

Appendix # A

to

Report # WWW2017-004

The Corporation of the City of Kawartha Lakes

Council Report

Report Number WWW2017-004

Date: May 16, 2017

Time: 2:00 p.m.

Place: Council Chambers

Ward Community Identifier: Ward 13

Subject: Update on Fragmentation for Lakeview Water Co-op, Thurstonia

Author/Title: David Kerr, Manager, Environmental Services

Signature: 

Recommendation(s):

RESOLVED THAT Report WWW2017-004, **Update on Fragmentation for Lakeview Water Co-op, Thurstonia**, be received;

THAT upon completion of the Fragmentation of the Lakeview Water Co-op Drinking Water System, the city recovers the costs to fragment the water system from the members of the Co-op in accordance with By-law 2014-071 to a maximum of \$15,000 per property;

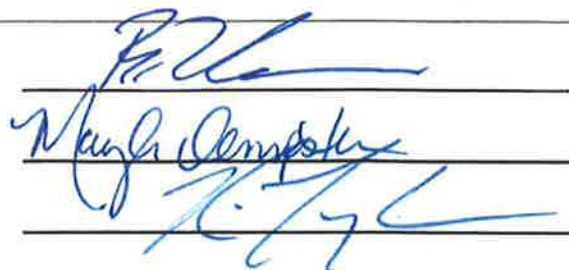
THAT the cost of the water system fragmentation project in excess of the contribution from Co-op members be received from the Water Infrastructure Reserve to an upset limit of \$150,000; and

THAT any additional costs required for any special measures to enter private property be recovered directly from the individual Co-op member responsible for the additional costs.

Department Head:

Corporate Services Director / Other:

Chief Administrative Officer:



Background:

At the Council Meeting of October 13, 2015, the following resolution was adopted:

Moved by Councillor Elmslie, seconded by Councillor Macklem,

RESOLVED THAT Report WWW2015-012, **Lakeview Water Co-Op Fragmentation Status Update and Next Steps**, be received;

THAT Section 5.01 of By-law 2014-071 be amended to read as follows to allow cost sharing:

5.01 The owner of each separately assessed parcel of land identified in the Notice shall be responsible to pay for costs incurred by the City in order to comply with the Notice that includes:

1. Required home water treatment system upgrades and installation costs
2. Their averaged share of the distribution network upgrades including new pump, intake and associated installation costs
3. Legal costs associated with the execution of any required easement, lease, licence

THAT the City be authorized to proceed with the recommended steps as outlined to fragment the Co-op in accordance with the MOECC;

THAT the City purchase and install the required water works in each of the cooperating residences and undertake the required upgrades to the main distribution system to split it into two separate systems with each system serving less than six (6) residences;

THAT the City pays for future system assessment, design, approvals, monitoring, maintenance and any other associated legal costs related to the system from the time of this report until fragmentation to an upset limit of \$20,000.00, above which the Co-op is responsible for; and

THAT the City executes an easement, lease, licence with the benefitting Co-Op members for assumption of the ownership and maintenance of the pump house and associated appurtenances.

CARRIED CR2015-1063

This report provides an update on addressing Council's direction as above and also provides a further recommended course of action for recovery of the costs associated with fragmentation of the Lakeview Co-op to ensure compliance with

MOECC's Notice of Intention to Issue a Section 114 Order under the Safe Drinking Water Act (SDWA).

Further background history on the Lakeview Water Co-op is included in the October 13, 2015 staff report (attached as Appendix A).

An update on the status of the work completed as per Council's direction and the plan for cost recovery to the City are included in the following rationale section:

Rationale:

In complying with the MOECC and Council's direction, the following is a point form status of work completed to date and work still to be completed:

Work Completed

- Point of Entry (POE) Water Treatment systems have been installed in the homes of eight (8) of the eleven(11) Co-op members
- The majority of verification sampling has been completed by Jackson's water conditioning and has confirmed that the POE systems are functioning well and meeting MOECC standards for Safe Drinking Water.
- One of the Co-op members has installed an above ground water storage system which is to be filled with hauled municipally treated water as needed at the owner's expense
- Upon request from the City, the MOECC has revised the timelines for the City to complete the fragmentation of the Lakeview Co-op by June 30, 2017. These timelines are included in the Amendment to Section 114 Notice and attached in Appendix B.
- The new pumps and intakes were installed in Sturgeon Lake and connected and heat traced to the pump house. The Trent Severn Water way (TSW) provided approval for these pumps and lines in the Lake.
- A contract for the installation of the two new distribution systems for eight (8) of the Co-op members has been awarded to CC Underground
- A contract for site administration of the above construction work has been awarded to DM Wills
- The City continues to retain Jackson Water Conditioning Ltd. as the operating authority for the Lakeview water system to provide the required monitoring, maintenance and emergency response as specified under the SDWA

Work to be completed

- The City is currently seeking a judicial order from the Justice of the Peace to install POE treatment within the homes of two (2) Co-op members and to connect the members up to the new systems. These owners have been reluctant to cooperate and allow the City and its contractors authorization for entry to do this work

- All construction works in connection with the distribution lines are to be completed before June 30, 2017. The tender was awarded to CC Underground for completion of this work in the amount of \$64,328.00 (plus HST) to meet the required timelines
- Written confirmation must be provided to MOECC that all Co-op members are provided with a secure source of potable water by Sept. 30, 2017
- Easements, leases and licences with the benefitting Co-Op members for assumption of the ownership and maintenance of the pump house and associated appurtenances need to be executed
- Financial arrangements need to be made with each of the individual Co-op members for recovery of costs for the proportion of work the city has paid in order to fragment them from the system

In the meantime it is important to inform Council that the budgeted costs for this work continue to be in line with the original estimates given in the October 13, 2015 staff report with the following discrepancies.

The original estimate given in the Oct. 13, 2015 staff report indicated that the total cost to fragment the system is approximately \$220,000 of which it was proposed that the members share half the cost or approximately \$110,000. The original estimate was conservative and included committed costs as opposed to actual costs. After a closer review of the costs it was determined that from February 19, 2014 to Oct 13, 2015 approximately \$46,000 was spent on this project. This is lower than the estimated amount of \$90,000 as staff were able to amend the approved MOECC plans and lower the spend amount.

From Feb 19, 2014 to April 30, 2017 the total amount spent on the project is approximately \$118,500. The additional future committed costs are approximately \$83,500 and these include construction of the distribution system, contract admin. and the additional POE treatment units. In summary, costs spent plus committed costs from Feb 19, 2014 to April 30, 2017 total approximately \$202,000. After April 30, 2017 there will be additional costs for preparation of legal agreements and licenses as well as miscellaneous items. These costs are anticipated to be in the range of \$20,000 and when taken into consideration the total will be close to the original estimate of \$220,000. Staff will provide council with an update of the actual costs after completion of the fragmentation. Further details on the contribution of costs per Co-op member and cost recovery are provided in the financial section of this report.

Other Alternatives Considered:

Staff has looked at a number of different options for the Co-op members over the last 5 years and the selected options for each member are the overall lowest cost options when taking into consideration ongoing operational costs. As the MOECC has formally agreed with the current option for fragmentation (8

members on 2 separate distribution lines drawing water from Sturgeon Lake, 2 members sharing a well and 1 member with a storage tank) there is little flexibility in changing the options at this point without exposing the City to the liability of non-compliance with the MOECC and potential orders. The Staff recommendation in this report requests a cap on the cost recovery from the cooperating members of the Co-op. Should the City select an alternative to granting a cap that potentially exposes the members to additional financial obligations and uncertainty there would likely be further non-cooperation. In this event fragmentation would likely be further delayed through legal or other process. This may cause the MOECC to potentially intervene with orders and potential fines to the municipality for not meeting set timelines for fragmentation. If this occurs, it would likely cause additional costs to the municipality that would far exceed the cost of limiting the financial liability to \$15,000 per member.

Financial Considerations:

With respect to the agreed upon cost sharing arrangement between the City and the members of the Co-op as per the October 13, 2015 staff report, further details are provided below on proportioning of those costs.

Proposed model for Cost splitting between Co-op members

Based on the proposed 50:50 split cost sharing between the City and the Co-op an estimated \$110,000 would remain each party's contribution. This was the model proposed in the October 13, 2015 staff report.

Since not all of the 11 Co-op members are fragmenting in the same way, their relative costs to fragment are different from each other and as a result the cost splitting model for each member needs to be fair and reflect these differences.

The proposed method for cost splitting takes into account that 2 of the members had drilled a well to be shared prior to the original Notice of Order being issued by the MOECC and had since installed POE treatment units. Therefore costs for engineering and building the new distribution system are not applicable to these members since they had already arrived and implemented a different solution for themselves. However they would have to pay for their POE treatment unit costs, operation of their well system and relative consulting fees.

Also the cost to the member that constructed an above ground water storage tank should not include costs for construction of the new distribution system. However there would be some engineering costs that they would need to incur since the consulting engineering assessment looked at the potential for storage tanks as a feasible alternative.

The remaining 8 members would have roughly the same costs as each other as they would all be on a new distribution system. These 8 members would share in the legal costs for easement and licenses for the pump house and intakes. To

date, 2 of these 8 members have not cooperated with the city. If warrants are required to obtain entry to these homes to install this required POE equipment and police escorts are needed then these additional costs would be charged to those members. The actual costs for each property will be calculated and provided to the individual owners upon completion and acceptance of fragmentation by the MOECC.

It is possible that the costs may exceed this estimate depending on how the construction project progresses as well as legal and regulatory requirements. However it is not expected that these costs would exceed \$15,000 per member.

We have indicated to the members of the Co-op through discussion and sharing the Oct. 13, 2015 staff report with them that their costs would be approximately \$12,000. Although the actual costs may be slightly lower or above our estimates we recommend that in the spirit of obtaining cooperation with the members and recognizing that their costs are also significant to them it would be a gesture of good faith to limit their financial contribution to a cap of \$15,000 provided they show cooperation.

