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REGULATORY COMPLIANCE TRACKING AND ASSURANCE – WATER AND WASTEWATER

The Transportation and Works Committee recommends the adoption of the recommendation contained in the following report, June 2, 2006, from the Commissioner of Transportation and Works:

1. RECOMMENDATION

It is recommended that this report be received for information.

2. PURPOSE

This report provides an overview of the Regulatory Compliance and Policy Group and the services it provides within the Water and Wastewater Branch in order to meet all applicable legal and regulatory requirements.

3. BACKGROUND

Legislative amendments released in 2004 by the Ministry of the Environment (MOE) to the *Safe Drinking Water Act, 2002* and other applicable regulations resulted in sufficient changes to the Water and Wastewater operations. These regulatory changes included certification and licensing requirements for water and wastewater operators (O. Reg. 128/04 and 129/04), reclassification of water facilities (O. Reg. 128/04) and amendments to the Drinking Water System Regulation (O. Reg. 170/04).

Performance objectives required under these regulations include compliance with all legislation for each water and wastewater facility, Certificate of Approval, Permit to Take Water, and Inspection Report. In order to maintain compliance and meet all applicable legal and regulatory requirements, Council authority was given to the Water and Wastewater Branch to create the Regulatory Compliance and Policy group. The group was created, in part, with the 2005 budget process and fully implemented January, 2006.

The mandate of the Regulatory Compliance and Policy Group is to develop a risk-based compliance program for the Water and Wastewater Branch. The Group will facilitate the continual improvement of water and wastewater services in order to meet all applicable legal and regulatory requirements.

The elements of the Regulatory Compliance and Policy Program include:

- The management of regulatory compliance.
- The use of the ISO 14001:2004 and ISO 9001:2000 standards as guidelines for environmental management and quality control.
- Sewer Use By-Law Enforcement.

The program will be administered and delivered through a partnership approach; both with internal and external stakeholders working together to achieve a common goal of meeting all legal and regulatory compliance requirements.

4. ANALYSIS AND OPTIONS

4.1 Compliance

The primary mandate is to ensure all York Region water and wastewater facilities operate within the regulatory requirements that govern them. As part of this mandate our service delivery will focus on:

- Communicating continual changes within the regulations to employees to ensure their applications are fully understood and implemented.
- Ensuring compliance audits are conducted to assess operations and procedures against pertinent legislated regulations to proactively prevent compliance issues prior to their emergence.

In order to meet our regulatory obligations and to communicate the compliance commitment, we produce the following annual reports which are distributed to applicable stakeholders:

- Schedule 22 Summary Reporting (Reg. 170/03).
- Water Quality Reporting (Reg. 170/03).
- Permit To Take Water Reporting (PTTW) for municipal wells operated by the Region.
- Summary of Annual Water Taking Reporting (Reg. 387/04).
- National Pollutant Release Inventory Reporting (CEPA).
- Airborne Contaminant Discharge Monitoring and Reporting (Reg. 37/06).
- Environmental Emergency Reporting (CEPA).
- Wastewater Performance Reporting (CofA).
- Council Reporting.
- MOE Inspections Reporting.

As part of our risk-based approach, we conduct independent facility inspections towards ensuring the protection of the environment and public safety.

4.2 Operational Management Systems - ISO 9001:2000 and ISO 14001:2004

Both of these standards provide a framework in the design and implementation of our water and wastewater management systems. These management systems provide direction to staff towards continual improvement and system efficiency while meeting the mandate of providing a continuous supply of drinking water, efficient wastewater collection and treatment services while meeting all applicable legal and regulatory requirements.

The management system initiatives include:

- Facilities to be audited twice over a three-year period to ensure compliance to the ISO Standards, to identify any non-conformances, and to highlight opportunities for improvement.
- External standardization audits conducted twice a year to maintain ISO certification and to ensure conformance to the ISO standards.
- Annual objectives and targets for performance metrics to demonstrate the continual improvement of our management systems.
- Semi-annual management review meetings to discuss the status of the management systems, as well as acts as review of resources, operational trends, and other applicable issues.
- Emergency plans are provided and communicated to staff through the management system as required by the EPA (Environmental Protection Act). These plans are audited and tested on an annual basis for effectiveness and response to significant environmental aspects such as spills and emissions.

