

**THE CITY OF TORONTO**

**City Clerk's Division**

**Minutes of the Works Committee  
and the Economic Development and Parks Committee**

**Meeting No. 2**

**Wednesday, May 17, 2000**

A special joint meeting of the Works Committee and the Economic Development and Parks Committee was held on Wednesday, May 17, 2000, in the Council Chamber, City Hall, Toronto, commencing at 2:15 p.m.

Members Present:

2:15 p.m.-6:10 p.m.

Works Committee

Councillor Bill Saundercook, Chair		x
Councillor Ila Bossons	x	
Councillor Rob Davis		x
Councillor Betty Disero	-	
Councillor Joan King		x
Councillor Jack Layton	x	
Councillor Cesar Palacio		x
Councillor David Shiner		x
Councillor Bruce Sinclair		-
Councillor Paul Valenti	x	

Economic Development and Parks Committee

Councillor Brian Ashton, Chair	x	
Councillor Mike Feldman, Vice-Chair	-	
Councillor Elizabeth Brown		x
Councillor Raymond Cho		x
Councillor Mario Giansante		x
Councillor George Mammoliti	x	
Councillor Jane Pitfield	x	
Councillor Sherene Shaw		x
Councillor Mario Silva	x	
Councillor David Soknacki		x
Councillor Mike Tzekas		-

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Members were present for some or all of the time period indicated.

Councillor Saundercook in the Chair.

**2.1 City of Toronto Sewer Use By-law.**

The Works Committee and the Economic Development and Parks Committee had before them the following reports from the Commissioner of Works and Emergency Services:

- (i) (April 10, 2000) recommending that:
  - (1) the new Sewer Use By-law be enacted by City Council, providing a two-year phase-in period for industries to meet the proposed new limits in Section 2 and Section 4 of the new By-law;
  - (2) all the former six area municipalities' By-laws and the former Metro Toronto By-law No. 153-89 be repealed, with the exception of the limits in Section 2 and Section 3, which will remain in effect for the two-year phase-in period of the new Sewer Use By-law;
  - (3) the Commissioner of Works and Emergency Services report back at the end of two-year phase-in period on any modifications to the new limits contained in Section 2 and Section 4 of the new By-law;
  - (4) the Commissioner of Works and Emergency Services be authorized to reclassify two of the existing Enforcement Officers to Pollution Prevention Officers;
  - (5) all existing Industrial Waste Surcharge Agreements, Sanitary Discharge Agreements and Compliance Programs with Monetary Concessions remain in force under the new By-law, and be amended to accommodate the changes necessitated by the new By-law;
  - (6) the Commissioner of Works and Emergency Services be authorized to execute new Industrial Waste Surcharge Agreements, Sanitary Discharge Agreements or Compliance Programs with Monetary Concessions under routine situations, but continue to refer non-routine, complicated cases to Council for approval; and
  - (7) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto;

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- (ii) (April 18, 2000) forwarding Draft No. 6 of the Sewer Use By-law; and recommending that the attached Draft of the Sewer Use By-law replace the Draft Sewer Use By-law contained in his report (April 10, 2000), entitled “City of Toronto New Sewer Use By-Law”;
- (iii) (April 26, 2000) recommending that:
  - (1) Section 3 – Prohibition of Dilution of Draft 6 be revised to read “No person shall discharge directly or indirectly or deposit or cause or permit the discharge or deposit of sewage into a sanitary sewer, combined sewer, storm sewer, municipal or private sewer connection to any sanitary sewer, combined sewer or storm sewer in circumstances where water has been added to the discharge for the purposes of dilution to achieve compliance with Section 2 or 4 of the By-law.”;
  - (2) Section 11 – Sewer Connections, subsection (17)2.(a) and (b) of Draft 6 be revised to delete the reference to combined sewer system;
  - (3) Section 13 – Offences, subsection 13.(1) of Draft 6 be revised to read “Every person other than a corporation who contravenes any provision of Section 2, 3 or 4 of this By-law is guilty of an offence and on conviction is liable for every day or part thereof upon which such offences occurs or continues to a fine of not more than \$10,000.00 for a first offence and \$20,000.00 for any subsequent conviction.”; and subsection 13.(2) of Draft 6 be revised to read “Every corporation which contravenes any provision of Section 2, 3 or 4 of this By-law is guilty of an offence and on conviction is liable for every day or part thereof upon which such offence occurs or continues to a fine of not more than \$50,000.00 for a first offence and \$100,000.00 for any subsequent conviction.”;
  - (4) Offices of Dentists, with NAICS 62121 with a Pollution Prevention Plan due date of December 31, 2001, be inserted between Industrial Category One-hour Photo-finishing and General Medical and Surgical Hospitals under Appendix 1 Subject Sectors;
  - (5) the Commissioner of Works and Emergency Services provide staff assistance to undertake a minimum of three case studies of P2 Planning with separate industry sectors;

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- (6) the Commissioner of Works and Emergency Services, in co-operation with Economic Development, Culture and Tourism Department, undertake a direct outreach program to the major employers that will be affected in order to assure companies that the Department will work closely with the companies over the next two years to find workable solutions and to ensure that the companies benefit from the educational sessions that will be undertaken;
- (7) the Commissioner of Works and Emergency Services, in co-operation with Economic Development, Culture and Tourism, develop a marketing/awareness campaign to recognize the accomplishments of companies as they develop and implement P2 Plans;
- (8) the Commissioner of Works and Emergency Services consult with Economic Development, Culture and Tourism, Ontario Centre for Environmental Technology Advancement, Industrial Research Assistance Program and senior levels of government and report back to Economic Development and Parks Committee with respect to the development of an incentive program to encourage companies to undertake P2 Plans in a timely manner and to offset preparation and implementation costs;
- (9) the Commissioner of Works and Emergency Services include the Economic Development Division staff in meetings with companies and business sectors regarding non-routine issues of compliance, P2 Plan preparation and implementation and that the Commissioner of Economic Development, Culture and Tourism report back to Economic Development and Parks Committee during the phase-in period with respect to the economic impact on companies and business issues related to the implementation of the By-law;
- (10) in the event that Council adopts the Board of Health's Recommendation No. 4 requiring industries to prepare facility-specific pollution prevention plans rather than sectoral P2 plans for homogeneous industry sectors, the Commissioner of Works and Emergency Services be requested to report back to the Works Committee on the additional staffing required to review the additional estimated four to five thousands individual pollution prevention plans; and
- (11) the appropriate City officials be granted the authority necessary to give effect thereto; and

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- (iv) (May 10, 2000) recommending that the document entitled "A Guidance Manual to Pollution Prevention Plan" and its Appendices be adopted as guidelines for industries to develop their pollution prevention plans and pollution prevention plan summaries.

