



South Georgian Bay Lake Simcoe Source Protection Region

Module 1: Establishing a Risk Management Office

Implementation Resource Guide

4/29/2013

Note to Reader: This document is one of a series now under development by staff at Conservation Authorities and Conservation Ontario in support of Source Protection Plan implementation. The final set of documents will cover a variety of tools related to Source Protection Plan implementation, but not all will apply in your municipality. To determine what policies apply in your municipality please consult your local Source Protection Plan and with your local Source Protection Authority. Note that this document has not been reviewed by legal counsel and is not presented as legal advice.

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A. Municipal Responsibilities

i. Municipal Responsibilities Based on the Act

Municipalities have many responsibilities under the *Clean Water Act, 2006*. This module specifically focuses on establishing a Risk Management Office.

Under Section 47 of the *Clean Water Act*, municipalities are responsible for Part IV enforcement of Source Protection Plan policies. Part IV of the *Act* includes three important sections:

- Section 57: Prohibition – to be included in an upcoming Module
- Section 58: Risk Management Plans – to be included in an upcoming Module
- Section 59: Restricted Land Use – to be included in an upcoming Module

Municipalities may choose to carry out these responsibilities by operating and staffing their own program. Alternatively, municipalities can make arrangements to transfer some or all of their enforcement authority, if they so desire. The various scenarios for enforcing Part IV under the *Act* are described in Section C: Options for Municipalities.

Part IV under the *Act* is administered and enforced by a Risk Management Official and Risk Management Inspector. The responsibilities for each position are described in detail in the *Clean Water Act* and are abbreviated in Section B (Risk Management Office) of this module. Section C (Options for Municipalities) of this module discusses options available to municipalities needing to administer and enforce policies relying on Part IV of the *Act*. Section D of this module lists suggested timelines for ensuring these positions are filled and minimum qualifications for these staff. It is important to note that these suggestions are intended to be used as guidelines only, as it will be up to the implementing body to decide on who is qualified to be appointed as the Risk Management Official and Risk Management Inspector.

Section 55 provides municipalities with the flexibility to pass by-laws related to the administration of Part IV policies, including but not limited to, setting fees for services, inspection programs, forms, and applications. The *Clean Water Act* requires that municipalities conform to the content of Source Protection Plans. This can be done by amending Official Plans and/or by-laws; however, municipalities are not required to pass or amend by-laws or make Official Plan amendments in regards to enforcement of Part IV. Section 40 states that a municipality should amend its Official Plan to conform to significant threat policies in the Source Protection Plan. In terms of Part IV enforcement, municipalities would amend their Official Plan to recognize Section 59 Restricted Land Use as part of the development or building approval process, Ontario Regulation 287/07, Section 62. Part IV is solely enabled through the *Clean Water Act* and the authorities associated with Part IV may only be used in areas where the local Assessment Report identifies significant drinking water threats. For the most part, these will represent only small geographic areas surrounding municipal drinking water systems.

This module deals specifically with municipal responsibilities as they relate to the administration and enforcement of Part IV. It is important to keep in mind that there might be other policies for which your municipality might have been identified as the implementing body (i.e., land use planning; education, outreach, and incentive programs; and road salt management). In these situations, your municipality will also be responsible for implementation and reporting of these policies.

ii. Standard of Care – Ensuring the Protection and Safety of the Users of a Municipal Drinking Water System

Source Protection Plans require municipalities to implement measures to protect the source water for their drinking water system, and implementing the policies in the Source Protection Plan is one component of that responsibility. The *Safe Drinking Water Act* includes a statutory standard of care (Section 19) for individuals with oversight responsibilities for municipal drinking water systems, which extend to municipal councilors.

The statutory standard of care related to drinking water is to ensure that decision-makers are practicing due diligence to protect public health when making decisions about drinking water. For example, the circumstances and actions - what you did or did not do, what questions you asked, what steps were taken to address identified risks or problems with your drinking water system - will all be important in determining whether the municipality met their statutory standard of care.

If a municipality refuses to implement Part IV and the municipal water supply becomes contaminated and end users' health is put at risk, then the municipal council may have failed to "act honestly, competently and with integrity with a view to ensuring the protection and safety of the users of a municipal drinking water system". Therefore, it is important to assess the questions outlined in the "Taking Care of your Drinking Water: A Guide for Members of Municipal Councils". This document is available online at: http://www.ene.gov.on.ca/stdprodconsume/groups/lr/@ene/@resources/documents/resource/std01_086811.pdf.

Councilors are encouraged to be informed, ask questions and be vigilant in their important role to protect public health, as the standard of care provision under the *Safe Drinking Water Act*, comes into force on December 31, 2012.

B. Risk Management Office

i. What is a Risk Management Office?

A Risk Management Office is meant to describe the staff, structures and processes necessary to administer Part IV of the *Clean Water Act*. An example timeline for establishing the office can be found in Section D (Staffing & Administration). This office can take a variety of forms:

1. A separate physical office with its own building or rental unit consisting of new and/or existing staff.
2. New and/or existing staff with offices located in an existing municipal facility.
3. Staff located off-site (e.g. Conservation Authority office) if the responsibility for enforcing Part IV policies have been delegated to another body (e.g. planning board, Source Protection Authority).

An example timeline for establishing the office can be found in Section D (Staffing & Administration).

ii. Risk Management Official and Inspector

The positions of the Risk Management Official and the Risk Management Inspector are the foundation of the Risk Management Office. The roles of the Risk Management Official and Risk Management Inspector may differ; however, the municipality, or the agency to which the municipality has transferred enforcement, may choose to have one staff member fill both roles or have current staff take on these roles as additional responsibilities.

The Risk Management Officials' responsibilities and authorities are set out under the *Clean Water Act* and include:

- negotiating risk management plans under Section 58,
- issuing notices and orders for the establishment of risk management plans,
- issuing Section 59 notices for Restricted Land Use,
- accepting risk assessments – if the assessment concludes that the activity if engaged in at a location is not a significant drinking water threat, and the Risk Management Official determines that the risk assessment complies with the rules and regulations,
- issuing orders under Section 61 to provide the Risk Management Official with a report that describes how an activity is being engaged in and managed,
- issuing orders to require a person to grant access to their property,
- attending Environmental Review Tribunal hearings,
- making records available to the public, and
- preparing an annual report to the Source Protection Authority.

The Risk Management Inspectors are responsible for compliance and enforcement duties, and have the following responsibilities and authorities under the *Clean Water Act*, such as:

- conducting inspections and monitoring to ensure Part IV compliance with risk management plans and prohibition policies,
- using powers of entry on properties where reasonable,
- issuing enforcement orders under Section 63,
- prosecuting persons if they commit an offence under Part IV,
- obtaining inspection warrants from a court if necessary,
- preparing an annual report to the Risk Management Official, and
- attending Environmental Review Tribunal hearings.

Several staffing and office options available to municipalities during the establishment of the Risk Management Office are discussed in Section C.

C. Options for Municipalities

i. Options for Establishing a Risk Management Office

A number of options exist for a municipality to consider when deciding whether to retain or delegate its Part IV powers. These options are described below. It is important to keep in mind that there is considerable flexibility in the options available to municipalities. For example, the transfer or sharing of authority does not have to include all threats – each agreement can be specific in the types of threats, categories or geographic area they cover.

Figures 1 to 5 illustrate how municipal responsibilities could be delegated. Any dotted lines refer to the responsibility only being transferred in part. In these figures, fees/costs remain the responsibility of all involved because municipalities may incur the costs even after they have transferred their other responsibilities; however, the agency that has enforcement responsibility transferred to them may have to deal with fees.

Option 1: Municipality Chooses to retain its Part IV Powers (Figure 1)

A municipality may choose to retain all enforcement responsibilities under the *Clean Water Act* and operate their own Risk Management Office by:

- sending a current staff member for the Ministry-approved training,
- hiring new staff who have completed the Ministry-approved training, and/or
- hiring new staff and having them complete the Ministry-approved training.

Depending on the workload, several staff may be required. For example, one Risk Management Official and three Risk Management Inspectors may be necessary. However, if the workload only required one staff member, it may be beneficial to have additional staff complete the Ministry-approved training to ensure that your municipality will have a back-up if that staff member leaves the municipality.

A municipal council must pass a motion to appoint these positions and a certificate of appointment must be issued to the Risk Management Official and Risk Management Inspector by the municipal clerk. An example of this motion can be found in Appendix F.

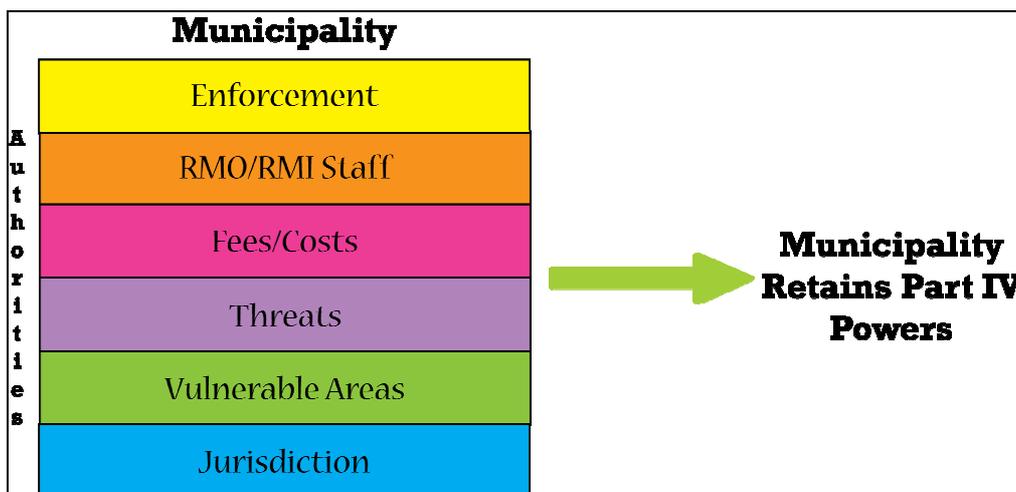


Figure 1: Municipality retains Part IV Powers

Option 2: Joint Risk Management Office (Figure 2)

A municipality can enter into an agreement with one or more municipalities that have by-law making authority under the *Municipal Act* around the production, treatment and storage of water; a board of health; a planning board; or a Source Protection Authority. This agreement may contain a number of provisions, including the sharing of Risk Management Officer and Risk Management Inspector staff and associated costs. The cost sharing could be based on a variety of factors, such as the number of significant threats, or the number of properties falling within vulnerable areas in the municipality's boundaries. The Risk Management Officer and Risk Management Inspector would represent all agencies "sharing" the position(s) and would be responsible for enforcement of relevant policies within the boundaries of all partnering municipalities. An example of an agreement between two or more municipalities can be found in Appendix A for guidance purposes, and it is encouraged to retain and consult with a lawyer should you require legal advice regarding the agreement. Council approval may be required for these agreements since municipal procedures vary across the province.