As previously indicated in the Oct. 13, 2015 staff report invoices will be provided to Co-op members upon completion of the new system as per By-Law 2014-181 which authorizes the undertaking of work on private residential property and provides a financing program for the Lakeview Water Co-op.

Pursuant to By-Law 2014-071, unpaid invoices issued plus any administration fee charged by the city shall be added as fees and charges to the tax roll for the property and the city may collect them in the same manner as municipal taxes and all such fees and charges will have priority lien status.

Relationship of Recommendation(s) To the 2016-2019 Strategic Plan:

The implementation of the recommendation in this report would align with Council's Adopted Strategic Plan and Goal 3 – "A Healthy Environment". Under this goal one of the Strategic priorities is to "Protect and Enhance Water Quality". The staff's recommendations are focused on ensuring the Co-op members safe and clean drinking water that meets MOECC standards.

Review of Accessibility Implications of Any Development or Policy:

Not applicable

Servicing Comments:

This report addresses servicing required to fragment the Lakeview Co-op

Consultations:

Bryan Robinson Director of Public Works
Amber Hayter, Supervisor, Water and Wastewater
Robyn Carlson, City Solicitor
Christine Norris, Manager, Taxation/Revenue
Mary-Anne Dempster, Director of Corporate Services

Attachments:

Appendix A-Staff report on Lakeview Fragmentation, dated Oct 13, 2015



Appendix A-Staff
Report Lakeview Frag

Appendix B – MOECC Amendment to Section 114



Appendix B-Amend
Section 114

Phone:

E-Mail: dkerr@city.kawarthalakes.on.ca

Department Head: Bryan Robinson, Director of Public Works

Department File:

Appendix # A

to

Report # WWW2017-004

10.4.7

The Corporation of the City of Kawartha Lakes

Council Report

Report Number WWW2015-012

Date: October 13, 2015
Time: 1:00 p.m.
Place: Council Chambers

Ward Community Identifier: 13

Subject: Lakeview Water Co-op Fragmentation status update, next steps and proposed by-law amendment for cost sharing purposes

Author/Title: David Kerr,
Mgr., Environmental Services

Signature:



Recommendation(s):

RESOLVED THAT Confidential Report WWW-2015-012, "Lakeview Water Co-op Fragmentation status update and next steps" be received;

RESOLVED THAT Section 5.01 of By-Law 2014-071 be amended to read as follows to allow cost sharing:

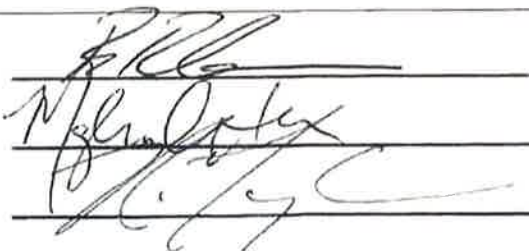
5.01 The owner of each separately assessed parcel of land identified in the Notice shall be responsible to pay for costs incurred by the City in order to comply with the Notice that include:

1. Required home water treatment system upgrades and installation costs
2. Their averaged share of the distribution network upgrades including new pump, intake and associated installation costs

Department Head:

Corporate Services Director / Other:

Chief Administrative Officer:



3. Legal costs associated with the execution of any required
easement/lease/license

THAT the City be authorized to proceed with the recommended steps as outlined to fragment the Co-op in accordance with the MOECC;

THAT the City purchase and install the required water works in each of the cooperating residences and undertake the required upgrades to the main distribution system to split it into two separate systems with each system serving less than six(6) residences;

THAT the City pays for future system assessment, design, approvals, monitoring, maintenance and any other associated legal costs related to the system from the time of this report until fragmentation to an upset limit of \$20,000, above which the Co-op is responsible for; and

THAT the City executes an easement/lease/license with the benefitting Co-op members for assumption of the ownership and maintenance of the pump house and associated appurtenances.

Background:

The Lakeview Co-op is located in Greenhurst Park, Thurstonia (area of Dunsford). Within the park, the co-op members reside on portions of McLernon St. and Birchcliffe Ave.

As background, the Co-op has been operating with eleven (11) members; each with a separate residence connection sharing the same raw water drinking source from Sturgeon Lake since 1992. A water distribution system with more than five (5) service connections falls under the requirements of the Safe Drinking Water Act, 2002 enforced by the MOECC.

In 2008, two (2) of the members chose to disconnect on their own and are serviced by a shared well leaving 9 residences on the system. At the time, the Ministry of the Environment and Climate Change (MOECC) was in discussion with the two owners that removed themselves from the Co-op and had provided direction to the 2 owners on how to properly disconnect from the system. More recently the MOECC had indicated that these two owners, although sharing a different water supply from the other nine (9) members, are still part of the Co-op system. The City has been in discussions with the MOECC regarding formally removing these two (2) owners from the Co-op and a final decision from MOECC is pending.

As further background, the Haliburton Kawartha Pine Ridge District Health Unit issued a Boil Water Advisory to the Co-op's water supply system in 2004 (which continues to be in place today).

In 2008, MOECC ordered each of the Co-op members to upgrade their system to a municipal standard and to be in compliance with the Safe Drinking Water Act. The residents failed to comply with the MOECC order.

The City was issued a Section 114 Notice under the Safe Drinking Water Act, by the Ministry of the Environment and Climate Change (MOECC) on February 18, 2014. The purpose of the notice was to direct the City to immediately take charge of the Lakeview Co-op's communal drinking water system and take measures to ensure it was operating in accordance with MOECC's legislation for municipal drinking water. Specifically the MOECC cited that there was a lack of sample analysis, no oversight of the system by a licensed operator and the system was not able to meet the minimum level of treatment under the Safe Drinking Water Act. Therefore it was MOECC's opinion that continued use of the system would result in a "Drinking Water Health Hazard".

After receiving the MOECC order, the members, indicated they did not have the financial and technical ability to meet MOECC's new municipal standard. In response, the MOECC requested that the City work with the Co-op members to come up with a solution to help the members comply with the legislation. Following this MOECC direction, the City tried to work with the members and gain a consensus for a preferred solution that would bring them into compliance with the Act.

Numerous correspondence and meetings with the owners and the City and MOECC were held and some of the options that were discussed were drilling individual and communal wells, installing cisterns and doing pilot studies to support improved home water treatment equipment. Unfortunately none of these options received consensus from the majority of the members and as a result were never implemented leaving the Co-op in a position of non-compliance with MOECC.

Recognizing the continued non-compliance issue, the MOECC invoked their powers under the Safe Drinking Water Act (through their February 18, 2014 Section 114 notice to the City) to ensure the system was operating at a municipal standard. Through the notice, the MOECC required the City to take operational ownership of the system. The MOECC deemed the City to have the ability to upgrade and properly operate the system.

Specifically the MOECC had requested that the City:

- Provide an alternate supply of drinking water to the residents in the interim until a final solution is in place
- Provide a plan which reviews options to comply with the order and,
- Take steps to operate maintain and repair the system

And to the Co-op members, the MOECC required that they:

- Relinquish control of the system to the City, and
- Provide the Section 114 notice to any party interested in information about the system

In order to meet the Section 114 notice requirements as outlined above, the City retained the services of Grace and Associates, a local consulting firm experienced in design and construction of water treatment systems.

After evaluation of all the different options and in consultation with the City, MOECC, the Health Unit and members of the Co-op, Grace and Associates concluded that the most cost effective and feasible option was to fragment the drinking water system.

Fragmentation of a drinking water system involves splitting a system into individual systems or systems servicing less than six (6) residences. A fragmented system servicing less than six (6) residences is not considered a

municipal system under the oversight of MOECC and therefore the City would not be responsible for the cost of operating and maintaining it in the long term.

Fragmentation is a favourable option since the alternative would be for the City to take long-term ownership of the system which is costly and a heavy burden to the City's user rate. In essence other users and communities within the City would need to subsidize the ongoing operation of the Lakeview system if the City were to take it over.

Although fragmentation is the most feasible option there are initial costs associated with it. Those costs are as follows :

- Upgrading the treatment system(s) so that it is proven to meet a municipal standard
- Retaining a licensed operator and undertaking required sampling and monitoring to confirm the system is safe
- Incurring legal costs to create agreements between the City and the owners that allow the owners to take responsibility for the system.

After discussion with the Co-op members, fragmentation was also their preferred solution since the members had never intended the system to be a municipally run drinking water system.

Also the MOECC indicated fragmentation was a viable option provided it was done in accordance with a plan or proposal prepared by a qualified professional engineer (Thomas Grace and Associates provides this service on behalf of the City).

Having now agreed with the regulatory agencies (MOECC and Health Unit) and the Co-op members that fragmentation was the best way to proceed the next step for the City was to determine how best to fragment the systems. The following outlines the preferred method for fragmentation and reasons therein.

Rationale:

A number of different fragmentation options were reviewed that involved one or combination of elements such as:

- constructing individual above ground storage tanks
- constructing individual below ground storage tanks
- connecting individual surface water intakes to individual homes and providing home water treatment systems
- splitting the existing distribution system into multiple systems
- constructing individual wells

- demolishing the existing pump house on City property
- building new pump house(s) at different locations on private property

Through detailed review the most feasible and also lowest cost option to both the City and the Co-op members was a system which involved utilizing the existing pump house but equipping it with two pumps, each with their own respective intake out of the one pump house. One pump would service four (4) homes and the other pump would service five (5) homes. Each home would need to have its own water treatment system capable of meeting MOECC's standard under the Safe Drinking Water Act.

The City will ensure that the benefitting owners of the co-op remain responsible for the maintenance of the pumps, structure and assume responsibility regarding any winter hazards accessing the pump station. In order to ensure these are in place the City and Co-op would execute an easement/lease/ license stipulating these requirements. In addition the Co-op will be responsible to carry the appropriate insurance (the city will continue to carry some insurance on the structure in case of default).