The Works Committee and the Economic Development and Parks Committee also had before them the following communications from the Secretary, Board of Health:

- (i) (April 3, 2000) advising that the Board of Health, at its meeting on April 3, 2000, had before it a report (March 23, 2000) from the Medical Officer of Health respecting the proposed Sewer Use By-law for Toronto; and that the Board of Health:
- (1) endorses the commitment to reduce the discharge of persistent toxics into the Toronto sewage system and the pollution prevention planning requirements that are contained in the proposed Sewer Use By-law; and
  - (2) encourages the Works Committee and the Economic Development and Parks Committee to support the proposed Sewer Use By-law; and
- (ii) (May 1, 2000) advising that the Board of Health, at its meeting on May 1, 2000, recommended that:
- (1) Works and Emergency Services adhere to its general discharge limit development protocol for deriving discharge limits for organics not identified for phase out under the Canada Ontario Agreement (COA) respecting the Great Lakes;
  - (2) Works and Emergency Services retain, for the time being, the discharge limits (in Draft No. 4) for nonylphenols, nonylphenol ethoxylates, di-n-butyl phthalates and bis (2-ethylhexyl) phthalate, and request Environment Canada/Ontario Ministry of the Environment to evaluate the new aquatic toxicity data for these substances and revise the Canadian Water Quality Objectives/Provincial Water Quality Objectives in light of these data;
  - (3) the By-law require industry to prepare facility-specific pollution prevention plans;
  - (4) Works and Emergency Services provide in a guidance manual a list of basic information common to all industry sectors that needs to be included in the pollution prevention plans and plan summaries, including evidence of employee notification

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- and involvement;
- (5) the City add dental clinics to the list of subject sectors (appendix 1 of the By-law) that are required to submit a pollution prevention plan and a plan summary to the Commissioner by a designated date;
  - (6) section 12 of Draft No. 6 be amended to indicate that the Corporate Access and Privacy Office of the City of Toronto will determine whether the industry has made a credible case for submitted information to be withheld from public release due to its confidential or proprietary nature;
  - (7) the By-law disallow the discharge of sharps and pharmaceuticals into the sewage system;
  - (8) Works and Emergency Services perform periodic audits of individual facilities in different industrial sectors to determine compliance and assess the needs for further education and action; and
  - (9) Works and Emergency Services conduct an education campaign to raise awareness of the impact of discharged substances on health and the environment, and the importance of pollution prevention measures, with an emphasis on situations where the By-law requirements are difficult to enforce, such as with toxic discharges from small home business establishments;

and further advising that the Board of Health:

- (1) confirms its endorsement of the commitment to reduce the discharge of persistent toxics into the Toronto sewage system and the pollution prevention planning requirements that are contained in the proposed Sewer Use By-law; and
- (2) encourages the Works Committee and the Economic Development and Parks Committee to support the proposed Sewer Use By-law, subject to the aforementioned recommendations.

The Works Committee and the Economic Development and Parks Committee also had before them the following communications:

- (a) (May 5, 2000) from the City Clerk advising that the Works Committee and the Economic Development and Parks Committee at their special joint meeting on April 19, 2000,

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respecting the proposed new Sewer Use By-law for the City of Toronto, took the following action:

- (1) deferred consideration of the reports and communications listed therein until a further joint meeting of the Committees to be held no later than May 17, 2000; and
  - (2) directed that Draft No. 6 dated April 18, 2000, tabled at the meeting be the final and only draft of the Sewer Use By-law to be discussed at the May meeting;
- (b) (March 9, 2000) from the City Clerk forwarding, for information and any attention deemed necessary, Clause No. 3 contained in Report No. 4 of The Works Committee, headed "City of Toronto Draft Sewer Use By-law – Status Report", which was adopted, as amended, by City Council on February 29, March 1 and 2, 2000;
- (c) communications from the following expressing concerns with respect to the proposed Sewer Use By-law and the lack of stakeholder consultation:
- (i) (June 10, 1999) from Mr. Don Lounsbury, Vice-President and General Manager, K-G Packaging, a Division of CCL Industries Inc.;
  - (ii) (June 11, 1999) from Ms. Marina Kovrig, Vice President, Public and Government Affairs, Recochem Inc.;
  - (iii) (June 14, 1999) from Mr. Grant D. Allen, Plant Manager, Reckitt & Colman Canada;
  - (iv) (June 21, 1999) from Mr. Gunter Berk, Vice President and General Manager, CCL Custom Manufacturing;
  - (v) (June 23, 1999) from Mr. N.R.C. Huebel, Regional Director, Ontario, Canadian Chemical Producers' Association;
  - (vi) (July 5, 1999) from Dr. Roger Hayward, Vice President Operations, Rohm and Haas Canada Inc.;
  - (vii) (July 5, 1999) from Mr. Mike Russill, Vice President, Retail, Sunoco Inc.;
  - (viii) (July 7, 1999) from Mr. Bob Clapp, Vice President, Ontario Division, Canadian Petroleum Products Institute;



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- (ix) (July 15, 1999) from Mr. Mike Klein, President, Dominion Colour Corporation;
- (x) (July 19, 1999) from Mr. Andrew Macdonald, Vice President, Torcad Limited;
  