Shared enforcement authority may be a valid option where:

- individual municipalities do not require full time Risk Management Official or Risk Management Inspector services,
- significant drinking water threat numbers identified are minimal,
- there are few policies implemented through Part IV,
- local resources or funds are limited, and/or
- Risk Management Official or Risk Management Inspector expertise is unavailable at the municipality.

A Joint Decision Making Committee with representation from each agency may be created to establish rules, by-laws, fee structures, etc. regarding Part IV implementation.

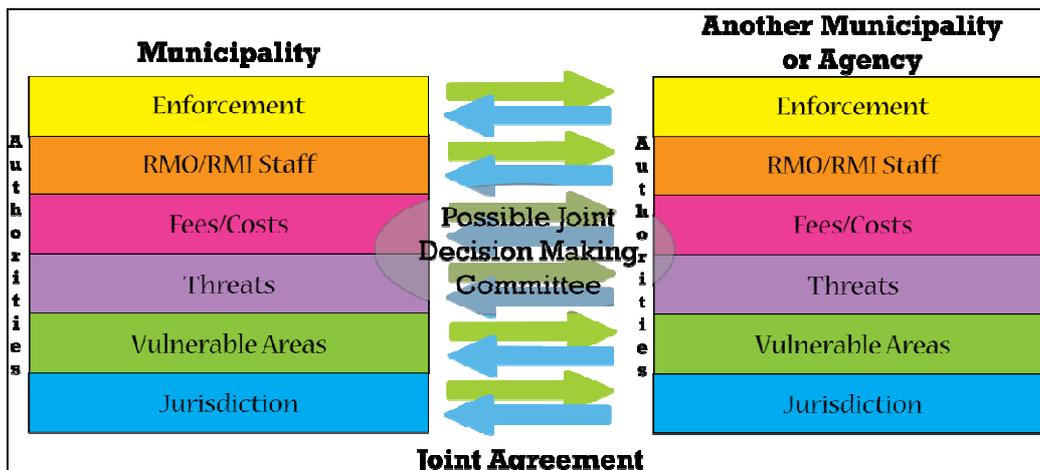


Figure 2: Joint Risk Management Office

Option 3: Transfer of Enforcement

i. Complete Transfer of Part IV Enforcement Authority: A municipality can transfer their enforcement authority to another municipality, board of health, planning board, or Source Protection Authority (Figure 3). This agreement would allow one of these agencies to be responsible for enforcement of Part IV powers within the municipality's boundaries. This option may be desirable in less populated areas, remote areas or areas where there are few significant drinking water threats.

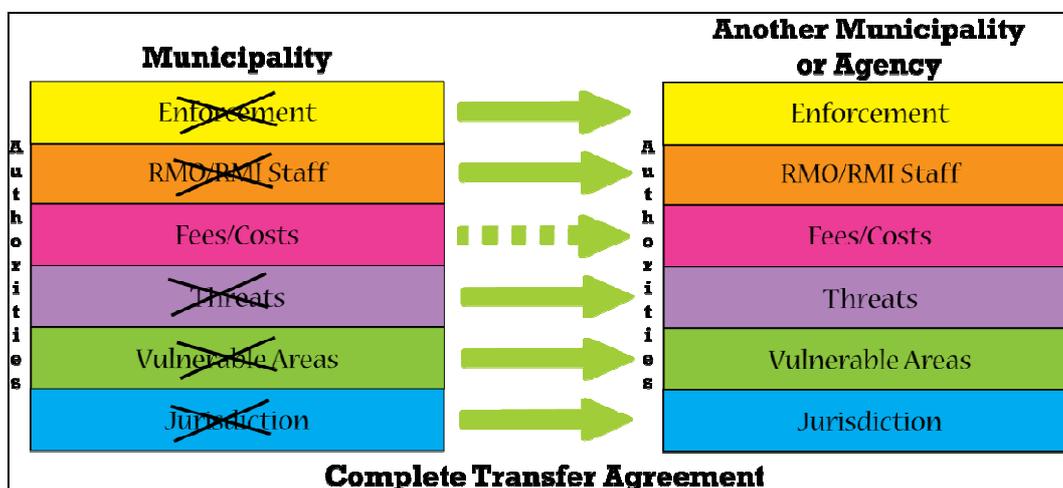


Figure 3: Complete Transfer Agreement

ii. Partial Transfer of Part IV Authorities for Certain Threats: Given the wide range of prescribed drinking water quality threats, it is possible that staff at one agency may have familiarity, knowledge and technical expertise related to specific threats. In these situations, it may be most efficient for these agencies to be delegated enforcement authority for specific

threats. For example, if a municipality does not have the expertise to enforce chemical threats (i.e. the preparation of a risk management plan for the handling and storage of Dense Non-Aqueous Phase Liquids), they can transfer the authority for the enforcement of policies related to these threats to another agency, but retain its enforcement authorities for all other threats (Figure 4). Another example would be if a Source Protection Area boundary crosses through the municipality. The municipality may choose to base the transfer agreement on these boundaries so that the municipality has enforcement authority in one Source Protection Area and the other agency has enforcement authority in the other Source Protection Area. Further information on cross-boundary issues can be found in Section G.

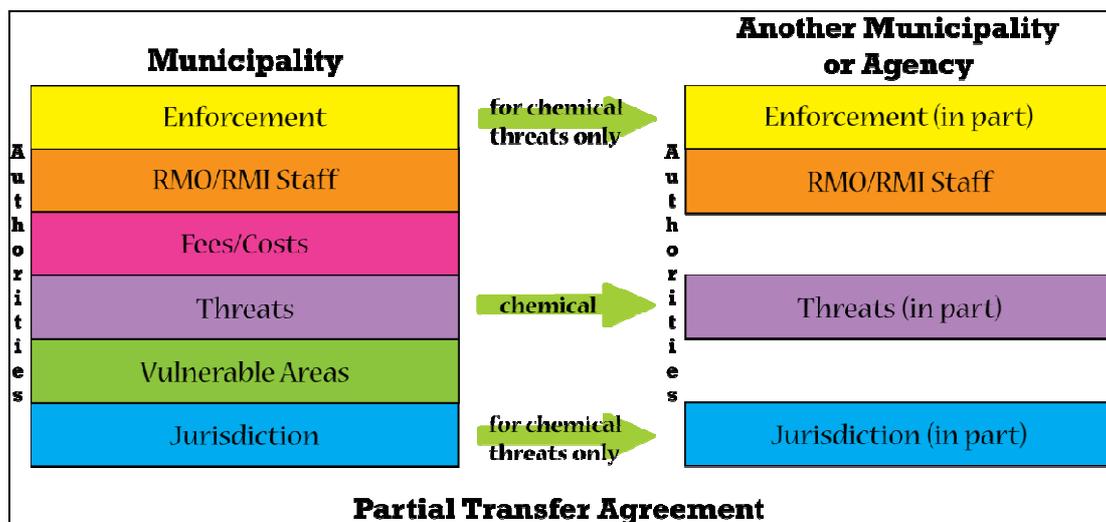


Figure 4: Partial Transfer Agreement

iii. Multiple municipalities can transfer their enforcement authorities and jurisdictions to one agency (local board of health, planning board, or Source Protection Area). In this scenario this agency would be responsible for enforcing all Part IV policies within the boundaries of these municipalities (Figure 5). A Joint Decision Making Committee is recommended to establish rules, by-laws, fee structures, etc.