In addition the current distribution system would need to be altered to allow this servicing and splitting of the water line.

The majority of the Co-op members are in agreement with this approach since it offers:

- an improved and safe drinking water system for the betterment of their health and welfare
- it is the most cost effective alternative for them
- it creates the least amount of alteration/ potential damage to their property thereby maintaining or improving the value of their property

Staff believes this is the best option because it is the most cost effective alternative and also supported in principle by both the Health Unit and MOECC.

However many of the Co-op members continue to feel that they should not have to pay for this solution nor do they have the money to pay for this work.

Although the City did pass a by-law (By-Law 2014-071) attached as Appendix A, that allows the cost to construct the preferred solution to be fully recovered from the Co-op residents, Staff's opinion is that a cost sharing or partnership arrangement with the Co-op members which ensures "buy-in" from the Co-op is the best way to implement the preferred alternative.

If buy-in with the Co-op members does not occur the following issues would likely arise causing negative publicity to the City:

- Potential ill-will from Co-op members
- The members may be less likely to voluntarily pay the required costs through property taxes
- Strained relations between the City and the Co-op members Negative press and attention to the City

The cost implications of the City to operate and maintain the current system would likely be in the range of \$50,000 to \$100,000 per year based on current costs to operate small residential systems within the City. The City has already spent close to \$90,000 in labour and expenses for monitoring, maintenance and studies. In addition, fines and charges levied to the City under the Safe Drinking Water Act are steep and could exceed \$50,000 per occurrence per day every day that non-compliance continues (for serious offences that could result in a health hazard, corporations can actually be fined up to \$10,000,000 per subsequent occurrences).

The estimated total additional cost to fragment the existing system is \$110,000 to the Co-op members and \$20,000 to the City. Staff proposes to limit future exposed financial liability to an additional \$20,000, making the total City contribution approximately \$110,000. All costs above this amount would be the responsibility of the Co-op members. This would result in a 50% share in total cost should the estimated cost of \$110,000 to the Co-op member be accurate. Recognizing this is an estimate, the actual costs to the Co-op members may vary slightly from the estimate provided above.

Considering all these factors, staff's recommendation is that a cost sharing arrangement and collaborative approach with the Co-op is the best way to proceed. From a public perception perspective it shows good will and an effort to partner and collaborate with citizens. Although there is a possibility that a minority of the co-op members may not entirely agree with this approach the majority likely will because it will allow them to:

- Be taken off a boil water advisory, MOECC notice and the threat of unknown further legal action from the MOECC or City
- improve the value of their property with tangible assets (new working water treatment equipment and improved distribution system) with the capability to **safely treat the water to Drinking Water Standards**
- finally come up with a solution to an issue which has been ongoing for over 10 years

The financial implications of a cost sharing agreement are detailed in the section entitled "Financial Implications":

Co-op member(s) who do not cooperate:

If there isn't consent with an owner to implement this preferred solution the City will have no option but to terminate the provision of water to the co-op member residence. The MOECC and Health Unit are aware of this possibility and acknowledge the City's approach in this matter. In this event, the member may purchase bottled water from the City upon request and for a fee.

Scheduling

The timing of the work would be November to December 2015 with final approval for fragmentation from the MOECC in early 2016. A public meeting will be held in mid to late October 2015 for members and City staff to discuss implementation details.

Other Alternatives Considered:

The City has reviewed various alternatives with the Co-op members over the last five (5) years and selected the preferred option based on lowest cost, ease of approvability, ease of implementation, least disruption to the Co-op members' properties and the highest general consensus with Co-op members.

The other fragmentation alternatives reviewed included reviewing the feasibility of individual above ground storage tanks, below ground storage tanks, drilling wells, changing the pump house location, providing a centralized municipal water treatment plant and running a pipeline from the nearest large municipal water facility such as Bobcaygeon or Southview Estates.

All of the investigations into alternative solutions to date have been funded by the City. The other alternatives that were considered were cost prohibitive) and not affordable to the Co-op members (i.e. pipeline from another municipal system or creation of a treatment plant at the site etc.) or disruptive to the property itself (i.e. above and below ground storage tanks).

Currently, By-Law 2014-071 enables the City to recover all costs related to the Lakeview Co-op water system. Although Staff are recommending an amendment to the By-Law, Council may choose to not amend the By-Law and recover all costs related to the Co-op. Should Council choose this alternative, the alternate Resolutions would be:

“RESOLVED THAT the City be authorized to proceed with the recommended steps as outlined to fragment the Co-op in accordance with the MOECC;

THAT the City purchase and install the required water works in each of the cooperating residences and undertake the required upgrades to the main distribution system to split it into two separate systems with each system serving less than six(6) residences;

THAT the City recovers costs related to this work in accordance with By-Law 2014-071; and

THAT the City executes an easement/lease/license with the benefitting Co-op members for assumption of the ownership and maintenance of the pump house and associated appurtenances.”

Financial Considerations:

Staff's recommendation is that a cost sharing arrangement and collaborative approach with the Co-op is the best way to proceed for implementation of the preferred option. The cost sharing agreement proposed would have the City cover previous legal, contracted work and staff time plus associated expenses incurred since Feb 19, 2014 totalling to date of approximately \$90,000. It is estimated that \$110,000 will need to be incurred by the Co-op members to complete fragmentation by late 2015 to early 2016.

The total City contribution is anticipated to be \$110,000 with consideration of costs already incurred.

The Co-op members would pay for individual home water treatment systems and installation (est. \$5,000 per home totalling \$45,000), new distribution upgrades (est. \$30,000), a second pump and intake and installation (est. \$25,000) and any other ancillary costs related to fragmentation construction. In addition the Co-op members would be responsible for legal costs associated with the preparation of the easement/lease/ license. We have estimated this cost to be approximately \$10,000. Thus, the total Co-op contribution would be approximately \$110,000 or \$12,000/Co-op member. Costs will be allocated to a cost recovery account and addressed in accordance with the By-Law. Any costs borne by the City will be charged to the User Rate operating budget.

Staff proposes to limit future exposed financial liability to an additional \$20,000, making the total City contribution approximately \$110,000. All costs above this amount would be the responsibility of the Co-op members. This would result in an estimated 50% share in total cost should the estimated cost of \$110,000 to the Co-op member be accurate. Recognizing this is an estimate, the actual costs to the Co-op members may vary slightly from the estimate provided above.

Payment

Invoices will be provided to Co-op members upon completion of the new system as per By-Law 2014-181 and attached as Appendix B which authorizes the undertaking of work on private residential property and provides a financing program for the Lakeview Water Co-op.

Pursuant to By-Law 2014-071, unpaid invoices issued, plus any administration fee charged by the City shall be added as fees and charges to the tax roll for the

property and the City may collect them in the same manner as municipal taxes and all such fees and charges will have priority lien status.

Relationship of Recommendation(s) To Strategy Map:

The implementation of the recommendation in this report would align with strategic priority on "Creating Connections" within the community with focus on infrastructure and relationship building with the members of the Lakeview Co-op

Review of Accessibility Implications of Any Development or Policy:

There are no Accessibility Implications from the direction of this report.

Servicing Comments:

This report addresses servicing requirements of the Lakeview / Thurstonia

Consultations:

Bryan Robinson, Director of Public Works (Acting)
Robyn Carlson, City Solicitor
Christine Norris, Manager, Taxation / Revenue
Mary-Anne Dempster, Director of Corporate Services

Attachments:

Appendix A – By-Law 2014-071 – "A By-law to Establish and Require Payment to Recover Costs Expended on Behalf of the Lakeview Water Co-operative"



Appendix A to
Report WWW2015-0:

Appendix B – By-Law 2014-181 – "A By-law to Authorize the Undertaking of Work on Private Residential Property and Providing a Financing Program for the Lakeview Water Co-op Drinking Water System as Local Improvements in the City of Kawartha Lakes"



Appendix B to
Report WWW2015-0:

Appendix C – Notice of Intention to Issue Order, February 18, 2014, issued by the Ministry of the Environment and Climate Change pursuant to s.114 of the *Safe Drinking Water Act, 2002*.



Appendix C to
Report WWW2015-0:

Phone: 705-324-9411 ex 1125

E-Mail: dkerr@city.kawarthalakes.on.ca

Department Head: Bryan Robinson, Director of Public Works (Acting)

Department File:

Appendix # A

to

Report # WW2015-012

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2014-071

**A BY-LAW TO ESTABLISH AND REQUIRE PAYMENT TO RECOVER COSTS
EXPENDED ON BEHALF OF THE LAKEVIEW WATER COOPERATIVE**

Recitals

1. The Council of the Corporation of the City of Kawartha Lakes may pass by-laws establishing and requiring the payment of fees and charges for services or activities provided or done by or on behalf of the City and for the use of City property.
2. Section 391 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, and various other provisions of the Act and by various other statutes authorize imposing such fees.
3. Section 398(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes a municipality to add fees and charges to the tax roll for the property and collect them in the same manner as municipal taxes.
4. O. Reg 581/06, as amended, authorizes fees and charges that are imposed by a municipality for the supply of water to be added to the tax roll under subsection 398(2) and to have priority lien status.
5. This by-law applies only to The Lakeview Water Cooperative, a private water system located in the former Township of Verulam, City of Kawartha Lakes.
6. On February 18, 2014, the City of Kawartha Lakes received a Notice of Intention to Issue Order pursuant to Section 114, Safe Drinking Water Act, from the Ministry of the Environment to oversee the establishment or alteration of one or more non-municipal drinking water systems to serve the residents connected to the Lakeview Water Cooperative.
7. The *Municipal Act, 2001*, S.O. 2001, c.25 allows municipalities to pass by-laws permitting the setting of fees and charges related to the supply of water services to the public.
8. The *Municipal Act, 2001*, S.O. 2001, c.25, allows a municipality to have reasonable access to buildings and land supplied by the municipality with a water system in order to maintain the water system.
9. This by-law is required to allow the City of Kawartha Lakes to recover its costs incurred to comply with the Ministry of the Environment Notice of Intention to Issue Order, dated February 18, 2014.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2014-071.