- (xi) (July 22, 1999) from Mr. Peter Newton, President, Champion Photochemistry Limited;
  
- (xii) (July 23, 1999) from Mimi N. Singh, Director, Environment, Health and Safety, Canadian Plastics Industry Association;
  
- (xiii) (August 4, 1999) from Mr. Jim Stanton, Owner, M. Stanton Electroplating Ltd.;
  
- (xiv) (August 9, 1999) from Mr. Ian Howcroft, Vice President (Acting), Ontario Division, Alliance of Manufacturers & Exporters Canada;
  
- (xv) (September 7, 1999) from Mr. G. S. Buchanan, President, S&C Electric Canada Ltd., forwarded by Councillor Elizabeth Brown, Rexdale-Thistletown; and
  
- (xvi) (September 17, 1999) from Mr. David Halton, President, Canadian Manufacturers of Chemical Specialities Association;
  
- (d) (September 13, 1999) from Mr. Mark S. Winfield, Director of Research, Canadian Institute for Environmental Law and Policy, expressing continuing support for the City of Toronto's new Sewer Use By-law, and in particular, congratulating the City for its decision to include pollution prevention planning requirements in the new by-law;
  
- (e) (September 30, 1999) from Ms. Tanny Wells, Chair, Task Force to Bring Back the Don, expressing the support of the membership of the Task Force to Bring Back the Don for the recently drafted Sewer Use By-law;
  
- (f) (November 2, 1999) from Ms. Christine Iamonaco, Senior Public Consultation Co-ordinator (Acting), Works and Emergency Services, advising that the Implementation, Compliance and Monitoring Committee (ICMC) for the Ashbridges Bay Treatment Plant Mediation Agreement at its meeting on October 27, 1999, passed the motion that the ICMC support the City's new Sewer Use By-law which is consistent with Resolution No. 2 of the Mediator's report as approved by Council in June 1999, appended thereto;

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- (g) (February 6, 2000) from Mr. Simon Miles, Vice-President, Conservation Council of Ontario, urging the Committee and Council to approve the Sewer Use By-law as quickly as possible;
- (h) (March 9, 2000) from Mr. Peter Morfitt, Scarborough, Ontario, expressing support for the City of Toronto's proposed Sewer Use By-law, and stating that Council should move on this initiative without any further delay;
- (i) (March 23, 2000) from Ms. Paula Davies and Mr. Stephen Smith expressing strong support for the draft Sewer Use By-law.
- (j) (March 31, 2000) from Mr. James Riordan, Director, National Office of Pollution Prevention, Environment Canada, expressing support for the proposed by-law that would require pollution prevention planning from certain facilities; and commenting on the roles of the two levels of government in this area;
- (k) form letters from the following in support of the City's proposed new Sewer Use By-law:
  - (i) (April 4, 2000) from Ms. Gillian Novick;
  - (ii) (April 4, 2000) from Guiomar Novais-Juradinho;
  - (iii) (April 4, 2000) from Ms. Melissa Hanneman;
  - (iv) (April 4, 2000) from Mr. Burt Skopit;
  - (v) (April 4, 2000) from G. Doherty;
  - (vi) (April 4, 2000) from R. Scott;
  - (vii) (April 4, 2000) from Mr. Saul Fishbein;
  - (viii) (April 4, 2000) from Mr. Andres Valencia;
  - (ix) (April 4, 2000) from Darinka Blagaj;
  - (x) (April 4, 2000) from Mr. David Berger;
  - (xi) (April 4, 2000) from Stev Andis;
  - (xii) (April 4, 2000) from Mr. Michael T. Berger;
  - (xiii) (April 4, 2000) from Mr. Dalton Shipway;
  - (xiv) (April 4, 2000) from Mr. Fred Ni;
  - (xv) (April 4, 2000) from Mr. Shawn Tay;
  - (xvi) (April 4, 2000) from Dr. S.M. Hossain;
  - (xvii) (April 4, 2000) from Mr. David Hanna;
  - (xviii) (April 4, 2000) from Mr. Mark Franklin; and
  - (xix) (April 4, 2000) from Ms. Carol Boland;

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- (l) (April 3, 2000) from Ms. Christine Iamonaco, Public Consultation Co-ordinator, Technical Services, advising that the Ashbridges Bay Treatment Plant Neighbourhood Liaison Committee at its meeting on March 21, 2000, passed the motion that the Committee support the Sewer Use By-law, and, in principle, the staff report coming forward to the Works Committee at the April 19, 2000 meeting;
- (m) (April 7, 2000) from Ms. Anne Dubas, President, Local 79, Canadian Union of Public Employees, forwarding suggestions with respect to the proposed Sewer Use By-law in the areas of composting, permitting system, economic incentives, metals, pesticides, environmental emergency plans, and training, to strengthen the draft by-law and help ensure that the City will be able to enforce and protect the quality of water and ensure public health;
- (n) (April 10, 2000) from Mr. Raymond Oster, President, Magic White (1973) Incorporated, expressing support in favour of the proposed Sewer Use By-law;
- (o) (April 11, 2000) from Ms. Carol Boland, Toronto, Ontario, extending support for the adoption of a stronger Sewer Use By-law in the City of Toronto; and expressing concern that certain chemicals in the final draft of the by-law will still allow an unacceptable level of dangerous substances to be discharged into the sewer system;
- (p) (April 12, 2000) from Ms. Stella Hawke, Arcadia Housing Cooperative, extending support for the adoption of a stronger Sewer Use By-law in the City of Toronto; and stating that new limits for nine chemicals in the final draft of the By-law allow an unacceptable level of dangerous substances to be discharged into the City's drinking water;
- (q) (April 14, 2000) from Ms. Beth Benson, Executive Director, Waterfront Regeneration Trust; Mr. Craig Mather, General Manager, Toronto and Region Conservation Authority; and Mr. Simon Llewellyn, Director, Ontario Region, Environment Canada, advising of the support of the RAP Coordinating Committee for immediate adoption of the City of Toronto's proposed Sewer Use By-law;
- (r) (April 14, 2000) from Mr. Don Hux, Camdon Car Wash Services Ltd., forwarding correspondence from the Planning and Transportation Committee with respect to limits to the hours of operation of automatic car washes; and stating that the end result would be an increase in car washing in driveways, with an increase in water use, and soaps, waxes and cleaners being discharged into the storm sewers;