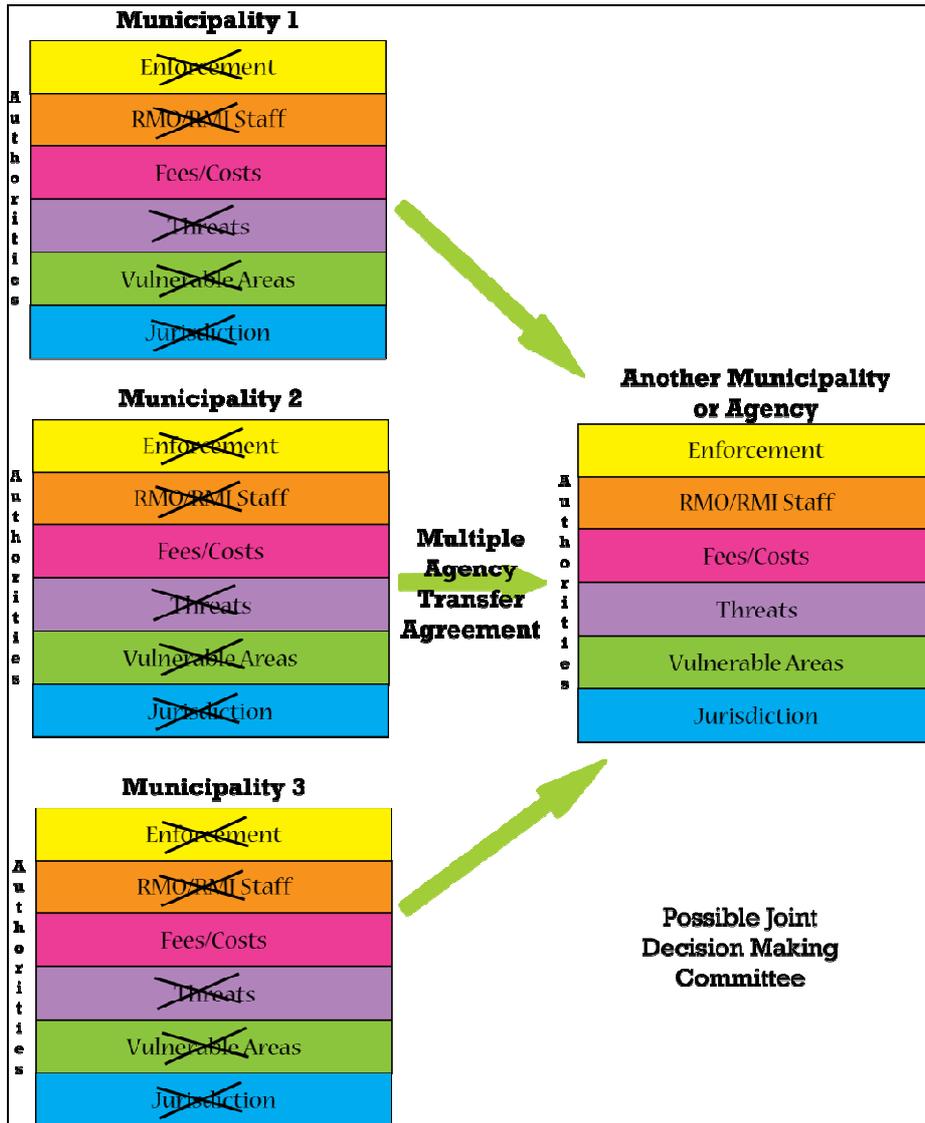


Figure 5: Multiple Agency Transfer Agreement

When Part IV powers have been delegated, the agency that is responsible for enforcement may enter into an agreement requiring the municipality to pay costs related to the enforcement of Part IV policies. A certificate of appointment must be issued to the Risk Management Officer and Risk Management Inspector by the agency that is responsible for enforcement. An example agreement can be found in Appendix B for guidance purposes, and it is encouraged to retain and consult with a lawyer should you require legal advice regarding the agreement.

It is important to note that when a municipality transfers their Part IV powers to another agency or municipality, they must uphold the standard of care as set out in Section 19 of the *Clean Water Act*. Please see section A: ii of this module for further information.

ii. Options that are Not Permitted under the Act

The *Clean Water Act* defaults the Part IV enforcement responsibilities to the Single Tier, Upper Tier or Lower Tier municipality that has by-law making authority under the *Municipal Act* in relation to water production, treatment and storage. For example, a Single Tier municipality such as the City of Toronto, a regional municipality such as York Region, or a local municipality outside of a regional municipality such as the City of Barrie.

Generally, the *Clean Water Act* does not allow a municipality that is responsible for enforcing Part IV of the *Clean Water Act* to delegate the enforcement responsibilities to counties, since counties do not have the by-law making authority over the production, treatment and storage of water. However, there are a few exceptions to this rule. One example is the County of Oxford, which is defined under the *Municipal Act* as a regional municipality and, therefore, does have enforcement authority under Part IV of the *Clean Water Act*.

D. Staffing & Administration

Before determining staffing needs and establishing administration procedures, your municipality should decide whether you intend to retain your Part IV Powers or delegate some or all of these authorities. The decision as to whether or not to delegate Part IV authorities should be made by the end of 2012.

i. When to Hire

The timeline for hiring staff is the decision of the municipality or agency responsible for enforcement. It is strongly suggested that the hiring of staff occur prior to the approval of the Source Protection Plan for your area or region by the Minister of the Environment. It will take some time to establish administrative procedures and for staff to become familiar with the significant drinking water threats and policies he/she will be responsible for enforcing. This will ensure that the Risk Management Official and Risk Management Inspector are trained, certified and fully versed in their roles and can begin to implement policies the day the Source Protection Plan is approved. Staff can also be in place as the Risk Management Office is being established so that they are involved in all aspects of set-up.

Budgets will need to be reviewed and approved in order to hire staff. If current staff will be utilized as Risk Management staff, then no hiring process needs to occur. However, depending on the size and scope of the office (see Module 2), new staff members may need to be hired to take on Risk Management roles. It is expected that Source Protection Plans will be approved sometime in 2013 and onward, so this may require the hiring of a Risk Management Official and Risk Management Inspector in the 2013 budget year. Some municipalities have already hired Risk Management staff in preparation for Source Protection Plan approval.

ii. Guidelines and Training Requirements

In order to set up a Risk Management Office, a Risk Management Official and Risk Management Inspector must be appointed by the municipality or agency responsible for enforcement. Before appointment can occur, these individuals must have the prescribed qualifications. This means that they must take a training program approved by the Director of the Source Protection Program Branch of the Ministry of the Environment. Currently, this training is offered through the Ministry of the Environment twice a year – in the spring and autumn. There are limited spaces available and the pre-requisite to this course is a Property Entry course, which is also offered during this time. For more information regarding the *Clean Water Act* training courses, contact the Source Protection Programs Branch of the Ministry of the Environment at: source.protection@ontario.ca.

For guidance purposes, a sample job description for a Risk Management Official is included as Appendix C.

A municipal council may pass a by-law to appoint the Risk Management Official and Risk Management Inspector. Also, a certificate of appointment must be given to the Risk Management Official and Risk Management Inspector with the proper seal and signatures. An example is included as Appendix F.

iii. Scheduling

When establishing a Risk Management Office, there are several tasks that need to be completed in a specific timeframe to ensure that staff is ready when the Source Protection Plan is approved. A minimum timeframe of 4 to 5 months may be required to establish the Risk Management Office in order to ensure all necessary tasks are completed in advance of Source Protection Plan approval; however, this process may take upwards of 12 to 15 months or more. Failure to establish an office prior to Source Protection Plan approval may result in delays of approvals for planning and development applications in the municipality.

Table 1 places potential tasks, required to set up a Risk Management Office, in order based on the assumption that the Source Protection Plan is approved in August of 2013. Note that some Source Protection Plans may not be approved by August 2013. Source Protection Areas and Source Protection Regions with fewer threats may be approved earlier and Source Protection Areas and Source Protection Regions with more threats, or those that were given an extension may be approved later. Contact your local Source Protection Authority to keep up-to-date on possible approval timelines. Should the Source Protection Plan in your Source Protection Area or Source Protection Region be approved at another time, some changes may be made to the order or timing of tasks.

Table 1: Potential Schedule of Tasks (assuming an August 2013 SPP approval date)

TASK	TIMELINE (Guideline)
Determine staffing requirements	December 2012
Commence Risk Management Officials and Risk Management Inspectors hiring process, including creation of new staff descriptions	January - April 2013
Hire Risk Management Officials and Risk Management Inspectors	March - June 2013
Develop an application review process/system for screening	March - July 2013
Draft fee schedules	March - July 2013
Draft new by-laws (if required)	March - July 2013
Council resolutions	March - July 2013
Risk Management Official and Risk Management Inspector training by Ministry of the Environment (if necessary)	Spring or Fall 2013
Set up an information/data management system	April - October 2013
Threat verification	April - December 2013
Develop an enforcement program	April - October 2013
Notification to landowners of RMPs required	September 2013 - February 2014

iv. Calculating Staffing Needs

Staffing needs will vary throughout the province based on a variety of factors. Municipality size, types of policies to implement and enforce, number of properties in vulnerable areas, number of threats, types of threats, and any agreements between other agencies are important factors. Interim staff may be required to begin office establishment and to determine the scope of the workload and future staffing requirements.

The decision to hire new staff or utilize current staff depends on many variables. Some things to consider:

- current staff availability and workload,
- current staff expertise,
- number of properties within the vulnerable area with potential significant drinking water threats,
- number and types of confirmed threats that require risk management plans or prohibition inspections,
- number of policies that use Section 59 Restricted Land Use (related to Section 57 Prohibition and Section 58 risk management plan policies),
- timelines set out in the Source Protection Plan for the establishment of risk management plans,
- budget, and

- new/future development and need for ongoing review and establishment of new risk management plans.

When selecting Risk Management staff, it is also important to consider any additional qualifications that may assist in enforcement. Some examples are:

- completion of a degree and/or registration as a professional in a certain field (e.g. geoscientist, engineer, planning, environmental studies),
- experience in a certain field related to threats,
- knowledge of standards, acts, by-laws, regulations, etc.,
- competencies such as leadership, decision making, project management skills, negotiation, and communication, and
- experience completing inspections and enforcing regulations/policies/by-laws.

For example, one municipality may hire a Risk Management Official and Risk Management Inspector with a vast agricultural background whereas another municipality may hire based on industrial-related knowledge.

It is important to note that when considering Risk Management Official and Risk Management Inspector appointments, Source Protection Plans do not lapse and can be updated or modified. Therefore, the need for a Risk Management Official and Risk Management Inspector may remain indefinitely.

One way to meet a portion of staffing requirements and expertise would be to enable the use of a Person of Qualifications. A municipality, or other body acting as the enforcement authority, may decide to authorize a Person with Qualifications (as defined in Ontario Regulation 287/07) to certify risk management plans (under Sections 56 or 58 of the *Clean Water Act*) or risk assessments (under Section 60) in place of an Risk Management Official. Doing so provides another avenue to obtain, where warranted or necessary, the technical expertise required for negotiating and establishing more complex risk management plans and/or for accepting risk assessments. It is important to note that the Person with Qualifications can only be used if a rule has been passed by the enforcement body under Section 55 of the *Clean Water Act*, permitting their use and setting out circumstances on when they can be used.

