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HAULED WASTEWATER PROGRAM POLICY AND FEE UPDATE

The Environmental Services Committee recommends the adoption of the recommendations contained in the following report dated October 31, 2011, from the Commissioner of Environmental Services.

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council endorse the Hauled Wastewater Program Policy, and associated fees and rates, effective May 1, 2012.
2. Regional Council authorize the amendment of Schedule “A” to the Fees and Charges Bylaw (Bylaw 2010-15) to implement the proposed fees described in Table 5 of this report.

2. PURPOSE

The purpose of this report is to seek Council’s endorsement of the new Hauled Wastewater Program policy and associated fees and charges.

3. BACKGROUND

The Region provides hauled wastewater receiving services to residents and businesses on private wastewater systems

Approximately 120,000 residents and businesses in York Region use their own septic or wastewater holding systems which require regular maintenance and wastewater haulage services. To assist in providing services to these residents and businesses, the Region has three wastewater facilities available to receive certain types of hauled wastewater: the Aurora Pumping Station in the Town of Aurora serving central and southern areas of the Region, the Sutton Water Pollution Control Plant located in the Town of Georgina, serving specifically the Town of Georgina, and the Duffin Creek Water Pollution Control Plant in the City of Pickering, accepting hauled wastewater from any area in York Region. This facility is operated by Durham Region and it has its own hauled wastewater program and policy

Structure of current hauled wastewater program

The current Hauled Wastewater Program (the “Program”) is jointly managed by Environmental Services Department’s Operations Maintenance and Monitoring Branch, and Environmental Promotion and Protection Branch. Registration of the haulage service providers (the “Haulers”) in the Program is handled by the Sewer Use Compliance Team in Environmental Promotion and Protection, while Operations Maintenance and Monitoring is responsible for operational and other administrative components of the Program.

Administration and operation of the current Program are based largely on the following procedures and requirements documented in Operations Maintenance and Monitoring’s ISO14001 Management System:

- Waste Hauler Approval (procedures about processing, approving, and registering a Hauler to the Program)
- Hauled Sewage Dumping (procedures and requirements about the disposal of hauled wastewater at the receiving facilities)
- Receipt of Manifested Waste (procedures and requirements about the disposal of hauled wastewater regulated by the Ministry of the Environment)
- Aurora Pumping Station Dump Pad Closure (procedures on communication to Haulers about facility closure)
- Dumping Program and Transfer of Waste Receipts (procedures about tracking and managing information generated from the Program)

Currently, Haulers have 24/7 access to the Region’s hauled wastewater receiving sites, and volumetric billing is based on an “honour” system, which requires the Hauler to complete a ticket indicating the volume and source of wastewater discharged during each visit.

Changes needed to the current hauled wastewater program to mitigate potential risks and liabilities to the Region

Recent experiences concerning discharges into the designated hauled wastewater receiving facilities, specifically the Aurora Pumping Station and the Sutton Water Pollution Control Plant (“Facilities”), have highlighted a level of risk exposure. For example, needles and animal hooves have been found at receiving facilities potentially exposing staff to disease. Also, heavy grit mixed with hauled wastewater discharges and receiving material that the sewage collection and treatment system is not designed to manage at the facilities has been linked to premature wear of pump impellers at the Aurora Pumping Station.

Current risks and limitations of the existing program include:

- One time registration can result in outdated contact and billing information as well as access to the Facilities by companies who no longer operate

- Limited monitoring requirements can potentially result in prohibited materials being disposed at the Facilities
- Unknown quality of hauled wastewater can potentially result in adverse impacts on the equipment, and poses health and safety concern to staff
- Out-dated hauled wastewater disposal rate will not allow York Region to fully recover the costs of providing hauled wastewater receiving services

Enhanced hauled wastewater program protects public, staff, infrastructure and environment

York Region is formalizing and updating its hauled wastewater program policy to align with changing regulatory requirements, protect employee health and safety, and protect the environment. Ultimately, these enhancements will help to protect the Region's sewage infrastructure by deterring the discharge of prohibited substances which could cause premature degradation of operating equipment, at the Facilities while ensuring that the Region is fully compensated for the service.

Opportunities to improve the Region's current hauled wastewater program include:

- Control on administrative information to ensure contact information for the Haulers is accurate and determine validity of registrations
- Establishing monitoring and sampling requirements to identify the type and quality of the wastewater and prevent prohibited substances from being disposed of at Regional facilities
- Verification of volume of hauled wastewater received to ensure accurate billing and cost recovery
- Updating disposal rates to adequately recover costs associated with treatment and operations

4. ANALYSIS AND OPTIONS

It is necessary to establish a formal policy for the hauled wastewater program to address current issues

Establishing a formal policy for the Program will help to define requirements, provide guidance, and mitigate existing Program risks. Since early 2009, staff have worked in collaboration with Legal Services to draft a proposed new Hauled Wastewater Program Policy (the "Policy").

The purpose of the Policy is to:

1. Regulate the discharge of hauled wastewater to the receiving facilities.
2. Establish registration requirements and procedures for haulers.
3. Classify the types of hauled wastewater that may be accepted for disposal at the receiving facilities.

4. Set out monitoring and sampling requirements for hauled wastewater.
5. Set out the consequences for violations of the Policy.

The proposed Policy is included as an attachment and provides detailed information about the Program's components (*see Attachment 1*). Key highlights of the proposed changes include:

- Annual registration for Haulers
- Reduction of service hours at the Aurora Pumping Station and Sutton Water Pollution Control Plant, from daily 24/7 access to 6 am to 6pm, Monday through Friday
- Fees and notification requirements for emergency disposal access
- Increased disposal rates and an introduction of user service fees

Attachment 2 summarizes the new policy and provides a comparison between the current and the proposed program. (*see Attachment 2*)

Comments received from consultation with the haulage industry have helped to refine the proposed Policy

To be fair and transparent in setting these new standards for the Program in the Policy, the Region consulted the haulers to gain insight into the potential impact on the haulage industry, and to provide them an avenue to voice their concerns.

The first consultation was held on August 25, 2009 to review proposed changes and requirements with the haulers. A draft policy and a document highlighting the key changes were given to the Haulers with a two-week period for review and comment. A total of six responses were received. The major concern was about the change to the operating hours, from 24/7 access to regular business hours.

Over the last two years, various types of operating models were tested to help determine resource requirements for the proposed changes. Monitoring activities were completed at the Aurora Pumping Station, which helped staff evaluate the practicality of the changes. Staff also reviewed Hauled Wastewater Program strategies from municipalities throughout Ontario to identify areas of commonality and best practices. A risk assessment was conducted at the Aurora Pumping Station by the staff and findings from the assessment were incorporated in the Policy.