4.3 Sewer Use By-Law

Over the years, the Sewer Use By-Law Enforcement Program has evolved from its initial objective of identifying and documenting potential dischargers through basic information collection, to more emphasis on enforcement activities. As the preliminary task of discharger identification was completed, the annual number of inspections stabilized at current levels. However, the continuing industrial growth at the Region resulted in new potential discharges entering the wastewater system and continues to expand the program.

This financially self-sustaining program utilizes regular on-site inspections combined with a rigorous wastewater sampling program towards ensuring the state of compliance by the industries in the Region. This is a sound proactive approach towards preventing pollutants in excess of by-law limits from entering the sewer system. This, in turn, will protect the wastewater treatment process and ultimately the environment.

A report to Council was submitted in May, 2006 providing an overview of the Sewer Use By-Law Enforcement Program employed by the Region. As recommended, a report on

the program will be submitted to the Transportation and Works Committee and Regional Council annually.

4.4 Awareness

One of the greatest challenges facing the water and wastewater industry is the ever evolving enforcement by the regulators. In order to overcome this, an effective stakeholder management program is being implemented.

Some of the key initiatives currently being considered by the group include:

- A comprehensive stakeholder engagement program that incorporates regular meetings with internal and external stakeholders.
- A dedicated website on the Regional intranet which will ultimately be reproduced to the Regional website.
- The publishing of a quarterly newsletter raising awareness initially in the ISO component of the program.
- An effective involvement with the training of the operational staff by developing a site specific training program, Risk Based Site Specific Training, RBS²T.
- The hosting of an “Environment First” symposium focussing on the environmental protection initiatives by the Region and its major neighbouring municipalities, Toronto, Peel and Durham.
- The development of a water and wastewater treatment curriculum to be used by the York Board of Education to target youth.

This awareness program will be reassessed at the end of the year and adapted to the changing needs of our stakeholders towards the ultimate goal of ensuring compliance through awareness.

5. FINANCIAL IMPLICATIONS

A well-managed compliance program will mitigate costs associated with environmental incidents and resulting regulatory infractions. A supplementary benefit of the ISO program is the positive impact on operational budgets through reduced resource consumption.

The Regulatory Compliance and Policy Group is made up of nine full-time staff members with the use of two students as resource and an approved budget of \$664,394. One full-time position is pending hire with the group fully staffed by fall 2006.

Currently, the program budget is delivered through the Transportation and Works Administrative Program. Over the course of 2006, the group will develop a separate budget and program code to assess the financial implications based on our initiatives and

additional staffing requirements. This will not only form a base-line for our future needs but monitor and track the costs mitigated towards ensuring compliance.

6. LOCAL MUNICIPAL IMPACT

The Regulatory Compliance and Policy Group will be working in collaboration with the local municipalities and provide assistance as needed towards ensuring:

- A continuous supply of drinking water that meets all applicable legal and regulatory requirements.
- Efficient wastewater transmission and treatment services that comply with all applicable environmental legislation, regulatory and other requirements.
- A Water and Wastewater Branch commitment to reducing impacts to the natural environment, by designing the current management systems with initiatives that reduce air emissions, minimize waste production and reduce energy consumption.

In supplying these services, The Regional Municipality of York seeks to protect and conserve the natural environment while providing a high-quality service product benefiting all local municipalities.

7. CONCLUSION

This report provides an overview of the Regulatory Compliance and Policy Group and the services it provides within the Water and Wastewater Branch to meet all applicable legal and regulatory requirements. Our goal is to develop a risk-based compliance program for the Water and Wastewater Branch, facilitating the continual improvement of the water and wastewater services to meet all applicable legal and regulatory requirements.

The Senior Management Group has reviewed this report.