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- (s) (April 14, 2000) from Mr. Peter J. Hare, Toronto, Ontario, advising that he supported the proposed consolidated Sewer Use By-law as circulated last January; and expressing concern that the by-law has been watered down;
- (t) (April 14, 2000) from Mr. Sean Cosgrove, Consultant, Toronto Food Policy Council, forwarding comments and recommendations on the proposed Sewer Use By-law with respect to biosolids application in agriculture.
- (u) (April 17, 2000) from Mr. Kyle Menzies, Vice President, C.O.R.E. Digital Pictures, showing support for a strong Sewer Use By-law in the City of Toronto;
- (v) (April 17, 2000) from Mr. Lino Grima, Institute for Environmental Studies, University of Toronto, advising that he supports the revised Sewer Use By-law, even though the revisions seem to point to a watering down of the version circulated earlier this year;
- (w) (April 18, 2000) from Mr. Murray Ewing, President, Transchem Inc., respecting the impact on the City's sewer system of the proposed by-law to restrict the hours of operation for car washes in the City of Toronto by the Toronto Licensing Sub-Committee;
- (x) (April 19, 2000) from Mr. Brian Cochrane, President, Toronto Civic Employees' Union, CUPE Local 416, recommending that the implementation of the proposed Sewer Use By-law be discussed with Local 416, including any changes in working conditions and issues related to training;
- (y) (April 19, 2000) from Mr. Neil H. Rodgers, Director of Policy, Urban Development Institute, Ontario, advising that the Urban Development Institute cannot support the draft by-law as currently written as the proposed by-law does not permit double sewer connection and includes limits for storm sewer discharge;
- (z) (April 19, 2000) from the Ontario Dental Association, regarding key concerns identified by the Ontario Dental Association;
- (aa) (April 19, 2000) from Ms. Karen Buck, Citizens for a Safe Environment, raising questions with respect to the proposed Sewer Use By-law for the City of Toronto;
- (bb) (April 19, 2000) from Ms. Sharon L. Glover, Executive Director, Brewers of Ontario, respecting the aggressive water use and pollution prevention initiatives of Ontario brewers;

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- (cc) (April 24, 2000) from Mr. Donald Hux, Camdon Carwash Services Ltd., representing the Canadian Car Wash Association, with respect to the proposed by-law by the Toronto Licensing Sub-Committee to restrict the hours of operation of coin-operated and automatic car washes and its impact on the City's sewer system;
- (dd) (April 2000) from Mr. Mark S. Winfield, Director of Research, Canadian Institute for Environmental Law and Policy, submitting recommendations with respect to the new City of Toronto Sewer Use By-law;
- (ee) (May 14, 2000) from Mr. Peter Newton, President, Champion Photochemistry, expressing concern with respect to the proposed Sewer Use By-law and its effect on the economy of the City of Toronto and potentially the Greater Toronto Area;
- (ff) (May 15, 2000) from Mr. Ed Mallet, President and Chief Executive Officer, Ontario Centre for Environmental Technology Advancement (OCETA), proposing that OCETA work with the City respecting the promotion of pollution prevention plans;
- (gg) (May 15, 2000) from Mr. Robert J. Fensterheim, Executive Director, Alkylphenol & Ethoxylates (APE) Research Council, submitting comments with respect to nonylphenol (NP) and nonylphenol ethoxylates (NPEs) and requesting the Committees to expand their consideration of the available science on NP and NPE and their use of external resources;
- (hh) (May 16, 2000) from Mr. Martin Shaw, Senior Engineer, Works and Emergency Services, respecting requirements for dental practices in Draft No. 6 of the Sewer Use By-law;
- (ii) (May 16, 2000) from Ms. Tanny Wells, Chair, Task Force to Bring Back the Don, advising that the Task Force supports the Sewer Use By-law in principle, and the inclusion of the Pollution Prevention Plan in the by-law; and urging the City to strengthen this by-law with respect to downspout disconnection and Combined Sewer Overflows and best management practices in regards to non-point source pollutants;
- (jj) (May 16, 2000) from Mr. Mark Wilson, Chair, Don Watershed Regeneration Council, advising that the Don Watershed Regeneration Council on May 11, 2000, passed a resolution urging the City to pass the Sewer Use By-law referred to as Draft No. 6 with additional provisions that will further strengthen the By-law; requesting the City to ensure that adequate funding is available for regulation, surveillance, education, monitoring and enforcement to put into effect the provisions of the By-law; and further requesting that the City commit to further strengthening the By-law when it is reviewed in two years; and

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- (kk) (May 17, 2000) from Mr. Mark S. Winfield, Director of Research, Canadian Institute for Environment Law and Policy, expressing concern respecting the changes made in Draft No. 6 of the Sewer Use By-law.

Mr. Michael A. Price, General Manager, Water and Wastewater Services, gave a presentation to the Works Committee and the Economic Development and Parks Committee with respect to the proposed new City of Toronto Sewer Use By-law.