Revisions were made to the Policy to streamline the Program's processes and to simplify the language, making the draft easier to understand while preserving the framework of the Policy. The "Emergency after hours disposal" protocol was further refined to address haulers' concerns with reduced operating hours. A second consultation was held on August 9, 2011 to communicate the updated Policy. A total of 51 comments and questions were documented with the main concerns being the reduced operating hours, fees for emergency after-hours disposal, and billing based on full truck capacity.

On September 7, 2011, the Region met with the President of National Association of Wastewater Transporters, representing the wastewater haulage industry, to review Policy revisions that addressed comments and concerns raised at the second consultation. Constructive and practical suggestions were gathered for further consideration in finalizing the Policy. It was also agreed that future program materials, such as best practices and health and safety information, may be communicated to the wastewater haulage industry through the National Association of Wastewater Transporters.

Consultation with Greater Toronto Area and surrounding municipalities provides solid data in support of new program operating hours

Staff consulted several municipalities to share program information and discuss challenges in running the Hauled Wastewater Program. Operating hours from neighbouring municipalities reviewed to validate the reduction in York Region operating hours from 24/7 at all facilities to business hours at some facilities (Table 1). Throughout the GTA, only three facilities maintain 24/7 access for the purpose of receiving hauled waste. These sites either have automated processes to quantify and sample the received wastewater, or have 24-hour staff on site.

Table 1
GTA and other municipalities Hauled Waste Facilities Disposal Hours

Municipalities	Hours of Operation	Days of Operation	Notes
Brantford	6:00 a.m. to 9:00 p.m.	7 days/week	
Halton	8:00 a.m. to 4:00 p.m. 24 hours	Monday -Friday 7 days per week	Four facilities One out of four facilities with access for emergency disposal only
Peel	6 a.m. to 9 p.m. 24 hours	Monday – Friday 7 days per week	Weekend access for emergencies only One facility with security system in place
Kingston	7:30 a.m. to 3:30 p.m.	Monday - Friday	
Toronto	7:30 a.m. to 3:30 p.m.	Monday - Friday	
Durham	7:30 a.m. to 3:30 p.m.	Monday - Friday	
York-Durham	24 hours	7 days per week	Duffin Creek Water Pollution Control Plant is staffed continuously
Niagara	7:30 a.m. to 4:30 p.m.	7 days per week	
Waterloo	7:30 a.m. to 3:30 p.m.	Monday to Friday	

Currently, 75 per cent of discharges at Regional facilities occur between 8 am to 4 pm, Monday through Friday

Access activity to the Aurora Pumping Station is time and date stamped when the Hauler uses the access card at the entry gate. At the Sutton Water Pollution Control Plant, Hauler access is not time stamped. A review of year-to-date activity at the Aurora Pumping Station identified that approximately 75 per cent of discharges occur during normal operating hours, Monday through Friday (Table 2). Using this same data, expanding the operating hours to 6 am to 6pm, Monday through Friday, is expected to capture approximately 88 per cent of discharges. The Duffin Creek Water Pollution Plant is accessible 24 hours per day, every day of the week. There are also provisions within the policy that allow for emergency discharge access for a fee.

Table 2
Breakdown of Current Hauled Wastewater Discharge Activity in
Aurora Pumping Station by Percentage of All Discharges

Operating Hours	Usage (%)	Avg. # of visits per week
8AM - 4PM		
Monday – Friday	75	56
Saturday	4	3
Sunday	1	1
6 AM– 6PM		
Monday – Friday	88	66
Saturday	5	3
Sunday	1	1

Total number of visits at Aurora PS (Jan – Aug) = 2558

Average number of visits per week $\approx$ 75

Total annual hauled wastewater volume received at both facilities varied over the past five (5) years. The data indicated there was a slight upward trend of the amount of hauled wastewater received at Aurora Pumping Station, while there was a significant downward trend at Sutton Water Pollution Control Plant. Table 3 summarizes the total annual volume received at both facilities. Variability at either location may be due to the number of haulers in operation, residential septic system maintenance cycles, and other Regional operational maintenance activities.

Table 3
Summary of Hauled Wastewater Volume Received at Aurora Pumping Station
and Sutton Water Pollution Control Plant

Facility	Volume Received (m ³)				
	2006	2007	2008	2009	2010
Aurora Pumping Station	31,201	33,624	47,703	40,790	30,078
Sutton Water Pollution Control Plant	12,060	5,169	2,794	2,198	2,300
Total Volume	43,261	38,793	50,497	42,987	32,379

Implementing an automated dedicated hauled wastewater receiving facility presents an opportunity for the Region to increase Program efficiency

Staff within the Strategy and Business Planning Branch completed a study in July 2011 that recommended an automated hauled wastewater receiving facility be constructed south of the Oak Ridges Moraine to alleviate operating costs of sludge management from all York Region satellite water pollution control plants (excluding Duffin Creek Water Pollution Control Plant). The recommendation suggested that the facility be located in such a location that received solids could be gravity fed through the York-Durham Sewage System, eliminating the need for pumping. This approach would minimize excessive wear and tear on the Region's existing receiving facilities, and presents an opportunity to consolidate hauled wastewater receiving services from currently designated facilities to this potential facility along with the solids collected at the Region's satellite water pollution control plants. In this event, the hauled waste receiving program would contribute approximately 25 per cent of the total volume of material handled at the proposed facility.

A fully automated hauled wastewater receiving system including security, flow measurement, sampling, and monitoring capabilities would be able to facilitate the monitoring and sampling requirements of the proposed Policy. As a result, the overall program efficiency would be improved. Further consideration of this preliminary study and recommendations is required prior to inclusion in the capital plan. If it is determined to proceed with the recommendation for a fully automated hauled wastewater receiving station, it is anticipated that the proposed dedicated facility may be commissioned within three to five years. In the short term, the Sutton Water Pollution Control Plant can be retrofitted to automate the site's hauled waste receiving facilities. However, the Aurora Pumping Station would require detailed design and construction to do the same.

The proposed Policy considers stakeholder consultation while maintaining the need to protect the Region's infrastructure

The final draft of the Policy has been completed based on information gathered through stakeholder engagement as well as through internal assessments of Regional needs. As a result, the Policy incorporates requirements and preventative measures that will:

- mitigate potential impacts on the Facilities from hauled wastewater

- better protect the health and safety of the public and staff
- help achieve a true cost recoverable program
- be fair to the wastewater haulage industry

A communication campaign will be developed to inform private septic system owners on the proposed program changes

Throughout the first quarter of 2012, the Region will communicate new Program requirements and disposal rates to septic system owners. The purpose of this undertaking is to educate residents about the changes and to identify opportunities to minimize service disruptions and mitigate cost impacts. A full communication campaign will be developed and delivered in a multi media format through the Region's official website, York Works, and distribution of information pamphlets. Staff will initiate the planning of the campaign towards the end of 2011.

