

3. AMENDMENT TO PART 5.2 OF THE REGIONAL REGULATORY
CODE - SEWER, SEWAGE WORKS & CONTROL OF DISCHARGES

COMMITTEE RECOMMENDATION AS AMENDED

That Council approve the amendments to By-law No. 3 of 1994 (appointing Municipal By-law Enforcement Officers) in accordance with this report, and that the amendments to Part 5.2 of the Regional Regulatory Code be referred back to staff.

DOCUMENTATION:

1. Environment and Transportation Commissioner's report dated 16 Dec 97 is immediately attached.
2. Extract of Draft Minute, 27 Jan 98, immediately follows the report and includes a record of the vote.

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

REPORT
RAPPORT

Our File/N/Réf. 40-96-0578-CC
Your File/V/Réf.

DATE 16 December 1997

TO/DEST. Co-ordinator,
Planning and Environment Committee

FROM/EXP. Environment and Transportation Commissioner

SUBJECT/OBJET **AMENDMENT TO PART 5.2 OF THE REGIONAL
REGULATORY CODE - SEWER, SEWAGE WORKS &
CONTROL OF DISCHARGES**

DEPARTMENTAL RECOMMENDATION

That the Planning and Environment Committee and Council approve the amendments to Part 5.2 of the Regional Regulatory Code and to By-law No. 3 of 1994 (appointing Municipal By-law Enforcement Officers) in accordance with this report.

PURPOSE

The purpose of this report is to recommend changes to Part 5.2 of the Regional Regulatory Code (Sewer Use By-law) and Bylaw No. 3 of 1994. The proposed changes will streamline the administration of the Industrial Waste Programme and Sewer Use By-law and will address a number of technical issues with the By-law which will result in a more concise and consistent programme and by-law implementation.

BACKGROUND

The Sewer Use By-law was updated in 1994 in order to establish uniform sewer use requirements and to bring the Sewer Use By-law in line with the Ontario 1988 Model Sewer Use By-law. Since then, the Sewer Use By-law has been revised to reflect rate changes and to implement the hauled waste strategy.

Over the past three years, staff have identified potential improvements to the Sewer Use By-law. These improvements relate primarily to the administration of the hauled waste requirements, the administration of Compliance Programmes and Agreements, non-standardized fees for Compliance Programmes and Agreements and the complexity of the Waste Survey Report.

DISCUSSION

The recommended changes to the Sewer Use By-law are as follows:

1. Updating the definition of “Commissioner” to the current title.
2. Amend Subsection 5.2.2(5) which concerns the discharge of water from a separate source from the Region’s water distribution system, to require that water discharged to the sewage system from serviced premises, in any amount, or from non-serviced premises of more than 3000 litres per day, is subject to a sanitary sewer agreement, including the fee as set out in Schedule C.
3. Amend Section 5.2.4 as follows:
 - a) authorize the Commissioner to waive manifest requirements;
 - b) provide for a fee, as set out in Schedule C (\$25 per revision), for revising annual permits;
 - c) authorize the Commissioner to cancel an annual permit if the carrier fails to comply with its conditions or the provisions of Part 5.2;
 - d) exempt a carrier from access tag requirements;
 - e) exempt recreational vehicles from permit and fee requirements;
 - f) specify that liquid material transported from outside the Region to transfer stations within the Region and then hauled to the treatment plant for disposal, attract the fee for waste generated outside the Region.
4. Update Subsection 5.2.5(1) to delete the reference to the grace period of “six months from the date on which this Part takes effect”.
5. Amend Section 5.2.6 to consolidate the termination provisions set out in subsections (6), (7) and (8).
6. Amend Section 5.2.7 to delegate to the Commissioner the authority to enter into the Compliance Programmes, to impose fees in accordance with Schedule C and to consolidate the termination provisions set out in Subsections (11), (12) and (13).
7. Amend Subsection 5.2.7(9) by deleting the word “storm” in the second line.