The following persons appeared before the Works Committee and the Economic Development and Parks Committee in connection with the foregoing matter:

- Ms. Tanny Wells, Chair, Task Force to Bring Back the Don;
- Ms. Shannon Coombs, Director, Government Relations, Canadian Manufacturers of Chemical Specialties Association;
- Ms. Barbara Losey, Alkylphenol & Ethoxylates (APE) Research Council, and submitted a copy of her presentation;
- Mr. Ken Schroeder, Huntsman Corporation Canada Inc.;
- Dr. Roger Hayward, Vice-President Operations, Rohm and Haas Canada Inc., and submitted a copy of his presentation;
- Mr. Douglas Troughton, Canadian Association of Textile Colourists and Chemists;
- Ms. Risa Troughton, Vice-President, TFD 2000;
- Mr. Larry Funnel, ECOLAB;
- Mr. Marcus Ginder, Global Village Consulting;
- Mr. Usman Valiante, representing Brewers of Ontario;
- Ms. Shelley Petrie, Toronto Environmental Alliance;

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- Mr. Harry Dahme, Gowling Strathy and Henderson, on behalf of the Photo Marketing Association;
  - Mr. Dalton C. Shipway, Toronto;
  - Mr. Al Deli, Halltech Inc.;
  - Ms. Karey Shinn, Chair, Safe Sewage Committee;
  - Ms. Elizabeth Borek, Portlands Citizens Action Committee and Lakeside Area Neighbourhoods Association;
  - Mr. Barry Rose, Plant Manager, Reichold Limited;
  - Ms. Linda Samek, Director of Professional Affairs, Ontario Dental Association;
  - Mr. Kevin Mercer, Riversides Stewardship Alliance;
  - Mr. Bruce Davis, Urban Intelligence Inc., and Dr. Susan Sang, Toxicologist, World Wildlife Funds, and submitted material with respect thereto; and
  - Ms. Karen Buck, Board Member, Citizens for a Safe Environment.
- A. Councillor Giansante moved that Section 11, Sewer Connections, subsection (20) of the Sewer Use By-law (Draft No. 6) be amended to exclude rainwater from swimming pools from the restrictions on discharge to the sewer system.  
**(Carried)**
- B. Councillor Ashton moved that:
- (1) the Works Committee be requested to establish a strategy to encourage harmonization of the new Sewer Use By-Law in the Greater Toronto Area; and
  - (2) the Commissioner of Works and Emergency Services be requested to report directly to Council for its meeting of June 7, 2000, on:

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- (a) the merits of P2 planning that includes water, air and waste; and
  - (b) the advantages and disadvantages between sector and site-specific plans;
- (3) the Commissioner of Works and Emergency Services provide staff assistance to undertake a minimum of three case studies of P2 Planning with separate industry sectors;
  - (4) the Commissioner of Works and Emergency Services, in co-operation with the Economic Development, Culture and Tourism Department, undertake a direct outreach program to the major employers that will be affected in order to assure companies that the Department will work closely with the companies over the next two years to find workable solutions and to ensure that the companies benefit from the educational sessions that will be undertaken;
  - (5) the Commissioner of Works and Emergency Services, in co-operation with the Economic Development, Culture and Tourism Department, develop a marketing/awareness campaign to recognize the accomplishments of companies as they develop and implement P2 Plans;
  - (6) the Commissioner of Works and Emergency Services consult with Economic Development, Culture and Tourism, Ontario Centre for Environmental Technology Advancement, Industrial Research Assistance Program and senior levels of government and report back to the Economic Development and Parks Committee with respect to the development of an incentive program to encourage companies to undertake P2 Plans in a timely manner and to offset preparation and implementation costs; and
  - (7) the Commissioner of Works and Emergency Services include the Economic Development Division staff in meetings with companies and business sectors regarding non-routine issues of compliance, P2 Plan preparation and implementation, and the Commissioner of Economic Development, Culture and Tourism report back to the Economic Development and Parks Committee during the phase-in period with respect to the economic impact on companies and business issues related to the implementation of the By-law.



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**(Carried)**

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C. Councillor Soknacki moved that:

- (1) the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee one year after the implementation of the new Sewer Use By-law on:
  - (i) residual levels for the pollutants set out in Table 1; and
  - (ii) whether a further consultative program is necessary with stakeholders during the phase-in period; and
- (2) the Commissioner of Works and Emergency Services be requested, if necessary, to undertake testing forthwith to determine current levels for pollutants set out in Table 1.

**(Carried)**

Councillor Saundercook appointed Councillor Mammoliti Acting Chair, and vacated the Chair.

D. Councillor Saundercook moved:

- (1) the adoption of the aforementioned report dated April 10, 2000, from the Commissioner of Works and Emergency Services as amended by the aforementioned reports dated April 18, 2000, and April 26, 2000, subject to amending Table 1, Limits for Sanitary and Combined Sewers Discharge, of the Sewer Use By-law (Draft No. 6) by revising the following discharge limits:

Controlled Substance	Change From:	To:
Chromium (total)	4 mg/L	2 mg/L
Copper (total)	2.5 mg/L	2 mg/L
Di-n-butyl phthalate	1.2 mg/L	0.08 mg/L
Bis(2-ethylhexyl) phthalate	10 mg/L	0.012 mg/L
Nonylphenols	0.02 mg/L	0.001 mg/L
Nonylphenol ethoxylate	0.2 mg/L	0.01 mg/L

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- (2) the adoption of the aforementioned report dated May 1, 2000, from the Commissioner of Works and Emergency Services.

**(Carried, as amended)**

Councillor Saundercook resumed the Chair.

- E. Councillor Davis moved that the foregoing motion D. by Councillor Saundercook be amended by revising Recommendation No. (3) of the aforementioned report dated April 10, 2000, from the Commissioner of Works and Emergency Services to read as follows:

- “(3) the Commissioner of Works and Emergency Services consult with the Commissioner of Economic Development, Culture and Tourism, the Medical Officer of Health and officials from Environment Canada, the Canadian Centre for Pollution Prevention, industry and environmental stakeholders and report thereon within four years on any modifications to the new limits contained in Section 2 and Section 4 of the new Sewer Use By-Law”.