Link to Key Council-approved Plans

The enhanced hauled wastewater program aligns with the 2011-2015 Strategic Plan goals:

- Continue to deliver and sustain critical infrastructure – through proactive protection of our infrastructure and assets
- Manage the Region's finances prudently – ensuring full cost recovery through effective rates and billing practices
- Strengthen organizational capacity – through implementation of best practices, continuous improvement, and efficient use of existing resources

5. FINANCIAL IMPLICATIONS

Proposed Policy will help to ensure full cost recovery

To provide a sustainable Hauled Wastewater Program for serving septic system owners in the Region, it is necessary to have a fully cost recoverable program. Hauled Wastewater discharge rates have not been amended since 2007. Currently, York Region pays treatment fees to the Region of Durham for processing of hauled waste received through the Region's facilities. The current York Region hauled wastewater discharge rate is insufficient to fully recover the cost of treatment and transmission to the Duffin Creek Water Pollution Control Plant (Table 4).

Table 4
Current Hauled Wastewater Discharge Rates

Duffin Creek Water Pollution Control Plant	Aurora Pumping Station	Sutton Water Pollution Control Plant
\$ 70.27 per 1000 lgal \$15.47 per m ³	\$ 60.92 per 1000 gal \$13.40 per m ³	\$ 42.11 per 1000 gal \$9.27 per m ³

A combination of service fees and an increase in hauled wastewater discharge rates have been proposed to ensure full cost recovery. Table 5 summarizes the proposed rates and service fees, with a two-year phase in provision to achieve full cost recovery by 2013. Table 6 compares York Region's hauled wastewater rate with other GTA municipalities. Attachment 3 provides a graphical illustration of the disposal cost adjustment impact. (see Attachment 3)

Table 5
Comparison of Program Rates and Proposed Fees and Charges

Service / Activity	Current Fee	Proposed Fee	
	2011	2012	2013
Hauler registration fee (annually)	-	\$160	\$160
Access card issuance/replacement fee (per card)	-	\$50	\$50
Volumetric discharge fee (Aurora PS and Sutton WPCP) per m ³ (per 1000 gallons)	\$13.40 (\$60.92)	\$16.20 (\$73.65)	\$19.60 (\$89.11)
Emergency After-hours Disposal Fee	-	\$65 per hour (3 hrs minimum charge)	\$65 per hour (3 hrs minimum charge)

Table 6
Comparison of Hauled Wastewater Rates with other GTA Municipalities

Service / Activity	2011				
	York	Toronto	Halton	Peel	Durham
Volumetric discharge fee - Aurora PS and Sutton WPCP per m ³ (per 1000 gallons)	\$13.40 (\$60.92)	\$26.84 (\$122.01)	\$4.92 (\$22.38)	\$2.86 (\$13.00)	\$15.46 (\$70.27)
Hauled wastewater charge for typical load ¹	\$121.84	\$244.02	\$44.76	\$26.00	\$140.54

¹ Typical load: 9 m³ or 2,000 Gallons

A two-year phased in approach is proposed to help septic owners and haulers adapt to the full disposal rate adjustments

An immediate adjustment of wastewater discharge rates to a fully recoverable rate would require a 33 per cent rate increase. To help mitigate the cost impacts to residents and haulers, a two-year phased in approach is proposed that would make the Program cost recoverable by 2013

Disposal volumetric charges will be calculated based on 85 per cent of the tank capacity

The Region currently does not have the capability to quantify the volume of hauled wastewater discharged into the sanitary system at either of the Facilities. A review of the billing practices of 23 municipalities throughout Ontario determined that a common practice was to determine the discharged volume based on between 80 per cent and 100 per cent of the vehicle capacity. To accommodate specific weight restrictions on hauler vehicles imposed by the Ministry of Transportation during the spring thaw, and the fact that during the winter, a truck cannot be filled to 100 per cent capacity due to freezing concerns, the Region's Policy will determine the volumetric charge based on 85 per cent of the vehicle capacity. This approach is comparable to municipalities across Ontario.

Emergency after-hours disposal charges reflect full cost of providing the service

Twenty-four hour, daily access is available at the Duffin Creek Water Pollution Control Plant to accept discharge of hauled wastewater. However, should an emergency require the operation of either the Aurora Pumping Station or the Sutton Water Pollution Control Plant, this could be accommodated. In these circumstances, a licensed Operator will be required to be present at the Facility. According to the Working Labour Agreement between the Region and the CUPE Local 905 an on-call operator is entitled to receive a minimum of three hours paid for a call out. Therefore, the emergency after-hours disposal fees charged to Haulers are true costs of providing this after-hours service.

Total service fees are comparable between serviced and non-serviced residents

Septic system owners may be impacted by the increased proposed rates and fees as the service fees charged by the Haulers might increase across the industry. However, these new rates and charges are established to ensure that the Region is recovering the costs associated with providing services to receive hauled wastewater. As a comparison, residents currently receiving wastewater service via the York-Durham Sewage System pay an annual cost of approximately \$360, while a non-serviced resident having a 2000 gallon septic holding tank may pay approximately \$100 to \$150 annually, assuming that the tank is pumped out every two years. Under this analysis, the comparative costs between serviced and non-serviced residents reflect fair treatment of taxpayers.

New fees and charges will help better recover all program associated costs

2010 revenues from the Hauled Wastewater Program was approximately \$425,000, and projected revenue for 2011 is estimated at approximately \$540,000. With the proposed fees and charges, the program will be able to better recover all associated costs of providing the service. Table 7 summarizes the projected program revenues over the two year phase in period.

Table 7
Projected Program Revenue

Program Revenues	2012	2013
Hauled Waste Program		
Annual Registration Fee ¹	\$4,800	\$4,800
Hauled Wastewater Recovery – Aurora ²	\$680,380	\$823,240
TOTAL	\$685,180	\$828,040

1. Based on average of 30 registered haulers annually (2008-2010)

2. Based on average volume of 42,000 cubic meters per year multiplied by proposed hauled waste rate in Table 5

A temporary full time staff may be required to implement and maintain the new Hauled Wastewater Program

Until plans for the proposed automated hauled wastewater receiving facility are finalized, Environmental Promotion and Protection will utilize its existing staffing resources to facilitate the monitoring and enforcement component of the Policy, and the management of Program associated data. Random inspections of disposal activities at either Facility will be conducted to ensure compliance. The effectiveness and efficiency of operating the new Program will be evaluated six months after the implementation date. Depending on the outcome of the performance evaluation, a temporary full time position may be required to undertake the additional work load in excess of the capacity of existing staff. This additional staff member would also play a vital role to ensure the program is administered and enforced effectively.

