
DATE: June 10, 2010

REPORT TITLE: **CONSOLIDATED WASTEWATER BY-LAW AND APPROVAL OF PROPOSED SET FINES PART I**

FROM: Dan Labrecque, Commissioner of Public Works

RECOMMENDATION

That the consolidation of Region of Peel By-law Numbers 9-75, 19-77 and 90-90, as outlined in the report of the Commissioner of Public Works, dated June 10, 2010, titled "Consolidated Wastewater By-law and Approval of Proposed Set Fines Part I", be approved;

And further, that the necessary by-law be presented to Regional Council for enactment;

And further, that the proposed Wastewater By-law come into effect April 1, 2011;

And further, that the proposed Set Fines Part I Schedule attached as Appendix I to the subject report, be approved;

And further, that the proposed Set Fines Schedule for the proposed Wastewater By-law be submitted to the Regional Senior Justice of the Ontario Court of Justice for approval;

And further, that a copy of the subject report and the approved Wastewater By-law be forwarded to the City of Brampton, City of Mississauga, Town of Caledon, the Ministry of the Environment, Toronto and Region Conservation Authority and the Credit Valley Conservation Authority, for information.

REPORT HIGHLIGHTS

- The Wastewater By-law will be a consolidation of three current by-laws.
- As part of the consolidation, some subsequent additions and revisions were made to the by-law.
- This By-law reflects all current regulations aimed at protecting and enhancing our environment.
- Considerable consultation with municipal and industrial partners has occurred with positive results.

June 10, 2010

**CONSOLIDATED WASTEWATER BY-LAW AND APPROVAL OF PROPOSED SET FINES
PART I**

DISCUSSION

1. Introduction

On March 4, 2010, Regional Council has by Resolution 2010-192, approved a report which provided an update on the progression of the initiative to update and consolidate several old by-laws relating to wastewater with a new by-law.

2. Background

a) Legal Authority

Municipalities in Ontario are empowered by the *Municipal Act, 2001* as amended, to enact certain by-laws, Section 11 of the *Municipal Act, 2001* gives the Region of Peel the exclusive jurisdiction to pass by-laws relating to sanitary sewer systems. The Act also permits Peel to set the rates and fees for sewer use.

b) Purpose of the By-law

The Wastewater By-law will govern and control the limits of matter discharged to the Region of Peel sanitary system. The By-law ensures that matter does not have an adverse effect on the operation, repair, replacement, capacity or maintenance of the sewage works. It also protects the Health and Safety of employees and the natural environment.

The By-law sets out boundaries and guidelines to prohibit the inflow and infiltration of storm water and groundwater to the sanitary sewer system.

The By-law also covers financial information on the billing of wastewater for all customers and sets out information for Industrial water users on the Sanitary Sewer Charge Appeal process.

c) Development of the By-law

Three existing by-laws relating to the Wastewater Division have been amalgamated into the new Wastewater By-law. The proposed by-law has been reviewed with municipal partners, such as the City of Mississauga, City of Brampton and the Town of Caledon for consistency in discharge limits for storm water and to obtain any comments they had. It was also reviewed with the Ministry of the Environment, Toronto and Region Conservation Authority, Credit Valley Conservation Authority and as well as industries within Peel. During this process, all partners were sent the proposed by-law and were asked to provide comments/feedback and meet with the Region. Feedback was positive from all the municipal and industrial partners.

June 10, 2010

CONSOLIDATED WASTEWATER BY-LAW AND APPROVAL OF PROPOSED SET FINES PART I

d) Additions to the By-law

Some additions to the proposed by-law will strengthen the Wastewater Program. These include:

