

Committee of the Whole (1) Report

DATE: Tuesday, May 30, 2023

WARD(S): ALL

TITLE: SEWER USE BY-LAW ADMINISTRATIVE AMENDMENTS

FROM:

Zoran Postic, Deputy City Manager, Public Works

ACTION: DECISION

Purpose

To request approval to amend the City's Sewer Use By-law (By-law No. 130-2022). The recommended changes will enhance the Sewer Use By-law by adding clarity to the applicability of definitions and provisions and strengthening the administration of fair and equitable penalties for Sewer Use By-law infractions.

Report Highlights

- The City's Sewer Use By-Law must be routinely reviewed and updated as the City's wastewater and stormwater systems evolve in response to community growth, ageing infrastructure improvements, environmental protection efforts, legislative requirements, and business process efficiencies.
- The recommended administrative amendments to the Sewer Use By-law are intended to enhance the City's ability to protect the City's wastewater and stormwater systems.
- Amendments to the Sewer Use By-law will add clarity to the applicability of definitions and provisions within the Sewer Use By-law and include provisions for Administrative Monetary Penalties that were not captured in 2022.

Recommendation

1. THAT the Sewer Use By-law (By-law No. 130-2022) be amended to reflect the recommended administrative changes in this Report, in a manner satisfactory to Legal Services.

Background

The City's Sewer Use By-law was first enacted in the 1970s and has been reviewed and amended over time to ensure it has evolved in response to community growth, ageing infrastructure improvements, environmental protection efforts, legislated requirements, and business process efficiencies.

The City's Sewer Use By-law was first enacted in 1974 and was most recently amended in 2016 and then repealed and replaced in 2022. The Sewer Use By-law defines the roles and responsibilities of both property owners and the City to improve operational efficiency and protect public health, the environment, and infrastructure. The Sewer Use By-law protects sewer systems, creeks, rivers, streams and lakes from harmful substances by regulating the release of water and waste into the sanitary and storm sewer systems. This keeps the sewers from becoming overloaded and damaged by establishing limits and controls for the concentration of substances like heavy metals and natural and chemical pollutants being put into the City's sewers.

The Sewer Use By-law regulates the installation and connection of private sewers to the City's wastewater and stormwater systems, regulates the discharge of sewage, stormwater, and land drainage within the City, prohibits practices and other actions that put the integrity of the City's infrastructure at risk, and defines a system of recourse and penalties for the purpose of enforcing the Sewer Use By-law.

Fair and equitable administration of the Sewer Use By-law has been prioritized since its enactment with a focus on business process improvements which have been further enhanced with the addition of dedicated Water and Wastewater By-law Enforcement Officers. The recommended amendments to the Sewer Use By-law are intended to add clarity to the applicability of definitions and provisions within the Sewer Use By-law and include provisions for Administrative Monetary Penalties that were not included in 2022.

Opportunities to improve the City's Sewer Use By-law were identified over the last year which serve to clarify the applicability of definitions and provisions and ensure the penalties align with the By-law provisions.

The recommended Sewer Use By-law administrative amendments clarify requirements for property owners and enforcement while providing flexibility to ensure the appropriate level of protection is achieved to ensure the conservation of the natural environment. The recommended administrative amendments to the City's Sewer Use By-law are considered to have minor impact with respect to the applicability, general context, and

current administration of the By-law but serve to address the identified opportunities for improvement.

Enforcement of the City’s Sewer Use By-law is governed by the *Provincial Offences Act*, R.S.O. 1990, c. P.33; however, the recommended administrative amendments will ensure all sections the Sewer Use By-law, as applicable, align with the City’s enforcement capabilities through Administrative Monetary Penalties (AMPs) to expedite the enforcement process.

When an individual violates a provincial statute or municipal by-law, the current system treats the violation as an “offence” to be prosecuted under the *Provincial Offences Act*, R.S.O. 1990, c. P.33. This process often mirrors the criminal trial process, which is designed to emphasize the seriousness of an offence.

AMPs are a regulatory mechanism for enforcing compliance with By-law requirements. They are an effective, quick, clear, and tangible way for regulators and Enforcement Officers to respond to infractions of the law and by-laws.

With Enforcement Officers in place to enforce water, wastewater, and stormwater compliance, there is opportunity to expedite the realization of fines through AMPs. The structure of the AMP system grants further flexibility for Enforcement Officers to either proceed and take action through the court system or process by-law infractions through an administrative penalty. Where a property owner is not in compliance with required regulations and standards and/or found to be in contravention of the Sewer Use By-law, they will be assessed a penalty which will be based on the type, severity and frequency of the contravention.

Previous Reports/Authority

[Sewer Use By-law Report](#)

[Sewer Use By-law \(By-law 130-2022\)](#)

[Administrative Monetary Penalties By-law Amendment \(By-law 063-2019\)](#)

[Fees and Charges By-law for the Calendar Years 2023 and 2024 \(By-law 010-2023\)](#)

Analysis and Options

Internal stakeholders were consulted through the implementation and enforcement of the Sewer Use By-law over the last year to identify opportunities to better align the Sewer Use By-law with the City’s existing systems and processes.

Feedback from By-Law and Compliance, Licensing and Permit Services, Legal Services, Development Engineering, and Policy Planning and Special Projects was used to inform the recommended administrative amendments contained within this report.

