

Staff Report



To	Committee of the Whole
Service Area	Infrastructure, Development and Environment
Date	Wednesday, April 3, 2024
Subject	Water By-law Update

Recommendation

1. That City Council approve the updated Water By-law (By-law (2024) – 20910) as well as repeal and replace the past Water By-law (By-law (1991) - 13791)
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Executive Summary

Purpose of Report

To share with Council the updated Water By-law (By-law (2024)-20910) for approval and seek Council's approval for repeal and replacement of the existing Water By-law (By-law (1991)-13791).

Key Findings

The existing Water By-law (By-law (1991)-12791) is one of four existing Council-approved water themed by-law documents, which together define local requirements for drinking water service provision and drinking water system management.

With significant changes in the Ontario regulatory environment and industry best management practices since time of Council approval of the City's 1991 Water By-law, Water Services began the Water By-law Update in early 2023 to modernize the document to reflect today's regulatory standards and industry working realities.

To inform development of the new by-law, consultations with internal stakeholders were completed to define areas of challenge for customers and professional practice with the existing by-law and required revisions to manage and protect the drinking water system and support the City's respective business needs moving forward.

Coming from areas of challenge defined through stakeholder consultation, a review of industry leading Ontario Municipal Water By-laws was completed to evaluate practice alternatives for consideration through development of the new Water By-law.

The draft updated Water By-law (By-law (2024)-20910) is presented for approval through this report with the existing Water By-law (By-law (1991)-12791) to be repealed and replaced by this new by-law. Key highlights of the new Water By-law include the following:

- Reinforcement of Water Services certified drinking water operators as the only party authorized to operate the City's municipal drinking water system as well as

acknowledging the important roles that Building Services and Engineering and Transportation Services conduct to oversee management of new connections to and expansion of the municipal drinking water system.

- Clear delineation of ownership for Public versus Private water systems and respective owner responsibilities.
- Meeting commitments of Grand River Source Water Protection Plan commitments with respect to private well prohibition where suitable municipal infrastructure is in place.
- Updates to the terms of a Water System Emergency and what actions the City may implement to manage protection of the larger municipal drinking water system under such circumstances.
- Update of enforcement provisions to reflect current Ontario regulatory environment and fine structures which aligns with monetary fines City may expect to receive from Ministry of Environment, Conservation and Parks should regulatory non-compliances be realized as a result of the actions of a private party.
- Defining the need for property owners to upsize the complete length of the service pipe to the property where deemed appropriate under hydraulic needs of the Ontario Building Code during property redevelopment.

Strategic Plan Alignment

Key alignment of the Water By-law Update to the City's Strategic Plan are as follows:

- Foundations 3.4 Foster a Culture of Continuous Improvement
- City Building 6.1 Meet our housing pledge
- Environment 10.3 Conserve and protect Guelph's drinking water

Financial Implications

Financial requirements of the updated Water By-law are contained within the Council adopted Water Services 2024-2027 Multi Year Operating and Capital Budgets as well as the 2024 Water and Wastewater Long Range Financial Plan.

Report

Background

The Water Services Division is committed to providing consumers with a safe, consistent supply of high-quality drinking water while meeting or exceeding, and continually improving on legal, operational, and quality management system requirements. Water Services strives to provide reliable and cost-effective water treatment and distribution systems for the safe production and delivery of high-quality water.

The City of Guelph Water By-law was last updated in 1991 (By-law (1991)-13791) and continues to form the basis for level of service of Water Services as well as define authority as to who is authorized to access and operate the drinking water system in concert with terms of the [Safe Drinking Water Act, 2002, S.O. 2002, c.32](#).

To address utility needs in defining the terms for customer billing and collection, as well as the division of responsibility of customer versus utility owned infrastructure, the Water and Wastewater Customer Accounts By-law was developed by staff and approved by Guelph City Council in 2016. Upon Council approval, this by-law was repealed and replaced the terms of the 1991 Water By-law specific to customer billing and collections.