8. Amend Section 5.2.8 to authorize the Commissioner to establish sampling and analysis standards for sewage, uncontaminated water and stormwater in addition to Standard Methods.
9. Clarify Subsection 5.2.10(9) to stipulate that permits for Regional departments, commissions or local boards may be issued by the Commissioner where he has the authority under this Part to enter into agreements or Compliance Programmes.
10. Amend Schedule A, Annual Permit, to reflect the amendments made to Section 5.2.4, to specify disposal location as the Robert O. Pickard Environmental Centre (unless otherwise directed by the Commissioner) and to specify additional information for vehicle identification.
11. Amend, Schedule C, Fees, as follows:
 - a) Add, "Permit Revision, \$25.00 per revision"
 - b) Under the heading "Discharge Fees (Discharge Agreements, Section 5.2.6)" add:

"Administrative Fees (Sections 5.2.6 and 5.2.7)

Special Discharge Agreement fee	\$500.00
Sanitary Sewer Agreement fee	\$100.00
Compliance Programme fee	\$500.00
Sanitary Sewer Agreement Revision fee	\$25.00 per revision
Compliance Programme Revision fee	\$100.00 per revision

[To be paid (cash or cheque) at the time of entering into such agreement or programme.]"
12. Amend Schedule E, Waste Survey Report, to clarify the type of information to be provided by companies pertaining to waste generation, spill prevention and wastewater discharge information and to delete the reference to water usage.
13. Amend, Schedule F, Letter of Compliance, provide for fees for treatable parameters permitted to be discharged during the Compliance Programme period which fees are set out in Schedule C. This amendment eliminates the need to enter into both a Discharge Agreement and a Compliance Programme. The Compliance Programme is further amended to allow for the provision of dates on which the interim limits expire and consolidate the termination provisions.

By-law Enforcement Officers

There have been a number of changes in staff and staff responsibilities since the initial appointment of Municipal By-law Enforcement Officers in 1994 for the purpose of enforcing Part 5.2 of the Code. Schedule A changes the list of individuals designated as Municipal By-law Enforcement Officers responsible for administration and enforcement of Part 5.2 of the Code.

CONSULTATION

Public consultation has not been carried out for these proposed changes since they are mainly aimed at streamlining the administration and application of the Sewer Use By-law.

FINANCIAL IMPLICATIONS

The implementation of these Sewer Use By-law amendments will result in a more efficient and cost effective application of the Industrial Waste Programme for the Region and its industrial clients.

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

SCHEDULE A

JAMES ARNOTT

PETER FILIPOWICH

FRANCE JACOVELLA

DEBRA MACLENNAN

TERENCE NELLIGAN

GEORGE REIMER

HELEN RYAN

Extract of Draft Minute
Planning and Environment Committee
27 January 1998

AMENDMENT TO PART 5.2 OF THE REGIONAL REGULATORY
CODE - SEWER, SEWAGE WORKS & CONTROL OF DISCHARGES
- Environment and Transportation Commissioner's report dated 16 Dec 97

Nancy Schepers, Director, Solid Waste Division, Environment and Transportation Department, France Jacovella, Manager, Wastewater Collection Branch, Water Environment Protection Division; and, Pamela Corrigan, Solicitor, Legal Department were in attendance to answer questions.

In response to questions from the Committee, Ms. Jacovella clarified the rationale behind some of the changes being proposed to Part 5.2 of the Regional Regulatory Code and the differences in fees, etc. being proposed as compared to the current fees.

Some Committee Members felt the report was difficult to understand without showing the before and after and the rationale behind the changes being proposed. Concern was also expressed regarding the lack of notification/consultation with the end users affected by the new fee schedule.

Councillor Stewart asked if it would be possible for staff to come back with a more detailed report providing the before and after, rationale, numbers of people affected, reasoning behind proposed levels of fees, and impact of the proposed changes. The Councillor requested that in the interim, some sort of public notification to the end users affected by the proposed changes be provided.

Councillor Hunter agreed and felt that end users should be given the opportunity to make representations and not be caught unaware. Mr. Sheflin agreed to bring the report back with changes as directed in one month.

Ms. Schepers requested the Committee approve the section of the report appointing the Municipal By-law Officers.

The Committee agreed and carried the staff recommendation as amended.

That the Planning and Environment Committee recommend that Council approve the amendments to By-law No. 3 of 1994 (appointing Municipal By-law Enforcement Officers) in accordance with this report, and that the amendments to Part 5.2 of the Regional Regulatory Code be referred back to staff.

CARRIED as amended