Currently, a data management system is being developed to process all information generated from the Sewer Use Compliance Program, which includes the Hauled Wastewater Program. The system is expected to be implemented Q1 2012. Once in place, it will help alleviate administrative work associated with the Program. If necessary, a staffing analysis will be undertaken to determine if this Program requires permanent resources to maximize its efficiency.

Monitoring and sampling components of the program will have annual costs of approximately \$28,000

To better understand the characteristics of the hauled wastewater discharged at the Facilities, it is necessary to periodically screen loads of hauled wastewater. A sampling

regime will be implemented to reduce risk and mitigate infrastructure impacts, while providing a baseline for the quality and composition of the hauled wastewater. Once sufficient information is gathered, compliance standards can be established. Based on the 2010 laboratory analysis cost schedule at York-Durham Environmental Laboratory, annual sampling and analysis costs, will be approximately \$28,000.

Table 8 summarizes the potential additional capital and operating costs associated with the new hauled waste program.

Table 8
Potential Additional Capital and Operating Cost for the New Program

Description	2012	2013
Operating Costs:		
Staffing Expenses (additional TFT) ¹	\$72,100	\$73,500
Laboratory fees ²	\$28,000	\$28,500
Subtotal Operating Costs	\$100,100	\$102,000
Capital Costs:		
Sampling Bottles and additional equipment	\$10,000	\$10,000
Subtotal Capital Costs	\$10,000	\$10,000
TOTAL	\$110,100	\$112,000

¹ Based on average annual salary and benefits of \$72,100, and assuming a 2 per cent increase for 2013;

² Laboratory fee is based on the number of samples per year multiplied by average lab fee per sample. Average samples per week is 5.

6. LOCAL MUNICIPAL IMPACT

The Hauled Wastewater Program is operated by the Region; therefore, the proposed Policy will not have any direct impact on the local municipalities and their sanitary systems.

Businesses and residents, who are on private septic systems, may have to adapt to a new servicing schedule with the proposed Policy. Likewise, some haulers may also have to adjust their disposal activities and routines. However, the Policy does have provisions in place to address emergencies that would require after hours discharges at the Facilities.

At the initial implementation of the proposed Hauled Wastewater Program Policy, there will be a change in the access of services and fees. The two year disposal fees phase in approach will help ease the transition of the proposed Policy.

7. CONCLUSION

York Region has a large number of private septic systems, which require regular maintenance and servicing. The Region recognizes that there is a need of providing services to receive hauled wastewater. As a result, the Hauled Wastewater Program was established to provide such services. Issues with the current program and its practices warrant an implementation of a new policy to protect the Region's infrastructure, and mitigate risks of environmental pollution and to health and safety.

Implementation of the Policy will also help to ensure full cost recovery associated with providing this service. Also, the Policy will help to achieve a sustainable Hauled Wastewater Program that would maintain a quality service to the septic system owners in the Region and would be fair to all taxpayers.

For more information on this report, please contact Laura McDowell, Director, Environmental Promotion and Protection at 905-830-4444 Ext. 5077.

The Senior Management Group has reviewed this report.

(The three attachments referred to in this clause are attached to this report.)



THE REGIONAL MUNICIPALITY OF YORK
ENVIRONMENTAL SERVICES

HAULED WASTEWATER PROGRAM POLICY

Effective May 1, 2012

1.0 PURPOSE

As a service to York Region residents and businesses not served by a municipal wastewater system, York Region operates a Hauled Wastewater Program to accept hauled wastewater at designated wastewater handling facilities.

York Region has developed this Hauled Wastewater Program Policy (the Policy) under the authority of York Region's Sewer Use By-law to update the regulation of the discharge of hauled wastewater to hauled wastewater receiving facilities in York Region. The Policy establishes the procedures, terms and conditions applicable to participation in the Hauled Wastewater Program.

In particular, this Policy:

1. Establishes registration requirements and procedures for haulers.
2. Classifies the types of hauled wastewater that may be discharged at hauled wastewater receiving facilities.
3. Establishes discharge procedures.
4. Sets out the fees and charges payable by haulers and generators of hauled wastewater.
5. Specifies additional hauler responsibilities and the conditions for participation in this Program.
6. Stipulates the consequences for violations of this Policy.

2.0 DEFINITIONS

The following terms are defined as follows for the purposes of this Policy:

“discharge” includes add, deposit, emit, release or leak;

“emergency” means where, through extraordinary and unforeseen circumstances that are agreed to and documented to the satisfaction of York Region, in its sole discretion, a hauler has no other reasonable alternative but to discharge hauled wastewater at a hauled wastewater receiving facility outside of its normal hauled wastewater acceptance hours;

“EME Unit” means the York Region Environmental Services Department Environmental Monitoring and Enforcement Unit;

“Fees and Charges By-law” means York Region By-law No. 2010-15, as amended;

“hauled sewage” includes sewage which is removed from a cesspool, a septic tank system, a privy vault or privy pit, a chemical toilet, a portable toilet, a sewage holding tank or any sewage infrastructure and transported for discharge, but does not include hauled waste;

“hauled waste” means liquid industrial waste (as this term is defined by Reg. 347) that is transported for discharge and that must be transported with a manifest in accordance with

Reg. 347;

“hauled wastewater” includes hauled sewage and hauled waste;

“hauled wastewater receiving facility” or “Facility” means a facility in York Region designated under subsection 4.01 of this Policy to receive hauled wastewater in accordance with this Policy;

“hauler” means a person who transports or causes or permits the transport of hauled wastewater to a hauled wastewater receiving facility and includes an employee of the person;

“prohibited wastewater” means one or more of the types of wastewater described in section 5.01 of this Policy;

“property” means any land, whether vacant or occupied by a building or structure and includes such building or structure or part of a building or structure, and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected;

“Reg. 347” means the General - Waste Management regulation (R.R.O. 1990, Reg. 347) under the Ontario *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended;

“sanitary sewer” means any part of the sewage works that is intended to collect and convey sewage to a sewage treatment facility;

“sewage” means any liquid containing organic, inorganic, animal, vegetable or mineral matter in solution or in suspension, including floating materials, but does not include storm water or uncontaminated water alone;

“sewage works” means any works owned by The Regional Municipality of York used for the collection, transmission, treatment or disposal of sewage, storm water or uncontaminated water and includes a sanitary sewer, storm sewer and land drainage works;

“Sewer Use By-law” means York Region By-law No. 2011-xx, as amended;

“site” includes a property where an industrial activity takes place that is capable of discharging to a sewage works;

“York Region” means The Regional Municipality of York and its authorized representatives, or the geographic area of The Regional Municipality of York, as the context may require.

3.0 HAULER REGISTRATION REQUIREMENTS AND PROCEDURES

3.01 Registration Requirement

Commencing May 1, 2012, all haulers must be registered in the Hauled Wastewater Program with York Region in accordance with this Policy in order to discharge hauled wastewater at any hauled wastewater receiving facility. Annual renewal is required in order to maintain registration. Only validly registered haulers with proper proof of registration will be permitted access to a Facility.

