

January 31, 2017

Greater Sudbury Source Protection Authority
c/o Nickel District Conservation Authority (Conservation Sudbury)
401-199 Larch Street
Sudbury ON

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200 BRADY STREET
SUDBURY ON P3A 5P3

CP 5000 SUCCA
200, RUE BRADY
SUDBURY ON P3A 5P3

Attn: Melanie Venne (Source Protection Program Lead)

Re: City of Greater Sudbury, Risk Management Official's Second Annual Report (2016)

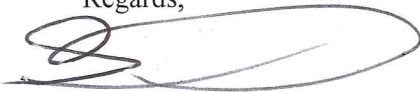
311
705.671.2489

www.greatersudbury.ca
www.grandsudbury.ca

Dear Ms. Venne;

Please find attached a copy of the City's Risk Management Official's Report for the second year of Part IV Source Protection Plan Policy implementation. Please do not hesitate to contact me, should the Source Protection Authority have any questions or concerns.

Regards,



Nick Benkovich
Director of Water/Wastewater Services (RMO)
City of Greater Sudbury

cc: David Brouse, Compliance and Operational Support Supervisor (Alt.RMO/RMI)
Jessica Brunette, Water/Wastewater By-law Compliance Officer (RMI)



Risk Management Official's Second Annual Report

Report on 2016 Activities

Compliance Section, Source Protection Risk Management Office

February 1, 2017

This report is being provided to the Greater Sudbury Source Protection Authority to satisfy the Annual Reporting Requirements of the Greater Sudbury Source Protection Plan that came into effect on April 1, 2015, in addition to Section 81 of the Clean Water Act, 2006.

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1. Introduction

This annual report is provided in accordance with Part IV, Section 81 of the *Clean Water Act, 2006 (the Act)*, Ontario Regulation 287/07 (O.Reg. 287/07), Section 65 to satisfy the Annual Reporting Requirements for the Greater Sudbury Source Protection Plan (SPP) that came into effect April 1, 2015. This report outlines the legislated activities undertaken by the City of Greater Sudbury's Risk Management Office in 2016. It also highlights the voluntary efforts taken to prepare for the City's implementation of the various SPP Policies in addition to the Part IV responsibilities.

2. Risk Management Officials and Inspectors

2.1 Appointment by Council

The City of Greater Sudbury passed By-law 2015-35 on March 31, 2015 (previously provided) to appoint one (1) Risk Management Official (RMO), one (1) alternate RMO, and three (3) Risk Management Inspectors (RMIs). Certificates of Appointments (previously provided) were issued to each RMO/RMI or RMI by the Municipal Executive Director of Administration/City Clerk as required by subsection 47(7) of the Act. The appointment of RMO/RMIs satisfies the requirement of subsection 47(6) of the Act.

In order to meet the growing needs of the Water/Wastewater Services Compliance Section, a fourth full-time Environmental Compliance Officer was hired in January 2016. In addition to other regulatory duties, this officer has also been appointed as a RMI (certificate attached).

2.2 O.Reg. 287/07 Required Training

The RMOs and RMIs have completed the M.O.E.C.C.'s Source Protection Director-Approved training courses (certificates previously provided) as per O. Reg. 287/07 under the Act, see Table 1.

It is recognized that the first staff members to complete the ministry appointed training in 2013 are now due to complete the Property Entry and RMO/RMI online re-qualification training this fall.

Table 1. Risk Management Office Staff Information

Staff Name	Title/Role	Email/Phone	Property Entry Training Course	RMO/RMI Training Course	Expiry/Renewal Date
Benkovich, Nick	Director of Water/Wastewater Services (RMO/RMI)	Nick.benkovich@greatersudbury.ca (705) 674-4455 ext. 3643	October 13, 2012	November 13, 2012	Oct./Nov. 2017
Brouse, David	Compliance and Operational Support Supervisor (RMI/Alternate RMO)	David.brouse@greatersudbury.ca (705) 674-4455 ext. 3651	October 3, 2013	October 3, 2013	October 2018

Brunette, Jessica	Water/Waste-water Environmental Compliance Officer (RMI)	Jessica.brunette@greatersudbury.ca (705) 674-4455 ext. 4820	October 13, 2012	November 13, 2012	Oct./Nov. 2017
Desjardins, Amanda	Water/Waste-water Environmental Compliance Officer (RMI)	Amanda.desjardins@greatersudbury.ca (705) 674-4455 ext. 3658	September 12, 2014	September 12, 2014	September 2019
Frappier, Andre	Water/Waste-water Environmental Compliance Officer (RMI)	Andre.frappier@greatersudbury.ca (705) 674-4455 ext. 4827	March 4, 2016 (attached)	April 14, 2016 (attached)	April 2021

