

1. SUBJECT ENVIRONMENTAL POLLUTION LIABILITY**2. DEFINITIONS**

Environmental Pollution – the discharge, dispersal, disposal, release, escape, seepage or migration of smoke, vapour, fumes, acids, alkalis, toxic chemicals, liquids or gases, waste materials or other irritants, contaminants or pollutants into or upon land, the atmosphere or any watercourse or body of water, which may result in bodily injury, property damage, or damage to the environment.

3. DRAWINGS

N/A

4. BEST PRACTICE

The intent of this best practice is to identify when The Corporation of the City of Windsor (the “City”) will require proof of satisfactory Environmental Impairment Liability Insurance (EIL) from a third party. EIL is required where a project presents an intolerable risk for Environmental Pollution. A risk will be intolerable depending on the likelihood and potential severity of one or more of the following conditions:

- Discharge of a spill or run-off of contaminating material to ditches, drains, swales, storm water management facility or storm sewers to an open watercourse or to a storm water management facility.
- Discharge of contaminating material seeping into soil or penetrating ground waters.
- Discharge of contaminating emissions.
- Proximity of proposed work to any water course (ditch, drain or swale), or storm water management facility.
- When a risk of fuel spill, ruptured tank, or gas pipe (containing hydrocarbons) may be on site.
- When the work being performed requires the handling of pollutants such as mould, asbestos, etc.
- When deemed necessary by the City Solicitor or designate.

The above or similar conditions will be used to assess the need for EIL for the following project types:

- Subdivision/Development/Site Plan Control or Servicing Agreements
- Sewer and Road Rehabilitation Projects
- Capital Works Projects
- Municipal Drainage Works
- Certain leases and encroachments
- Certain construction projects
- Any circumstance that gives rise to risk of Environmental Pollution.

If The Corporation of the City of Windsor determines that EIL is required for a project, no work can begin until proof of satisfactory EIL is approved by the City’s Risk Management Division.

If EIL is required, a mitigation plan outlining the steps and procedures to lessen the likelihood and severity of Environmental Pollution may be requested. In certain instances, the City Solicitor or designate may choose to accept a mitigation plan in lieu of requiring EIL and in certain instances, the City Solicitor or designate may require that a mitigation plan be submitted in addition to proof of satisfactory EIL. The mitigation plan’s technical content must be approved by the City Engineer. EIL is not the same as Sudden and Accidental Pollution Coverage, which can be added to a Commercial General Liability Policy. In certain instances, the City Solicitor or designate may choose to accept Sudden and Accidental Pollution Coverage in lieu of requiring EIL.

The EIL policy is to remain in effect until a minimum of two years following the expiry of the risk of the Environmental Pollution, as to be determined by the City.

5. RELATED BEST PRACTICES

N/A

6. RELATED CITY SPECIFICATIONS

N/A

Mark Winterton
City Engineer or Designate

July 17, 2015
Date