

INFO-24-23

Sent Via Email



January 31, 2024

Mary Medeiros,
Clerk
City of Oshawa
50 Centre Street South
Oshawa ON L1H 3Z7

**The Regional
Municipality of
Durham**

Corporate Services
Department –
Legislative Services
Division

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**Alexander Harras
M.P.A.
Director of
Legislative Services
& Regional Clerk**

Dear M. Medeiros:

**RE: Appointment of Additional Risk Management Official as
required by the Clean Water Act, 2006 (2024-W-1), Our
File: E02**

Council of the Region of Durham, at its meeting held on January 31, 2024, adopted the following recommendations of the Works Committee:

- “A) That Regional Council appoint Shelly Cuddy as Risk Management Official under the Clean Water Act, 2006, Part IV, Sec. 47 (6);
- B) That the Regional Clerk issue a certificate of appointment bearing the clerk’s signature to the Risk Management Official as appointed by Regional Council;
- C) That the necessary by-laws be amended to effect the appointment;
- D) That the Regional Clerk circulate Report #2024-W-1 of the Acting Commissioner of Works to the Source Protection Authorities with a request to obtain Section 88 Powers of Entry for Regional staff for the purposes of inspection as defined in the Clean Water Act, 2006; and
- E) That the Regional Clerk circulate Report #2024-W-1 to the Clerks of local municipalities and Chairs of the South Georgian Bay Lake Simcoe, Trent Conservation Coalition and Credit Valley Toronto and Region Central Lake Ontario Source Protection Committees.”

Please find enclosed a copy of Report #2024-W-1 for your information.

Alexander Harras

Alexander Harras,
Director of Legislative Services & Regional Clerk

AH/sc

c: R. Jagannathan, Acting Commissioner of Works
T. Nimmo, Manager of Technical Support (Quality)

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 3540.



The Regional Municipality of Durham Report

To: Works Committee
From: Acting Commissioner of Works
Report: #2024-W-1
Date: January 10, 2024

Subject:

Appointment of Additional Risk Management Official as required by the *Clean Water Act, 2006*.

Recommendation:

That the Works Committee recommends to Regional Council:

- A) That Regional Council appoint Shelly Cuddy as Risk Management Official under the *Clean Water Act, 2006, Part IV, Sec. 47(6)*;
- B) That the Regional Clerk issue a certificate of appointment bearing the clerk's signature to the Risk Management Official as appointed by Regional Council;
- C) That the necessary by-laws be amended to effect the appointment;
- D) That the Regional Clerk circulate this report to Source Protection Authorities with a request to obtain Section 88 Powers of Entry for Regional staff for the purposes of inspection as defined in the *Clean Water Act, 2006*; and
- E) That the Regional Clerk circulate this report to the Clerks of local municipalities and Chairs of the South Georgian Bay Lake Simcoe, Trent Conservation Coalition and Credit Valley Toronto and Region Central Lake Ontario Source Protection Committees.

Report:**1. Purpose**

- 1.1 This report requests that Regional Council update the appointment of the Risk Management Official to allow specific Regional staff to undertake monitoring and enforcement responsibilities delegated by the Province to The Regional Municipality of Durham (Region) as a provider of safe drinking water under the Clean Water Act, 2006.

2. Background

- 2.1 Durham is divided into three Source Protection Regions: the Credit Valley, Toronto and Region, Central Lake Ontario Source Protection Region (CTC), the South Georgian Bay Lake Simcoe Source Protection Region (SGBLS) and the Trent Conservation Coalition Source Protection Region (TCC).
- 2.2 The following persons were previously appointed by Regional Council as per By-law 46-2020: Tavis Nimmo, Risk Management Official, Colin Hall, Carly Graham, Ashley Brettell and Maureen Bianchet as Risk Management Inspectors. These staff are recommended to remain appointed to these positions.
- 2.3 The Clean Water Act, 2006, Part IV c. 22, s. 47 (6) requires municipalities to appoint Risk Management Officials and Risk Management Inspectors under the following subsection:
- 1) “The council of a municipality that is responsible for the enforcement of this Part shall appoint a risk management official and such risk management inspectors as are necessary for that purpose.”
- 2.4 Ontario Regulation 287/07 Section 54 requires that a Risk Management Official and Risk Management Inspectors have the following qualifications:
- 1) For the purposes of section 53 of the Act, a risk management official or risk management inspector has the prescribed qualifications if he or she has, in the preceding five years, successfully completed a course that meets the following criteria:

The course includes:

- i. a description of the rules governing the preparation of assessment reports, source protection plans, risk management plans and risk assessments,
- ii. a description of Part IV of the Act,
- iii. an overview of procedures before the Environmental Review Tribunal, and
- iv. a description of the prescribed instruments to which subsection 39 (7) of the Act applies and the way in which they regulate activities that could be identified in a source protection plan as significant drinking water threats.

- 2) In the opinion of the Director, the course provides adequate training for a person appointed as a risk management official or risk management inspector under the Act. O. Reg. 246/10, s. 12.”

2.5 The Risk Management Official has the responsibilities set out under the Act, which include:

- 1) Negotiating/establishing interim risk management plans and risk management plans;
- 2) Evaluating risk assessments;
- 3) Issuing orders that specify actions to comply;
- 4) Issuing notices of failure to comply, including fines similar to Provincial offences;
- 5) Attending Environmental Review Tribunal hearings;
- 6) Annual reporting to Source Protection Committees;
- 7) Issuing notice for complete applications for Building Code and Planning Act permits and approvals; and
- 8) Working with neighbouring municipalities on cross-boundary threats.

2.6 The Risk Management Inspectors will have the responsibilities set out under the Act which include:

- 1) Conducting inspections to ensure compliance with Risk Management Plans;
- 2) Using powers of entry on properties where drinking water health hazard is suspected;
- 3) Issuing orders that specify actions to comply;

- 4) Attending Environmental Review Tribunal hearings; and
 - 5) Attending inspections with neighbouring municipalities on cross-boundary threats.
- 2.7 The staff identified in the recommendations to serve as the risk management official are currently members of the Works Department - Environmental Services Division. These staff members have taken the Ministry of the Environment, Conservation and Parks courses required under the *Clean Water Act, 2006*, and have the relevant professional expertise to carry out the risk management function.
- 3. Conclusion**
- 3.1 Risk management approaches specified in Part IV of the Clean Water Act, 2006 are one of the tools used in the implementation of Source Protection Plans. The appointment of the Risk Management Official and the Risk Management Inspectors by Regional Council is required to implement the Source Protection Plan and remain in compliance with the Clean Water Act 2006.
- 3.2 For additional information, contact: Tavis Nimmo, Manager of Technical Support (Quality) at 905-668-7711, extension 3737.

Respectfully submitted,

Original signed by:

Ramesh Jagannathan, M.B.A, M.Eng., P.Eng., PTOE
Acting Commissioner of Works

Recommended for Presentation to Committee

Original signed by:

Elaine C. Baxter-Trahair
Chief Administrative Officer