The existing Water By-law (By-law (1991)-12791) is one of four existing Council-approved by-law documents which together define local requirements for drinking water service provision and management. These accompanying by-laws include:

- the Backflow Prevention By-law (2016)-20028;
- the Outdoor Water Use By-law (2014)-19714;
- the Water and Wastewater Customer Accounts By-law (2016)-20074; and
- the Water and Wastewater rates and Charges By-law (2023)-20838.

With significant changes in the Ontario regulatory environment and industry best management practices since the time of Council approval of the City's 1991 Water By-law, Water Services began the Water By-law Update in early 2023 to:

- Define current levels of service for customers;
- Assess City stakeholders' and process needs for amendments/revisions to the drinking water system;
- Reinforce individuals who are legally permitted to access and operate the drinking water system in accordance with the Safe Drinking Water Act, 2002;
- Modernize practices in the by-law to reflect current industry best management practices and norms;
- Revisit enforcement and other recourse for areas of customer non-compliance under the by-law, and;
- Formally repeal/remove billing and collections information from the 1991 Water By-law which was superseded by Council's approval of the Water and Wastewater Customer Accounts By-law in 2016.

It is important to note that for the purposes of the Water By-law Update, revisions were undertaken to the Water By-law (By-law (1991)-12791) only and the accompanying suite of water-related by-laws were not subject to change.

By-law Review Process

In accordance with the City's Community Engagement Framework, consultation was held with the City's Community Engagement Team following completion of an Engagement Charter for the project to define community engagement terms. With the majority of updated content within the By-law reflecting required terms of business dictated under Ontario legislation and industry best management practices in managing a municipal water system, it was determined that broader community engagement or indigenous engagement was not required under the given scope of the project.

To inform development of the new by-law, consultations with internal stakeholders were first completed to define areas of challenge with the existing by-law and to begin to define required revisions to manage and protect the drinking water system and support the City's respective business needs moving forward. Stakeholders engaged as part of this consultation included the Engineering and Transportation Services (Design and Construction, Development Engineering), Environmental

Services (Business Services, Compliance, Programs and Performance and Water Services) and Building Services. Coming from areas of improvement noted through this consultation, a Municipal Practice Review was then completed amongst Ontario Municipalities who were identified as having industry leading Water By-laws to define respective management approaches for consideration by stakeholders through development of the update Water By-law. This evaluation included similar By-laws from the City Barrie, City of London, City of Markham, Region of York and other Ontario municipalities and came to focus on modernizing policy under the Water By-law within the following subject areas:

- Public versus private ownership and owner responsibilities;
- Development servicing and construction water use accounting/billing;
- Restoration standards for private greenscapes and driveways impacted as a result of City maintenance on the Drinking Water System (DWS)
- Terms for theft of water, water waste, illegal access of system and other non-compliance events;
- Defining emergencies and authority of system operator to execute DWS emergency maintenance;
- Terms for customers requiring a greater level of service than that offered by the DWS;
- Enforcement process approach, fine structures and other recourse.

Findings of this municipal practice review were evaluated with respective corporate stakeholders and used to develop the draft updated Water By-law.

Water By-law Update Key Highlights

For reference, the new Water By-law is shared as attachment-1 to this report. Key highlights of the new Water By-law include the following:

- Public versus Private Ownership of water systems and related responsibilities: as per the City's Municipal Drinking Water License, operation of the Municipal Drinking Water system is limited to City of Guelph certified water operators or parties under the direct instruction of certified water operators in accordance with the terms of the [Safe Drinking Water Act, 2002](#). The City's ownership of the drinking water system includes all pipes and structures within the system up to and including the municipal water service pipe up to and including the water curb stop valve on a property-by-property basis. Water infrastructure ownership by private property owners includes all private water plumbing from the private water service pipe (following location of the curb stop valve). Consistent with the Ontario Building Code and City's Property Standards By-law, private property owners are responsible for the fit state of repair and replacement of private water infrastructure.
- Meeting [Grand River Source Water Protection Plan](#) commitments – the new Water by-law defines the terms for private well prohibition where suitable municipal servicing infrastructure in place. This reinforces the municipal servicing terms of new development from the City's Official Plan and ensures the removal of potential pathways to contamination of the community water resources over time in accordance with the City's defined management actions under the Grand River Source Protection Plan. This would include the proper decommissioning of monitoring wells (where no longer required for ongoing monitoring) as well as specific terms by which homeowners on private services

(well and septic) may seek to connect to the municipal drinking water and wastewater collection system in the future, should adequate municipal water and wastewater servicing be established in the vicinity of their property.

- Notification of Private Property Actions which may impact other property owners - seeking proactive notification from private property owners who are completing hydrant flow testing of private fire systems so the City may notify other local water users where such actions are anticipated to cause water quality impacts (such as discolouration).
- Emergency Management - By-law updates the terms of a Water System Emergency and what actions the City may implement to manage protection of the larger municipal drinking water system under such circumstances.
- Site Redevelopment and cost ownership for new site servicing – In accordance with the Ontario Building Code the by-law requires that hydraulic needs of the new land use be defined and that where increase to the service size is deemed necessary that both the City water supply pipe and curb stop as well as the private water supply pipe be replaced by the property owner to meet the servicing needs of the new built form.
- Non-compliance and Enforcement - by-law comes to refocus non-compliance within current Ontario regulatory environment and defines increasing fine structure which aligns with monetary fines City may expect from the Ministry of the Environment, Conservation and Parks ("MECP") should non-compliances be realized as a result of the actions of a private party.

Future Programming Resourcing to Support By-law Implementation

In 2016, Guelph City Council approved the Private Well and Septic Decommissioning Rebate Program as part of the City's Source Water Protection Program portfolio to support the costs to property owners in removing such threats to our municipal groundwater supplies through proper decommissioning under current regulations and connection of these properties to the municipal water and wastewater systems. Under private well prohibition terms of the by-law, Water Services may see greater utilization of this program by private property owners in circumstances where new municipal servicing infrastructure is constructed in locations where property owners have been reliant on private well and septic system for their servicing needs to date. To address these resource needs, Water Services will continue to evaluate on an annual basis where such capital servicing extensions are planned and request additional financial resources through the annual budget process to meet the timing of these anticipated rebate program investments.

Financial Implications

Financial requirements of the updated Water By-law are contained within the Council adopted Water Services 2024-2027 Multi Year Operating and Capital Budgets as well as the 2024 [Financial Plan for Water and Wastewater Services](#).

Consultations

In accordance with the City's Community Engagement Framework, consultation was held with the City's Community Engagement Team following completion of an Engagement Charter for the project to define community engagement terms. With the majority of updated content within the by-law reflecting required terms of

business dictated under legislation, and industry best management practices, in managing a municipal water system, it was determined that broader community engagement or indigenous engagement was not required under the scope of the project.

Attachments

Attachment-1 Final Draft Water By-law (By-law Number (2024) – 20910)

Departmental Approval

Terry Gayman, General Manager of Engineering and Transportation / City Engineer

Jeremy Laur, General Manager of Building Services / Chief Building Official

Jennifer Charles, Acting City Solicitor

Karen Newland, Manager Budget Services

Report Author

Wayne Galliher, C.E.T., Division Manager Water Services

This report was approved by:

Nectar Tampacopoulos

General Manager, Environmental Services

Infrastructure, Development and Environment

519-822-1260 extension 3599

nectar.tampacopoulos@guelph.ca

This report was recommended by:

Jayne Holmes, P.Eng., PMP

Deputy Chief Administrative Officer

Infrastructure, Development and Environment

519-822-1260 extension 2248

jayne.holmes@guelph.ca