A sample staffing needs worksheet and an example of a completed worksheet are included as Appendix D and Appendix E. These worksheets will assist with the calculation of staffing needs for years 1 to 4 as well as subsequent years. In Module 2, information on how to calculate threats and scope of workload are discussed in more detail.

E. By-laws

i. General By-laws

Section 55 of the *Clean Water Act, 2006* provides that by-laws, resolutions, and/or regulations may be made regarding the following:

- prescribing classes of risk management plans and risk assessments,
- appointing Risk Management Officer and Risk Management Inspector staff – see Appendix F for an example **,
- establishing and governing an inspection program,
- providing for applications under Sections 58, 59 and 60 **,
- payment of fees, interest and other penalties as well as refunds of fees **,
- prescribing and providing for the use of forms for risk management plans, acceptance of risk assessments, Section 59 notices, and applications under Sections 58, 59 and 60,
- prescribing circumstances in which a Person with Qualifications may act **.

It will be of benefit to begin passing by-laws, regulations or resolutions in advance of Source Protection Plan approval, specifically for those items marked with asterisks (**) in the above list. Further details on specific by-laws will be included in the module to which they apply.

According to Section 55 of the *Clean Water Act*:

- If a municipality or board of health is responsible for enforcement, they can pass by-laws.
- If a planning board is responsible for enforcement, they can pass resolutions.
- If a Source Protection Area that is a Conservation Authority is responsible for enforcement, they can make regulations.
- If a Source Protection Area is responsible for enforcement and is not a Conservation Authority, they can pass resolutions.
- The Minister may make regulations, applicable in the area in which the municipality, board of health, planning board, Source Protection Area, or the Province of Ontario has jurisdiction for enforcement.

F. Fees

i. Cost Estimates

Costs for implementing and enforcing Source Protection Plans will vary across the Province. Using a variety of factors, estimated costs can be determined. However, costs will vary depending on the Risk Management Office option chosen by your municipality as well as municipal procedures and budget. Costs can be recovered and cost recovery options are detailed below.

ii. Revenue Sources

There are multiple options available to municipalities that can provide revenue to offset enforcement costs. Part 2 of the “Report of the Walkerton Inquiry” suggests that municipal water rates should cover a portion of the cost of source protection.

Implementation costs of Source Protection Plans can be recovered. Some methods for cost-recovery are:

- charge no fees and absorb all costs through the local levy,
- charge no fees and absorb all costs through water rates,
- charge reasonable fees for service and absorb the remaining costs through the local levy,
- charge reasonable fees for service and absorb the remaining costs through water rates,
- apply for grants,
- charge a benefiting municipality for the costs associated with protecting their water,
- charge the municipality a flat rate per year for enforcing the policies in their municipality with an agreement,
- charge the municipality a flat rate per service (i.e. risk management plan application, each risk management plan negotiated, each risk assessment accepted) for enforcing the policies in their municipality with an agreement, and
- charge the user through the creation of resolutions or by-laws.

Charging a fee for service for items is an option; however, there are only certain items that can be charged for under the *Clean Water Act*.

iii. Part IV Cost Recovery

According to Section 55 of the *Clean Water Act*, municipalities are permitted to charge for activities related directly to Part IV; however, it is not a requirement to charge for these items. The payment of fees can be requested for the following:

- receiving an application for: risk assessment, risk management plan, Restricted Land Use,
- agreeing to or establishing an interim risk management plan or a risk management plan,
- issuing a Restricted Land Use notice,
- accepting a risk assessment,
- requiring the payment of interest when fees are unpaid or are paid after the due date,
- requiring the payment of other penalties, including payment of collection costs, when fees are unpaid or are paid after the due date.

The total amount of the fees for the list above cannot exceed reasonable costs of the enforcement body, that is, fees are for cost-recovery only. If a fee change is proposed, notice of the proposed fee change must be made in the correct manner and to the appropriate persons

as prescribed by Section 109 of the *Clean Water Act*. Fees may be added to the tax roll. Part of the policy on fee structures could include a section on providing refunds where appropriate.

G. Cross-boundary Issues

There are a variety of cross-boundary situations that can occur with the implementation of Source Protection Plans. Some of these situations are:

- i. one vulnerable area spanning two or more municipalities, and
- ii. one vulnerable area spanning two or more Source Protection Areas.

These situations and possible solutions are discussed below.

i. Municipal Boundaries

When a vulnerable area spans two municipalities, each municipality is responsible to ensure that enforcement of the Source Protection Plan takes place within their municipality. Figure 6 demonstrates the situation.

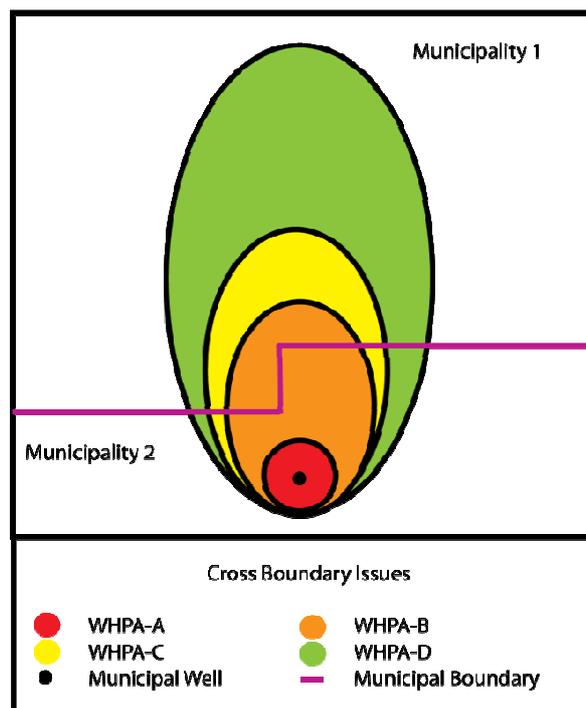


Figure 6: Municipal Cross – Boundary Issues

Each municipality can choose to enforce the Source Protection Plan within their own municipality; however, it may be beneficial to enter into an agreement with the other municipality.

This agreement will allow one municipality to enforce the Source Protection Plan policies related to Part IV across the entire vulnerable area. The agreement can include a variety of factors; however, two common examples are:

- Both municipalities will share the costs and Risk Management Official and Risk Management Inspector staff and will have joint jurisdiction throughout the vulnerable area; however, one municipality will provide enforcement in that vulnerable area. See Appendix B for an example of an agreement.
- Municipality 2 will transfer their enforcement authority and jurisdiction of that vulnerable area to Municipality 1 – Municipality 1 may charge Municipality 2 all or part of the cost for enforcement of Part IV policies outside of their regular jurisdiction. See Appendix B for an example of an agreement.

Section C Options for Municipalities discusses these options in more detail.

ii. Source Protection Area Boundaries

When a vulnerable area spans two different Source Protection Areas, the municipality that contains that vulnerable area is required to implement both Source Protection Plans in the corresponding Source Protection Area. The appropriate Source Protection Plan must be enforced in the corresponding Source Protection Area. Figure 7 demonstrates the situation.

When the Source Protection Committee designates an activity for the purpose of Section 57 or 58, they designate the area where the activity is a significant drinking water threat. The municipality that has enforcement authority in this scenario has a duty to ensure that the significant drinking water threat activities are regulated under Part IV within their boundaries.

The municipality must enforce each of the two Source Protection Plans in the corresponding Source Protection Area; however, it may be beneficial to enter into an agreement with an adjoining municipality or agency that is familiar with one of the Source Protection Areas and allow them to enforce Part IV policies in that Source Protection Area. This agreement will allow a municipality to focus their attention to one Source Protection Plan, which will allow for a more simplified approach.

This option may be preferred if a municipality:

- has multiple, complex Source Protection Plans within its jurisdiction,
- has a large number of significant threat policies that use Part IV tools to manage significant drinking water threats in multiple Source Protection Areas, and/or
- has limited staff resources to enforce Part IV policies.

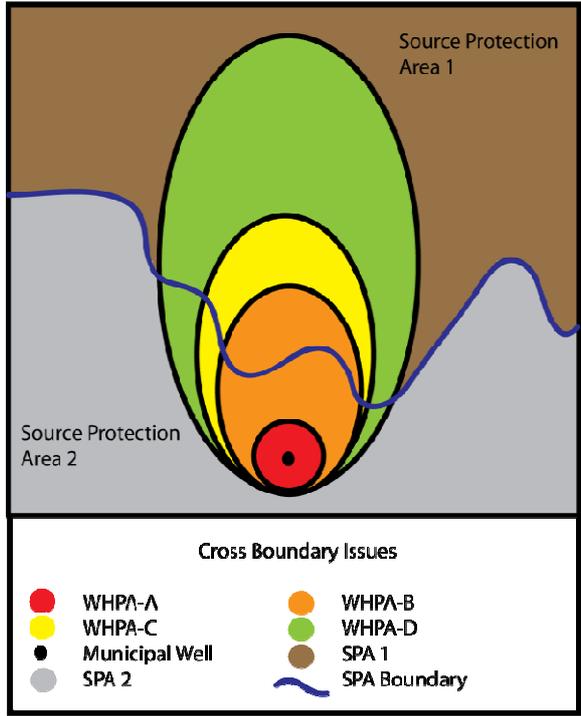


Figure 7: Source Protection Area Cross - Boundary Issues

APPENDIX A: SOURCE PROTECTION PLAN PART IV JOINT ENFORCEMENT AGREEMENT

THIS AGREEMENT made effective the ____ day of _____, 20__.