3. Risk Management Office

The City of Greater Sudbury passed By-law 2015-34 respecting enforcement of the *Clean Water Act, 2006*, read and reviewed by Council on March 31, 2015 (previously provided). All required sections of Part IV of the *Act* are included in the By-law, as are requirements for mandatory and review and amendment of the By-law by 2020. As per section 55 of the *Act*, a *Prescribed Fees Schedule* governing the following was also incorporated into the By-law;

- a) Application for a notice issued pursuant to section 59 of the *Act*,
- b) Application for an agreement to a Risk Management Plan,
- c) Application for establishment of a Risk Management Plan,
- d) Application for an agreement to an amendment of a Risk Management Plan, or
- e) Upon Notice of the Order establishing a Risk Management Plan under subsection 58(10) of the *Act*, and
- f) Application for acceptance of a Risk Assessment,
- g) Application for a Transfer Application (Risk Management Plan/Agreement),
- h) Completion of a *Verification* Inspection,
- i) Upon commencement of the work caused to be done by the Risk Management Official pursuant to Section 64 of the *Act*, and
- j) For services of consultants or other service providers to the City retained to provide expertise.

There are no imminent plans amend the by-law or fee schedule at this time.

Table 2 lists a number of business processes that are required in order to ensure compliance with Sections 57, 58, 59 and 60 of the *Act*. An 'x' is placed beneath the statement that best describes the development status of the business process in the left column.

Table 2. Sections 57, 58, 59 & 60 – Activity Prohibition, Risk Management Plans, Restricted Land Use Review of Planning Applications & Building Permits and Risk Assessments

Section 57, 58, 59 & 60 Processes	Development Status		
	Not Started/Not Implemented	In Progress	Complete/Implemented
Data management/records system to track all Part IV activities			X (with continual improvements)
Notification communication/mail out for persons subject to Section 57 & 58 policies		X	
Instructional guidelines on Source Protection Part IV and how to complete a Risk Management Plan or Risk Assessment (online and print)			X
Information and forms necessary for the execution of Section 61, O.Reg. 287/07.			X
Risk Management Plan applications/templates under Section 58			X
Risk Assessment Application Forms available to persons wishing to complete under Section 60			X
Risk management inspection protocols, forms and guidelines			X
Inspection reporting templates			X
Prioritization of risk management process workload		X	
Approved business processes/tools for flagging potential threats under Section 59			X (effective prior to implementation date)
Approved Forms/Notices for implementation of Section 59 processes – and availability of forms to public			X
Data sharing agreement between CGS and NDCA		X (is presently before the SPA for approval)	
Implementation of other policies for which the Risk Management Office is responsible		X	

The Risk Management Office in Water/Wastewater Services was established in late 2013. As the Source Protection Plan was approved in September 2014 with an Effective Date of April 2015, Council began appointing staff as RMOs and RMIs shortly thereafter.

Throughout the preparation for SPP implementation, several reports have been generated for the City's Operations Committee and Council, as well as for the Executive Leadership Team and CAO. It is the Risk Management Office's intent to continue to provide regular information updates to key stakeholders as the program continues to develop.

3.1 Data and Program Management

While various templates to address several processes under Part IV were developed early on, they have all recently been revised in the last year. As a result of actual policy implementation, several new forms, letters, notices, guidance documents and other various templates have been established.

A filing system and threats verification database have long been established and both continue to be populated.

As was indicated in the First Annual Report, the management of program data and record keeping is something ever evolving. As the City continues to develop better ways of managing data as a municipality, Water/Wastewater Services is pleased to report that we have retained three new staff members who will be able to assist with our growing data needs. The addition of a Systems Supervisor, Data Integration Specialist, and Business Improvement Officer were identified as needs to help the Water/Wastewater division stay current and to meet the ever expanding list of regulatory reporting requirements. As such, over the coming years we will be working with these new team members to assess our Source Protection program and evolve our data management systems.

The Source Protection page of the City's Water/Wastewater website is reviewed and amended regularly, with new information and templates being posted as they become necessary. Links to various other resources are provided and routinely checked. Paper Application forms are available at the Building Services and Planning Services Counters, as well as at all CGS Citizen Service Centers and Libraries. Staff members are also available to meet with persons requiring additional assistance as needed.