**(Carried)**

- F. Councillor Brown moved that:

- (1) the foregoing motion D. by Councillor Saundercook be amended by adding to Section 10(22), Dental Waste Amalgam Separator, of the Sewer Use By-law (Draft No. 6) the following subsection 10(11) 3.:

- “10(11) 3. Notwithstanding compliance with Section 10(11), all persons operating or carrying on the business of a dental practice shall comply with Section 2(1) 4.”; and

- (2) the Medical Officer of Health be requested to:

- (a) report directly to Council for its meeting of June 7, 2000, on the potential compliance of the City’s amalgam separators; and

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- (b) examine and report back to the Work Committee on compliance levels of amalgam separator equipment available on the Canadian market.

**(Carried)**

- G. Councillor Bossons moved that the Commissioner of Works and Emergency Services be requested to report back to the Works Committee during the 2001 Operating Budget process on the resource implications of hiring two additional Enforcement Officers. **(Carried)**
  
- H. Councillor Pitfield moved that the foregoing motion D. by Councillor Saundercook be amended by deleting Section 5 in Draft No. 6 of the Sewer Use By-law and inserting in lieu thereof the following:

‘Section 5 – Pollution Prevention Planning

- 5. (1) Every subject sector industry and every industry which discharges any amount of a subject pollutant shall prepare a pollution prevention plan (“the plan”) and a plan summary as set out in Section 5(2) and 5(3) and shall submit the plan summary to the Commissioner for his approval by no later than the date set out in Column 3 of Appendix 1 to this By-law that corresponds to the Industrial Category for that industry as set out in Column 2 of the said Appendix 1.
  
- (2) The plan shall be in the form approved by the City for that purpose from time to time and shall include and address the following:
  - a. The subject industry’s management policy that demonstrates the organization’s understanding and support for pollution prevention and planned activities to achieve the established goals.
  - b. How many processes are at the facility.

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- c. How many processes are targeted for pollution prevention planning.
- d. How many subject pollutants have been identified.
- e. How and when employees have been notified and involved in pollution prevention.
- f. A description of major production process steps that involve subject pollutants.
- g. Diagrams depicting basic production processes.
- h. The types and quantities of all products and wastes leaving the plant/site.
- i. Inventories of all subject pollutants, including: the input amount of raw material in kg, the amount of raw material in products in kg, the amount discharged to the sewer.
- j. Direct and indirect financial implications, including: those associated with producing and handling the discharge of the subject pollutants; the costs of raw materials, labour, storage and inventory, water and energy use, waste storage, handling and disposal, on-site treatment or recycling, on-site pollution control, administrative costs, safety prevention costs, compliance costs (record-keeping, monitoring, permitting), and insurance.
- k. A description of current 'at source' reduction, recycling, best management practices and treatment activities.
- l. Pollution prevention options for the subject pollutants, including: source reduction, materials substitution, operating efficiencies, process changes, product design and/or reformulation, equipment modification.
- m. An evaluation of pollution prevention options, including the opportunity for: reduction or elimination of subject pollution, cross-media transfer implications, worker health and safety, capital equipment cost, labour requirements, utility requirements, effect on productivity, cost savings potential, product/process compatibility, availability of technology, increased market share, advertising opportunities.
- n. Three and six-year targets to reduce or eliminate the discharge of subject pollutants, including the: quantity of

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- the subject pollutant to be reduced and the tasks required to achieve the targets for each subject pollutant.
- o. A six-year implementation schedule, with yearly activities.
  - p. Authorization from a senior management official of the organization and affirmation of the accuracy of the statements in the plan.
- (3) The plan summary shall be in the form approved by the City for that purpose from time to time and shall include and address the following:
- a. The parent organization of the industry.
  - b. The industry name (if different from the parent organization).
  - c. The North American Industrial Classification.
  - d. Address, telephone and fax number of the industry.
  - e. The name, telephone number and e-mail address of the senior management official responsible for the management policy on pollution prevention planning.
  - f. How many processes are at the facility.
  - g. How many processes are targeted for pollution prevention planning.
  - h. How many subject pollutants have been identified.
  - i. A summary of the pollution prevention plan, including: identification of subject pollutants, process description, input amount of subject pollutants, amount of subject pollutants discharged to sewer, pollution prevention activities, three-year target for reduction/elimination, six-year target for reduction/elimination, current reductions achieved.
  - j. Authorization from a senior management official of the organization and affirmation of the accuracy of the statements in the plan summary and the fact that the plan is available on-site.
- (4) Plan summaries submitted to the Commissioner shall be approved by the Commissioner unless the Commissioner determines that the

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plan summary does not comply with the requirements of this By-law.

- (5) In the event that the activity or business of an industry which discharges any amount of a subject pollutant is not listed in Column 2 of Appendix 1 to this By-law, then the industry shall prepare a plan and submit a plan summary by no later than June 1, 2001.
- (6) Any subject sector industry and any industry discharging any amount of a subject pollutant which commences business operations after June 30, 2000, shall have one year from the date of the commencement of its business operations to prepare a plan and prepare and submit a plan summary to the Commissioner.
- (7) At all time after the dates specified in subsection 5(1), 5(5), and 5(6), every subject sector industry and every industry discharging a subject pollutant shall have a plan summary that has been approved by the Commissioner.
- (8) In the event that an industry submitting a plan summary is not sent written notice from the Commissioner that its plan summary is not approved by the Commissioner within 90 days of the industry delivering the plan summary to the Commissioner, the plan summary shall be deemed to have been approved by the Commissioner.
- (9) Where an industry receives notice from the Commissioner that its plan summary has not been approved, the industry shall have 90 days to amend and resubmit its plan summary to the Commissioner for approval in accordance with this By-law.
- (10) In the event that a plan summary resubmitted to the Commissioner in accordance with subsection 5(9) of this By-law continues to fail to comply with the requirements of this By-law, the Commissioner shall so notify the industry and the industry shall be in

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contravention of subsection 5(1) of this By-law and shall continue to be in contravention of this By-law until such time as the Commissioner approves of an amended plan summary resubmitted by the industry, in accordance with this By-law.