3.02 Registration Application Process

(a) Registration Application Documents

In order to register with the Hauled Wastewater Program, a hauler must complete and submit the following registration documents to York Region, with satisfactory payment of the required fees:

- Wastewater Hauler Registration Application
- Environmental Management System Requirements and Site Use Conditions For Discharge of Hauled Wastewater

These registration documents can be obtained from the EME Unit.

Note that any information submitted to York Region may be available for disclosure to the public in accordance with the *Municipal Freedom of Information and Protection of Privacy Act, 2001* (MFIPPA). Haulers must clearly indicate if any information submitted to York Region is considered to be confidential, proprietary or otherwise exempt from disclosure under MFIPPA and provide reasons to support its non-disclosure.

(b) Registration Fees and Charges

The annual **registration fee** for the Hauled Wastewater Program is set out in the Fees and Charges By-Law.

If a hauler will be registered for a partial year, the registration fee may be prorated. Contact the EME Unit at the time of registration to determine the fee amount that will be payable.

An **access card fee** will also be charged to haulers at the time of registration for each access card issued. The access card fee will also be charged to replace a lost or damaged access card. Access card fees are non-refundable.

(c) Registration in the Hauled Wastewater Program

The EME Unit will review the registration application and associated materials submitted by a hauler. If all required information is provided and is satisfactory to the EME Unit, in its sole discretion, and the registration fee and access card fees have been paid, the hauler will be

registered in the Hauled Wastewater Program.

An incomplete registration application may be returned to the applicant. To be considered complete, all registration documents must be completed and, where applicable, signed by the applicant and all required fees must be submitted with the registration application.

York Region reserves the right to refuse registration of a hauler into the Hauled Wastewater Program on any of the following grounds:

- The hauler does not possess a valid certificate of approval, environmental compliance approval or other approval or permit required by the Ministry of the Environment or other regulatory authority for transporting hauled wastewater.
- The hauler or any related person or predecessor entity has violated this Policy while previously registered in the Hauled Wastewater Program.
- The hauler or any related person or predecessor entity has a history of non-compliance with any regulatory authority that, in York Region's opinion, renders the hauler unfit to participate in the Hauled Wastewater Program.
- Uncertainty about the identity of the hauler, its vehicles or drivers (for example, but without limitation, uncertainty about the legal name of an individual, existence of a corporation, a licence plate number etc.).
- The hauler or any related person or predecessor entity is involved in pending or unresolved litigation with York Region.
- The hauler has unpaid fees payable to York Region.
- Any other reason that, in the sole opinion of York Region and without limitation, is, necessary to protect the integrity of York Region infrastructure, ensure the health and safety of York Region employees and residents, protect the natural environment, or to prevent undue impacts on York Region residents.

Upon registration of a hauler in the Hauled Wastewater Program and the Region will send the hauler an access card and registration sticker for each vehicle registered to the hauler. Registration will be valid until the end of the current calendar year.

York Region may impose and amend specific terms, conditions or restrictions on particular haulers as deemed necessary or appropriate by York Region in its sole discretion, whether at the time of registration or thereafter.

3.03 Renewal of Registration

Registration is valid until the end of each calendar year. Haulers registered in the Hauled Wastewater Program must renew their registration by **December 31** in order to maintain continuous registration for the next calendar year, without lapse or loss of discharge privileges. Any registration not renewed by this time will be automatically cancelled by York Region and access cards issued to the hauler will be deactivated without further notice to the hauler.

To renew a registration, a hauler must complete and submit to York Region, the same forms listed in section 3.02 above and submit the **registration fee**. Renewal applications will be

accepted by the EME Unit beginning September 1 of the preceding year.

York Region is not obligated to renew any registration, and may refuse to renew a hauler's registration for any of the grounds listed in section 3.02 above.

Once re-registered, the hauler will be sent a new registration sticker for each registered vehicle. Access cards provided to the hauler with the initial registration will remain active, or the Region may issue the hauler new or replacement access cards, at the discretion of the Region.

3.04 Cancellation of Registration

(a) By Hauler

A hauler may cancel its registration with the Hauled Wastewater Program by notifying the EME Unit in writing at least 30 days before the intended cancellation date.

(b) By York Region

York Region may cancel a hauler's registration in accordance with the sanctions for violations established by Section 10.0 of this Policy.

A hauler whose registration has been cancelled will no longer be entitled to participate in the Hauled Wastewater Program or have access to any hauled wastewater receiving facilities. The hauler's access cards will be deactivated upon cancellation.

York Region will issue a prorated refund of registration fees for the portion of the year that the registration is cancelled.

4.0 HAULED WASTEWATER RECEIVING FACILITIES AND HOURS OF OPERATION

4.01 Hauled Wastewater Receiving Facilities

The following are the hauled wastewater receiving facilities currently approved by York Region to receive hauled wastewater in accordance with this Policy:

Hauled Wastewater Receiving Facility	Types of Hauled Wastewater Accepted	Permitted Source Area
Aurora Pumping Station 242 St. John's Sideroad Aurora, Ontario 905-727-1223	Hauled sewage and hauled waste	All of York Region

Sutton Water Pollution Control Plant 5741 Black River Road Sutton, Ontario 905-722-3808	Hauled sewage only	Town of Georgina only
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4.02 Facility Receiving Hours

Hauled wastewater will only be accepted for discharge at hauled wastewater receiving facilities from **6:00 AM to 6:00 PM, Monday through Friday**. See section 6.0 for emergency after hours discharge request procedures.

5.0 HAULED WASTEWATER CLASSIFICATION AND RESTRICTIONS

The classification and restriction of hauled wastewater is described below. Classification is based on the source, quality and nature of the hauled wastewater and the treatment capabilities and capacity of each of the hauled wastewater receiving facilities.

5.01 Prohibited Wastewater

Despite what may be written anywhere else in this Policy, the following types of wastewater are not permitted to be discharged at any hauled wastewater receiving facility:

- Wastewater generated from slaughterhouses or rendering facilities.
- Wastewater generated from municipal wastewater pumping station maintenance activities.
- Wastewater generated outside of York Region.
- Wastewater that contains any substance that is prohibited by the Sewer Use By-law.
- Wastewater that would otherwise be prohibited by the Sewer Use By-law. Wastewater prohibitions include (but are not limited to) wastewater that poses a health or safety hazard, adversely affects the natural environment or property, would damage any part of York Region's sewage works, contains two more separate layers, etc. Consult the Sewer Use By-law for a complete listing.
- Incorrectly classified wastewater.

In addition, York Region retains the right to assess and determine, in its sole discretion, whether a particular load or type of hauled wastewater is acceptable for discharge at a hauled wastewater receiving facility, and may reject any load accordingly.