Section 1.00: Definitions and Interpretation

1.01 Definitions: In this by-law:

"Applicant" means the owner of the premises for which water or sewage works are being sought or the authorized agent of the owner;

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes.

"Council" means the municipal council for the Corporation of the City of Kawartha Lakes.

"Director of Public Works" means the person who holds that position and her or his delegate(s) or, in the event of organizational changes, another person designated by Council;

"Manager of Revenue and Taxation" means the City person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Municipal Law Enforcement Officer" means a peace officer appointed by Council pursuant to section 15 of the *Police Services Act*, R.S.O. 1990, c. P.15, for the purpose of enforcing municipal By-Laws.

"Notice" means Notice of Intention to Issue Order, February 18, 2014 issued by the Ministry of Environment pursuant to Section 114 of the *Safe Drinking Water Act*, 2002.

"Other Charges" means those charges for the provision of water, and includes charges related to repairs, installations, services rendered, or other expenses, exclusive of charges included in water rates, and frontage charges, payable by the consumer as provided for in this By-Law or as directed by City Council;

"Owner" means a person who has any right, title, estate, or interest in a property, other than that of only an occupant and, where that person is a corporation, shall include the officers, directors and shareholders of that corporation, and shall include a developer of property and any person with authority or power over or control of that property on the behalf of an owner.

"Person" means a natural person, an association, a partnership or a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.

"Potable Water" means drinking water intended for human consumption or water that meets or exceeds the requirements of the prescribed drinking water quality standards supplied by the City.

"Premises" means any house, tenement, building, lot, or part of a lot, or both, in, through, or past which service pipes run.

"Private Water Service Pipe" means the pipe, fittings and appurtenances which convey water from the property line to the point where the pipe and fittings connected to the water service enters a building or structure.

"Private Water System" means an assembly of pipes, fittings, valves and appurtenances that convey water from the Private Water Service Pipe to water supply outlets, fixtures, plumbing appliances, devices, and appurtenances and all other points downstream of the point where the private water service pipe enters a building or structure.

"Property" includes but is not limited to both public and private lands, a house, building, structure, lot or any part of a house, building, structure or lot being served by the water system servicing the Lakeview Water Cooperative and identified in the Notice.

"Service Pipe" means the pipe, fittings and appurtenances which convey water from the water source to the property line where the private water service pipe and fittings connect to the water supply.

"The Lakeview Water Cooperative" means a water system currently serving nine (9) Properties with two (2) disconnected Properties located in the former Township of Verulam, City of Kawartha Lakes, identified as Roll Numbers 1651026011083010000, 1651026011092100000; 1651026011087000000; 1651026011086000000; 1651026011085000000; 1651026011089000000; 1651026011074000000; 1651026011076000000; 1651026011047000000; 1651026011079000000, 1651026011078000000; 1651026011114000000.

"Water" means any potable or non potable water from a surface or groundwater source.

1.02 Interpretation Rules:

- (a) Wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.
 - (b) References to items in the plural include the singular, as applicable.
 - (c) The word "include" is not to be read as limiting the phrases or descriptions that precede it.
 - (d) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- 1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time that are applicable within the Province of Ontario.
- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Lakeview Water Cooperative - Compliance

- 2.01 The Director of Public Works shall oversee compliance with the Notice for the Lakeview Water Cooperative water system. This involves assumption of the water system to the property line for each Property serviced. Each Owner remains solely responsible for the Private Water System.
- 2.02 The Director of Public Works shall take all remedial measures as deemed necessary to protect public health, which may include limiting or stopping the supply of Water to any or all of the Properties (understanding that a boiled water advisory is in place) and restricting the use of water for any specific purpose.
- 2.03 The Director of Public Works shall expend money and employ workers as needed to comply with the Notice.
- 2.04 The Director of Public Works shall report regularly to Council on the progress of ensuring compliance with the Notice.

Section 3.00: Use and Receipt of Water

- 3.01 No Owner or occupant of Property or any adjacent or neighbouring properties shall obtain Water without paying the applicable charges, fees or rates except with the prior written approval of the City, authorized Kawartha Lakes Fire Services personnel or other City personnel acting in the course of their duties.
- 3.02 The City does not guarantee any pre-determined water pressure or flow to any Property, or guarantee that the Water supplied to a Property will be free of colour or turbidity at all times.

Section 4.00: Access to Property and Inspection

- 4.01 Notwithstanding any other provision in this By-Law, an employee, officer or agent of the City may enter on a Property at any reasonable time for the purpose of carrying out an inspection to determine compliance with this By-Law or an order or direction issued in accordance with this By-Law.
- 4.02 No person shall deny access to the City to a Property where that Person has been given reasonable notice by the City, as the case may be, of the intent to exercise a power of entry in accordance with the *Municipal Act, 2001*.
- 4.03 The City may, in accordance with the requirements of this By-Law, enter upon a Property to which Water is supplied by the City:
- i) To inspect, repair, alter or disconnect the private service pipes or wire, machinery, equipment and other works used to supply Water;
 - ii) To read, inspect, install, repair, replace, maintain or alter a water meter;

- iii) To inspect a backflow prevention device;
 - iv) To determine whether water has been, or is being, unlawfully used or
 - v) To shut off or reduce the supply of Water.
- 4.04 If an Owner or occupier discontinues the use of Water at a Property or the City lawfully decides to cease supplying Water to a Property, the City may enter on the Property:
- i) To shut off the supply of Water;
 - ii) To remove any property of the City from the Property; or
 - iii) To determine whether Water has been, or is being, unlawfully used.
- 4.05 For the purposes of any inspection, the City may:
- i) Require the production for inspection of documents or things relevant to the inspection;
 - ii) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - iii) Require information from any person concerning a matter related to the inspection; and
 - iv) Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 4.06 No person shall fail or refuse to comply with a request by the City to produce for inspection any document or thing or information relevant to the inspection carried out by the City in accordance with this Section 4.00.
- 4.07 No person shall prevent, hinder, obstruct or interfere, or attempt to prevent, hinder, obstruct or interfere, in any manner, the Director of Public Works or Manager of Revenue and Taxation or their respective designate or any City personnel, agents or contractors in the exercise of an activity, power or performance of a duty under this By-Law or the administration or enforcement of this By-Law.
- 4.08 The City may enter upon any Property for the purposes of an inspection and the other activities set out in subsection 4.02 or under an order issued under section 438 of the *Municipal Act, 2001*.

Section 5.00: Recovery of Costs – Lakeview Water Cooperative Owners

- 5.01 The Owner of each separately assessed parcel of land identified in the Notice shall be responsible to pay for any and all costs incurred by the City in order to comply with the Notice including but not limited to:
- 1. Water sampling;
 - 2. Site visits and monitoring;
 - 3. Maintenance, repair and upgrades (including but not limited to work related to the pump house and distribution system);
 - 4. Supply of potable or bottled water, as required;
 - 5. Contractor and consultant costs;
 - 6. Time and expenses incurred by the City staff in order to comply with the Notice;
 - 7. All fees and expenses incurred for any and all approvals required in order to comply with the Notice; and
 - 8. Legal fees.
- 5.02 For the purpose of administering or enforcing the requirements under this By-law an Owner shall provide to the City:

- a) The Owner's full name, mailing address and telephone number;
 - b) The full name, mailing address and telephone number of any occupiers of the Property; and
 - c) The full name, mailing address and telephone number of a person authorized by the Owner to provide the City with access to the Property.
- 5.03 Every Owner shall provide the Manager of Revenue and Taxation with a current contact name and telephone number within twenty-eight (28) days of a change in ownership of a Property.
- 5.04 The City shall not be held responsible for any damage or liability arising from action taken by the City or its agents to comply with the Notice.

Section 6.00: Billing and Payment Requirements

- 6.01 The Manager of Revenue and Taxation shall be responsible for the billing and collecting of fees and charges identified in Section 5.00.
- 6.02 An invoice shall be mailed to the Owner advising of the fee imposed under section 5.01 and providing a minimum of 21 days from the date of the Notice is issued for payment.
- 6.03 The City's Revenue and Taxation Division shall invoice Owners, at a minimum on a quarterly basis.
- 6.04 In the case of payments received by mail, the date the payment is received shall be taken as the date of payment.
- 6.05 A late payment charge will be added to past due amounts in accordance with City policies and by-laws.
- 6.06 In the event that a Property has more than one Owner, each Owner shall be jointly and severally liable for payment of the invoice.
- 6.07 All unpaid invoices issued pursuant to this By-Law, plus any administration fee charged by the City shall be added as fees and charges to the tax roll for the Property and the City may collect them in the same manner as municipal taxes and all such fees and charges shall have priority lien status.

Section 7.00: Penalties

- 7.01 Every person who contravenes a provision of this By-Law and every director or officer of a corporation who knowingly concurs in a contravention by the corporation of a provision of this By-Law, upon conviction, shall be liable to a fine of not more than \$50,000 for a first offence and not more than \$75,000 for any subsequent offence.

Section 8.00: Administration and Effective Date

- 8.01 Administration of the By-law: The Director of Public Works is responsible for the administration of this By-Law.
- 8.02 Effective Date: This By-Law shall come into force on the 19th day of February, 2014.

By-law read a first, second and third time, and finally passed, this 19th day of February, 2014.