While a verbal, non-binding agreement has allowed for the necessary sharing of vulnerable area mapping data between the Source Protection Authority (NDCA) and the City during the establishment of the Risk Management Office, a formalized legal agreement is required. A draft has been created however remains with the City's Legal department for completion. . The Risk Management Office has been assisting in facilitating the completion of the agreement and expects the document to be finalized and signed immanently.

Prior to the Effective Date of the Source Protection Plan, numerous meetings between City departments required to implement Section 59 and the Risk Management Office led to the creation working groups. A document review procedure, mapping program and reporting system were established for both Building Services and Planning Services. The process has been in place and functioning well since prior to the effective date of the SPP. A working group meeting will be scheduled later this year to evaluate to procedures that have been put in place and to make suggestions for improvement.

3.2 Section 59 Notices

The Section 59 Restricted Land Use review process was established internally prior to the effective date of the SPP. Together, Planning and Building Services along with the RMO Office continue to effectively screen a variety of Planning Act applications and Building Permit Applications. If criteria are not met for the required Source Protection screening, a memo regarding unrelated projects on properties that may still have existing threat activities is forwarded to the Risk Management Office for information purposes.

The screening of the various applications received by the City result in one of four outcomes; the proposal if permitted, is prohibited, is permitted and an approved Risk Management Plan (RMP) is agreed to/established or is not permitted until a RMP has been agreed to/established.

Below is a summary of the applications which have been reviewed for the 2016 reporting year.

3.2.1 Building Permits

- a) Number of Permits received city-wide: **2152**
- b) Number of Permits in Vulnerable Areas: **92**
- c) Number of Permits which required review by the RMO: **28**
 - a. Number of Permits for which a Section 59 Notice could **NOT** be issued: **1**
(conditional permit issued pending RMP)

3.2.2 Planning Act Applications

- d) Number of Site Plan Control Agreements (SPCAs) city-wide: **18** Reviewed by RMO: **5**
 - a. Number of SPCAs for which a Section 59 Notice could **NOT** be issued: **2** (Hold issued pending RMP)
- e) Number of Re-Zoning Applications city-wide: **62** Reviewed by RMO: **12**
 - a. Number of Re-Zonings for which a Section 59 Notice could **NOT** be issued: **1**
(pending RMP)
- f) Number of Official Plan Amendment Applications city-wide: **14** Reviewed by RMO: **4**
- g) Number of Consent Applications city-wide: **101** Reviewed by RMO: **16**
- h) Number of Minor Variances city-wide: **162** Reviewed by RMO: **7**
- i) Number of Plan of Subdivision Applications city-wide: **2** Reviewed by RMO: **0**
- j) Number of Plan of Condominium Applications city-wide: **1** Reviewed by RMO: **0**

3.3 Threats Verification

Inspections are carried out in accordance with the *Act* and are done so in the same manner that other regulatory inspections are carried out by trained municipal officials. As indicated above, staff members have received *Property Entry* training as per the *Act* in addition to various Municipal Law Enforcement Association courses as Officers for enforcement of multiple Environmental and Infrastructure related City of Greater Sudbury By-Laws.

In the spring of 2015 mail-outs including a detailed letter and coloured map were sent out to property owners with known or suspected significant threat activities requiring RMPs. Inspections were scheduled shortly thereafter to confirm whether or not threat activities were present and to provide persons engaged in threat activities the necessary resources to be compliant with the SPP. These field verifications and meetings with persons implicated by the policies in the Plan are ongoing. Industrial and commercial type properties in the Ramsey Lake watershed as well as agricultural/rural properties closest to the drinking water wells were addressed first.

In addition to the provided list of suspected properties, some new properties and activities came to our attention through the section 59 screening process and required additional field inspection, sometimes resulting in the need for a RMP. In other instances, field verification confirmed there was NOT a need for a RMP as was previously thought.

The Risk Management Office is actively continuing to undertake threat verification field work to determine the accurate number of RMPs required in the Source Protection Area. As site-visits are conducted, staff members initiate the process of negotiating a RMP. Additional on-site meetings, phone calls, and emails are required regularly.

A total of 14 sites have been visited to verify Assessment Report enumerated threats to date. This number **DOES NOT** represent any additional field visits or communications encountered, as referenced above.