York Region may also reject an otherwise acceptable load from a hauler due to reasons related to plant operations and maintenance, treatment capacity, nuisance to third parties or ensuring York Region's regulatory compliance with applicable laws.

5.02 Hauled Sewage

Please refer to the definition of hauled waste in Part 2 (Definitions) of this Policy. The definition of hauled sewage in this Policy will include most sewage from residential sources, portable toilets, and some domestic sewage from commercial, institutional and industrial sources.

Hauled sewage is accepted at York Region hauled wastewater receiving facilities, and dischargers will be charged normal hauled sewage rates.

Hauled sewage is currently exempt from the parameter concentration limits set out in Table 1 of the Sewer Use By-law. York Region may in the future impose upper limits for certain parameters.

5.03 Hauled Waste

Please refer to the definition of hauled sewage in Part 2 (Definitions) of this Policy. The definition of hauled waste in this Policy will include wastewater from most industrial and some institutional and commercial facilities.

Under Reg. 347, “liquid industrial waste” includes (but is not limited to) waste from enterprises involving industrial, manufacturing or commercial processes or operations, from research or experimental activity, and from medical clinics, school, laboratories and hospitals, but does not include “hazardous waste” or “hauled sewage” (as those terms are defined by Reg. 347).

It is the responsibility of the hauler, in consultation with the generator, to ensure that wastewater has been classified properly in accordance with Reg. 347. If York Region has reason to believe that hauled waste or hauled sewage has been misclassified, York Region reserves the right to re-classify the wastewater as hauled sewage, hauled waste or prohibited wastewater.

Hauled waste must not be mixed with hauled sewage. Hauled waste is only accepted at the Aurora Pumping Station.

Hauled waste will normally only be accepted if the generator of the wastewater has a valid surcharge agreement (under Part 7 of the Sewer Use By-law) in place with York Region. It is the responsibility of the hauler to ensure that the generator has a valid surcharge agreement with York Region prior to hauling wastewater to any hauled wastewater receiving facility. The EME Unit can assist haulers in determining whether a generator has a surcharge agreement in place with York Region. York Region may, in its sole discretion, waive the requirement for a pre-existing surcharge agreement with a generator of hauled waste

Generators will be billed directly for the volume of hauled waste discharged at the York Region municipal wastewater rate (not the hauled wastewater rate), as well as for surcharges in accordance with its surcharge agreement.

Hauled waste must meet Sewer Use By-law Table 1 parameter limits, except for surchargeable parameters, which may be exceeded only to the extent permitted by the surcharge agreement.

Generators of hauled waste may be required to set up a self-monitoring program and submit sample test results to the EME Unit for review, and generators will be responsible for their own monitoring and analysis expenses. Sampling requirements will be determined by the EME Unit based on the type and strength of the waste.

In order to ensure appropriate staffing levels, haulers must provide York Region with a minimum of 24 hours notice to prior to discharging hauled waste at hauled wastewater receiving facilities. Notice is to be provided by contacting the Control Panel at the phone number provided below. York Region may require sampling and analysis of the wastewater at the facility, prior to hauling, and may refuse to accept the wastewater from the generator if it is determined that the wastewater would not meet the requirements of this section.

Recognizing that the acceptance of hauled waste at Regional facilities creates significant operational risks, York Region reserves the right to refuse, restrict or impose conditions on its acceptance of hauled waste, including rejecting any particular load of hauled waste at any time for any reason.

Classification Summary

Type of wastewater	Hauled Sewage	Hauled Waste
Prior notification requirements	No prior notification required	Minimum of 24 hours prior notice required for every discharge
Surcharge agreement with generator required	No	Yes, unless requirement waived by York Region
Acceptable hauled wastewater receiving facilities for discharge	All York Region hauled wastewater receiving facilities	Aurora Pumping Station only
Volumetric rate payable on discharged wastewater	Hauled wastewater rate	Municipal wastewater rate and applicable surcharges
Party responsible for payment of discharge fees	Hauler	Generator

6.0 DISCHARGE PROCEDURES

Haulers must follow the procedure below for discharging hauled wastewater at hauled wastewater receiving facilities:

1. **Provide minimum of 24 hours prior notice for hauled waste.** As described above, haulers must provide York Region with a minimum of 24 hours prior notice for discharges of hauled waste, and York Region may refuse, restrict or impose conditions on the hauler.
2. **Ensure the generator has a valid surcharge agreement for hauled waste.** As described in subsection 5.03, haulers must ensure that the generator of hauled waste has a valid surcharge agreement with York Region (unless York Region permits otherwise).
3. **Display registration sticker.** Haulers must have a valid registration sticker specific to the vehicle carrying the hauled wastewater that is visible to facility staff in order to gain entry to a hauled wastewater receiving facility. Failure to display a valid sticker will result in the load being rejected. Employees or agents of corporate registered haulers may be required to show evidence of their employment status.
4. **Complete transfer documentation.**
 - a. **Hauled Sewage:** Haulers must fill out and submit to Facility staff a Transfer of Sewage Waste form (transfer ticket). On this form, haulers must list each location from which the wastewater was collected, whether it is from a tank or septic system, and whether the generator is a residence or a business. Haulers must leave Hauled Wastewater Personal Information Collection Consent forms in the designated area.
 - b. **Hauled Waste:** Haulers must submit to Facility staff a waste manifest for the load properly completed in accordance with the manifesting requirements of Reg. 347. Facility staff will complete the remaining section and return the appropriate copies to a hauler.
5. **Generator verification.** Facility staff may contact wastewater generators listed on the transfer ticket or manifest to verify the source of the hauled wastewater.
6. **Sampling.** Unless instructed otherwise by Facility staff, haulers must collect one 500 mL representative sample of the hauled wastewater from each load that is discharged at a hauled wastewater receiving facility. Sampling bottles will be available for this purpose. Haulers must comply with any sampling instructions given by facility staff, and the samples must be left at the Facility. York Region will determine, in its sole discretion, whether and how many samples will be submitted for analysis. Samples submitted for analysis may include, but not be limited to, analysis for the following parameters: cBOD5, Suspended Solids, Total Phosphorus, Total Kjeldahl Nitrogen, pH, Metals, and Mercury.
7. **Inspection.** Facility staff, at their discretion, may conduct further sampling or inspection of the contents of any vehicle, and may reject a load if there are reasonable grounds to suspect that the source or nature of the hauled wastewater has not been accurately described or it does not meet requirements of the Sewer Use By-law.
8. **Discharge.** Once sampling is complete and Facility staff has authorized the discharge, the hauler may connect to the receiving port and commence discharging. Even after a hauler has

begun discharging, Facility staff may require a hauler to stop discharging any load at any time for any reason and/or require further samples.