Ric McGee, Mayor

Judy Cumins, City Clerk

Appendix # B

to

Report # WW2014-012

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2014-181

A BY-LAW TO AUTHORIZE THE UNDERTAKING OF WORK ON PRIVATE RESIDENTIAL PROPERTY AND PROVIDING A FINANCING PROGRAM FOR THE LAKEVIEW WATER CO-OP DRINKING WATER SYSTEM AS LOCAL IMPROVEMENTS IN THE CITY OF KAWARTHA LAKES

Recitals

1. Part III of Ontario Regulation 586/06 authorizes Council to pass a by-law to undertake works on private property as local improvements for the purpose of raising all or part of the cost of the work by imposing Special Charges on lots upon which all or some part of the local improvement is or will be located.
2. A by-law may authorize the undertaking of works which satisfy the requirements of a City program.
3. Council adopted the establishment of the Lakeview Water Co-op Drinking Water System Financing Option for Work on Private Property at their meeting held May 27, 2014.
4. This by-law enacts that direction.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2014-181.

Section 1.00: Definitions and Interpretation

1.01 Definitions: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area.

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the *Municipal Act, 2001*;

"Council" or "City Council" means the municipal council for the City.

"Corporate Services Manager, Revenue and Taxation/Deputy Treasurer" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

1.02 Interpretation Rules:

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 Statutes: References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 Severability: If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Financing Program

- 2.01 Council authorizes the undertaking of work on private residential property and providing a financing program for the Lakeview Water Co-op Drinking Water System, as set out in Appendix "A" to this By-law, for the purpose of raising all or part of the cost of the work including all associated expenses by imposing Special Charges on lots upon which all or some part of the local improvement is or will be located.

Section 3.00: Administration and Effective Date

- 3.01 Administration of the By-law: The Corporate Services Manager, Revenue and Taxation/Deputy Treasurer is responsible for the administration of this by-law.

- 3.02 Effective Date: This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 10th day of June, 2014.

Ric McGee, Mayor

Judy Currins, City Clerk

Appendix # C
to
Report # WW2015-012

Ministry of the
Environment
Safe Drinking Water
Branch
Peterborough District Office
Robinson Pl South Tower
300 Water St
Peterborough ON K9J 8M5

Ministère de
l'Environnement
Direction du contrôle de la qualité de
l'eau potable
Bureau du district de Peterborough
Place Robinson, Tour Sud
300, rue Water
Peterborough (Ontario) K9J 8M5



February 18, 2014

Mr. Mark Fischer
Chief Administrative Officer
Corporation of the City of Kawartha Lakes
26 Francis Street
Lindsay, ON, K9V 5R8

Dear Mr. Fischer:

**RE: Lakeview Water Co-op Notice of Intention to Issue a Section 114 Order
under the Safe Drinking Water Act**


Please find enclosed a copy of a Notice of Intention to Issue Order to the City of Kawartha Lakes for your review and action. In accordance with subsection 114 (10) of the Safe Drinking Water Act, the City is required to immediately take charge of the Lakeview Water Co-op Drinking Water System and also provide a written response to the Director and the Medical Officer of Health to this notice no later than May 20, 2014.

The written response shall either a) provide the ministry with a detailed action plan with an implementation schedule identifying what actions the City proposes to take to address the deficient drinking water system; or b) propose terms of reference for a study that evaluates the advantages and disadvantages of different actions to address concerns. The ministry encourages the city, when assessing options for a long-term safe and secure drinking water supply for the affected residents, to consider the financial concerns expressed by the residents as a factor when identifying which is the preferred option and how it will be financed by the municipality.

As you are aware, the long standing Boil Advisory has been in place since 2004, and in 2009, the City agreed to work voluntarily with the residents/owners of the Lakeview Water Co-op in an effort to provide them with potable water. We recognize that the City has worked diligently to try and achieve consensus with the residents/owners that currently comprise the Lakeview Water Co-op. Unfortunately, despite best efforts, the Lakeview Water Co-op drinking water system remains non-compliant with the Safe Drinking Water Act and its associated regulations.

I look forward to receiving your written comments within ninety days. As always, my staff and I remain available to discuss this Notice with you and explore cost-effective solutions to resolve this matter.

Yours truly,



Jacqueline Fuller
Supervisor, Safe Drinking Water Branch
Peterborough District Office

Enclosure (1)

- c: Dr. Lynn Noseworthy, Medical Officer of Health, HKPR District Health Unit
Ms. Michelle Hendry, Director of Public Works, City of Kawartha Lakes
Ms. Lucy Burke, Supervisor of Water and Wastewater, City of Kawartha Lakes
Mr. Chad Douglas Nissen, 19 McLernon St., ON, K0M 1L0
Ms. Margret Mary Stack, 19 McLernon St., ON, K0M 1L0
Mr. Darwin Alexander Crawley, 16 Hollyville Blvd., Dunsford, ON, K0M 1L0
Ms. Linda Doreen Anne Crawley, 16 Hollyville Blvd., Dunsford, ON, K0M 1L0
Mr. Dennis Lawrence Crawley, 16 Hollyville Blvd., Dunsford, ON, K0M 1L0
Ms. Debbra Florence Maria Crawley, 16 Hollyville Blvd., Dunsford, ON, K0M 1L0
Ms. Tammy Lynn Marie O'Donnell-Cook, 9 McLernon St., Dunsford, ON, K0M 1L0
Mr. Jeremy Andrew Bigham, 9 McLernon St., Dunsford, ON, K0M 1L0
Ms. Judith Kent, 11 McLernon St., Dunsford, ON, K0M 1L0
Mr. Frederick John Pratt, 13 McLernon St., PO Box 1027, Dunsford, ON K0M 1L0
Ms. Cindy Dale Pratt, 13 McLernon St., PO Box 1027, Dunsford, ON, K0M 1L0
Mr. Glen Miller, 5 McLernon St., Dunsford, ON, K0M 1L0
Mr. William Adam Jordan, 20 McLernon St., Dunsford, ON, K0M 1L0
Mr. Vincenza Pellegrino, 16 McLernon St., Dunsford, ON, K0M 1L0
Ms. Jennifer Bates, 31 Birchcliffe Ave., Dunsford, ON, K0M 1L0
Ms. Vicky-Lynn Weber, 10 McLernon St., Dunsford, ON, K0M 1L0
Mr. Wayne Thomas Weber, 10 McLernon St., Dunsford, ON, K0M 1L0
Mr. John Robert Steele, 12 McLernon St. and 18 Birchcliff Ave., Dunsford, ON, K0M 1L0
Ms. Norine Sharon Steele, 12 McLernon St. and 18 Birchcliff Ave., Dunsford, ON, K0M 1L0

NOTICE OF INTENTION TO ISSUE ORDER

Section 114 *Safe Drinking Water Act*

S.O. 2002, c. 32, as amended (SDWA)

TO: The Corporation of the City of Kawartha Lakes

P.O. Box 9000
26 Francis Street
Lindsay, ON K9V 5R8
Attention: Mr. Mark Fisher, Chief Administrative Officer

AND TO:

Mr. Chad Douglas Nissen, 19 McLernon Street, ON, K0M 1L0
Ms. Margret Mary Stack, 19 McLernon Street, ON, K0M 1L0
Mr. Darwin Alexander Crawley, 16 Hollyville Blvd., Dunsford, ON, K0M 1L0
Ms. Linda Doreen Anne Crawley, 16 Hollyville Blvd., Dunsford, ON, K0M 1L0
Mr. Dennis Lawrence Crawley, 16 Hollyville Blvd., Dunsford, ON, K0M 1L0
Ms. Debbra Florence Maria Crawley, 16 Hollyville Blvd Street, Dunsford, ON, K0M 1L0
Ms. Tammy Lynn Marie O'Donnell-Cook, 9 McLernon Street, Dunsford, ON,
K0M 1L0
Mr. Jeremy Andrew Bigham, 9 McLernon Street, Dunsford, ON, K0M 1L0
Ms. Judith Kent, 11 McLernon Street, Dunsford, ON, K0M 1L0
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Mr. Wayne Thomas Weber, 10 McLernon Street, Dunsford, ON, K0M 1L0
Mr. John Robert Steele, 12 McLernon Street and 18 Birchcliff Ave, Dunsford, ON, K0M
1L0
Ms. Norine Sharon Steele, 12 McLernon Street and 18 Birchcliff Ave Dunsford, ON,
K0M 1L0

also referred to in this Notice as the Owners

TAKE NOTICE that I propose to issue an order to the Corporation of the City of Kawartha Lakes pursuant to Section 114 of the *Safe Drinking Water Act, 2002* S.O. 2002 c.32 (hereinafter, the SDWA or the Act) requiring it to provide service from a municipal drinking-water system or to oversee the establishment or alteration of one or more non-municipal drinking-water systems to serve the residents connected to the Lakeview Water Co-op Drinking Water System located in the former Township of Verulam, City of Kawartha Lakes, (hereinafter the Lakeview Water Co-op Drinking Water System or Drinking Water System) for the reasons set out in this Notice.

TAKE NOTICE that I have consulted with the local Medical Officer of Health with respect to the matter of the drinking water system that provides water to the residents connected to the Lakeview Water Co-op Drinking Water System.

TAKE NOTICE that I hereby provide the Corporation of the City of Kawartha Lakes with the opportunity to respond to this Notice in accordance with subsection 114(10) of the SDWA. Pursuant to subsection 114(10) of the SDWA the Corporation of the City of Kawartha Lakes must provide the Director and the Medical Officer of Health with its written response to this Notice no later than May 20, 2014 .

TAKE NOTICE that the Owners as identified in this Notice may provide a written response or responses to this Notice no later than May 20, 2014.

TAKE NOTICE that the Director will review and consider any submissions received within the time frames identified above in determining what decision will be made under s. 114 of the SDWA.

TAKE NOTICE that, EFFECTIVELY IMMEDIATELY UPON SERVICE OF THIS NOTICE, the Corporation of the City of Kawartha Lakes is required to take charge of the Lakeview Water Co-op Drinking Water System and to operate, maintain and repair the Drinking Water System in accordance with the Directions set out in Part 3 of this Notice.