- The addition of 19 volatile organic compounds in the sanitary sewer and 15 in the storm sewer sections that will address concerns for controlling organics in the sewer system and for the protection of the environment.
- The inclusion of the requirement for Dental Amalgam Separators as required under the *Dental Act*. This change will protect the environment and also help the Region of Peel maintain its compliance with mercury discharge limits in Peel's Certificate of Approval for the G.E. Booth (Lakeview) Wastewater Treatment Plant. (Mercury controls will be completed in 2011).
- The requirement of Solvent Extractable Matter Separators to ensure that the amount of oil and grease that may enter the sewer systems is limited due to the high organic loading and maintenance problems that may be created by the discharge of this material.
- The implementation of Pollution Prevention Plans to ensure that the discharges come into compliance with the proposed Wastewater By-law.
- In addition to the current penalties, which range from \$10,000 to \$100,000 for by-law infractions, staff are proposing the use of Part I tickets, which carry a maximum fine of up to \$500 (Appendix I). A ticket system will provide for a more efficient and effective process for the enforcement of the proposed by-law.
- The update of information relating to the Inflow and Infiltration (I/I) of storm water to the sanitary sewer as it has not been updated since 1975. It will now reflect changes to the I/I Program and will assist in the efforts to control flooding and related problems.
- The incorporation and update of Wastewater By-law 19-77, which has not been updated since 1977, includes minor revisions to the Sewer Appeal process and removal of procedural information in the existing by-law which was already included in policies and procedures.

3. Public Consultation

Ongoing public consultation was held with internal and external stakeholders to gather feedback. An Open House was held where all monitored companies were invited to view a presentation about the proposed by-law, talk with staff and provide feedback. Additional meetings were held with members of the Halton Peel Responsible CARE group, including a meeting at G.E. Booth (Lakeview) Wastewater Treatment Plant and a full plant tour afterwards. A presentation was also completed at one of the Halton Peel Responsible CARE group meetings in Fall of 2009. The latest consultations were held with companies who may be affected by changes to the administration of the Sanitary Sewer Charge Appeal

June 10, 2010

CONSOLIDATED WASTEWATER BY-LAW AND APPROVAL OF PROPOSED SET FINES PART I

Program. These consultations were held between March 10, 2010 and May 5, 2010. Staff met with the 15 companies to inform them of the by-law updates and impacts they may face. Water Smart Peel staff were also involved in some of the meetings to explain their program and the benefits of water audits and water conservation.

FINANCIAL IMPLICATIONS

The financial implications for industry are a result of the updating of the Sanitary Sewer Charge Appeals. All companies will have to file an updated appeal in accordance with the revised By-law. Currently all appeal companies supply supporting documentation but do not fill out a form. The cost to the company will be minor. Companies with existing sanitary sewer appeals in place may have some financial impacts initially as they will no longer receive credit for water discharged to the storm sewer. However, this action will encourage water conservation with the companies finding alternative uses for the non-contact cooling water. Approximately 15 companies were identified in February 2010 and meetings were held with these companies. Since then, they have all been referred to the Water Smart Peel program and several have had water audits performed by the Region to find alternative usage for the water. This action should assist in minimizing the additional amount companies may have to pay.

In consultation with neighboring municipalities, it has been discovered that being prepared for the administrative work and associated workload was paramount during their implementation period. As a result, for the purposes of the administration and enforcement of the proposed Wastewater By-law, additional resources may be required to ensure that the requirements of industrial users in filing Waste Survey Reports and Pollution Prevention Plans are met; the Sanitary Sewer Charge Appeals are updated; procedures are updated; the By-law is enforced and industries are inspected as part of the enforcement to ensure protection of the environment. Staff is currently reviewing the financial impacts and will seek any necessary approvals from Council as part of the 2011 budget process.

CONCLUSION

The proposed Wastewater By-law will ensure that the Region of Peel our infrastructure, the natural environment and water quality is protected. Controlling waste at the source will protect the operation, maintenance and the capacity of the sewage works as well as ensure water conservation. It is recommended that the proposed Wastewater By-law be enacted and adopted.

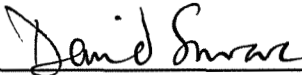
June 10, 2010

**CONSOLIDATED WASTEWATER BY-LAW AND APPROVAL OF PROPOSED SET FINES
PART I**



Dan Labrecque
Commissioner of Public Works




Approved for Submission:



D. Szwarc, Chief Administrative Officer

For further information regarding this report, please contact Elaine Gilliland at extension 3105 or via email at elaine.gilliland@peelregion.ca

Authored By: Elaine Gilliland

 c. Legislative Services
 Patrick O'Connor Regional Solicitor
 Manager, Financial Support Unit (FSU)

**THE CORPORATION OF THE REGIONAL MUNICIPALITY OF PEEL
BY-LAW NUMBER 53-2010
A BY-LAW TO REGULATE THE WASTEWATER BY-LAW**