BETWEEN:

_____, a Municipal Corporation in the
Province of Ontario (“Municipality A”)

OF THE FIRST PART

- and -

_____, a Municipal Corporation (or other Agency)
in the Province of Ontario (“Municipality B” or “Agency B”)

OF THE SECOND PART

WHEREAS Municipality A and Municipality B deem to share enforcement and jurisdictional rights in regards to the Part IV policies in the [NAME] Source Protection Plan for the [NAME] Region/Area and to provide said services jointly within both municipalities on the terms and conditions herein contained;

NOW THEREFORE in consideration of the mutual covenants and promises herein contained, the parties hereby agree as follows:

DEFINITIONS

Unless otherwise expressly provided in this Agreement, the words, phrases and expressions in this Agreement shall have the meanings attributed to them as follows:

1. In this Agreement:
 - a) “Act” means the Ontario *Clean Water Act, 2006*, as amended;
 - b) “agreement” means this document;
 - c) “risk management inspector” means a risk management inspector appointed under Part IV of the *Act*
 - d) “risk management official” means the risk management official appointed under Part IV of the *Act*
 - e) “source protection plan” means a drinking water source protection plan prepared under the *Act*

INITIAL TERM

This Agreement shall be for an initial term of 10 years, commencing on the ____ day of _____, 20__.

RENEWAL

Following the expiration of the Initial Term, this Agreement shall be renewed for periods of 5 years, provided Municipality A and Municipality B intend to renew the Agreement and they both agree in writing to the renewal not less than six (6) months prior to the expiration of the Initial Term.

REQUIREMENTS UNDER THE ACT

Under section 47 of the *Act*, municipalities are responsible for Part IV enforcement of Source Protection Plans. The councils of two or more municipalities may enter into an agreement to provide joint enforcement within their respective municipalities.

ENFORCEMENT AND JURISDICTION

Municipality A and Municipality B are jointly responsible for the enforcement of this Part in both municipalities and have joint jurisdiction for the enforcement of this Part.

FEES

Municipality A and Municipality B will share the costs incurred in the enforcement of this Part within their respective municipalities.

RISK MANAGEMENT OFFICIAL AND RISK MANAGEMENT INSPECTOR(S)

Municipality A and Municipality B shall jointly appoint a Risk Management Official and Risk Management Inspector(s) as are necessary for that purpose.

IN WITNESS WHEREOF the parties hereto have executed these presents as of the day and year first above written.

Signature – Mayor – Municipality A

Date

Signature – Municipal Clerk A

Date

Signature – Mayor – Municipality B

Date

Signature – Municipal Clerk B

Date

**APPENDIX B: SOURCE PROTECTION PLAN PART IV ENFORCEMENT
TRANSFER AGREEMENT**

THIS AGREEMENT made effective the ____ day of _____, 20__.

BETWEEN:

_____, a Municipal Corporation in the
Province of Ontario (the “Municipality, A”)

OF THE FIRST PART

- and -

_____, a public agency with its head office at the
Town/City of _____, in the Province of Ontario (the “Agency, B”)

OF THE SECOND PART

WHEREAS the Municipality desires to grant to the Agency enforcement and jurisdictional rights in regards to the Source Protection Plan for the _____ Region/Area to provide said services within the Municipality on the terms and conditions herein contained;

NOW THEREFORE in consideration of the mutual covenants and promises herein contained, the parties hereby agree as follows:

DEFINITIONS

Unless otherwise expressly provided in this Agreement, the words, phrases and expressions in this Agreement shall have the meanings attributed to them as follows:

2. In this Agreement:

- f) “Act” means the Ontario *Clean Water Act, 2006*, as amended;
- g) “agreement” means this document;
- h) “board of health” refers to the Board of Directors of the local area Public Health Unit
- i) “planning board” means a planning board established under section 9 or 10 of the *Planning Act*
- j) “risk management inspector” means a risk management inspector appointed under Part IV of the *Act*
- k) “risk management official” means the risk management official appointed under Part IV of the *Act*

- l) “source protection authority” means a conservation authority or other person or body that, under subsection 4 (2) or section 5 of the Act, is required to exercise and perform the powers and duties of a drinking water source protection authority under the *Act*
- m) “source protection plan” means a drinking water source protection plan prepared under the *Act*

INITIAL TERM

This Agreement shall be for an initial term of 10 years, commencing on the ____ day of _____, 20__.

RENEWAL

Following the expiration of the Initial Term, this Agreement shall be renewed for periods of 5 years, provided Agency B gives written notice to Municipality A not less than twelve (12) months prior to the expiration of the Initial Term of its intention to renew the Agreement and Municipality A agrees in writing to the renewal not less than six (6) months prior to the expiration of the Initial Term.

REQUIREMENTS UNDER THE ACT

Under section 47 of the *Act*, municipalities are responsible for Part IV enforcement of Source Protection Plans. A municipality can transfer their enforcement responsibility and jurisdictions to another municipality, a board of health, a planning board, or a source protection authority.

ENFORCEMENT AND JURISDICTION

Agency B that is made responsible for the enforcement of this Part in Municipality A has jurisdiction for the enforcement of this Part in Municipality A with respect to the activities identified in this agreement.

FEES

Agency B that is made responsible for the enforcement of this Part will charge all fees associated with enforcement to Municipality A.

RISK MANAGEMENT OFFICIAL AND RISK MANAGEMENT INSPECTOR(S)

Agency B that is made responsible for the enforcement of this Part shall appoint a Risk Management Official and Risk Management Inspector(s) as are necessary for that purpose.

IN WITNESS WHEREOF the parties hereto have executed these presents as of the day and year first above written.

Signature – Mayor – Municipality A

Signature – CAO – Agency B

Date

Date

Signature – Municipal Clerk A

Signature – Authorizing Officer B

Date

Date

APPENDIX C: RISK MANAGEMENT OFFICIAL JOB DESCRIPTION

NOTE: This is an example of a Risk Management Official job description. Some responsibilities and qualifications may not be applicable to all municipalities and items can be added and/or removed as required.

JOB TITLE

Risk Management Official

REPORTS TO

Chief Administrative Officer

SUBORDINATE POSITIONS

Risk Management Inspector
Public Works Secretary

SUMMARY OF FUNCTION

The Risk Management Official is responsible for performing the statutory duties of the position as prescribed under Part IV of the *Clean Water Act, 2006*, which includes negotiating risk management plans; the issuance of permits, orders, notices, and reports on related activities with various stakeholders; and providing technical support and guidance for sustainable land use planning, infrastructure management and operation of drinking water systems, to protect the quality and quantity of municipal drinking water.

MAJOR RESPONSIBILITIES

Risk Management Official Functions:

- Oversees risk assessments, inspections and implementation of risk management plans for existing and new land uses activities as the Risk Management Official under Part IV of the *Clean Water Act, 2006*.
- Negotiates risk management plans with business owners, residents and others on significant drinking water threats, as prescribed under the applicable Source Protection Plan.
- Issues, tracks and monitors permits issued under Part IV of the *Clean Water Act, 2006*.
- Issues orders and notices to protect drinking water.
- Appears for the enforcing agency as an expert witness at Ontario Municipal Board, Environmental Tribunals or other related hearings.
- Works with local municipal Chief Building Officials and Planning staff to identify program needs to meet *Clean Water Act, 2006* requirements.

- Prepares reports for the Source Protection Authority to meet the monitoring and reporting needs required under the *Clean Water Act, 2006*.

Business/Program Planning and Budget Functions:

- Assists in developing annual business/work plans and in developing service plans and staffing proposals.
- Provides input into budget and business plan development, policies and procedures.
- Provides input into the development of policies and procedures for fee recovery.
- Assists in the development and implementation of appropriate service level standards and performance metrics for continuous program improvement and manages performance and activities to meet or exceed targets.

Human Resource Management & Team Responsibilities:

- Supervises staff, including recruitment, selection, hiring, scheduling, assigning and monitoring work, determining training and development needs, coaching and mentoring, conducting performance appraisals, and determining/recommending disciplinary action up to and including dismissal in accordance with collective agreements, policies and practices.
- Ensures that operating staff work in a safe manner and utilize all required health and safety equipment and protective devices and follow all measures and procedures as required by the *Occupational Health and Safety Act* and regulations and appropriate policies.

Liaison, Communication and Customer Service Activities:

- Conducts presentations, workshops and other activities to staff, residents, local municipalities, businesses, and other stakeholders to foster collaboration and promotion of ongoing initiatives and to inform them on risks and measures required to protect drinking water sources and monitoring activities.
- Collaborates on communication, education and outreach programs with local and neighbouring municipal Planning, Public Works and Chief Building Officials, Provincial Ministries, Conservation Authorities, Source Protection Committees and other external agencies.
- Liaises, fosters and maintains positive working relationships with internal staff, external stakeholders, government and non-government agencies and the public.
- Develops requirements for special projects and/or investigations and supervises consultants and contractors engaged for studies and projects.
- Promotes program deliverables and objectives with presentations or technical papers at conferences, seminars, and workshops.
- Provides input to or prepares reports, briefing notes, presentations, statistics, and analysis.

- Participates on committees, meetings, task forces, work groups, and special projects, as directed.

Other Duties:

- Performs other duties as required to meet program objectives.

QUALIFICATIONS

- Successful completion of a University Degree in Science, Environmental Studies, Engineering, or a related discipline.
- Successful completion of the provincial certifications for Risk Management Official (Part IV) and Section 88 Property Entry training or ability to obtain within six months of appointment.
- Minimum five years experience in municipal, conservation or similar environment with demonstrated supervisory or leadership experience.
- Valid Ontario Class “G” driver’s license.
- Working knowledge of all aspects of the *Clean Water Act, 2006* including supporting technical rules, Part IV powers and related regulations.
- Working knowledge of the *Occupational Health and Safety Act*.
- Working knowledge of best management practices, industrial environmental management systems, responsible care, and pollution prevention programs.
- Demonstrated knowledge of relevant Standards, Acts, Bylaws, Regulations and guidelines, as they pertain to water including environmental assessment and protection, hydrogeology, municipal planning, and well asset management.
- Demonstrated management competencies including leadership, results/achievement focus, human resources management, financial management, business planning, decision making/judgment, representation and professionalism, and job knowledge.
- Contemporary staff supervisory skills including knowledge of collective agreement administration and interpretation, labour relations principles and practices, and relevant employment legislation.
- Demonstrated project management skills to lead a project or work group, organize numerous tasks, set priorities and meet deadlines.
- Demonstrated negotiation, diplomacy and communication skills to support issues resolution.
- Strong report writing, research, and analytical skills to meet program objectives and work to tight deadlines.
- Computer literacy and proficiency utilizing word processing, spreadsheet, data base and presentation software, and use of computerized work management systems.
- Ability to operate GPS hardware.
- Ability to interpret geo-technical data, engineering drawings and technical/legal

documents.