TAKE NOTICE that pursuant to subsection 114(4) of the SDWA, the Corporation of the City of Kawartha Lakes shall comply with the Directions set out in Part 3 of this Notice until an Order has been issued and complied with or until this Notice has been amended or revoked.

TAKE NOTICE that pursuant to subsection 114(6) and 114(7) of the SDWA and the directions specified in Part 4 of this Notice, the Owners shall take actions which include but are not necessarily limited to relinquishing control and operation of the Lakeview Co-Op Drinking Water System to the Corporation of the City of Kawartha Lakes by the date specified and in the manner specified in Part 4 of this Notice and providing unimpeded access to the Drinking Water System and to documents relevant to the operation of the Drinking Water System.

NOTICE OF INTENTION TO ISSUE ORDER

Section 114 *Safe Drinking Water Act*

S.O. 2002, c. 32, as amended (SDWA)

TO: The Corporation of the City of Kawartha Lakes
P.O. Box 9000
26 Francis Street
Lindsay, ON K9V 5R8
Attention: Mr. Mark Fisher, Chief Administrative Officer

AND TO:

KNOW ALL

also referred to in this Notice as the Owners

TAKE NOTICE that I propose to issue an order to the Corporation of the City of Kawartha Lakes pursuant to Section 114 of the *Safe Drinking Water Act, 2002* S.O. 2002 c.32 (hereinafter, the SDWA or the Act) requiring it to provide service from a municipal drinking-water system or to oversee the establishment or alteration of one or more non-municipal drinking-water systems to serve the residents connected to the Lakeview Water Co-op Drinking Water System located in the former Township of Verulam, City of Kawartha Lakes, (hereinafter the Lakeview Water Co-op Drinking Water System or Drinking Water System) for the reasons set out in this Notice.

TAKE NOTICE that I have consulted with the local Medical Officer of Health with respect to the matter of the drinking water system that provides water to the residents connected to the Lakeview Water Co-op Drinking Water System.

TAKE NOTICE that I hereby provide the Corporation of the City of Kawartha Lakes with the opportunity to respond to this Notice in accordance with subsection 114(10) of the SDWA. Pursuant to subsection 114(10) of the SDWA the Corporation of the City of Kawartha Lakes must provide the Director and the Medical Officer of Health with its written response to this Notice no later than May 20, 2014 .

TAKE NOTICE that the Owners as identified in this Notice may provide a written response or responses to this Notice no later than May 20, 2014.

TAKE NOTICE that the Director will review and consider any submissions received within the time frames identified above in determining what decision will be made under s. 114 of the SDWA.

TAKE NOTICE that, EFFECTIVELY IMMEDIATELY UPON SERVICE OF THIS NOTICE, the Corporation of the City of Kawartha Lakes is required to take charge of the Lakeview Water Co-op Drinking Water System and to operate, maintain and repair the Drinking Water System in accordance with the Directions set out in Part 3 of this Notice.

TAKE NOTICE that pursuant to subsection 114(4) of the SDWA, the Corporation of the City of Kawartha Lakes shall comply with the Directions set out in Part 3 of this Notice until an Order has been issued and complied with or until this Notice has been amended or revoked.

TAKE NOTICE that pursuant to subsection 114(6) and 114(7) of the SDWA and the directions specified in Part 4 of this Notice, the Owners shall take actions which include but are not necessarily limited to relinquishing control and operation of the Lakeview Co-Op Drinking Water System to the Corporation of the City of Kawartha Lakes by the date specified and in the manner specified in Part 4 of this Notice and providing unimpeded access to the Drinking Water System and to documents relevant to the operation of the Drinking Water System.

TAKE NOTICE that pursuant to subsection 114(7) of the SDWA, the Corporation of the City of Kawartha Lakes may make any by-law under the *Municipal Act, 2001* imposing fees and charges it considers necessary to recover from the users of the Lakeview Drinking Water System all costs it incurs in operating, maintaining or repairing the system in accordance with the Directions issued by the Director.

PART 1: Legal Authority

- 1.1.1 This Notice is issued pursuant to the authority of sections 114, 115, 117(4) and 162 of the SDWA, which are set out in Appendix A.

PART 2: Background and Reasons

- 2.1 The Lakeview Water Co-op (hereinafter, the Co-op) is a year round residential community located at Lot 9, Concession 2, former Township of Verulam, City of Kawartha Lakes. Currently, there are 9 private residences that are serviced by a regulated non-municipal drinking-water system, as defined in the SDWA. There were initially 11 residences; however, two of the residences disconnected as of September 16, 2008 and a third residence was disconnected as of August 15, 2012, and subsequently reconnected in 2013 after being sold to a new owner. This drinking water system is classified as a non-municipal year round residential drinking water system, which in turn makes it a regulated non-municipal system for the purposes of section 114 of the Act as prescribed by Ontario Regulation 171/03. The drinking water system consists of an intake extending into Sturgeon Lake followed by one 1.5 Horsepower Myers model HCM 150 pump and a 200 gallon pressure tank. There is no treatment provided prior to the water entering the distribution system serving the 9 private residences. A Boil Water Advisory (BWA), was issued by the Haliburton Kawartha Pine Ridge District Health and has been in effect since April 25, 2004.
- 2.2 The Co-op is not a legal entity, and therefore the individual property owners on whose properties are located part of the Drinking Water System are collectively the owners of the Drinking Water System for purposes of the SDWA ("Owners"). The Owners also include four (4) property owners who disconnected their residences located at 10 and 12 McLernon Street from the Lakeview Drinking Water System in or about September 2008. Despite the disconnection of their residences from the Lakeview Drinking Water System, those four (4) property owners are Owners of the Lakeview Drinking Water System and are subject to the requirements of this Notice. Written consent of the Director for fragmentation of the Lakeview Drinking Water System by one or more of these persons, as required by subsection 52(2) of the SDWA, was not obtained prior to the fragmentation and as of the date of this Notice no such consent exists.
- 2.3 The Co-op was initially developed in 1992. A letter dated September 19, 1991 was issued by the former Township of Verulam indicating council's approval for the construction of the water supply system for the residences on Lakeview Drive. A letter dated October 12, 1991 from one of the Owners to the councillors for the Township of Verulam indicated a delay in building the pumphouse until the spring of 1992. Minutes

of a Township of Verulam council meeting held on April 6, 1992, indicated that the Township council had no objection to the proposed water system provided a letter from the District Health Unit confirming no objections to the water system proposal was obtained. There is no record of a letter from the Health Unit being obtained prior to the Township of Verulam issuing the building permit. There is a record of a letter from one of the Owners to the councillors for the Township of Verulam dated April 10, 1992 indicating that a local Health Unit inspector stated that the local Health Unit does not have jurisdiction over water systems. According to records reviewed by the Ministry, a Building Permit was issued on July 23, 1992, by the former Township of Verulam for the construction of a pumphouse. According to a letter dated June 15, 2004, from the Corporation of the City of Kawartha Lake (hereinafter the City of Kawartha Lakes), the pumphouse is located on both Trent Severn Waterway property and a City of Kawartha Lakes road allowance. Copies of the correspondence referred to in this paragraph are attached as Appendix A-1.

- 2.4 On August 22, 2008, Provincial Officer's Order No. 1-6SUKN was issued to each of the owners of the Lakeview Water Co-op Drinking Water System, requiring them to obtain the services of a qualified professional engineer to assess the system for compliance with the SDWA and to provide recommendations to the ministry to bring the system into compliance. Attached hereto as Appendix B is a copy of the aforementioned Provincial Officer's Order and accompanying Provincial Officer's Report. The Provincial Officer's Report indicated that: the Drinking Water System is not operated by a licensed operator; raw and treated water samples are not being taken in accordance with the requirements of Ontario Regulation 170/03 and the Drinking Water System was not providing the minimum level of treatment required by Schedule 2 of Ontario Regulation 170/03. On August 26, 2008, an e-mail was received from one of the Owners asking the ministry to refer to a previous letter sent to the Ministry, dated July 28, 2008. The July 28, 2008 letter acknowledged noncompliance with the Provincial Officer's Order and indicated that complying with the requirements of the SDWA was "*far beyond the financial capabilities of the Co-op and the members of the Co-op.*" The letter was signed by 14 owners at that time. A copy of the letter is attached hereto as Appendix C.
- 2.5 On September 15, 2008, a meeting was held with the Owners, representatives from the City of Kawartha Lakes and from the Ministry wherein the Owners agreed to work with the City of Kawartha Lakes in an effort towards complying with the requirements of the SDWA.
- 2.6 On January 12, 2009, a letter was sent to each of the Owners, advising that they were in non-compliance with the requirements of Provincial Officer Order No. 1-6SUKN and provided them with an opportunity to provide the Ministry with an acceptable action plan and implementation schedule by February 13, 2009, to bring the Lakeview Water Co-op Drinking Water System into compliance with the SDWA. The ministry received one response to this letter dated January 12, 2009, from one of the Owners which suggested that the municipality assume responsibility for "fragmenting" the Drinking Water System.

Under the SDWA, "fragmentation" in respect of a non-municipal drinking water system that is in a class prescribed for the purposes of subsection 52(2) of the SDWA, such as the Lakeview Drinking Water System, is defined as being the replacement of all or part of the system with a non-municipal drinking water system that is not in a class prescribed for the purposes of subsection 52(2) of the SDWA.

The written consent of the Director is required in order for fragmentation of the Lakeview Drinking Water System to proceed in compliance with the SDWA.

