference participation from London. The draft act was also posted on the government's Environmental Registry for a 30-day comment period.

Nutrient Management Act, 2002

The government's nutrient management strategy will form an important element of the watershed protection system envisioned by Commissioner O'Connor.

The *Nutrient Management Act, 2002* - passed on June 27, 2002 - will enhance the protection of Ontario's water resources by minimizing the effects of agricultural practices on the environment, especially as they relate to land-applied materials containing nutrients. The protections outlined in the legislation are consistent with Commissioner O'Connor's recommendations in the *Report of the Walkerton Inquiry*, Part Two, as they relate to the management of nutrient-rich materials.

The act establishes the authority to develop regulations. Regulations are being developed in three stages. The first draft regulation was posted for public comment on the Environmental Bill of Rights Registry on August 20, 2002. The comment period ended October 19, 2002.

The second stage of consultations covering a number of key regulatory areas has begun. Draft regulations were posted to the Environmental Bill of Rights Registry on December 2, 2002. The public comment period ends January 31, 2003. The third stage of consultations will begin in early 2003.

The regulatory requirements contained in the stage one and two regulations will address the specifics contained in most municipal nutrient management plan bylaws and will be in force by the spring of 2003. Stage three consultations will include regulations dealing with livestock access to waterways, manure haulage and transfer, and washwater and dead animal disposal. The stage three regulations are expected to be in place by the fall of 2003.

Sustainable Water and Sewage Systems Act, 2002

In Part Two of his Report of the Walkerton Inquiry, Commissioner O'Connor made several references to the need for municipalities to ensure that their water systems are adequately financed. To quote Commissioner O'Connor, "Over the long term, safety depends on stable and adequate financing to maintain the water system's infrastructure and its operational capacity to supply high-quality water consistently."

The *Sustainable Water and Sewage Systems Act, 2002* ¾ which received Royal Assent on December 13, 2002 ¾ will make it mandatory for municipalities to assess and report on the full costs of providing water and sewage services, and then prepare and implement plans for recovering those costs. Commissioner O'Connor stated his support for the proposed act after it was first introduced to the legislature. He said, "In my opinion, if passed into law, the act will address many of the important issues concerning the financing of water systems The requirements for a full-cost report and cost-recovery plan, as generally expressed in the proposed act, are in my view appropriate."

Public consultations on the act were held in November and December, 2002 by the Standing Committee on General Government. These consultations took place in Ottawa (one session), Toronto (three sessions) and Walkerton (one session). One Toronto session included teleconference participation from London. An information notice on the legislative committee hearings was also posted on the government's Environmental Registry.

Through the Standing Committee, the government brought forward amendments to ensure that municipalities could also finance activities to protect drinking water at its source.

Watershed-based Source Protection Framework

Commissioner O'Connor made recommendations to protect sources of drinking water from contamination. A key recommendation is that drinking water sources be protected by developing watershed-based source protection plans. Under Commissioner O'Connor's recommendations, source protection plans would be required for all watersheds in Ontario.

Key to implementing watershed-based source-protection planning will be the involvement of conservation authorities, environmental groups, agricultural groups, municipalities and other stakeholders in developing a watershed-based source protection framework.

An Advisory Committee has been established and is currently guiding the development of a watershed-based source protection framework. The Advisory Committee members represent a wide range of interests and backgrounds related to watershed-based source protection planning. The committee will provide advice to the government on a source protection framework consistent with the 22 recommendations related to source protection in Commissioner O'Connor's Part Two Report of the Walkerton Inquiry. The Advisory Committee's advice and direction to the government will lead to the development of a draft framework early in 2003.

The framework is a critical step in implementing Commissioner O'Connor's recommendations on source protection planning and moving toward comprehensive watershed planning in Ontario. Source-protection planning focuses on protecting the safety and sustainability of drinking water supplies. The framework would set out the minimum requirements to be included in a source protection plan and the process for developing plans.

Making significant progress

The government continues to make significant progress on several other components of its Clean Water Strategy. These additional components include such things as joint recommendations with the federal government and overreaching recommendations like organizational restructuring to support the implementation of various recommendations. These additional components will address the remaining 23 recommendations.

December 6, 2002

GOVERNMENT AMENDMENTS MADE TO WATER AND SEWER BILL

TORONTO — Significant changes have been made to Bill 175, the *Sustainable Water and Sewage Systems Act*, to reflect recommendations from public consultations and Justice O'Connor's Report, Environment Minister Chris Stockwell announced today.

"We committed to take public input into consideration on this important issue," said Stockwell. "This has resulted in a fairer, clearer Act and will lead to better cooperation between our government and municipalities to protect and maintain water and sewage systems."

The proposed Act would make it mandatory for municipalities to assess and report on the full costs of providing water and sewage services, and then to prepare and implement plans for recovering those costs. Consultations on the

Act were held in the past month in Ottawa, Toronto and Walkerton.

The amendments were passed by the Standing Committee on General Government during a clause-by-clause review of the Act on December 4. The government has made four key amendments:

- Municipalities will have the authority to recover all costs of protecting water sources, as long as those costs are related to the delivery of water and wastewater services.
- Municipalities will now have control of reviewing and approving their own Full Cost Reports and Cost Recovery Plans.
- The province will retain the authority to cap water and sewer rates but the Minister of the Environment can permit a municipality to exceed that cap in special circumstances.
- The province will be given full and effective regulation-making powers within the Act.