3.4 Summary of other duties of the City's Risk Management Office

As directed by Council, Water/Wastewater Compliances Services is responsible for coordinating the City's overall Source Protection Program. The Risk Management Office, in addition to part IV responsibilities, guides the various stakeholders at the City in the implementation of all policies for which the City of Greater Sudbury was named the implementing body.

In an effort to administer and organize policy implementation, as well as to hold various departments accountable for their requirements, internal policies were developed early on and signed by the affected General Managers and the CAO. These policy documents are reviewed and amended as required. Given the recent corporate restructuring and the retirement of several key staff members, the policies are presently undergoing revisions.

In spring of 2017, a briefing with the CAO on the City's Source Protection Program will be scheduled as well as a presentation to the new Executive Leadership Team, at which time the new policy documents will be signed by the appropriate department managers.

As was previously indicated, the Risk Management Office continually plays a vital role in the overall implementation of SPP policies directed to the City. To better prepare for the First Annual Report on policy implementation due February 2018, interim reports are regularly prepared by stakeholders and reviewed by the Risk Management Office. Meetings are then scheduled as appropriate to guide departments in their requirements and to provide assistance where there may be shortcomings.

Education and Outreach initiatives continue to be crucial elements to the effective delivery of all Water/Wastewater services in the community. In partnership with the Environmental Planning Initiatives Section, every effort is made to convey Source Protection related information to the public. Additionally, Water/Wastewater Services has continued to forge a good working relationship with the Communications Department and has an assigned advisor to assist with outreach projects.

4. Part IV Implementation Specifics

The following section fulfills the requirements of Section 65 of *Ontario Regulation 287/07*.

Note: No interim RMPs (Section 56) were negotiated or established prior to the approval of the SPP.

4.1 Number of Risk Management Plans agreed to (Section 58 (5)) or established (Section 58 (10) or (12)) : 1

Property	Indicate for each:			
	Location	WHPA/ IPZ/ICA	Activity	Notes
1.	935 Ramsey Lake Road, Sudbury Laurentian University	Ramsey IPZ 3(9)/ICA	1. Application of road salt/storage of Snow 2. Handling and storage of road salt	- Known threat, however expedited due to inability to obtain Section 59 Notice and therefore necessary planning approvals and building permits. -Required several site inspections and meetings to determine requirements. -RMP is in final review and approval stages

4.2 Number of Risk Management Plans that the Risk Management Official refused to agree to or establish (Section 58(15)or (16)): 0

Property	Indicate for each:			
	Location	WHPA/ IPZ/ICA	Activity	Reason for Refusal
0.	N/A	N/A	N/A	N/A

4.3 Number of Orders issued under Part IV: 0

Property	Indicate for each:			
	Location	WHPA/ IPZ/ICA	Activity	Reason for Order
0.	N/A	N/A	N/A	N/A

4.4 Number of Notices of Prescribed Instrument given to the Risk Management Official (O.Reg. 287/07 section 61(2) or (7)) : 1

Property	Indicate for each:			
	Location	WHPA/ IPZ/ICA	Activity	Prescribed Instrument
1.	935 Gravel Drive, Hanmer Westcroft Stables <u>Application received and in progress</u>	Deschene WHPA B(10) & C(8)	-Livestock Grazing/Pasturing -Application of ASM -Handling and Storage of ASM	-Nutrient Management Strategy #15084 -As per the Regs, a copy of the notice received was provided to the DWSP Director -A notice indicating a <i>Statement of Conformity</i> from the Instrument Issuer is required was provided to both the person engaged in the activity and to OMAFRA -OMAFRA has acknowledged the need to issue a statement and will do so in the spring
X.	5041 Notre Dame Avenue, Hanmer <u>Application not yet received, but in progress</u>	Notre Dame WHPA B(10) & C(8)	-Livestock Grazing/Pasturing -Application of ASM -Handling and Storage of ASM	-Notice forms were provided by the RMO and are expected to be received soon as property owners are presently applying for a Prescribed Instrument (PI) -Property owners have received orders from Building Services to apply for Building Permit for an illegal structure; that in combination with the Nutrient Units produced on site trigger the need for a PI
X.	1818 Kenneth Drive, Hanmer L&L Valley Scrap Metal <u>Application not yet received, but in progress</u>	Kenneth WHPA A&B (10) & C(8)	-Waste Disposal Site (Derelict Vehicles/Metal Recycling)	-Due to recent changes to the EPA, Part V – Automotive recyclers are now required to be managed under a PI -File is in progress and property owner is to submit notice with copies of PIs received -It should be noted that the property owner wishes to also have a RMP to govern any other threat activities and the negotiation process is underway