- 2.7 On January 30, 2009 two faxes were received from Free Flow Drain Service, advising the Ministry that residences at #10 and #12 McLernon Street had disconnected from the Drinking Water System. A copy of that correspondence is attached hereto as Appendix D.
- 2.8 On July 2, 2009, a draft Notice of intent to issue a s. 114 SDWA Order was provided to the City of Kawartha Lakes, Owners and the Haliburton Kawartha Pine Ridge District Health Unit (hereinafter, the H.U.) for comment. The H.U. agreed with and supported the draft Notice. No comments were received from the Owners.
- 2.9 On July 17, 2009, a response was received from legal counsel for the City of Kawartha Lakes regarding the draft s.114 SDWA Notice indicating that the City of Kawartha Lakes did not believe the Ministry had authority to issue a 114 Notice since the Drinking Water System was originally established to supply utility water and not drinking water. A copy of that letter is attached hereto as Appendix E.
- 2.10 On July 23, 2009, the Ministry sent a letter of response to the City of Kawartha Lakes outlining the definition of a drinking water system and providing an explanation for consideration of issuing a s. 114 SDWA Notice. A copy of that letter is attached hereto as Appendix F.
- 2.11 On December 7, 2009, the Ministry conducted a compliance inspection of the Drinking Water System which again confirmed that the system was non-compliant with treatment, sampling, and monitoring requirements of Ontario Regulation 170/03 and the SDWA.
- 2.12 On January 14, 2010, the Ministry sampled raw water from Sturgeon Lake to assist the City of Kawartha Lakes in characterization of the Drinking Water System's source water supply.
- 2.13 On April 9, 2010, a meeting was held with staff and legal counsel for the City of Kawartha Lakes and the Ministry. Piloting a study of point of entry water treatment equipment with the intent to fragment the Drinking Water System was discussed. A written submission of the proposed pilot study to assess treatment options was received from the City of Kawartha Lakes by the Ministry on May 10, 2010. A copy of that

correspondence is attached hereto as Appendix G. The intent of the pilot project was to determine effective treatment for possible fragmentation of the Drinking Water System using a surface water source. The Ministry supported this proposed pilot study. Proposed point of entry treatment equipment for the pilot study consisted of cartridge filtration, membrane filtration and U.V. disinfection.

- 2.14 On September 16, 2010, a teleconference between the Ministry and the City of Kawartha Lakes was held to discuss the lack of interest by the Owners in the proposed pilot study. The City of Kawartha Lakes agreed to undertake a land survey to determine the possibility of drilling wells and fragmenting the Drinking Water System using a groundwater source, thereby avoiding the need for treatment. Other options discussed included hauled water and storage reservoirs.
- 2.15 On May 25, 2011, the Ministry conducted an inspection of the Drinking Water System and samples were taken of the raw source water from a residence served by the Drinking Water System. Sample results indicated the presence of 1 E. coli, 6 total coliform, and 210 Heterotrophic bacteria. The Haliburton Kawartha Pine Ridge District Health Unit was notified and, in response, re-issued a Boil Water Advisory June 15, 2011, a copy of which is attached hereto as Appendix H.
- 2.16 On June 22, 2011, a meeting was held with representatives from the City of Kawartha Lakes and the Ministry to discuss a proposed action plan. A completed land survey of properties served by the Drinking Water System was provided by the City of Kawartha Lakes with the intent of proposing drilling wells and fragmenting the system.
- 2.17 On August 22, 2011, a meeting was held with representatives from the City of Kawartha Lakes, the Ministry and the Owners wherein options to provide potable water were presented and discussed. Consensus was once again reached to review a pilot study for point of entry treatment and fragmentation.
- 2.18 On September 27, 2011, representatives from the City of Kawartha Lakes indicated that proposed treatment options had been obtained from a local water treatment company and those options were forwarded to the Ministry for review. Representatives from the City of Kawartha Lakes indicated that they would bring the proposed pilot study to their council October 25, 2011, for discussion and approval.
- 2.19 On October 14, 2011, the Ministry received, from a representative of the City of Kawartha Lakes, a draft copy of the proposal for point of entry treatment equipment for a pilot study in the residence of one of the Owners of the Drinking Water System consisting of a triplexed cartridge filter and UV disinfection. A copy of the proposal and accompanying correspondence is attached hereto as Appendix I. Discussion between representatives from the City of Kawartha Lakes and the Owners ensued with regards to development of a draft agreement for the pilot study. The Owners agreed to provide

comments on the draft agreement by January 30, 2012. The total cost of fragmentation of the Drinking Water System using surface water and proposed point of entry treatment units (9) was estimated at \$80-100,000.

- 2.20 On July 10, 2012, a proposal from the Owners was provided to the City of Kawartha Lakes council requesting a total amount of \$10,000 to \$15,000 dollars in financial aid contingent upon agreeing to conduct the pilot study and fragmenting the Drinking Water System. The City of Kawartha Lakes council refused to provide any funding, however they did agree to amortize the costs to the Owners over a 10 year period.
- 2.21 On August 15, 2012, Ministry staff attended a meeting with the Owners and City of Kawartha Lakes staff to discuss the status of the pilot study. The Owners indicated that they were not willing to sign the agreement and that the proposal was too costly. Fragmentation of the Drinking Water System using wells was once again discussed. The Owners indicated that one of the nine (9) Owners had disconnected from the Drinking Water System and sold his house.
- 2.22 Between August 15, 2012 and May 23, 2013, representatives from the City of Kawartha Lakes conducted several meetings with the Owners regarding fragmentation of the Drinking Water System. On May 23, 2013, Ministry staff attended a meeting with representatives from the City of Kawartha Lakes to discuss options for fragmentation. The issuance of a s. 114 SDWA Notice was discussed as a possibility in the event that the Owners and the City of Kawartha Lakes were unable to identify a solution as to how a potable water supply would be obtained and financed in the absence of intervention by the Ministry. The City of Kawartha Lakes staff agreed to present the letter to their council and to provide a response back to the ministry on or before May 31, 2013. The City subsequently requested additional time in order to prepare a voluntary plan with clear milestones and dates to demonstrate progress to the ministry by the week of June 10, 2013, which the ministry agreed to.
- 2.23 On July 3, 2013, representatives from the City of Kawartha Lakes met with the owners and reviewed options (many of them previously discussed). The owners were asked to provide a response to the city by July 11, 2013 outlining their intentions for finding a solution for their drinking water supply.
- 2.24 On July 19, 2013 the Ministry received a copy of a letter sent by the City to the Owners asking that they commit to continue working with the City in finding a solution to the on-going problems with their non-compliant drinking water system. The City requested a

written commitment from the Owners by August 16, 2013 in order for a response to be submitted to the Ministry by August 23, 2013. The letter also stated that once an agreed-upon solution is established, the results will be communicated to the Ministry for approval. A copy of the letter is attached hereto as Appendix J

- 2.25 On August 22, 2013 the City advised the Ministry that they had received quotations on two options and were planning a meeting with the Owners. On September 5, 2013, representatives from the City of Kawartha Lakes met with the Owners to discuss fragmentation and to determine what options each Owner would be willing to consider. A copy of the responses of the Owners was provided to the Ministry on October 8, 2013, with no commitments from the Owners. A copy of the letter is attached hereto as Appendix K
- 2.26 On October 16, 2013, a written request from the City of Kawartha Lakes was received by the Ministry seeking provincial financial assistance and a relaxation of provincial requirements in order to successfully resolve this ongoing matter. The Ministry responded by recommending the City contact the Ministry of Infrastructure to investigate funding opportunities and committed to continue working with the City the Owners. A copy of the letter is attached hereto as Appendix L
- 2.27 The Drinking Water System currently servicing the 9 residences known as the Lakeview Water Co-op Drinking Water System is currently under a Boil Water Advisory that was originally issued by the local Health Unit on April 25, 2004, was re-issued on June 15, 2011 and again on December 10, 2013. Copies of the correspondence referred to in this paragraph are attached as Appendix M.
- 2.28 There is currently no qualified or certified operator responsible for the daily operation and maintenance of the Drinking Water System and there is no treatment provided for the water being supplied to the 9 residences. Raw and treated microbiological samples are not being taken from the Drinking Water System in accordance with the requirements of schedule 11 of Ontario Regulation 170/03. In addition, several other water quality parameters are not being tested for as required by schedule 13 and 15.1 of Ontario Regulation 170/03. The violations of schedules 2, 8, 11, and 13 of O. Reg. 170/03 outlined above constitute a deficiency as defined in O. Reg. 172/03.
- 2.29 I am of the opinion that the identified deficiencies with the Drinking Water System and the lack of compliance with Provincial Officer's Order No. 1-6SUKN issued to the Owners to address those deficiencies may pose a drinking water health hazard to users of the Drinking Water System as no entity is taking responsibility for ensuring compliance with the requirements of the SDWA and regulations made thereunder such as sampling, testing, reporting and, if necessary, corrective action.

- 2.30 Ministry staff have consulted with the Medical Officer of Health with respect to this matter. On November 18, 2013, the Medical Officer of Health provided a letter of concurrence indicating support of the issuance of Notice Of Intent To Issue a s. 114 SDWA Order. A copy of that correspondence is attached hereto as Appendix N.
- 2.31 I am of the opinion that there has been a failure or refusal to comply with an Order issued under the SDWA (namely, Provincial Officer Order No. 1-6SUKN) with respect to a drinking water system servicing a major residential development as defined in the SDWA namely, the Lakeview Water Co-op Drinking Water System and I am of the opinion that the continuing use of the system will result in a "drinking water health hazard" as that term is defined in section 1 of the SDWA.

