
New Sewer Use Bylaw

Recommendation

That City Council consider Bylaw No. 9466, *The Sewer Use Bylaw, 2017* and Bylaw No. 9467, *The Waste Amendment Bylaw, 2017*.

Topic and Purpose

The purpose of this report is to provide City Council with Bylaw No. 9466, *The Sewer Use Bylaw, 2017*, which creates a new regulatory scheme for use of the City's sanitary sewer system. This report further serves to provide Bylaw No. 9467, *The Waste Amendment Bylaw, 2017*, which introduces consequential amendments to Bylaw No. 8310, *The Waste Bylaw, 2004* resulting from implementation of this new regulatory scheme.

Report

At its meeting on March 7, 2011, City Council adopted a regulatory framework for a new Sewer Use Bylaw and instructed the City Solicitor to, among other things, prepare a new Sewer Use Bylaw (the "Bylaw") with an effective date of July 1, 2013. The City Solicitor also received instructions to prepare a bylaw to reflect any consequential amendments to *The Waste Bylaw, 2004*. The new Bylaw was intended to improve the quality of wastewater through the foundational principle of source control; in other words, stopping inappropriate material at the source, before it enters the sanitary sewer system. Early drafts focussed on prescribed plumbing fixtures and the requirement for pretreatment facilities for a variety of businesses.

In March, 2013, implementation of the Bylaw was postponed in order to accommodate education programs with affected businesses.

On March 23, 2015, City Council received a further report varying the approach to the Bylaw, while maintaining the focus on wastewater effluent quality. In March, 2013, the Administration created a Baseline Wastewater Discharge Inventory of approximately 1,600 businesses. They conducted site visits and evaluated the risk posed by each business to ensure that the potential impact to businesses from implementation of a new Bylaw was fully evaluated. City Council received an update to the Baseline Wastewater Discharge Inventory at its meeting on December 14, 2015.

At its Regular Business Meeting on January 23, 2017, City Council adopted the following recommendation:

“That the City Solicitor’s instructions to draft a new sewer use bylaw be amended based on the information contained in the report of the General Manager, Corporate Performance, dated January 10, 2017.”

In accordance with City Council’s instructions, we are pleased to attach Bylaw No. 9466, *The Sewer Use Bylaw, 2017* for City Council’s consideration. The effective date of Bylaw No. 9466 is January 1, 2018. The Bylaw speaks solely to the use and regulation of the City’s sanitary sewer system.

The new regulatory framework provided for in the Bylaw is premised on source control management in an effort to stop or deter inappropriate substances from being discharged into the sanitary sewer system. The type and volume of substances harmful to the sanitary sewer system are specifically identified in the Bylaw and either prohibited altogether or restricted from entering the system in certain quantities.

The discharge of either prohibited or restricted substances may only be engaged in pursuant to permits issued at the City’s discretion. Permits are intended to be required for high-risk users of the sanitary sewer system. They are unique to the particular user and can be tailored by the conditions imposed by the City on that specific user. Conditions may include restrictions on the quantity, composition, frequency and nature of waste to be discharged, requirements with respect to the monitoring of discharge through sampling and testing, recordkeeping requirements, and in appropriate circumstances, surcharge fees. The Bylaw similarly provides for trucked liquid waste hauler permits for the collection and transportation of waste from a site for discharge at a City facility. Annual permit fees are identified as a means of offsetting some of the cost of pursuing this initiative.

Appeals with respect to a permit or the condition of a permit may be made to the Environmental Management Appeal Board which is established by the Bylaw, similar to the Property Maintenance Appeal Board.

In addition to permitted businesses, the Bylaw identifies specific businesses which are required to comply with specified pretreatment facility requirements. For example, businesses producing fat, oil and grease derived from cooking or food preparation processes are required to have fat, oil and grease interceptors. Similarly, businesses with the potential to discharge oil and grease derived from petroleum are required to have oil/water separators. Again, the objective being to stop or deter the discharge of inappropriate substances into the sanitary sewer system.

All sanitary sewer service charges are outlined in the Bylaw recognizing the appropriate amounts and formulas.

The intent is to achieve voluntary compliance with the Bylaw through education, inspections and warnings. We understand that the Environmental & Corporate Initiatives Division spent a substantial amount of time connecting with and educating businesses about the Bylaw in the course of preparing the Baseline Wastewater

Discharge Inventory, which should help in efforts to achieve voluntary compliance. The Bylaw does, however, provide for a number of more serious enforcement mechanisms, including notices, orders, liability for damages and the disconnection of utility services where circumstances warrant.

The enforcement section also provides for a Court to order restitution where the Court is satisfied that the offence committed warrants the imposition of a penalty relating to a fee, cost, rate, toll or charge that is associated with the conduct giving rise to the offence. The Bylaw stipulates that such costs shall be imposed by the judge in a reasonable amount that reflects the costs incurred by the City as a result of the offender's conduct. The restitution provision is permitted by *The Cities Act*; however, it has not typically been included in City bylaws. Any award of restitution would therefore be novel.

In addition to Bylaw No. 9466, our Office is also pleased to attach Bylaw No. 9467, *The Waste Amendment Bylaw, 2017*, which provides for consequential amendments to *The Waste Bylaw, 2004* to ensure consistency between solid and liquid waste disposal.

This report has been reviewed by the Environmental & Corporate Initiatives Division.

Attachments

1. Proposed Bylaw No. 9466, *The Sewer Use Bylaw, 2017*; and
2. Proposed Bylaw No. 9467, *The Waste Amendment Bylaw, 2017*.

Report Approval

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