
Subject: Sewer Use By-law and Hauled Sewage Program Policy Update

Report To: Public Works Committee

Report date: Tuesday, May 7, 2024

Recommendations

1. That Report PW 13-2024 **BE RECEIVED** for information.

Key Facts

- Staff have prepared a draft update to the Niagara Region Sewer Use By-law.
- Proposed changes from the 2014 Sewer Use By-law include improvements to administration of the by-law, sampling and analysis, storm sewer requirements, hauled sewage, construction dewatering permitting, and provisions to address non-compliance.
- The draft will be posted for consultation in May of 2024.
- Following the completion of a 30-day consultation period, staff will review feedback and make any necessary adjustments.
- A draft final Sewer Use By-law will be presented to Public Works Committee in July/August 2024 for consideration.
- In parallel, staff are working towards completing a draft hauled sewage rate review. A report summarizing the draft review will be brought forward to the September Public Works Committee.

Financial Considerations

There are no financial impacts associated with this report.

Analysis

Background

Niagara Region provides collection and treatment of wastewater to eleven local area municipalities. The Niagara Region wastewater systems consist of trunk gravity sewers, sewage pumping stations, forcemains and wastewater treatment plants. In addition to this service, hauled sewage from rural areas of Niagara Region is regularly accepted

from approved sewage haulers at seven (7) wastewater treatment plants. As a service to RV owners, sewage is accepted from recreational vehicles at three (3) plants.

A Sewer Use By-law ensures that discharges to the sewer and treatment plant do not impact the treatment process, ensures that discharges do not interfere with the ability for a wastewater treatment plant to meet compliance with Provincial and Federal legislation, and serves to protect the health and safety of the public and Niagara Region staff. The Sewer Use By-law also includes conditions for the acceptance of Hauled Sewage. Niagara Region has had a Sewer Use By-law in place since 1972. The current Sewer Use By-law 27-2014 was last updated and approved by Council in February 2014.

In 2021, in contemplation of an update to the Region's sewage policy framework, staff initiated a review of industry best practices and emerging issues. The Region's Sewer Use By-Law was evaluated against by-laws in other municipalities to identify any gaps, areas of opportunity and new pressures. Comparator reviews included by-laws from the City of Hamilton, Halton Region, Peel Region, City of Toronto, York Region, Durham Region, Region of Waterloo, City of Ottawa and City of Calgary.

As part of this initiative, staff reviewed the Public Works Hauled Sewage Program Policy (PW4.H01.1a) and surveyed other municipal hauled sewage policies, procedures and by-laws to identify opportunities for improvement.

Various other Niagara Region by-laws, such as the Waste Management and several Business Licensing by-laws were reviewed, to identify how other business units within Niagara Region approach similar business requirements through their by-laws and to ensure consistency across the Region.

Key Findings and Proposed Direction

Based on the work described above, staff identified several opportunities for enhancement within Niagara Region's 2014 Sewer Use By-law.

1. Administration and Enforcement

The administration and enforcement section will be updated to delegate tasks required to administer this by-law to the Commissioner. Changes in this regard will be consistent with municipal comparators as well as the Niagara Region Waste Management and Tobacco Enforcement By-law.

2. Use of Sanitary and Combined Sewers

Discharge limits to a sanitary or combined sewer have been added for four (4) additional parameters:

- Total xylene
- Bis (2-ethylhexyl phthalate) or BEHP
- Chemical oxygen demand or COD
- Poly chlorinated biphenyl's or PCBs

These parameters are being added based on an observed industry best practice or to address a gap in the current program. The addition of these parameters and the imposed limits are consistent with other municipal comparators. These additions will further protect the wastewater treatment plant process and the continued beneficial re-use of biosolids.

3. Sampling and Analytical Requirements

Review of comparator municipal by-laws identified an opportunity to enhance sampling and analytical requirements in the by-law. The following changes are being proposed:

- All testing required under this by-law is to be completed by an accredited laboratory
- The laboratory testing methods have been updated to reference Ministry of Environment, Conservation and Parks (MECP) sampling and testing protocol, consistent with testing methods used by Niagara Region wastewater treatment facilities.

Requiring testing to be completed by an accredited laboratory increases confidence in the accuracy of sample results being used by staff to make decisions under the by-law. The change of sampling and testing methods being proposed is to support consistency with the methods used internally by the Niagara Region Environmental Laboratory and those industries that report results to the MECP.

4. Storm Sewer Requirements

The current by-law limits the use of storm sewers to essentially normal urban run-off and surface water drainage. The storm sewer section of the current Sewer Use By-law was reviewed and compared to other municipal by-laws. Changes to this section are being proposed to keep pace with industry best practices. These changes will assist the Region to achieve compliance with the new consolidated linear infrastructure

environmental compliance approvals for storm systems issued by the MECP to Niagara Region in 2023.