- Ability to work outside regular business hours, as required.
- Registration as a Professional Geoscientist (P. Geo) with the Association of Professional Geoscientists of Ontario or a Professional Engineer (P. Eng) with the Association Professional Engineers Ontario is considered an asset.

APPENDIX D: WORKSHEET FOR STAFFING NEEDS OF A RISK MANAGEMENT OFFICE

Instructions for Completing this Worksheet

Refer to the local Assessment Report to gather information about the various threat categories and the number of threats that were identified for vulnerable areas in the municipality.

Next, review the Source Protection Plan policies to determine if one or more policies in the Source Protection Plan address the threat categories by using Risk Management Plans (Section 58 of the *Clean Water Act*) or Prohibition (Section 57 of the *Clean Water Act*).

For each category on the worksheet complete the requested information.

“SPP policy applies” means that one or more policies in the local Source Protection Plan address this threat category by using either Risk Management Plans (Section 58 of the *Clean Water Act*) or Prohibition (through Section 57 of the *Clean Water Act*). If this is true, then complete the calculations; otherwise, skip to the next category.

If you have threats where policies apply, enter the number of threats in Column 2. You may have details of the land uses related to the threat information in the Assessment Report. If so, complete the detailed calculations where applicable; otherwise perform the general calculation.

In column 4, enter a value in hours of your estimate for the workload involved in reviewing and processing Risk Management Plans for that activity. The range in Column 3 is intended to be a range to guide the selection for what is entered into Column 4.

Next, complete the calculation and enter the total in the box for that category then move on to the next category.

Once all of the category totals have been calculated, use the last page of the worksheet to determine the number of “full time equivalents” (FTEs) that may be needed for the Risk Management Office.

Hours Required to Complete a Risk Management Plan

The range of time stated in Column 3 on the worksheet varies from 10 to 35 hours, which is the time estimated to complete a Risk Management Plan. A minimum value of 10 hours is assumed, which will allow time to: send out a notice; speak to landowners; arrange and conduct a site visit, including travel time; review a proposed Risk Management Plan; negotiate any changes to the proposed Plan; prepare and send an approval letter; and filing and other tasks. For most categories this base amount is increased to allow review time for detailed information included in some proposed plans, such as site drawings, engineering drawings, calculations, or consultant reports.

When choosing a value from Column 3 to enter in Column 4, a value outside of the suggested time range may be used. This may be the case if there is information indicating that negotiating and establishing an Risk Management Plan will take more/less time for activities in the municipality. A shorter timeframe could be achieved if: standardized forms are used; streamlined review processes are implemented; or multiple activities on one property are managed under a single Risk Management Plan. Longer timeframes may be needed in some cases where: the activities are more complex; larger facilities are involved; sending notices or additional procedural steps are necessary to gain compliance; or review of plans by other experts or agencies is needed.

Time spent on administrative tasks, such as responding to general inquiries, attending meetings, education/training, and reporting, is taken into account separately during the calculation of full-time equivalent positions on pages 11 and 12.

Calculating Full Time Equivalent Positions

The number of hours used to calculate the full-time equivalent position figures at the end of the worksheet is 1680. This is based on a 35-hour work week for 52 weeks, less 20 days for statutory holidays and vacation time. The number should be adjusted in the calculations if a different length of work week or base amount of vacation days is used as a standard for the municipality. The administrative calculation could also be adjusted; for example, a higher administrative percentage may be required when the Risk Management Official would have a supervisory role in addition to the duties of reviewing Risk Management Plan files.

It should be noted that some of the administrative and support functions could be performed by staff in the agency other than the Risk Management Official and Risk Management Inspector.

3. The application of agricultural source material to land.

SPP policy applies: Yes (complete calculations below) No (skip to Category 4)

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)	
General calculation	All categories		15-30		A	Enter Total A  Hours for Category 3

4. The storage of agricultural source material.

SPP policy applies: Yes (complete calculations below) No (skip to Category 6)

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)	
General calculation	Not specified		15-30		A	Enter Total A if calculated; otherwise use Total D  Hours for Category 4
Detailed calculation	Agriculture		15-30		B	
	Other		20-30		C	
				Total B + C	D	

6. The application of non-agricultural source material to land.

SPP policy applies: Yes (complete calculations below) No (skip to Category 7)

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)	
General calculation	Not specified		15-30		A	Enter Total A if calculated; otherwise use Total D  Hours for Category 6
Detailed calculation	Agriculture		15-30		B	
	Other		20-30		C	
				Total B + C	D	

7. The handling and storage of non-agricultural source material.

SPP policy applies: Yes (complete calculations below) No (skip to Category 8)

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)
General calculation	Not specified		15-30		A

Detailed calculation	Agriculture		15-30		B
	Other		20-30		C

Total B + C

D

Enter Total A if calculated; otherwise use Total D

Hours for Category 7

8. The application of commercial fertilizer to land.

SPP policy applies: Yes (complete calculations below) No (skip to Category 9)

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)
General calculation	Not specified		10-25		A

Detailed calculation	Agriculture		10-25		B
	Recreational/ Institutional		10-25		C
	Other		10-20		D

Total B + C + D

E

Enter Total A if calculated; otherwise use Total E

Hours for Category 8

9. The handling and storage of commercial fertilizer.

SPP policy applies: Yes (complete calculations below) No (skip to Category 10)

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)
General calculation	Not specified		15-30		A

Detailed calculation	Agriculture		15-25		B
	Commercial/Retail		15-30		C
	Recreational/ Institutional		15-25		D
	Other		15-20		E

Enter Total A if calculated; otherwise use Total F

Total B + C + D + E

Hours for Category 9

10. The application of pesticide to land.

SPP policy applies: Yes (complete calculations below) No (skip to Category 11)

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)
General calculation	Not specified		10-25		A

Detailed calculation	Agriculture		10-25		B
	Recreational/ Institutional		10-25		C
	Other		10-20		D

Enter Total A if calculated; otherwise use Total E

Total B + C + D

Hours for Category 10

11. The handling and storage of pesticide.

SPP policy applies: Yes (complete calculations below) No (skip to Category 12)

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)
General calculation	Not specified		15-30		A

Detailed calculation	Agriculture		15-25		B
	Commercial/Retail		15-30		C
	Recreational/Institutional		15-25		D
	Other		15-20		E

Total B + C + D + E

F

Enter Total A if calculated; otherwise use Total F



Hours for Category 11

12. The application of road salt.

SPP policy applies: Yes (complete calculations below) No (skip to Category 13)

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)
General calculation	Not specified		15-30		A

Detailed calculation	Municipal		15-30		B
	Commercial/Retail		15-25		C
	Recreational/Institutional		15-25		D
	Other		15-20		E

Total B + C + D + E

F

Enter Total A if calculated; otherwise use Total F



Hours for Category 12

13. The handling and storage of road salt.

SPP policy applies: Yes (complete calculations below) No (skip to Category 14)

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)
General calculation	Not specified		15-30		A

Detailed calculation	Municipal		15-30		B
	Commercial/Retail		15-25		C
	Recreational/Institutional		15-25		D
	Other		15-20		E

Total B + C + D + E

F

Enter Total A if calculated; otherwise use Total F →

Hours for Category 13

14. The storage of snow.

SPP policy applies: Yes (complete calculations below) No (skip to Category 15)

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)
General calculation	Not specified		15-30		A

Detailed calculation	Municipal		15-30		B
	Commercial/Retail		15-25		C
	Recreational/Institutional		15-25		D
	Other		15-20		E

Total B + C + D + E

F

Enter Total A if calculated; otherwise use Total F →

Hours for Category 14

15. The handling and storage of fuel.

SPP policy applies: Yes (complete calculations below) No (skip to Category 16)

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)
General calculation	Not specified		10-35		A

Detailed calculation	Municipal		15-30		B
	Commercial/Retail		20-35		C
	Recreational/ Institutional		15-25		D
	Residential		10-20		E
	Agriculture		10-20		F
	Other		15-20		G

Total B + C
+ D + E + F
+ G

H

Enter Total A if calculated; otherwise use Total H



Hours for Category 15

16. The handling and storage of a Dense non-aqueous phase liquid.

SPP policy applies: Yes (complete calculations below) No (skip to Category 17)

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)
General calculation	Not specified		10-35		A

Detailed calculation	Industrial		15-35		B
	Commercial/Retail		20-35		C
	Municipal/ Institutional		15-25		D
	Residential		10-20		E
	Other		15-20		F

Enter Total A if calculated; otherwise

Hours for Category 16

Total B + C
+ D + E + F

G

use Total G



--

17. The handling and storage of an organic solvent.

SPP policy applies: Yes (complete calculations below) No (skip to Category 21)

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)
General calculation	Not specified		10-35		A

Detailed calculation	Industrial		15-35		B
	Commercial/Retail		20-35		C
	Municipal/Institutional		15-25		D
	Residential		10-20		E
	Other		15-20		F

Enter Total A if calculated; otherwise use Total G

Total B + C
+ D + E + F

G



Hours for Category 17

21. The use of land as livestock grazing or pasturing land, an outdoor confinement area or a farm-animal yard.

SPP policy applies: Yes (complete calculations below) No (skip to Local Threat)

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)
General calculation	Not specified		15-30		A

Detailed calculation	Agriculture		15-30		B
	Other		20-30		C

Enter Total A if calculated; otherwise use Total D

Total B + C

D



Hours for Category 21

Local Threat _____ (specify)