In Part Two of the *Report of the Walkerton Inquiry*, Justice Dennis O'Connor indicated that it is appropriate for jurisdictions to develop full cost reports and cost recovery plans. These amendments are necessary because the original Act was tabled prior to the release of the Walkerton report.

"These amendments recognize the critical importance of source protection and the need to ensure that municipalities will have the authority to recover the cost of protecting Ontario's water sources," said Peter Krause, Chair of Conservation Ontario, representing the 36 Conservation Authorities. "These measures will facilitate the planning and implementation of local solutions, something we believe is essential for success."

The government has also been consulting on Bill 195, the *Safe Drinking Water Act*. If passed, Bill 195 will require, among other things, licencing and accreditation of laboratories that test drinking water, certification and training of operators, an owner's licence and a statutory standard of care for municipal water systems.

"These bills will ensure that Ontario has the best and most sound water policies in the world," said Stockwell.

"Feedback from our consultations with municipalities and the public will help to make these proposed laws even better."

December 21, 2000

Environment ministry completes inspection of 645 water treatment plants

The Ministry of the Environment has completed the inspection of all 645 municipal water treatment plants across the province as part of Operation Clean Water, Environment Minister Dan Newman said today.

"These comprehensive inspections were needed to ensure that each and every municipal facility is providing safe drinking water to the community it serves," Newman said. "We will maintain this vigilance by conducting these inspections every year."

Operation Clean Water - announced August 8, 2000 by Premier Mike Harris, Municipal Affairs Minister Tony Clement and Minister Newman - is Ontario's action plan to improve water quality and delivery across the province. Between June 1 and December 1, 2000, various deficiencies were found at 357 facilities. The ministry has ordered the owners of 311 plants to take corrective actions to meet the strict requirements of Ontario's Drinking Water Protection Regulation.

During the latest inspection period - October 30 to December 1, 2000 - 54 plants were inspected. Deficiencies were found at 27 plants and 22 orders were issued. The four most common reasons water treatment plants were found deficient by the ministry during recently completed inspections (please see attached list for names of facilities):

- at 25 plants, inspectors found an insufficient number of bacteriological or chemical samples being taken and analyzed. Plants that were not sampling often enough for bacteriological substances - those most likely to cause health concerns - have been ordered to comply immediately;
- six plants were found not to have adequately maintained their disinfection equipment, e.g., there was no alarm to signal a chlorination failure or there was no back-up system in the event of such a failure;
- in five cases, plants failed to comply with minimum treatment guidelines;
- in six cases, plant operators were not appropriately certified by the ministry or had inadequate ongoing training.

One of the key parts of Operation Clean Water is the Drinking Water Protection Regulation. The regulation, which took effect on August 26, 2000, applies to water treatment and distribution systems requiring approval under the Ontario Water Resources Act, including municipal waterworks and other large systems. Among the key elements of

the regulation:

- There must be regular and frequent testing for a wide range of parameters, including total coliforms, fecal coliforms or E. coli, chlorine residuals, lead and arsenic.
- All drinking water entering distribution systems must be disinfected to kill disease-bearing organisms (waterworks that use surface waters as their source must also use chemically-assisted filtration or other, equally effective technologies).
- Clear reporting requirements have been set out for situations when drinking water does not meet ministry standards.
- The owners of large waterworks must provide free quarterly reports on the state of their drinking water.
- Notices must be placed in clearly visible public locations if water does not meet ministry standards.
- A new licence has been created for water quality analysts. This licence is required to perform a wide range of tests.
- Laboratories that test drinking water must be accredited for the tests they are conducting.

Consultations are being held on the development of stricter training requirements for anyone operating a drinking water facility. Currently, all plant operators are required to undergo 40 hours of training each year. The ministry is proposing to require an additional 36 hours of ministry-approved training every three years.

Operation Clean Water also includes consultations on small waterworks and nutrient management. As well, the province has announced a \$6 million groundwater monitoring network for 38 key watersheds across Ontario.

November 17, 2000

35 water treatment facilities fail to meet reporting requirements: Newman

Owners of 35 water treatment facilities in 16 municipalities have failed to meet reporting requirements set out in the province's Drinking Water Protection Regulation, Environment Minister Dan Newman said today.

"The Ontario government is serious about ensuring that municipalities meet their obligation to provide safe drinking water to their residents," Newman said. "The Drinking Water Protection Regulation is law and must be followed.

"We are investigating situations where municipalities have failed to comply with their reporting requirements," Newman added. "The ministry's investigators will consider prosecutions on a case-by-case basis."

As of November 16, 2000 at 4 pm:

- The owners of two facilities failed to provide the Ministry of the Environment with the identity of the accredited laboratory analyzing their samples. This information was required immediately when the regulation took effect on August 26, 2000.
- The owners of 35 facilities failed to submit a quarterly report by October 30, 2000 outlining steps taken to comply with the regulation, as well as a test result summary.
- The owner of one facility failed to submit an action plan by October 31, 2000 outlining plans for meeting minimum treatment requirements if they are not doing so already.

The maximum fine for a water treatment facility owner not meeting the reporting requirements is \$100,000 per day for a first offence; if the owner has previously been convicted of an environmental offence, the maximum fine is \$200,000 per day.

"The government and the ministry are determined to ensure that every single water treatment facility and municipality is in compliance," Newman said.