- (11) Every subject sector industry and every industry discharging a subject pollutant shall submit a revised and updated plan summary for the approval of the Commissioner at least once every two years from the date which the original summary was required to be submitted. Such revised and updated plan summary shall, in addition to the requirements otherwise set out in this By-law, detail and evaluate the progress of the industry to accomplish the objectives set out in its plan and the industry's ability to accomplish those pollution prevention objectives.
- (12) Every subject sector industry and every industry discharging a subject pollutant shall prepare a revised and updated plan no less frequently than once every six years from the date which the original plan was required to be prepared, and shall prepare and submit for the Commissioner's approval a plan summary with respect thereto no later than the date by which any revised and updated plan must be prepared.
- (13) The provisions of subsections 5(9), 5(10) and 5(11) of this By-law apply with respect to plans and plan summaries required to be prepared pursuant to subsection 5(12).
- (14) The City may designate any class of business or activity not included in Appendix 1 to this By-law as a subject sector and may designate a date with respect to which any such subject sector shall be required to submit to the Commissioner a plan and a plan summary.
- (15) The City may designate any matter as a subject pollutant and may designate a date with respect to which any industry discharging such subject pollutant shall be required to submit to the Commissioner a plan and a plan summary.



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- (16) A copy of the plan and plan summary shall be kept all times at the premises in respect to which it was prepared and shall be available for inspection by the Commissioner at any time.”

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**(Lost on the following recorded vote:**

**FOR:           Brown, Cho, Layton, Pitfield, Saundercook**

**AGAINST:   Ashton, Bossons, Davis, Palacio, Shiner, Soknacki)**

- I.     Councillor Layton moved:
- (1)    the adoption of the recommendations of the Board of Health embodied in the aforementioned communication dated May 1, 2000, from the Secretary, Board of Health; and **(Withdrawn)**
  - (2)    that the Commissioner of Works and Emergency Services be requested to report directly to Council for its meeting of June 7, 2000, on the status of uranium and any other radioactive discharges. **(Carried)**
- J.     Councillor Bossons further moved that the foregoing motion H. by Councillor Pitfield be referred to the City Solicitor to report directly to Council on the legal implications thereof and whether the implementation of pollution prevention plans could be made mandatory. **(Carried)**

The following is the action therefore taken by the Works Committee and the Economic Development and Parks Committee:

The Works Committee and the Economic Development and Parks Committee jointly recommended to Council that:

- (1)    the Sewer Use By-law (Draft No. 6) appended to the aforementioned report dated April 18, 2000, from the Commissioner of Works and Emergency Services be enacted by City Council, providing a two-year phase-in period for industries to meet the proposed new limits in Section 2 and Section 4 of the new By-law, subject to the following amendments:

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- (i) Table 1, Limits for Sanitary and Combined Sewers Discharge, be amended by revising the following discharge limits:

Controlled Substance	Change From:	To:
Chromium (total)	4 mg/L	2 mg/L
Copper (total)	2.5 mg/L	2 mg/L
Di-n-butyl phthalate	1.2 mg/L	0.08 mg/L
Bis(2-ethylhexyl) phthalate	10 mg/L	0.012 mg/L
Nonylphenols	0.02 mg/L	0.001 mg/L
Nonylphenol ethoxylate	0.2 mg/L	0.01 mg/L

- (ii) Section 3, Prohibition of Dilution, be revised to read as follows:

“No person shall discharge directly or indirectly or deposit or cause or permit the discharge or deposit of sewage into a sanitary sewer, combined sewer, storm sewer, municipal or private sewer connection to any sanitary sewer, combined sewer or storm sewer in circumstances where water has been added to the discharge for the purposes of dilution to achieve compliance with Section 2 or 4 of the By-law.”;

- (iii) Section 10(11), Dental Waste Amalgam Separator, be amended by adding the following subsection 10(11) 3. :

“10(11) 3. Notwithstanding compliance with Section 10(11), all persons operating or carrying on the business of a dental practice shall comply with Section 2(1) 4.”

- (iv) Section 11, Sewer Connections, subsection (17)2.(a) and (b) be revised to delete the reference to combined sewer system;
- (v) Section 11, Sewer Connections, subsection (20), be amended to exclude rainwater from swimming pools from the restrictions on discharge to the sewer system;

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- (vi) Section 13, Offences, subsection 13.(1) be revised to read as follows:

“(1) Every person other than a corporation who contravenes any provision of Section 2, 3 or 4 of this By-law is guilty of an offence and on conviction is liable for every day or part thereof upon which such offence occurs or continues to a fine of not more than \$10,000 for a first offence and \$20,000 for any subsequent conviction.”;

and subsection 13.(2) be revised to read as follows:

“(2) Every corporation which contravenes any provision of Section 2, 3 or 4 of this By-law is guilty of an offence and on conviction is liable for every day or part thereof upon which such offence occurs or continues to a fine of not more than \$50,000 for a first offence and \$100,000 for any subsequent conviction.”; and

- (vii) “Offices of Dentists”, with NAICS 62121 with a Pollution Prevention Plan due date of December 31, 2001, be inserted between Industrial Category “One-Hour Photofinishing” and “General Medical and Surgical Hospitals” under Appendix 1 Subject Sectors;
- (2) all the former six area municipalities’ By-laws and the former Metro Toronto By-law No. 153-89 be repealed, with the exception of the limits in Section 2 and Section 3, which will remain in effect for the two-year phase-in period of the new Sewer Use By-law;
- (3) the Commissioner of Works and Emergency Services consult with the Commissioner of Economic Development, Culture and Tourism, the Medical Officer of Health and officials from Environment Canada, the Canadian Centre for Pollution Prevention, industry and environmental stakeholders and report thereon within four years on any modifications to the new limits contained in Section 2 and Section 4 of the new Sewer Use By-Law;

