
MEMORANDUM

PWC-C 8-2023

Subject: Appointment of By-law Officers for the Enforcement of the Sewer Use By-law No. 27-2014

Date: October 10, 2023

To: Public Works Committee

From: Jason Oatley, Manager, Quality and Compliance

The Sewer Use By-law regulates the discharge of sewage into the sanitary sewer collection system for treatment at Niagara Region Wastewater Treatment Plants.

Niagara Region enacted its first sewer-use by-law in 1976. The current Sewer Use By-law (27-2014) was enacted in February 27, 2014 and is similar to by-laws enacted by other Ontario municipalities. The by-law contains concentration-based limits for the discharge of heavy metals, suspended solids, grease, phosphorus and other parameters of concern. The by-law also contains requirements for the installation of grease interceptors, requirements for the discharge of hauled sewage as well as other aspects related to sewer discharges.

Environmental Enforcement Officers monitor the discharges from industrial and commercial enterprises to the sewer system to protect both the sewer infrastructure and the wastewater treatment processes. Officers collect samples, inspect industries and review requests for disposal to the systems as part of the sewer use by-law program.

Individuals responsible for the administration and enforcement of this by-law require Council approval to be duly authorized as By-Law Enforcement Officers and Provincial Offences Officers.

Under Chapter 25, Section 87 of the Municipal Act, 2001:

Entry on land re: sewage systems

87. *A municipality may enter on land, at reasonable times, to inspect the discharge of any matter into the sewage system of the municipality or into any other sewage system the contents of which ultimately empty into the municipal sewage system and may conduct tests and take samples for this purpose. 2001, c. 25, s. 87.*

Further, under Section 3.1 of Niagara Region By-law, 27-2014:

3.1 Regional Council may enact a by-law appointing enforcement officers for the purpose of the enforcement of this by-law as required.

Due to staffing changes in the Environmental Enforcement Section of the Water and Wastewater Division, a different staff member is now involved in the enforcement of the by-law.

The following list of individuals are employees of the corporation and are trained and qualified for the enforcement of the by-law:

- Jason Cammelli, Environmental Enforcement Officer – New Appointment
- Dominic Valentini, Environmental Enforcement Officer - Previously Appointed
- Craig Burns, Environmental Enforcement Officer - Previously Appointed
- Dawn Macarthur, Supervisor, Water and Wastewater Compliance and Enforcement – Previously Appointed
- Jason Oatley, Manager, Quality and Compliance (Wastewater) - Previously Appointed

It is therefore recommended that these individuals be appointed as By-Law Enforcement Officers and Provincial Offences Officers. A copy of the draft by-law is attached as Appendix 1 and will be placed on the October 19, 2023 Council agenda for consideration.

Respectfully submitted and signed by:

Jason Oatley, B.Sc., C.Chem.
Manager, Quality and Compliance - Wastewater

Appendices

Appendix 1 Bill 2023-67 Appointment of By-law Enforcement Officers for the Enforcement of the Sewer Use By-law

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. <>

A BY-LAW TO APPOINT BY-LAW ENFORCEMENT OFFICERS
FOR THE PURPOSE OF ENFORCING THE SEWER USE BY-LAW NO. 27-2014
AS AMENDED, AND TO REPEAL BY-LAWS 2021-15 AND 2022-16

WHEREAS subsection 15 (1) of the *Police Services Act, R.S.O. 1990, c.P.15*, states that a municipal council may appoint persons to enforce the by-laws of the municipality;

WHEREAS subsection 15 (2) of the *Police Services Act, R.S.O. 1990, c.P. 15*, states that municipal by-law enforcement officers are peace officers for the purpose of enforcing municipal by-laws;

WHEREAS subsection 1 (1)(d) of the *Provincial Offences Act, R.S.O. 1990, c. P33*, states that a provincial offences officer means a by-law enforcement officer of any municipality or of any local board of any municipality, while in the discharge of his or her duties.

WHEREAS on February 27, 2014, the Council of the Regional Municipality of Niagara passed By-law No. 27-2014, being a by-law to regulate discharges to the sanitary and storm sewer systems of The Regional Municipality of Niagara;

WHEREAS it is necessary to appoint certain Regional staff as by-law enforcement officers for the purposes of enforcement of By-law No. 27-2014, as may be amended from time to time;

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That the following persons be hereby appointed as By-law Enforcement Officers for the purposes of enforcing By-law No. 27-2014, as amended, being the Sewer Use By-law:

Jason Oatley, Manager, Quality and Compliance (Wastewater)

Dawn Macarthur, Supervisor, Water and Wastewater Compliance and Enforcement

Dominic Valentini, Environmental Enforcement Officer

Craig Burns, Environmental Enforcement Officer

Jason Cammelli, Environmental Enforcement Officer

2. That By-law Nos. 2021-15 and 2022-16 are hereby repealed.
3. That this by-law shall come into force and effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: <date>