PART I: PROVINCIAL OFFENCES ACT

Item	Short Form Wording	Provision creating or defining offence	Set Fine
1	discharge/deposit/cause/permit the discharge or deposit of Matter into a Sanitary Sewer or into a Connection to a Sanitary Sewer where to do so may cause/result in an obstruction or restriction to the flow in the sewage works.	2(1) 1.(h)	\$250.00
2	discharge/deposit/cause/permit the discharge or deposit of Matter into a Sanitary Sewer or into a Connection to a Sanitary Sewer having a pH less than 5.5 or greater than 10.0.	2(1) 2.(a)	\$250.00
3	discharge/deposit/cause/permit the discharge or deposit of Matter into a Sanitary Sewer or into a Connection to a Sanitary Sewer which consists of two or more separate liquid layers.	2(1) 2.(b)	\$250.00
4	discharge/deposit/cause/permit the discharge or deposit of Matter into a Sanitary Sewer or into a Connection to a Sanitary Sewer of hauled sewage.	2(1) 3.(e)	\$250.00
5	discharge/deposit/cause/permit the discharge or deposit of Matter into a Sanitary Sewer or into a Connection to a Sanitary Sewer with a concentration in excess of 2 mg/L Methylene Chloride.	2(1) 4	\$300.00
6	discharge/deposit/cause/permit the discharge or deposit of Matter into a Sanitary Sewer or into a Connection to a Sanitary Sewer with a concentration in excess of 1.4 mg/L 1,1,2,2-Tetrachloroethane.	2(1) 4	\$300.00
7	discharge/deposit/cause/permit the discharge or deposit of Matter into a Sanitary Sewer or into a Connection to a Sanitary Sewer with a concentration in excess of 1 mg/L Tetrachloroethylene.	2(1) 4	\$300.00
8	discharge/deposit/cause/permit the discharge or deposit of Matter into a Sanitary Sewer or into a Connection to a Sanitary Sewer with a concentration in excess of 0.27 mg/L Toluene.	2(1) 4	\$300.00
9	discharge/deposit/cause/permit the discharge or deposit of Matter into a Sanitary Sewer or into a Connection to a Sanitary Sewer with a concentration in excess of 0.4 mg/L Trichloroethylene.	2(1) 4	\$300.00
10	discharge/deposit/cause/permit the discharge or deposit of Matter into a Sanitary Sewer or into a Connection to a Sanitary Sewer with a concentration in excess of 1.4 mg/L Xylenes.	2(1) 4	\$300.00

2w-81-7

APPENDIX I
June 10, 2010

CONSOLIDATED WASTEWATER
BY-LAW AND APPROVAL OF
PROPOSED SET FINES PART I

11	discharge/deposit/cause/permit the discharge or deposit of Matter into a Sanitary Sewer or into a Connection to a Sanitary Sewer with a concentration in excess of 8.0 mg/L Methyl Ethyl Ketone.	2(1) 4	\$300.00
12	discharge/deposit/cause/permit the discharge or deposit of Sewage into a Sanitary Sewer/Storm Sewer/Combined Sewer/Municipal Sewer Connection/Multiple Municipal Sewer Connection/Private sewer Connection where water has been added to the discharge for the purposes of dilution to achieve compliance with Part 2 or Part 4.	3	\$300.00
13	discharge/deposit/cause/permit the discharge or deposit of Matter into or land drainage works, Private Branch Drains or connections to a storm sewer Connections to any Storm Sewer Matter of any type which may contain hauled sewage.	4(1) 8.(f)	\$300.00
14	discharge/deposit/cause/permit the discharge or deposit of Matter into or land drainage works, Private Branch Drains or connections to a storm sewer Connections to any Storm Sewer Matter of any type which may contain hauled waste.	4(1) 8.(g)	\$300.00
15	discharge/deposit/cause/permit the discharge or deposit of Matter into or land drainage works, Private Branch Drains or connections to a storm sewer Connections to any Storm Sewer Matter of any type which may contain sewage.	4(1) 8.(o)	\$250.00
16	discharge/deposit/cause/permit the discharge or deposit of Matter into or land drainage works, Private Branch Drains or connections to any Storm Sewer Matter of any type which may contain contaminants from raw material, intermediate product, finished product, by-product, or waste product of an industrial process.	4(1) 10	\$300.00
17	discharge/deposit/cause/permit the discharge or deposit of Matter into or land drainage works, Private Branch Drains or connections to any Storm Sewer Matter of any type which may contain a concentration in excess of 15 mg/L Biochemical Oxygen Demand.	4(1) 11	\$300.00
18	discharge/deposit/cause/permit the discharge or deposit of Matter into or land drainage works, Private Branch Drains or connections to any Storm Sewer Matter of any type which may contain a concentration in excess of 0.120 mg/L Total Lead.	4(1) 11	\$300.00
19	discharge/deposit/cause/permit the discharge or deposit of Matter into or land drainage works, Private Branch Drains or connections to any Storm Sewer Matter of any type which may contain a concentration in excess of 0.0004 mg/L of Total Mercury.	4(1) 11	\$300.00