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- (4) the document entitled “A Guidance Manual to Pollution Prevention Plan” and its Appendices, recommended in the aforementioned report dated May 10, 2000, from the Commissioner of Works and Emergency Services, be adopted as guidelines for industries to develop their pollution prevention plans and pollution prevention plan summaries;
- (5) the Commissioner of Works and Emergency Services be authorized to reclassify two of the existing Enforcement Officers to Pollution Prevention Officers;
- (6) all existing Industrial Waste Surcharge Agreements, Sanitary Discharge Agreements and Compliance Programs with Monetary Concessions remain in force under the new By-law, and be amended to accommodate the changes necessitated by the new By-law;
- (7) the Commissioner of Works and Emergency Services be authorized to execute new Industrial Waste Surcharge Agreements, Sanitary Discharge Agreements or Compliance Programs with Monetary Concessions under routine situations, but continue to refer non-routine, complicated cases to Council for approval;
- (8) the Works Committee be requested to establish a strategy to encourage harmonization of the new Sewer Use By-Law in the Greater Toronto Area;
- (9) the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee one year after the implementation of the new Sewer Use By-Law on:
  - (i) residual levels for the pollutants set out in Table 1; and
  - (ii) whether a further consultative program is necessary with stakeholders during the phase-in period;
- (10) the Commissioner of Works and Emergency Services be requested, if necessary, to undertake testing forthwith to determine current levels for pollutants set out in Table 1;

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- (11) the Commissioner of Works and Emergency Services provide staff assistance to undertake a minimum of three case studies of P2 Planning with separate industry sectors;

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- (12) the Commissioner of Works and Emergency Services, in co-operation with the Economic Development, Culture and Tourism Department, undertake a direct outreach program to the major employers that will be affected in order to assure companies that the Department will work closely with the companies over the next two years to find workable solutions and to ensure that the companies benefit from the educational sessions that will be undertaken;
- (13) the Commissioner of Works and Emergency Services, in co-operation with the Economic Development, Culture and Tourism Department, develop a marketing/awareness campaign to recognize the accomplishments of companies as they develop and implement P2 Plans;
- (14) the Commissioner of Works and Emergency Services consult with Economic Development, Culture and Tourism, Ontario Centre for Environmental Technology Advancement, Industrial Research Assistance Program and senior levels of government and report back to the Economic Development and Parks Committee with respect to the development of an incentive program to encourage companies to undertake P2 Plans in a timely manner and to offset preparation and implementation costs;
- (15) the Commissioner of Works and Emergency Services include the Economic Development Division staff in meetings with companies and business sectors regarding non-routine issues of compliance, P2 Plan preparation and implementation, and the Commissioner of Economic Development, Culture and Tourism report back to the Economic Development and Parks Committee during the phase-in period with respect to the economic impact on companies and business issues related to the implementation of the By-law;
- (16) in the event that Council adopts the Board of Health's Recommendation No. (4) requiring industries to prepare facility-specific pollution prevention plans rather than sectoral P2 plans for homogeneous industry sectors, the Commissioner of Works and Emergency Services be requested to report back to the Works Committee on the additional staffing required to review the additional estimated four to five thousand individual pollution prevention plans;

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- (17) the Commissioner of Works and Emergency Services be requested to report back to the Works Committee during the 2001 Operating Budget process on the resource implications of hiring two additional Enforcement Officers; and
- (18) the appropriate City officials be authorized and directed to take the necessary action to give effect hereto.

The Works Committee and the Economic Development and Parks Committee also took the following additional action:

- (1) requested the Commissioner of Works and Emergency Services to report directly to Council for its meeting of June 7, 2000, on:
  - (a) the merits of P2 planning that includes water, air and waste;
  - (b) the advantages and disadvantages between sector and site-specific plans; and
  - (c) the status of uranium and any other radioactive discharges;
- (2) requested the Medical Officer of Health to:
  - (a) report directly to Council on the potential compliance of the City's amalgam separators; and
  - (b) examine and report back to the Work Committee on compliance levels of amalgam separator equipment available on the Canadian market; and
- (3) referred the foregoing motion H. by Councillor Pitfield to the City Solicitor to report directly to Council on the legal implications thereof and whether the implementation of pollution prevention plans could be made mandatory.

(Commissioner of Works and Emergency Services; Commissioner of Economic Development, Culture and Tourism; Medical Officer of Health; City Solicitor; c: General Manager, Water and Wastewater Services – May 17, 2000)



**(Clause No. 1, Joint Report No. 2)**

**2.2 Laidlaw Foundation Community Art Project.**

The Works Committee and the Economic Development and Parks Committee had before them a Motion by Councillor Brian Ashton, Chair, Economic Development and Parks Committee, respecting a Community Art Project sponsored by the Laidlaw Foundation, wherein it is resolved that the proposal to have four to six environmentally themed murals painted on City of Toronto sanitation vehicles be approved subject to conditions satisfactory to the Commissioner of Works and Emergency Services; and forwarding a report dated May 11, 2000, from the Commissioner of Economic Development, Culture and Tourism, recommending that:

- (1) the proposal submitted by Ms. Lee be approved by City Council, provided the following stipulations are met by all participants in the project:
  - (a) no more than six City vehicles will be involved in the mural project;
  - (b) each vehicle will be out of service for no more than one week while being painted;
  - (c) funding for this project will be the full responsibility of Ms. Lee and there will no financial commitment from the City of Toronto;
  - (d) each vehicle will be painted in a manner that meets with the approval of Works and Emergency Services, Corporate Services and the Culture Division;
  - (e) each vehicle will be painted using materials that have been reviewed and approved by Works and Emergency Services; and
  - (f) murals will not interfere or otherwise disrupt existing corporate markings such as the City of Toronto logo, vehicle numbering or other identifying marks; and
- (2) staff develop a communications plan to publicize this project and to inform the public about the nature of the murals as well as the private sector source of funding for the project.

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On motion by Councillor Ashton, the Works Committee and the Economic Development and Parks Committee jointly recommended to Council the adoption of the aforementioned Motion.

**(Clause No. 2, Joint Report No.2)**

The Works Committee and the Economic Development and Parks Committee adjourned their meeting at 6:10 p.m.

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Chair.