5. Connections – Construction Dewatering Permits

Based on a growing need to receive wastewater from dewatering at construction sites, additional wording has been proposed to allow for permitting of permanent and temporary connections to Regional sewers, such as construction related dewatering activities. This is consistent with many municipal comparators and addresses a current gap in the by-law.

6. Hauled Sewage

The Region has used the current Public Works Hauled Sewage Program Policy (PW4.H01.1a) to augment the content of section 11 of the Sewer Use By-law. The review identified an opportunity to consolidate all hauled sewage requirements from the existing Public Works policy within the Sewer Use By-law to improve clarity and simplicity consistent with comparator municipalities. The existing Public Works Hauled Sewage Program Policy (PW4.H01.1a) will ultimately be retired, pending Council's approval of an updated Sewer Use By-law.

This will be accomplished through expansion of Section 11 - Hauled Sewage. Highlights of the proposed changes are as follows:

- Annual expiration and renewal requirements for Sewage Hauler Permits will be added to the by-law to ensure Sewage Hauler information is kept current and the appropriate insurance and regulatory approvals are maintained (consistent with City of Hamilton, York Region, Region of Waterloo and City of Ottawa, as well as Niagara Region's business licensing by-laws).
- Specific insurance requirements for sewage haulers, such as the type and amount of insurance required, will be specified within the by-law consistent with business licensing by-laws.
- On site expectations for using Niagara Region disposal sites described in the current Hauled Sewage Program Policy will be moved to the Sewer Use By-law, consistent with the Waste Management By-law.
- A requirement for Sewage Haulers to wear personal protective equipment (PPE) while on site at a Niagara Region facility will be added to the by-law, similar to City of Hamilton by-law and York Region hauled sewage policy.

- Provisions to address non-compliance with the hauled sewage program and hauler permits are being added to this section of the by-law, given the material risk to municipal infrastructure, legislated compliance requirements, and health and safety considerations. The by-law will include authorities for enforcement together with an appropriate appeal mechanism.

7. General Clarity and Accuracy

Through the review of comparator municipal by-laws, housekeeping improvements to wording and clarity were identified and included in the draft by-law. The improvements will ensure clarity and ease of understanding for stakeholders, while making a stronger, more comprehensive by-law for Niagara Region to ensure the continued protection of the Niagara Region sewer systems.

Consultation

A [project page](#) has been created on the Niagara Region website. The draft Sewer Use By-law will be posted on the project page for a 30-day consultation period starting in May 2024. Stakeholders will be invited to provide feedback regarding the draft by-law using a link on the project page. (<https://niagararegion.ca/projects/sewer-bylaw-updates/default.aspx>)

The Region will alert the following stakeholder groups to the 30-day consultation period by email:

- Local Area Municipalities
- Industries with an active discharge agreement with Niagara Region
- Large industrial users without an active discharge agreement
- Sewage Haulers with an active Sewage Hauler Permit
- High Volume Sewage Generators
- Ministry of the Environment, Conservation and Parks (local office)
- Local environmental laboratories (Niagara and Hamilton)

Notification of the consultation period will also be posted at all Hauled Sewage Disposal Locations.

Plan Moving Forward

Following the completion of the 30-day consultation period, staff will review and incorporate all feedback as appropriate. A draft final Sewer Use By-law will be presented to Public Works Committee in July/August 2024 for consideration.

In parallel, staff are working towards completing a draft hauled sewage rate review. A report summarizing the draft review will be brought forward to the September Public Works Committee.

Alternatives Reviewed

Do nothing; continue to use the current Sewer Use By-law 27-2014 and the Hauled Sewage Program Policy (PW4.H01.1a).

If the existing 2014 Sewer Use By-law and 2006 Hauled Sewage Program policy remain in effect, requirements related to use of the Region's sewer system will not adequately protect the Region's infrastructure, compliance obligations or health and safety obligations. Furthermore, the Region would miss an opportunity to improve the current policy framework and respond to evolving best practices, such as the updated stormwater discharge requirements, construction dewatering permitting and issuance of orders.

Relationship to Council Strategic Priorities

By updating the Sewer Use By-law and revoking the Hauled Sewage Program Policy, we are supporting an 'Effective Region' by continuously improving and modernizing processes to ensure value-for-money with Regional services and programs.

Public consultation of the draft Sewer Use By-law and communication with external stakeholders also promotes an 'Equitable Region' allowing an opportunity to listen and respond to community needs.

Prepared by:

Dawn MacArthur, B.Sc., C.Chem.
Supervisor, Wastewater Compliance
and Enforcement
Water-Wastewater Services

Recommended by:

Terry Ricketts, P.Eng.
Commissioner of Public Works
Public Works Department

Submitted by:

Ron Tripp, P.Eng.
Chief Administrative Officer

This report was prepared in consultation with Jason Oatley, Manager, Wastewater Quality and Compliance, and reviewed by Robert Daw, Associate Director, Wastewater Operations, Maintenance and Laboratory Services; Phill Lambert, Director, Water and Wastewater Services; Dan Ane, Program Financial Specialist; Donna Gibbs, Director Legal and Court Services.