SPP policy applies: Yes (complete calculations below) No (skip to Issues)

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)
General calculation	Not specified		10-35		A

Detailed calculation	Industrial		15-35		B
	Commercial/Retail		15-35		C
	Municipal/Institutional		15-35		D
	Residential		15-35		E
	Other		15-35		F

Total B + C + D + E + F

Enter Total A if calculated; otherwise use Total G



Hours for Local Threat

Issues _____ (specify)

SPP policy applies: Yes (complete calculations below) No

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)
General calculation	Not specified		10-35		A

Detailed calculation	Industrial		15-35		B
	Commercial/Retail		15-35		C
	Municipal/Institutional		15-35		D
	Residential		15-35		E
	Other		15-35		F

Total B + C + D + E + F

Enter Total A if calculated; otherwise use Total G



Hours for Issues

Staffing Needs Calculator

A. Total of Category Boxes from above

$$\begin{array}{l} \underline{\quad} + \underline{\quad} \\ + \underline{\quad} = \end{array} \quad \boxed{\text{TOTAL A}} \text{ hours}$$

Year 1

Risk Management Planning	Total A _____ x 20% =	_____ hours
Enforcement of s. 57 Prohibition and s. 58 Risk Management Plan polices by Risk Management Inspector	Total A _____ x 10% =	_____ hours
Screening development applications under s. 59 Restricted Land Use policies	Total A _____ x 10% =	_____ hours
Start-up and threats verification	Total A _____ x 15% =	_____ hours
	Subtotal	_____ hours
Administration (including meetings, training/education, reporting)	Subtotal _____ x 20% =	_____ hours
Year 1 Total	Subtotal + Administration =	_____ hours
Year 1 FTE	Year 1 Total ÷ 1680 hours / FTE =	_____ FTE in Year 1

Year 2

Risk Management Planning	Total A _____ x 35% =	_____ hours
Enforcement of s. 57 Prohibition and s. 58 Risk Management Plan polices by Risk Management Inspector	Total A _____ x 15% =	_____ hours
Screening development applications under s. 59 Restricted Land Use policies	Total A _____ x 10% =	_____ hours
	Subtotal	_____ hours
Administration (including meetings, training/education, reporting)	Subtotal _____ x 20% =	_____ hours
Year 2 Total	Subtotal + Administration =	_____ hours
Year 2 FTE	Year 2 Total ÷ 1680 hours / FTE =	_____ FTE in Year 2

Year 3

Risk Management Planning	Total A _____ x 45% =	_____ hours
Enforcement of s. 57 Prohibition and s. 58 Risk Management Plan polices by Risk Management Inspector	Total A _____ x 20% =	_____ hours
Screening development applications under s. 59 Restricted Land Use policies	Total A _____ x 10% =	_____ hours
	Subtotal	_____ hours
Administration (including meetings, training/education, reporting)	Subtotal _____ x 20% =	_____ hours
Year 3 Total	Subtotal + Administration =	_____ hours
Year 3 FTE	Year 3 Total ÷ 1680 hours / FTE =	_____ FTE in Year 3

Subsequent Years

Risk Management Planning	Total A _____ x 15% =	_____ hours
Enforcement of s. 57 Prohibition and s. 58 Risk Management Plan polices by Risk Management Inspector	Total A _____ x 20% =	_____ hours
Screening development applications under s. 59 Restricted Land Use policies	Total A _____ x 10% =	_____ hours
	Subtotal	_____ hours
Administration (including meetings, training/education, reporting)	Subtotal _____ x 20% =	_____ hours
Subsequent Years Total	Subtotal + Administration =	_____ hours
Subsequent Years FTE	Total ÷ 1680 hours / FTE =	_____ FTE in Other Years

The above calculation for each year assumes that the number of plans processed will increase in both year 2 and year 3 until the deadline is reached for the first Risk Management Plans to be established as indicated in the local Source Protection Plan policies. Subsequent years will entail on-going review of plans for new development, enforcement and any updates for established plans.

The figure of 1680 used to calculate “full time equivalents” (FTEs) is the total number of hours worked in a year if the work week is 35 hours and statutory holidays and vacation time are deducted.

APPENDIX E: EXAMPLE WORKSHEET FOR STAFFING NEEDS OF A RISK MANAGEMENT OFFICE
(with sample numbers entered)

Instructions for Completing this Worksheet

Refer to the local Assessment Report to gather information about the various threat categories and the number of threats that were identified for vulnerable areas in the municipality.

Next, review the Source Protection Plan policies to determine if one or more policies in the Source Protection Plan address the threat categories by using Risk Management Plans (Section 58 of the *Clean Water Act*) or Prohibition (Section 57 of the *Clean Water Act*).

For each category on the worksheet complete the requested information.

“SPP policy applies” means that one or more policies in the local Source Protection Plan address this threat category by using either Risk Management Plans (Section 58 of the *Clean Water Act*) or Prohibition (through Section 57 of the *Clean Water Act*). If this is true, then complete the calculations; otherwise, skip to the next category.

If you have threats where policies apply, enter the number of threats in Column 2. You may have details of the land uses related to the threat information in the Assessment Report. If so, complete the detailed calculations where applicable; otherwise perform the general calculation.

In column 4, enter a value in hours of your estimate for the workload involved in reviewing and processing Risk Management Plans for that activity. The range in Column 3 is intended to be a range to guide the selection for what is entered into Column 4.

Next, complete the calculation and enter the total in the box for that category then move on to the next category.

Once all of the category totals have been calculated, use the last page of the worksheet to determine the number of “full time equivalents” (FTEs) that may be needed for the Risk Management Office.

Hours Required to Complete a Risk Management Plan

The range of time stated in Column 3 on the worksheet varies from 10 to 35 hours, which is the time estimated to complete a Risk Management Plan. A minimum value of 10 hours is assumed, which will allow time to: send out a notice; speak to landowners; arrange and conduct a site visit, including travel time; review a proposed Risk Management Plan; negotiate any changes to the proposed Plan; prepare and send an approval letter; and filing and other tasks. For most categories this base amount is increased to allow review time for detailed information included in some proposed plans, such as site drawings, engineering drawings, calculations, or consultant reports.

When choosing a value from Column 3 to enter in Column 4, a value outside of the suggested time range may be used. This may be the case if there is information indicating that negotiating and establishing an Risk Management Plan will take more/less time for activities in the municipality. A shorter timeframe could be achieved if: standardized forms are used; streamlined review processes are implemented; or multiple activities on one property are managed under a single Risk Management Plan. Longer timeframes may be needed in some cases where: the activities are more complex; larger facilities are involved; sending notices or additional procedural steps are necessary to gain compliance; or review of plans by other experts or agencies is needed.

Time spent on administrative tasks, such as responding to general inquiries, attending meetings, education/training, and reporting, is taken into account separately during the calculation of full-time equivalent positions on pages 11 and 12.

Calculating Full Time Equivalent Positions

The number of hours used to calculate the full-time equivalent position figures at the end of the worksheet is 1680. This is based on a 35-hour work week for 52 weeks, less 20 days for statutory holidays and vacation time. The number should be adjusted in the calculations if a different length of work week or base amount of vacation days is used as a standard for the municipality. The administrative calculation could also be adjusted; for example, a higher administrative percentage may be required when the Risk Management Official would have a supervisory role in addition to the duties of reviewing Risk Management Plan files.

It should be noted that some of the administrative and support functions could be performed by staff in the agency other than the Risk Management Official and Risk Management Inspector.

3. The application of agricultural source material to land.

SPP policy applies: Yes (complete calculations below) No (skip to Category 4)

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)
General calculation	All categories	15	15-30	20	A 300

Enter Total A →

Hours for Category 3
300

4. The storage of agricultural source material.

SPP policy applies: Yes (complete calculations below) No (skip to Category 6)

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)
General calculation	Not specified	12	15-30	25	A 300
Detailed calculation	Agriculture		15-30		B
	Other		20-30		C

Enter Total A if calculated; otherwise use Total D →

Hours for Category 4
300

Total B + C →

D

6. The application of non-agricultural source material to land.

SPP policy applies: Yes (complete calculations below) No (skip to Category 7)

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)
General calculation	Not specified		15-30		A
Detailed calculation	Agriculture		15-30		B
	Other		20-30		C

Enter Total A if calculated; otherwise use Total D →

Hours for Category 6

Total B + C →

D

7. The handling and storage of non-agricultural source material.

SPP policy applies: Yes (complete calculations below) No (skip to Category 8)

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)
General calculation	Not specified		15-30		A

Detailed calculation	Agriculture		15-30		B
	Other		20-30		C

Total B + C

D

Enter Total A if calculated; otherwise use Total D

Hours for Category 7

8. The application of commercial fertilizer to land.

SPP policy applies: Yes (complete calculations below) No (skip to Category 9)

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)
General calculation	Not specified		10-25		A

Detailed calculation	Agriculture	20	10-25	20	B 400
	Recreational/ Institutional	4	10-25	15	C 60
	Other		10-20		D

Total B + C + D

E 460

Enter Total A if calculated; otherwise use Total E

Hours for Category 8
460

9. The handling and storage of commercial fertilizer.

SPP policy applies: Yes (complete calculations below) No (skip to Category 10)

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)
General calculation	Not specified		15-30		A

Detailed calculation	Agriculture	10	15-25	20	B 200
	Commercial/Retail	2	15-30	25	C 50
	Recreational/Institutional	1	15-25	20	D 20
	Other		15-20		E

Total B + C + D + E

F 270

Enter Total A if calculated; otherwise use Total F →

Hours for Category 9
270

10. The application of pesticide to land.

SPP policy applies: Yes (complete calculations below) No (skip to Category 11)

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)
General calculation	Not specified		10-25		A

Detailed calculation	Agriculture		10-25		B
	Recreational/Institutional		10-25		C
	Other		10-20		D