Stakeholders will be informed of administrative amendments to the Sewer Use By-law through various means, such as:

- The City’s website;
- Social media messaging;
- Outreach to various associations; and/or
- Communication with property owners in response to service inquiries.

A list of recommended administrative amendments and associated impacts is provided below:

NO	CURRENT STATE	RECOMMENDED CHANGE	IMPACT
1	A Temporary (Short-Term) Private Water Discharge approval may be permitted to facilitate excavation, site remediation, or construction activities which are not intended to be permanent in nature.	To expand the scope of the definition of Temporary (Short-Term) Private Water Discharge to also include renovations which are not intended to be permanent in nature.	This will allow property owners to apply for a Temporary (Short-Term) Private Water Discharge approval when undertaking structure, system, or property repairs and/or improvements which may not require construction.
2	A connection between a groundwater drainage system and a private sanitary drainage system is not permitted, unless permitted by the City prior to June 28, 2022.	To change Section 21(23) of the By-law to reflect that a connection between a groundwater drainage system and a private sanitary drainage system is not permitted, unless permitted by the City or applicable approval agency prior to June 28, 2022.	This will acknowledge the various historical approval authorities that were in place prior to June 28, 2022.
3	There are typos within the By-law that require correction.	To correct the following typos: (a) The unit of measure for chloroform in Schedule “A” Table 1 and Table 2 shall be ug/L; (b) The limit of total PAHs in Schedule “A” Table 2 shall be 2.0 ug/L; and (c) The limit of trichloroethylene in Schedule “A” Table 1 shall be 400.0 ug/L.	This will ensure the limits and units of measure within Schedule “A” are accurate.
4	There are no AMPs for failing to comply with an Order, obstruction, and/or failing to	To add AMPs to Schedule “B” to facilitate enforcement of the following existing By-law sections:	This will ensure AMPs are in place for existing

NO	CURRENT STATE	RECOMMENDED CHANGE	IMPACT
	give or giving false or misleading information.	(a) 26(1)(b): \$500 AMP (b) 26(1)(c): \$500 AMP (c) 30(5): \$500 AMP (d) 30(6): \$500 AMP (e) 30(7): \$500 AMP (f) 30(8): \$500 AMP	By-law sections, as applicable.

Permanent (long-term) private water discharge provisions were introduced in 2022 in response to changes within in the development landscape, including higher density developments, which has resulted in plans for greater consultation with the development community.

Dewatering a property includes the discharge of private water into the City’s storm or sanitary sewer systems. The City regulates this discharge of water to protect the public, environment, infrastructure, property, and staff through the Sewer Use By-law. The City has issued approvals for temporary (short-term) private water discharge for some time and the 2022 Sewer Use By-law revision provided staff a mechanism to also permit permanent (long-term) private water discharge. Through consultation with the development community, staff understand there is opportunity to further explore enhancements to the City’s permanent (long-term) private water discharge approval process to support City building and also protect the environment.

Recognizing that the study of water quality and the movement of water on the surface and subsurface is a specialized field of study, staff are actively working to engage a consultant specializing in hydrogeology to:

- Undertake a detailed review and assessment of the City’s approach for managing private water as well as an extensive review of other municipality’s practices, applicable codes and regulations, industry reports, environmental impacts, discharge parameters, and cost considerations to identify design approaches, considerations, and data gaps;
- Develop and facilitate stakeholder outreach, engagement sessions, and/or working groups with internal and external stakeholders with the goal of identifying impacts, concerns and preferred approaches;
- Consider how managing private water impacts planning, design and construction and contributes to an effective, safe, economical, and sustainable environment in light of the City’s growth and intensification needs;
- Review and evaluate private water management options and discharge limits and provide recommendations to mitigate risk and liability; and
- Develop a City Policy, Procedure, and Engineering Design Criteria and Standard Drawings for private water management which will provide transparent

documentation and processes for internal staff and external stakeholders to guide the submission, evaluation and approval of dewatering requests.

The result of the above-mentioned project will be brought forward to Council in 2024 following Policy Committee review.

Financial Impact

No financial impact is expected as a result of the recommended administrative amendments to the Sewer Use By-law.

Operational Impact

No operational impact is expected as a result of the recommended administrative amendments to the Sewer Use By-law. By-Law and Compliance, Licensing and Permit Services and Legal Services were consulted during the development of this Report.

Broader Regional Impacts/Considerations

There are no Regional implications as a result of the recommended administrative amendments to the Sewer Use By-law.

Conclusion

The recommended administrative amendments to the Sewer Use By-law are intended to enhance the City's ability to regulate the installation and connection of private sewers to the City's wastewater and stormwater systems, prohibit or limit discharge to the City's wastewater and stormwater systems and other actions that put the integrity of the City's infrastructure at risk, and define a system of recourse and penalties for the purpose of enforcing the Sewer Use By-law. This supports the Term of Council priority of Environmental Sustainability and the goal of protecting environment. The Sewer Use Bylaw is vital to protect health and safety, the environment, and the City's wastewater and stormwater infrastructure.

For more information, please contact: Emilie Alderman, Director, Environmental Services, ext. 6116

Attachments

N/A

Prepared by


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Approved by



Zoran Postic, Deputy City Manager
Public Works

Reviewed by



Zoran Postic
on behalf of Nick Spensieri,
City Manager