Haulers must adhere to all the conditions and requirements set out in the Environmental Management System Requirements and Site Use Conditions for Discharge of Hauled Wastewater form while at any Facility. The Environmental Management System Requirements and Site Use Conditions for Discharge of Hauled Wastewater form is incorporated into and forms part of this Policy.

7.0 EMERGENCY AFTER HOURS DISCHARGE REQUESTS

7.01 Emergency Discharge Requests

In case of an emergency, a hauler may request permission to discharge hauled wastewater to a hauled wastewater receiving facility outside of normal hours of operation set out in subsection 4.02. To make an emergency after hours discharge request, the hauler must contact York Region Control Panel staff and request approval for the discharge. Control Panel staff will forward a request to the appropriate Operations staff for consideration. York Region may require documentation from the hauler in order to assess the request.

York Region is not obligated to accommodate any emergency after hours hauled wastewater discharge request. Approval for such a request will be made by York Region, in its sole discretion, on a case by case basis.

7.01 Emergency Discharge Fees

If an emergency after hours discharge request is approved, in addition to normal discharge fees described in section 8.0 below, the hauler will be charged an hourly rate for York Region staff time spent on administering and facilitating the request (see the Fees & Charges By-Law for the current rate). A minimum fee of three hours will be charged.

8.0 DISCHARGE FEES AND CHARGES

8.01 Discharge Fees – Hauled Sewage

Haulers will be charged a fee for each load of hauled sewage discharged to hauled wastewater receiving facilities. The discharge fee for each load will be equal to the **hauled sewage rate** (set out in the Fees and Charges By-Law) multiplied by **85 percent** of the vehicle's full tank capacity.

8.02 Discharge Fees – Hauled Waste

Generators (and not haulers) of hauled waste will be charged a fee for each load of hauled waste discharged to hauled wastewater receiving facilities. The discharge fee for each load will be

equal to the **municipal wastewater rate** multiplied by the **amount of hauled waste discharged** (as indicated on the manifest), plus any applicable **surcharge fees** (in accordance with the current surcharge agreement). Hauled waste fees will be invoiced directly to the generator.

9.0 ADDITIONAL HAULER RESPONSIBILITIES

Each hauler is solely responsible for the contents of its vehicles and for any impact a load of hauled wastewater may have on a hauled wastewater receiving facility or its operating processes, other sewage works or York Region infrastructure, or to the environment.

Haulers must have all necessary regulatory approvals in place in order to participate in the Hauled Wastewater Program, and must comply with all applicable regulatory approvals, statutes, regulations, by-laws, policies and guidelines, whether federal, provincial or municipal. Nothing in this Policy affects any obligation of a hauler to comply with the Sewer Use By-law, and nothing in this Policy affects York Region's ability to prosecute any contravention of the Sewer Use By-law.

Haulers are liable to York Region for any damage or disruption caused by a hauler or its activities to a hauled wastewater receiving facility, its operating processes, York Region or third party's property, or to the natural environment.

Only the haulers' employees and authorized agents may enter onto any part of the hauled wastewater receiving facilities. Haulers are not permitted to bring minors or persons deemed to be unauthorized by Facility staff to the hauled wastewater receiving facilities.

Haulers may not cause or permit the addition of water or any other liquid to hauled wastewater for the purposes of diluting the hauled wastewater in order to meet a requirement or alter a fee payable under this Policy, and York Region is entitled to apply this Policy to any such the hauled wastewater as though it was not so diluted.

10.0 CONSEQUENCES FOR VIOLATIONS

York Region will impose sanctions on haulers for failing to abide by this Policy. Sanctions under this Policy do not preclude enforcement action by York Region for a contravention of the Sewer Use By-law.

10.01 Violations Resulting in Immediate Registration Cancellation

The following violations will result in immediate cancellation of a hauler's registration:

- The hauler has any unpaid fees owing to York Region for more than 90 days.
- Obstructing York Region staff.
- Providing false or misleading information to York Region staff.
- Any violation of this Policy resulting in damage to the sewage works or other York Region infrastructure.

10.02 Violations Resulting in Progressive Sanctions

All other violations of this Policy will result in progressive sanctions as follows:

Violation No. (in past five years)	Sanction
First	Issuance of a Letter of Violation
Second	Three month registration suspension
Third	Twelve month registration suspension
Subsequent	Indefinite registration suspension or registration cancellation, at the discretion of York Region

Access cards will be deactivated during any registration suspension or cancellation. In addition to the above, York Region reserves the right to extend any registration suspension beyond the term of the suspension for any continuing Policy violation until the violation has been corrected or remedied to the satisfaction of York Region.

The number of violations against a hauler will be determined based on the identity of the hauler, not the identity of the driver or the number of trucks operated by the hauler. For example, if two employees each violate the Policy, this will result in the application of two sanctions against the hauler company.

In the event that York Region imposes an indefinite registration suspension on a hauler, York Region may, in its sole discretion, decide the length of the suspension, and may set any requirements or preconditions it deems appropriate for the lifting of the suspension.

11.0 PERSONAL INFORMATION COLLECTION CONSENT FORMS

York Region requires all haulers collecting wastewater from individuals' residences (as opposed to businesses) to provide to each resident a Hauled Wastewater Personal Information Collection Consent form (available from the EME Unit). The resident must then complete the form, and the hauler must return the form to the hauled wastewater receiving facility.

Completion of the Hauled Wastewater Personal Information Collection Consent form is necessary for York Region to verify the source of hauled wastewater. If a resident refuses to complete or incorrectly fills out the Hauled Wastewater Personal Information Collection Consent form, the hauler is not permitted to bring the resident's hauled wastewater to a York Region Facility.

Haulers will be deemed to have provided misleading information to York Region if the information in the Hauled Wastewater Personal Information Collection Consent form does not

match the information provided in the Transfer of Sewage Waste form completed at the Facility.

12.0 CHANGES TO PROCEDURES OR SUSPENSION OF PROGRAM

York Region may temporarily or permanently stop accepting hauled wastewater under the Program at any hauled wastewater receiving facility without prior notice to haulers whether or not the hauled wastewater receiving facilities are operational. It is the responsibility of the hauler to make lawful alternate disposal arrangements if hauled wastewater is not accepted at a hauled wastewater receiving facility at any particular time. York Region may amend this Policy at any time without advance notice to haulers. A hauler acknowledges that in consideration of the acceptance or renewal of its registration that York Region will not be responsible in whole or in part for any cost, loss, charges or expenses suffered or incurred by a hauler as a result of changes to this Policy, cancellation of a registration or the temporary or permanent cessation of all or part of the Hauled Wastewater Program established by this Policy.

