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SEWER USE BY-LAW UPDATE

The Transportation and Works Committee recommends the adoption of the recommendations contained in the following report, December 14, 2004, from the Commissioner of Transportation and Works:

1. RECOMMENDATIONS

It is recommended that:

1. The Regional Municipality of York enact a new Sewer Use By-Law (*see Attachment 1*) in accordance with the terms set out in this report.
2. Region of York By-Law S-57-92-155 be repealed.

2. PURPOSE

This report explains and recommends the approval and enactment of a new sewer use by-law.

3. BACKGROUND

The existing sewer use by-law no. S-57-92-155 was enacted and passed in 1992. The by-law contains limits, prohibitions and conditions to protect the sewer system infrastructure and the receiving sewage treatment plants from discharges from commercial and industrial sites. The by-law also addresses storm water quality to protect streams and other natural water bodies from impacts caused by storm water runoff from commercial and industrial sites.

Regulation and enforcement of the by-law is accomplished through monitoring of commercial and industrial sites for compliance with the limits, prohibitions, and conditions including surcharge agreements and compliance programs.

Sewage is currently transmitted from York Region into Durham Region, and will be transferred to Peel Region for treatment in the near future. The York Durham Sewage System (YDSS) was originally constructed to convey wastewater sewage from Newmarket, Aurora, Vaughan, Richmond Hill and Markham to a central treatment facility located in Durham and servicing both Durham and York Region.

Due to increased growth in York, the YDSS is being expanded to accommodate additional growth and flows from these original communities and will also serve East Gwillimbury and Whitchurch-Stouffville. However, to accommodate all planned growth sewage from Vaughan will be partially diverted to treatment facilities in Peel.

Sewers and treatment systems in Durham and Peel will be conveying and treating flows that combine Peel and York, or Durham and York sewage. Discharges that do not meet the requirements of the Sewer Use By-Law could have serious consequences on public health and safety, and municipal infrastructure. Unauthorized discharges could result in:

- A threat to health and safety of workers.
- Damage to municipal infrastructure.
- Interference with the normal operation of the treatment plant.
- Limitations on the treatment of sludge (biosolids) at the treatment plants.
- The discharge of contaminants to the natural environment.

Standardizing limits within these municipalities will facilitate cross boundary sewage transfer.

Toronto has been consulted extensively regarding the rationale for issues and limits in their by-law, which was enacted in July 2000. Toronto has traditionally provided the lead for implementing and revising sewer use by-law limits. Their revision preceded that of York, Durham and Peel by several years and as such their work was reviewed to understand the rationale for changes. Consultations with Peel and Durham regions have been conducted to review the new Toronto by-law and associated issues. Agreement on the contaminant standards and limits, generally based on the Toronto by-law, to be adopted by the three regions has been completed.

3.1 Consultation and Comments

The proposed by-law has been distributed in a draft format to 132 industries in York Region that are impacted by the current by-law. A public information center was held on September 1, 2004 with notice in local York Region newspapers. Notices were also mailed to these select industries, industry associations, local municipalities and select environmental agencies.

Comments were accepted until September 8th 2004. All comments and questions received have been addressed.

4. ANALYSIS AND OPTIONS

Generally, the proposed by-law differs from the existing in the following ways:

- Reduced limits for select heavy metals e.g. mercury, nickel, chromium, cadmium.
- New limits for organics and organic compounds.
- Recognition and allowance for pollution prevention plans and best management practices where approved by the Region.

To provide time for dischargers who may be impacted by the proposed new limits, a two year window prior to the proposed limits being in effect, is included as part of the proposed by-law.

The proposed new by-law and generally more stringent limits will assist sewage treatment plants in York, Durham, and Peel region to achieve effluent compliance and biosolids/sludge quality limits, help provide a safer operating environment in the sewers, and help ensure the integrity of the natural environment for future generations.

The adoption of the proposed sewer use by-law will provide the following benefits:

- A simplified, easy to understand sewer use by-law in terms of current definitions, terminologies, and the general presentation of by-law requirements.
- The incorporation of Pollution Prevention and the recent ISO 14000 to reflect the trend to ISO certification. The addition of a pollution prevention section allows York Region to promote pollution prevention planning and ISO 14000 programs. Pollution prevention refers to the adoption of processes, practices, materials or products that avoid, reduce or control pollution. This section may be used to require an industrial discharger to complete a pollution prevention assessment of their site, including any wastewater discharges.
- Compatible inter-regional sewer use by-law limits, prohibitions, and conditions for the regulation and enforcement of commercial and industrial dischargers.
- Harmonization with municipalities in the GTA with respect to the City of Toronto's sewer use by-law standards to provide a unified approach to commercial and industrial dischargers. This will help ensure there is no financial incentive for business to locate in one municipality or another.
- More stringent limits for mercury to assist treatment plants in achieving new air emissions limits.
- Specific conditions for the acceptance and disposal of both hauled sewage and hauled waste.

The proposed by-law is recommended in order to achieve a number of benefits including consistency with other GTA municipalities and to assist the Duffin Creek WPCP to achieve new mercury limits for air emissions from the treatment process. If the by-law is not adopted these benefits will not be achieved. This may result in non compliance issues at the WPCP and could lead to issues with Peel and Durham for the acceptance and unit rate for treatment of York sewage. York has an agreement with Peel and Durham for the acceptance and treatment of sewage. Generally, the level of contaminants in the sewage should be similar to that in Peel or Durham.

5. FINANCIAL IMPLICATIONS

The implementation of the proposed by-law amendment by itself will not result in higher administration and enforcement costs for the by-law enforcement. The cost of the sewer use by-law program is controlled by the application of the program objectives and mandate and is not reflective of the limits in the by-law. Currently, York employs two full time staff as sewer use by-law officers. No change to this staffing level is expected as a result of this by-law.

6. LOCAL MUNICIPAL IMPACT

Some commercial and industrial dischargers may be required to implement remedial measures to comply with the proposed sewer use by-law limits. All conditions of the new by-law are to be effective as soon as the bylaw is enacted and passed with the exception of the new limits. Dischargers will be required to meet the new limits after a two (2) year period. Between the date of enactment and passing of the bylaw and two (2) years henceforth, the limits as listed in by-law S-57-92-155 will be used for the determining compliance with the bylaw.

The implementation period should provide sufficient time for business to adopt these changes. Since the limits are consistent with the neighbouring municipalities, there should be no financial incentive for businesses to relocate.

7. CONCLUSION

The adoption of the amended sewer use by-law will provide harmonization of the Regions' by-law with neighbouring municipalities in the GTA, will assist in achieving compliance at the Duffin Creek WPCP and reflects current environmental trends in industry and government.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause is attached to this report.)