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Sent: July 21, 2020 12:03 PM

To: Dan Best <cao@southhuron.ca>

Cc: Don Giberson <dgiberson@southhuron.ca>; Shawn Young <syoung@southhuron.ca>;
lholfmes@hpph.ca; Bechard, Marc (MECP) <Marc.Bechard@ontario.ca>; Winkler, Andrew (MECP)
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Subject: The Municipality's By-law and Program Addressing Backflow Prevention; and Service Connection to Exeter Produce along Bronson Line

Mayor and Council

The Corporation of the Municipality of South Huron
P.O. Box 759
322 Main Street South
Exeter, Ontario N0M 1S6

Attn: Dan Best, Chief Administrative Officer

Re: The Municipality's By-law and Program Addressing Backflow Prevention; and Service Connection to Exeter Produce along Bronson Line

As a result of an incident that was brought to my attention, I would ask that you review the Municipality's current by-law and program addressing backflow prevention with a view towards ensuring comparable situations are avoided in the future. Our office is willing to field any questions arising from your discussions.

On the afternoon of July 8, 2020, your Manager of Environmental Services reported he had returned from inspecting five connections along Bronson Line he had previously believed were not in service. He indicated that he found three of the five service connections were supplying water.

Due to the absence of adequate protection to ensure the prevention of backflow from Exeter Produce's ("the Company's") water system into the Municipality's water system, one inactive connection held the potential for an adverse incident. In response, the Manager of Environment Services felt compelled to disable this connection. Similarly, he directed the Company to sever a second. Further, given the condition of the remaining services connections, he requested upgrades to ensure that any active connections do not pose a risk to the Municipality's drinking water system.

My understanding is that the Company operates a water system for the purpose of irrigating its field crops. The system consists of wells, ponds and a mix of permanent and temporary water distribution lines which are used to irrigate various fields as crops are rotated throughout several farm properties. Given the Company's system operates at significantly higher pressure than the Municipality's system, in the absence of adequate and maintained controls to prevent backflow, these connections pose a significant risk of introducing raw water and agricultural contaminants into the Municipality's system.

I attended the site on July 15, 2020. The second connection had yet to be terminated; however, the Manager of Environmental Services advised me that he revisited the site the following day and confirmed that work has since been completed.

The Standard of Care provisions in the *Safe Drinking Water Act* ("the *Act*") place a legal responsibility on members of municipal councils and on municipal officials with decision-making authority over drinking water systems to exercise a level of care and diligence, and to act with a view towards ensuring the protection and safety of the users.

General provisions in the *Act* prohibit anyone from causing or permitting anything from entering a drinking water system if it could result in a drinking water health hazard or otherwise interfere with the normal operation of the system. Further, the *Act* impose a duty to report both adverse test results and other observations suggesting a system has been affected.

The candour and integrity demonstrated by your Manager of Environmental Services is in keeping with the Standard of Care required by the *Act* of those having responsibility for municipal water systems.

As indicated during my visit, there are two tools for addressing serious non-compliance. Inspectors may issue a Provincial Officer Order setting out obligations for a specific person or persons in relation to an operation. Alternatively, the matter may be referred to the Ministry's Investigations and Enforcement Branch for investigation and potential prosecution.

In the absence of an adverse water quality incident, and the progress initiated by Exeter Produce in response to a request by the Manager of Environmental Services, I intend to support his efforts via the issuance of an Order. While that action may help remedy the concern related to these specific connections, this incident does prompt questions about the vintage, construction, maintenance and knowledge regarding the operational status of connections on other properties.

I would ask that you review the Municipality's current by-law and program addressing backflow prevention with a view towards ensuring comparable situations are avoided in the future. To ensure that connections are not overlooked, this may necessitate compiling an inventory of high-risk facilities.

Should you have any questions or concerns, please do not hesitate to contact myself, Andrew Winkler (the Water Inspector assigned to conduct the next inspection of your water system), or our supervisor (Marc Bechard).

Regards,

Paul TerSteege, Senior Environmental Officer
Ministry of the Environment, Conservation and Parks
Sarnia District Office
1094 London Road, Sarnia, ON N7S 1P1

- c. Don Giberson, Director of Infrastructure & Development, Municipality of South Huron
Shawn Young, Manager of Environmental Services, Municipality of South Huron
Lori Holmes, Public Health Manager, Huron-Perth Public Health Unit
Marc Bechard, Supervisor, Ministry of Environment, Conservation and Parks
Andrew Winkler, Water Inspector, Ministry of Environment, Conservation and Parks
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