

Staff Report



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

Recommendation

1. That City Council approve the updated Sewer Use By-law Number (2024) – 20911 as well as repeal and replace the past Sewer Use By-law (1996) – 15202
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Executive Summary

Purpose of Report

The purpose of this report is to inform Council that the Sewer Use By-law (1996)-15202 has been modernized to reflect current trends and to seek Councils approval for the updated Sewer Use By-law (2024)-20911.

Key Findings

The Council approved Sewer Use By-law helps manage risk associated with wastewater management, environmental protection, public health, infrastructure maintenance and regulatory compliance and is managed within the Wastewater Services Division.

The existing Sewer Use By-law was adopted in 1996 with amendments in 2003 and 2006. The aim of this update was to modernize the by-law to ensure it continues to meet the needs of the community and is in alignment with best practice. The project included updating the overstrength surcharge program to align with current best practices at other municipalities. This included moving to a mass loading unit charge for each overstrength wastewater parameter to better reflect the actual operating costs (from \$/m³ to \$/kg). The Overstrength Agreement calculation and Waste Survey Report templates were removed from the By-law so that they can be updated as necessary.

Short form wording which supports the enforcement of the Sewer Use By-law, was developed to align with best practices of other municipalities. Although education first remains the primary method to manage the by-law, the addition of short form wording provides Environmental Protection Officers with the ability to issue set fines for offences under Part I of the Provincial Offences Act.

The by-law update process included consultations with a number of internal stakeholders, public engagement through the *Have Your Say* portal as well as with existing overstrength surcharge agreement holders.

The updated Sewer Use By-law is current with applicable federal and provincial regulations, incorporates current industry standards, while improving its readability and accessibility.

Strategic Plan Alignment

The sewer use by-law is aligned to the strategic plan as follows:

- Foundations 3.3 Manage organizational risks, and 3.4 Foster a Culture of Continuous Improvement

By regulating the use of the sanitary system and setting standards for what can be discharged; the efficiency and integrity of the system is protected and thereby reduces the risk of unexpected failure within the system as well as at the Water Resource Recovery Centre.

Financial Implications

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

Report

The Council-approved Sewer Use By-law helps manage risk associated with wastewater management, environmental protection, public health, infrastructure maintenance and regulatory compliance and is managed within the Wastewater Services Division.

The existing sewer use by-law was adopted in 1996 with amendments in 2003 and 2006. The primary objectives of this update were to confirm compliance with the applicable federal and provincial regulations and modernize the by-law by incorporating current industry standards and improving its readability and accessibility. Efficiencies were found by removing the Waste Survey Report template from the by-law and ensuring the same for the Overstrength Agreement calculation and Short Form Wording list in order for each to be kept current as necessary.

The sewer use by-law establishes limits for various substances and details requirements that must be met for users of the City's sewer infrastructure. Standards are set for what can be discharged, preventing harmful substances from entering the system. This helps maintain the efficiency of the sewer infrastructure, reduces environmental impact, and ensures compliance with water quality regulations. Additionally, the potential penalties for violations act as deterrents to promote responsible usage.

Key steps in the development of the updated sewer use by-law included partnering with GM Blue Plan to complete a review of the [Canadian Council of Ministers of the Environment \(CCME\) Model By-law \(2009\)](#). A scan of 30 municipalities across Ontario demonstrated a wide range of dates as to when the sewer use by-laws were last reviewed. A criterion was decided to focus on those reviewed most recently in order to compare them to current best practice. This narrowed down the comparator municipalities to the City of Barrie, City of Brantford, City of Hamilton, City of London, City of Thunder Bay, Niagara Region, Peel Region and the City of Toronto. A review of the overall best practices from

these municipalities included the overstrength surcharge parameters and fees. Internal and external legal evaluation concluded the review process. As well as the general updates to the by-law there are two key changes within the by-law to highlight.

i. Overstrength Agreements

Industries that produce wastewater with concentrations above the by-law limits for Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), Total Phosphorus (TP), or Oil and Grease of animal or vegetable origin must establish Overstrength Agreements (OSA) with the City. These agreements allow discharges to exceed the limits by an agreed upon threshold and the business is charged a fee which is intended to cover the additional costs associated with treating the wastewater above the by-law limits. The typical duration of an agreement is 3-5 years, and ahead of each renewal, discussions are held with each OSA holder on what is planned to move closer to the by-law limits.

The initial review of the Overstrength Surcharge Program identified that Total Kjeldahl Nitrogen (TKN) should be added as a fifth parameter to the overstrength surcharge fee formula. Best practice trends also indicated that all parameters over by-law should be considered when calculating fees, instead of addressing the highest parameter over the limit, as was the existing practice. Moving to a mass loading unit charge for each overstrength wastewater parameter and away from the volumetric calculation was also implemented. This fee calculation model better reflects the actual operating costs of treatment (from \$/m³ to \$/kg).

ii. Short Form Wording

The purposeful improvement of the readability of the updated Sewer Use By-law will help with a general understanding of the contents. It is recognized that it could remain complicated in certain sections and so staff will continue to place a high importance on educating residents and Industrial, Commercial and Institutions first. The addition of short form wording to this updated by-law provides the Environmental Protection Officers with the ability to issue Provincial Offence Notices (tickets) for sewer-related infractions when deemed necessary.

Schedule D of the revised By-law is intended for listing set fines for offences under Part I of the Provincial Offences Act. Draft Short Form Wordings and set fines were developed based on reviewing the offences and fines for other municipalities and following the structure of the revised By-law. Once Council approves this By-law, the City must apply to the Solicitor General's Office to implement set fines. The amount of the requested fines may be changed by the Solicitor General's Office. If any changes were to be requested, they are presumed to be minimal in which case these would be communicated to Council through an information report.

Financial Implications

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

Consultations

In accordance with the City's Community Engagement Framework consultation was held with the City's Community Engagement Team. This was followed by the

completion of an Engagement plan for the project to define key stakeholder engagement. With most of the updated content within the by-law expected to reflect established best practice to meet legislative requirements through the management of a municipal sewer use system, it was determined that indigenous engagement was not required under the scope of this project.

Key stakeholders were identified internally and externally. Consultations through internal stakeholder workshops, public consultation through the *Have Your Say* portal, and discussions with Overstrength Agreement Holders were completed.

Attachments

Attachment-1 Final Draft Sewer Use By-law (By-law Number (2024) – 20911)

Departmental Approval

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