Total B + C + D

E

Enter Total A if calculated; otherwise use Total E →

Hours for Category 10

11. The handling and storage of pesticide.

SPP policy applies: Yes (complete calculations below) No (skip to Category 12)

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)
General calculation	Not specified		15-30		A
Detailed calculation	Agriculture		15-25		B
	Commercial/Retail		15-30		C
	Recreational/Institutional		15-25		D
	Other		15-20		E
Total B + C + D + E					F

Enter Total A if calculated; otherwise use Total F →

Hours for Category 11

12. The application of road salt.

SPP policy applies: Yes (complete calculations below) No (skip to Category 13)

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)
General calculation	Not specified		15-30		A
Detailed calculation	Municipal		15-30		B
	Commercial/Retail		15-25		C
	Recreational/Institutional		15-25		D
	Other		15-20		E
Total B + C + D + E					F

Enter Total A if calculated; otherwise use Total F →

Hours for Category 12

13. The handling and storage of road salt.

SPP policy applies: Yes (complete calculations below) No (skip to Category 14)

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)
General calculation	Not specified		15-30		A
Detailed calculation	Municipal	2	15-30	25	B 50
	Commercial/Retail		15-25		C
	Recreational/Institutional		15-25		D
	Other		15-20		E
Total B + C + D + E					F 50

Enter Total A if calculated; otherwise use Total F →

Hours for Category 13
50

14. The storage of snow.

SPP policy applies: Yes (complete calculations below) No (skip to Category 15)

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)
General calculation	Not specified		15-30		A
Detailed calculation	Municipal	1	15-30	25	B 25
	Commercial/Retail		15-25		C
	Recreational/Institutional		15-25		D
	Other		15-20		E
Total B + C + D + E					F 25

Enter Total A if calculated; otherwise use Total F →

Hours for Category 14
25

15. The handling and storage of fuel.

SPP policy applies: Yes (complete calculations below) No (skip to Category 16)

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)
General calculation	Not specified		10-35		A

Detailed calculation	Municipal	2	15-30	20	B 40
	Commercial/Retail	2	20-35	30	C 60
	Recreational/ Institutional		15-25		D
	Residential	12	10-20	10	E 120
	Agriculture	2	10-20	15	F 30
	Other		15-20		G

Total B + C + D + E + F + G

H 250

Enter Total A if calculated; otherwise use Total H →

Hours for Category 15
250

16. The handling and storage of a Dense non-aqueous phase liquid.

SPP policy applies: Yes (complete calculations below) No (skip to Category 17)

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)
General calculation	Not specified		10-35		A

Detailed calculation	Industrial		15-35		B
	Commercial/Retail		20-35		C
	Municipal/ Institutional		15-25		D
	Residential		10-20		E
	Other		15-20		F

Enter Total A if calculated; otherwise

Hours for Category 16

Total B + C + D + E + F use Total G

17. The handling and storage of an organic solvent.

SPP policy applies: Yes (complete calculations below) No (skip to Category 21)

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)
General calculation	Not specified		10-35		A

Detailed calculation	Industrial		15-35		B
	Commercial/Retail		20-35		C
	Municipal/Institutional		15-25		D
	Residential		10-20		E
	Other		15-20		F

Enter Total A if calculated; otherwise use Total G

Total B + C + D + E + F

21. The use of land as livestock grazing or pasturing land, an outdoor confinement area or a farm-animal yard.

SPP policy applies: Yes (complete calculations below) No (skip to Local Threat)

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)
General calculation	Not specified	22	15-30	20	A 440

Detailed calculation	Agriculture		15-30		B
	Other		20-30		C

Enter Total A if calculated; otherwise use Total D

Total B + C

Local Threat _____ (specify)

SPP policy applies: Yes (complete calculations below) No (skip to Issues)

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)
General calculation	Not specified		10-35		A

Detailed calculation	Industrial		15-35		B
	Commercial/Retail		15-35		C
	Municipal/Institutional		15-35		D
	Residential		15-35		E
	Other		15-35		F

Total B + C + D + E + F

G

Enter Total A if calculated; otherwise use Total G

Hours for Local Threat

Issues _____ (specify)

SPP policy applies: Yes (complete calculations below) No

	1 Land Use	2 # of Threats	3 Time range per RM Plan (hours)	4 Staff hours per RM Plan (select from Column 3)	Total staff hours (Column 2 x Column 4)
General calculation	Not specified		10-35		A

Detailed calculation	Industrial		15-35		B
	Commercial/Retail		15-35		C
	Municipal/Institutional		15-35		D
	Residential		15-35		E
	Other		15-35		F

Total B + C + D + E + F

G

Enter Total A if calculated; otherwise use Total G

Hours for Issues

Staffing Needs Calculator

A. Total of Category Boxes from above

$$\begin{aligned} & \underline{300} + \underline{300} + \underline{\quad} + \underline{\quad} + \underline{460} + \underline{270} + \underline{\quad} + \underline{\quad} + \underline{\quad} \\ & + \underline{50} + \underline{25} + \underline{250} + \underline{\quad} + \underline{\quad} + \underline{\quad} + \underline{440} + \underline{\quad} + \underline{\quad} = \underline{2095} \text{ hours} \end{aligned}$$

TOTAL A

Year 1

Risk Management Planning	Total A	$\underline{2095} \times 20\% =$	<u>419</u> hours
Enforcement of s. 57 Prohibition and s. 58 Risk Management Plan polices by Risk Management Inspector	Total A	$\underline{2095} \times 10\% =$	<u>210</u> hours
Screening development applications under s. 59 Restricted Land Use policies	Total A	$\underline{2095} \times 10\% =$	<u>210</u> hours
Start-up and threats verification	Total A	$\underline{2095} \times 15\% =$	<u>315</u> hours
	Subtotal		<u>1154</u> hours
Administration (including meetings, training/education, reporting)	Subtotal	$\underline{1154} \times 20\% =$	<u>231</u> hours
Year 1 Total	Subtotal + Administration =		<u>1385</u> hours
Year 1 FTE	Year 1 Total ÷ 1680 hours / FTE =		<u>0.8</u> FTE in Year 1

Year 2

Risk Management Planning	Total A	$\underline{2095} \times 35\% =$	<u>734</u> hours
Enforcement of s. 57 Prohibition and s. 58 Risk Management Plan polices by Risk Management Inspector	Total A	$\underline{2095} \times 15\% =$	<u>315</u> hours
Screening development applications under s. 59 Restricted Land Use policies	Total A	$\underline{2095} \times 10\% =$	<u>210</u> hours
	Subtotal		<u>1259</u> hours
Administration (including meetings, training/education, reporting)	Subtotal	$\underline{1259} \times 20\% =$	<u>252</u> hours
Year 2 Total	Subtotal + Administration =		<u>1511</u> hours
Year 2 FTE	Year 2 Total ÷ 1680 hours / FTE =		<u>0.9</u> FTE in Year 2

Year 3

Risk Management Planning	Total A	<u>2095</u>	x 45% =	<u>943</u>	hours
Enforcement of s. 57 Prohibition and s. 58 Risk Management Plan polices by Risk Management Inspector	Total A	<u>2095</u>	x 20% =	<u>419</u>	hours
Screening development applications under s. 59 Restricted Land Use policies	Total A	<u>2095</u>	x 10% =	<u>210</u>	hours
	Subtotal			<u>1572</u>	hours
Administration (including meetings, training/education, reporting)	Subtotal	<u>1259</u>	x 20% =	<u>315</u>	hours
Year 3 Total	Subtotal + Administration =			<u>1887</u>	hours
Year 3 FTE	Year 3 Total ÷ 1680 hours / FTE =			<u>1.1</u>	FTE in Year 3

Subsequent Years

Risk Management Planning	Total A	<u>2095</u>	x 15% =	<u>315</u>	hours
Enforcement of s. 57 Prohibition and s. 58 Risk Management Plan polices by Risk Management Inspector	Total A	<u>2095</u>	x 20% =	<u>419</u>	hours
Screening development applications under s. 59 Restricted Land Use policies	Total A	<u>2095</u>	x 10% =	<u>210</u>	hours
	Subtotal			<u>944</u>	hours
Administration (including meetings, training/education, reporting)	Subtotal	<u>1259</u>	x 20% =	<u>189</u>	hours
Subsequent Years Total	Subtotal + Administration =			<u>1133</u>	hours
Subsequent Years FTE	Total ÷ 1680 hours / FTE =			<u>0.7</u>	FTE in Other Years

The above calculation for each year assumes that the number of plans processed will increase in both year 2 and year 3 until the deadline is reached for the first Risk Management Plans to be established as indicated in the local Source Protection Plan policies. Subsequent years will entail on-going review of plans for new development, enforcement and any updates for established plans.

The figure of 1680 used to calculate “full time equivalents” (FTEs) is the total number of hours worked in a year if the work week is 35 hours and statutory holidays and vacation time are deducted.

APPENDIX F: SAMPLE MUNICIPAL BY-LAW FOR APPOINTING A RMO/RMI

THE MUNICIPALITY OF _____

BYLAW NO. _____

To appoint a risk management official and risk management inspectors
for the purpose of the *Clean Water Act, 2006*

WHEREAS subsection 47(1)(b) of the *Clean Water Act, 2006* (the "Act"), provides that a municipality that has authority to pass bylaws respecting water production, treatment and storage under the *Municipal Act, 2001* is responsible for the enforcement of Part IV of the Act in the municipality;

AND WHEREAS subsection 47(6) of the Act provides that a municipality that is responsible for the enforcement of Part IV of the Act shall appoint a risk management official and such risk management inspectors as are necessary for that purpose;

Now therefore, the Council of The Municipality of _____ enacts as follows:

1. That _____ be appointed a risk management official under subsection 47(6) of the Act.
2. That _____ be appointed an alternate risk management official under subsection 47(6) of the Act.
3. That _____ be appointed risk management inspectors under subsection 47(6) of the Act.

ENACTED AND PASSED this ____ day of _____, 201_.

Municipal Clerk

Mayor

Date

Date