CONTACT INFORMATION

For all inquiries and correspondence about the Hauled Wastewater Program and to obtain registration application materials, contact:

Environmental Monitoring and Enforcement Unit
The Regional Municipality of York
Environmental Services – Environmental Promotion and Protection
17250 Yonge Street
Newmarket, ON L3Y 6Z1

Tel: 905-895-1200
Fax: 905-830-9267
<http://www.york.ca/seweruse>

To make an emergency after hours discharge request, contact:

Control Panel
The Regional Municipality of York
Environmental Services – Operations and Maintenance
380 Bayview Parkway
Newmarket, ON L3Y 4W3

Tel: 905-881-8742 (24 hour)

HAULED WASTEWATER PROGRAM

Comparison between the current and the Proposed Policy

CURRENT PROGRAM

ONE TIME REGISTRATION

- No fee required

Current registry contains a lot of outdated information.

NO REGISTRATION VALIDATION

- Proximity card (specific to each registered vehicle) for accessing facilities

SAMPLING REQUIREMENTS

- Not in place

OPERATING HOURS

- 24 hours a day, 7 days a week

Evidence of prohibited materials and substances, which pose health and safety concerns and adversely impact on equipment have been found at receiving facilities.

HAULED WASTEWATER DISCHARGE FEES

- Based on the volume that Haulers declare

EMERGENCY AFTER HOURS DISCHARGE FEES

- Not in place

DEFINED SANCTIONS FOR NON-COMPLIANCE

- Not in place

PROPOSED PROGRAM

REGISTRATION

- \$160 per company per year
- \$50 per access card per year

This requirement will help keep the registry up-to-date and recover administrative costs associated with the registration (stickers, access cards, processing application, etc.).

REGISTRATION VALIDATION (Windshield sticker)

- Sticker must be displayed on vehicle's windshield
- Proximity card (specific to each registered vehicle) for accessing facilities

This system will allow staff to easily identify the validity of the permit.

SAMPLING REQUIREMENTS

- Clearly defined
- Haulers are required to provide a sample for every load that will be discharged at the facilities to verify compliance. The Region will assume responsibility for laboratory analysis and enforcement

OPERATING HOURS

- 6 a.m. to 6 p.m., Monday to Friday
- Provision for emergency after-hours discharges (case by case basis via formal request)

Restricted hours and sampling requirement will help prevent prohibited substances from being discharged at the facilities. These measures will help to protect infrastructure, facilities, and staff.

HAULED WASTEWATER DISCHARGE FEES

- Based on 85 per cent of the capacity of the truck

EMERGENCY AFTER HOURS DISCHARGE FEES

- \$65.00/hr (3 hrs minimum charge) + normal discharge fees

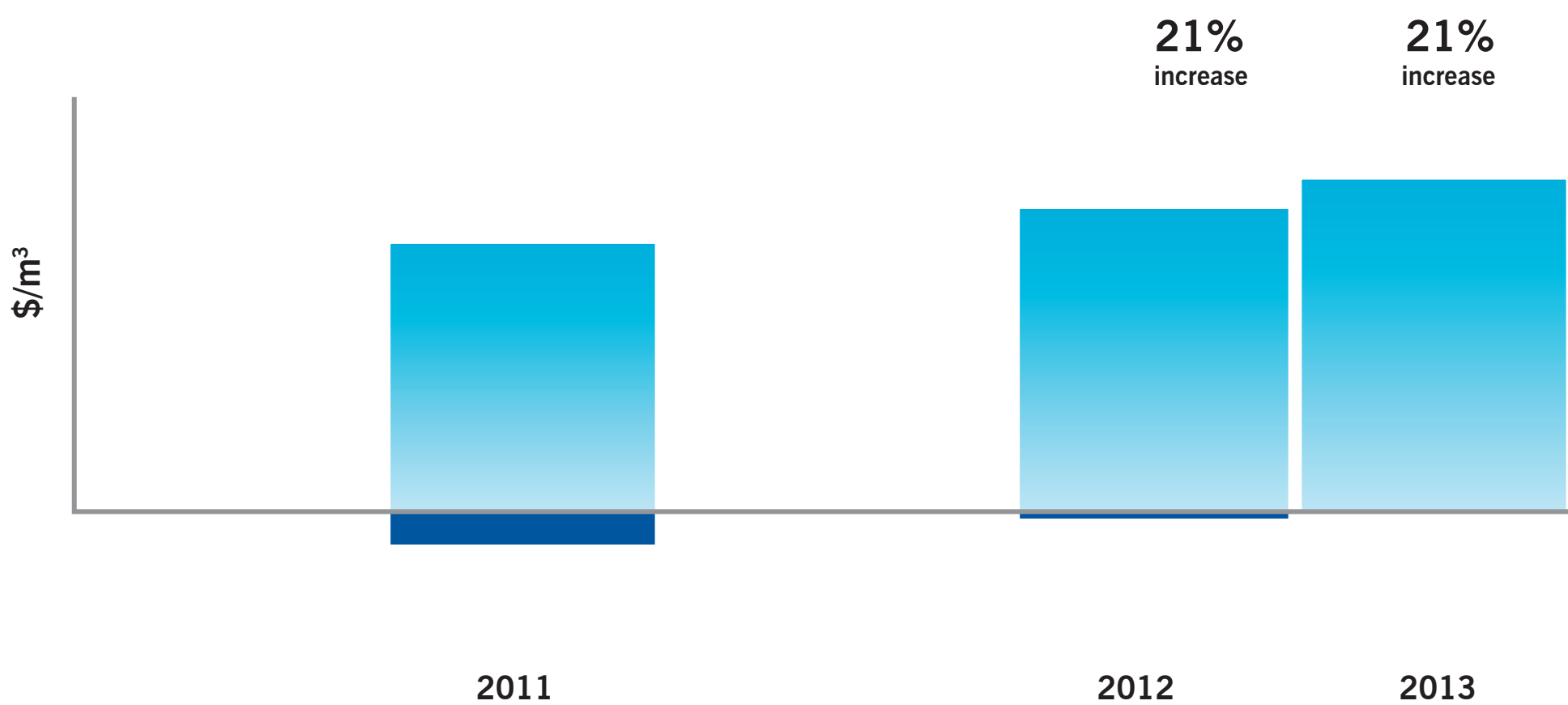
DEFINED SANCTIONS FOR NON-COMPLIANCE

- Clearly defined progressively escalating sanctions

HAULED WASTEWATER RATES

CURRENT

PROPOSED
(2-year phase in)



York Region (Aurora P.S. only)	\$13.40/m³ (\$60.92/1000 IG*)	York Region	\$16.20/m³ (\$73.65/1000 IG*)	\$19.60/m³ (\$89.11/1000 IG*)
Durham	\$70.27/1000 IG*	Durham	\$73.78/1000 IG*	\$77.47/1000 IG*

New Rate Structure

Annual Fee \$160

NEGATIVE VARIANCE
* IMPERIAL GALLON



The Regional Municipality of York
SEWER USE BYLAW