CONSOLIDATED WASTEWATER
BY-LAW AND APPROVAL OF
PROPOSED SET FINES PART I

20	discharge/deposit/cause/permit the discharge or deposit of Matter into or land drainage works, Private Branch Drains or connections to any Storm Sewer Matter of any type which may contain a concentration in excess of 0.002 mg/L Benzene.	4(1) 11	\$300.00
21	discharge/deposit/cause/permit the discharge or deposit of Matter into or land drainage works, Private Branch Drains or connections to any Storm Sewer Matter of any type which may contain a concentration in excess of 0.002 mg/L Ethylbenzene.	4(1) 11	\$300.00
22	discharge/deposit/cause/permit the discharge or deposit of Matter into or land drainage works, Private Branch Drains or connections to any Storm Sewer Matter of any type which may contain a concentration in excess of 0.002 mg/L Toluene.	4(1) 11	\$300.00
23	discharge/deposit/cause/permit the discharge or deposit of Matter into or land drainage works, Private Branch Drains or connections to any Storm Sewer Matter of any type which may contain a concentration in excess of 0.0044 mg/L Xylenes.	4(1) 11	\$300.00
24	Fail to complete and submit a Waste Survey Report to the commissioner within 60 days of written notification.	5(1)	\$250.00
25	Fail to immediately notify the Region of Peel, provide any information with respect to the spill which the Region requests and completes any work the Region may require to mitigate the spill.	9(1)	\$300.00
26	Fail to install and maintain in good repair in each connection a suitable maintenance access hole to allow observation, sampling and flow measurement of the sewage, uncontaminated water or storm water therein.	12(1)	\$250.00
27	Fail to ensure that every Maintenance Access Hole, alternative device or facility as installed by section 12 is accessible for the purposes of observing sampling and flow measurement of the sewage, Storm Water, or uncontaminated water therein.	12(4)	\$250.00
28	Hinder/obstruct or attempt to hinder/obstruct, except with lawful authority, the Commissioner or his or her designate bearing proper credentials and identification from making such tests or taking such samples as he/she deems necessary.	13(b)	\$100.00
29	Hinder/obstruct or attempt to hinder/obstruct, except with lawful authority the Commissioner or his or her designate bearing proper credentials and identification from inspecting or observing any plant, machinery, equipment, work or activity for the purposes of administering or enforcing this By-law.	13(c)	\$100.00

CONSOLIDATED WASTEWATER
BY-LAW AND APPROVAL OF
PROPOSED SET FINES PART I

30	Uncover/make any connection with/or opening into/break/alter/damage/destroy/deface/or tamper with, or cause or permit the breaking/damaging/destroying/defacing or tampering with any part of a Sewage Works.	14(1)a	\$300.00
31	Uncover/make any connection with/or opening into/break/alter/damage/destroy/deface/or tamper with, or cause or permit the breaking/damaging/destroying/defacing or tampering with any permanent or temporary device installed in a Sewage Works for the purpose of measuring, sampling and testing of Sewage, Uncontaminated Water or Storm Water.	14(1)b	\$300.00
32	Unauthorized entry to Sewage Works.	14(3)	\$300.00
33	Shall not connect/permit the connection of a Rain Water Leader/Storm Water Leader/Ground Water Drainage System to the sanitary sewer	15(1)	\$250.00