PART 3 - Directions to the Corporation of the City of Kawartha Lakes

I hereby direct the Corporation of the City of Kawartha Lakes (the municipality), pursuant to my authority in Section 114, Section 115 and Subsection 162(1) of the SDWA, to take charge of the Lakeview Water Co-op Drinking Water System and to take all necessary steps and to do the following:

- 3.1 Immediately upon service of this Notice, and until implementation of an option which addresses the concerns, as identified in this Notice, with the Lakeview Water Co-op Drinking Water System, provide to each of the residences serviced by the Lakeview Water Co-op Drinking Water System an alternate supply of drinking water sufficient to meet the drinking water needs of the residents, which may include but is not necessarily limited to the provision of bottled water.
- 3.2 By May 20, 2014 provide the Ministry with a detailed action plan with an implementation schedule indicating which action described in subsection 114(9) of the SDWA the Corporation of the City of Kawartha Lakes proposes to take to comply with an Order issued under subsection 114(1) of the SDWA; or proposing terms of reference for a study to be completed by the municipality that evaluates the advantages and disadvantages of each action described in subsection 114(9) of the SDWA, having regard to the purposes of the Act.
- 3.3 Immediately upon service of this Notice, take all steps necessary to operate, maintain, and repair the Lakeview Water Co-op Drinking Water System that are reasonable recognizing the state of the system at the time the municipality assumed responsibility for this drinking water system.

- 3.4 Pursuant to the requirements in subsection 114(10), I hereby provide to the Corporation of the City of Kawartha Lakes the opportunity to provide to the Director and to the Medical Officer of Health a written response to this Notice, in accordance with the requirements of subsection 114(10) of the SDWA by May 20, 2014.

Part 4 - Directions to the Owners

Pursuant to my authority in subsection 114(6) and 162 of the SDWA, I hereby require the Owners as identified in this Notice to take all necessary steps and to do the following:

- 4.1 Immediately upon service of this Notice, relinquish control and operation of the Lakeview Water Co-op Drinking Water System to the Corporation of the City of Kawartha Lakes and/or its employees and agents, including any operating authority for the system; provide unimpeded access to the municipality and/or its employees and agents to the Lakeview Drinking Water System, including but not limited to unimpeded access as required by the municipality in relation to the pumphouse, and the Owners' respective properties on and through which the Drinking Water System operates; in no way hinder or obstruct any employee or agent of the municipality in the performance of their duties and responsibilities as specified pursuant to this Notice; provide such assistance to the municipality as is reasonably required of the Owners by the municipality pursuant to this Notice; and, provide the municipality with access to all documents relevant to the operation of the Lakeview Drinking Water System.
- 4.2 Provide a copy of this Notice to any person or entity, including but not limited to any prospective purchaser of a residence that is or was served by the Lakeview Drinking Water System, who may in any manner whatsoever acquire an interest in the Lakeview Drinking Water System.

Part 5 – Relief From Strict Compliance


- 5.1 Pursuant to my authority in subsection 117(4) SDWA, I hereby grant to the Corporation of the City of Kawartha Lakes and to one or more of the Owners, relief from the requirement to obtain the written consent of the Director for fragmentation of the Lakeview Drinking Water System under subsection 52(2) of the SDWA only if

fragmentation of the Drinking Water System proceeds in accordance with a plan or proposal prepared by a qualified professional engineer and approved by the Director.

Part 6 - Miscellaneous

- 6.1 If a time period expires on a Saturday or Sunday or other Provincial Government holiday, the time period shall expire on the following weekday.
- 6.2 All notices are issued in the English language and may be translated into the French language. In the event that there should be a conflict between the English original and the French translation, the English original shall prevail.
- 6.3 The requirements of this Notice are severable. If any requirement of this Notice or the application of any requirement to any circumstance is held invalid, the application of such requirement to other circumstances and the remainder of the Notice shall not be affected thereby.
- 6.4 The requirements of this Notice are minimum requirements only and do not relieve you from:
- a) complying with any other applicable order, statute, regulation, municipal, provincial or federal law; and
 - b) obtaining any approvals or consents not specified in this Notice.
- 6.5 Notwithstanding the issuance of this Notice, further written directions may be issued in accordance with the legislation, as circumstances require.

ISSUED at the City of Peterborough this 18th day of February, 2014


Jacqueline Fuller
Director, s.114 SDWA

c: Dr. Lynn Noseworthy, Medical Officer of Health
Haliburton Kawartha Pine Ridge District Health Unit
200 Rose Glen Road, Port Hope, ON L1A 3V9

Appendix # B

to

Report # WW2017-004

DIRECTOR'S AMENDMENT TO SECTION 114 NOTICE UNDER THE SDWA

*Safe Drinking Water Act, 2002, S.O. 2002,
c.32, as amended (SDWA)*

To:

The Corporation of the City of Kawartha Lakes
26 Francis Street
Lindsay, ON, K9V 5R8
Attention: Mr. Ron Taylor
Chief Administrative Officer

And To:

Mr. Chad Douglas Nissen/ Ms. Margret Mary Stack, 19 McLernon Street, ON, KOM 1LO (mailing address: 42 Coryell St. , Seagrave ON, LOC 1G0)
Mr. Darwin Alexander Crawley/Ms. Linda Doreen Anne Crawley/Dennies Lawrence Crawley/Debra Florence Maria Crawley, 21 McLernon St. (tax roll address: 16 Hollyville Blvd., Dunsford, ON KOM 1LO (mailing address for Darwin and Linda:18 Sommerset Way Unit 11, North York ON M2N 6X5 and mailing address for Dennies/Debra-31 Brentwood Rd. Angus ON LOM 1B2)
Ms. Tammy Lynn Marie O'Donnell-Cook/Mr. Jeremy Andrew Bigham, 9 McLernon Street, Dunsford, ON, KOM 1LO
Ms. Judith Kent, 11 McLernon Street, Dunsford, ON, KOM 1LO
Ms. Cindy Dale Pratt, 13 McLernon Street, P.O. Box 1027, Dunsford, ON, KOM 1LO
Mr. Glen Miller, 5 McLernon Street, Dunsford, ON, KOM 1LO
Mr. William Adam Jordan, 20 McLernon Street, Dunsford, ON, KOM 1LO
Mr. Vincenza Pellegrino, 16 McLernon Street, Dunsford, ON, KOM 1LO (mailing address: Amedeo Pelligrino-Power of Attorney for Vincenza,108 Fanshore Dr. Woodbridge ON, L4K 1T5)
Ms. Jennifer Bates/ Stewart Jason Bates, 31 Birchcliffe Avenue, Dunsford, ON, KOM 1LO (mailing address: 16 Sharpe St., Scarborough ON, M1N 3T6)
Ms. Vicky-Lynn Weber/ Mr. Wayne Thomas Weber, 10 McLernon Street, Dunsford, ON, KOM 1LO
Mr. John Robert Steele/ Ms. Norine Sharon Steele, 12 McLernon Street (Mailing address: 14 Waring Ave. Whitby ON, L1M 1G4)

Re: Director's Amendment to SDWA S.114 Notice Issued Dated February 18, 2014 (the "Notice")

Pursuant to my authority under subsection 114(4) of the SDWA I hereby amend the Notice as follows:

The following item is added as item 3.4 of Part 3 - Directions to the Corporation of the City of Kawartha Lakes:

3.4. Immediately upon service of this Amendment, commence implementation of the outstanding work associated with the Corporation of the City of Kawartha Lakes Fragmentation Plan dated December 17, 2015 as accepted by the Ministry of the Environment and Climate Change and as revised and updated January 10, 2017 for the Lakeview Water Co-op Drinking Water System (the Fragmentation Plan) with the following modifications and clarifications:

- Ensure that Point of Entry (POE) treatment units as described in the Fragmentation Plan are installed *in all* the residences serviced by the two (2) replacement distribution lines each servicing 4 residences. Distribution line 1 will service #13 McLernon Street, #11 McLernon Street, #9 McLernon Street and #5 McLernon Street. Distribution line 2 will service # 21 McLernon Street, #20 McLernon Street, #19 McLernon Street and #16 McLernon Street.
- Ensure that an above-ground storage reservoir approved by the City is installed at #31 Birchcliffe Street and that the residence at this address is serviced by the above-ground reservoir and not by the new replacement distribution lines.
- Ensure that the residences located at #12 and #10 McLernon Street are not serviced by the new distribution lines and instead are serviced by a private well located at #12 McLernon Street, *with* POE treatment systems installed at both residences;
- Ensure that the existing distribution system is disconnected from all residences following confirmation by Grace & Associates in their final Engineer's Report that the replacement drinking water systems have been installed and are providing a secure potable source of water to all residences
- Ensure that the work associated with the new distribution system is tendered by no later than March 30, 2017 and that all work is completed by no later than June 30, 2017.
- By September 30, 2017, provide written confirmation to the Director that all residents of the Lakeview Water Co-op are being provided with a secure source of potable water.

Part 4 – Directions to the Owners

- Section 4.1 of the Notice is hereby amended by adding “and on and through which the replacement drinking water system operates or will operate;” after the phrase “on and through which the Drinking Water System operates so that it now reads as follows:


Immediately upon service of this Notice, relinquish control and operation of the Lakeview Water Co-op Drinking Water System to the Corporation of the City of Kawartha Lakes and/or its employees and agents, including any operating authority for the system; provide unimpeded access to the municipality and/or its employees and agents to the Lakeview Drinking Water System, including but not limited to unimpeded access as required by the municipality in relation to the pumphouse, and the Owners' respective properties on and through which the Drinking Water System operates and on and through which the replacement drinking water system operates or will operate; in no way hinder or obstruct any employee or agent of the municipality in the performance of their duties and responsibilities as specified pursuant to this Notice; provide such assistance to the municipality as is reasonably required of the Owners by the municipality pursuant to this Notice; and, provide the municipality with access to all documents relevant to the operation of the Lakeview Drinking Water System.

*** END OF AMENDMENT ***

All portions of the s. 114 SDWA Notice not dealt with by this Amendment remain in effect.



Jacqueline Fuller
Director, s.114 SDWA



Date of Issue

c: Dr. Lynn Noseworthy, Medical Officer of Health
Haliburton Kawartha Pine Ridge District Health Unit
200 Rose Glen Road, Port Hope, ON L1A 3V9