4.5 Number of Prescribed Instrument Termination Notices given by the Risk Management Official (O.Reg. 287/07 Section 61(10)) : 0

Property	Indicate for each:			
	Location	WHPA/ IPZ/ICA	Activity	Prescribed Instrument
0.	N/A	N/A	N/A	N/A

4.6 Number of inspections carried out for the purpose of enforcement (Section 62) : 1

a) What is the total number of inspections that were carried out for activities that require a Risk Management Plan under s.58 of the CWA? Which Activity was the inspection related to?	
0.	No formal RMP inspections have been carried out as no RMPs have been established, however threat verification site-visits are ongoing

b) Of the inspections carried out for activities requiring a RMP, how many were found to be in non-compliance with the specific contents of the RMP?	
0.	Not applicable

c) What is the total number of inspections carried out for activities that were prohibited?	
1.	Regular inspections continue in the Kenneth WHPA to confirm no new livestock are present

d) Of the number of inspections undertaken in respect to an activity to which s.57 of the Act applied, in how many cases was the person engaged in contravention with s. 57 of the Act?	
0.	No non-compliances

4.7 Number of Risk Assessments submitted (Section 60) : 0

Property	Indicate for each:			
	Location	WHPA/ IPZ/ICA	Activity	Accepted/Not Accepted
0.	N/A	N/A	N/A	N/A

4.8 Number of times the Risk Management Official caused a thing to be done (Section 64) : 0

Property	Indicate for each:			
	Location	WHPA/ IPZ/ICA	Activity	Notes/Comments
0.	N/A	N/A	N/A	N/A

4.9 Total number offences which resulted in prosecutions (Section 106) : 0

Property	Indicate for each:			
	Activity Offence	WHPA/ IPZ/ICA	Location	Conviction Y/N
0.	N/A	N/A	N/A	N/A

5. Other

5.1 New, Altered or Decommissioned Drinking Water Systems

- a) Are there any new, planned or potential drinking water systems (wells or intakes) within the next 5 years? Yes No

If **yes**, describe:

- i) Type of system (surface or groundwater): N/A
- ii) Current planning status: N/A
- iii) Location: N/A
- iv) Timing for bringing the system/intake/well online: N/A

If **yes**, has the necessary technical work for the new well/intake/system been completed? (i.e. delineation of wellhead protection areas/intake protection zones and identification of significant drinking water threats) N/A

- b) Is the municipality planning to decommission an existing well, intake, or system? Yes No

If **yes**, describe:

- i) Name of system: N/A
- ii) Location: N/A
- iii) Timing for decommissioning: N/A

For further information regarding this contents of report, please contact the Source Protection Risk Management Office in Water/Wastewater.

Prepared by:

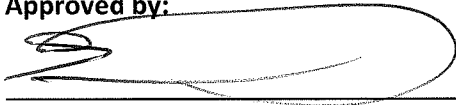
Jessica Brunette

Water/Wastewater Environmental Compliance Officer (RMI)

Reviewed by:

David Brouse, Manager of Compliance (Alt. RMO/RMI)

Approved by:



Nick Benkovich
Director, Water/Wastewater Services (RMO)

Jan 31 2017.
Date

Appendix A



CITY OF GREATER SUDBURY
WATER & WASTE WATER SERVICES

Certificate of Appointment

This is to certify that

Andre Frappier

is a

Risk Management Inspector

*Appointed by the Council of the City of Greater Sudbury pursuant to
subsection 47(6) of the Clean Water Act, 2006 S.O. 2006, c. 22.*

[Signature]
ISSUED BY:

Caroline Hallsworth, Executive Director,
Administration Services/City Clerk

[Signature]
DATE:

Appendix B

Certificate of Accreditation


This is to certify that

André Frappier

has completed the course

MOECC's Risk Management Official/Inspector Training

April 14th, 2016


Ontario Ministry of the Environment and Climate Change
Source Protection Programs Branch

HoDjiol, Yo


Ontario

Appendix C

Certificate of Accreditation


This is to certify that

André Frappier

has completed the course

MOECC's Property Entry Course

March 4th, 2016


Ontario Ministry of the Environment and Climate Change
Source Protection Programs Branch

