

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON
MUNICIPALITÉ RÉGIONALE D'OTTAWA-CARLETON

REPORT
RAPPORT

Our File/N/Réf.
Your File/V/Réf.

DATE 28 January 1997

TO/DEST. Co-ordinator Planning and Environment Committee

FROM/EXP. Environment and Transportation Commissioner

SUBJECT/OBJET **RESPONSE TO OUTSTANDING P&E INQUIRY NO. 24
SEWER USE BY-LAW**

DEPARTMENTAL RECOMMENDATION

That the Planning and Environment Committee receive this report for information.

BACKGROUND

On 4 October 1996, a complaint regarding a potentially illegal discharge into a manhole on Montreal Road was referred to the Industrial Waste section of the Water Environment Protection Division since this group is responsible for enforcing the Sewer Use By-law in Ottawa-Carleton.

As part of the investigation, the By-law Officer contacted both the person who had witnessed and reported the incident as well as the company involved. A comprehensive review of all existing records was also carried out to determine whether previous By-law violations existed for that company.

DISCUSSION

The overall objective of the Sewer Use By-law is to protect the wastewater infrastructure, safety and health of the sewer workers as well as the health of the receiving water environment. The strategy to apply the Sewer Use By-law has built on the concept of pollution prevention, which promotes continuous improvement through operational and behavioural changes. Pollution prevention is seen as a shared responsibility among governments, individuals, and industrial and community sectors. This strategy is consistent with the direction provided by the Canadian Council of Ministers of the Environment.

Key elements of the pollution prevention strategy include leadership, partnerships, practical tools and incentives. The Region has demonstrated leadership through the creation of the industrial waste program and the introduction of the Sewer Use By-law. The Region is also developing partnerships on a regular basis with the industrial sector through the encouragement of innovative approaches and sharing of experience.

Practical tools include promoting information and providing training. It also includes identifying compliance issues and working with companies to develop programs to obtain future compliance. This voluntary compliance approach has been very successful and should have positive long-term impacts since companies gain a comprehensive understanding of the need to go through an operational and behavioural change. Through compliance programs, the Region also provides incentives to companies for initiating pollution prevention measures.

Should these tools fail to ensure voluntary compliance, the By-law Officer has the options of either issuing a warning or issuing a Part III Summons under the Provincial Offences Act. The By-law Officer does not have the authority to issue a Part I Summons or "ticketing". The decision to issue a Summons under Part III is never made lightly since it is a costly process and is resource intensive. In addition, sufficient evidence must exist to demonstrate in Court all aspects of the offence. Accordingly, prior to issuing a Part III Summons, the By-law Officer always explore whether other more cost effective options exist to achieve our ultimate objective.

With respect to the specific incident reported on 4 October 1996, the By-law Officer considered all evidence including the absence of previous violations for the company involved, the measures taken by the company to ensure compliance with the By-law in the future and the low probability of obtaining a conviction in Court. Based on these considerations, it was determined that a formal warning was the most cost-effective means of successfully addressing this specific By-law violation. It was also felt that the approach taken had a greater likelihood of enhancing awareness and understanding of pollution prevention with the company involved.

RECOMMENDATION

The inability of issuing Part I Summons has in the past been identified as a weakness in dealing with some By-law violations. The Environment and Transportation Department, together with the Legal Department, are presently considering some revisions to the Sewer Use By-law to address this issue. It is presently envisaged that Part I Summons would be used when voluntary compliance has failed. The report identifying revisions to the Sewer Use By-law is scheduled to be before Committee and Council in the Spring 1997.

The Department recommends to continue using a co-operative approach with companies to address violations of the Sewer Use By-law and to use whichever tool is most appropriate on a case by case basis.

CONSULTATION

The approach taken to enforce the Sewer Use By-law has been to co-operate with the business community to help achieve an environmentally responsible society that anticipates and prevents pollution. Communication and consultation will continue to be at the core of the industrial waste program.

FINANCIAL IMPLICATIONS

Since it is the practice to consider cost effectiveness when exploring options to determine how compliance can be achieved, this process should result in positive financial implications for the Ottawa-Carleton community while ensuring protection of the environment, infrastructure and health and safety of the sewer workers.

*Approved by
M. J. E. Sheflin, P. Eng.*

FJ/jp