



## STAFF REPORT INFORMATION ONLY

### Toronto Water Compliance Policy for High Volume Water Users – Effluent Monitoring

<b>Date:</b>	October 11, 2007
<b>To:</b>	Executive Committee
<b>From:</b>	Lou Di Gironimo, General Manager, Toronto Water
<b>Wards:</b>	All
<b>Reference Number:</b>	P:\2007\Cluster B\TW\ec07037 (AFS #5686)

#### **SUMMARY**

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The City of Toronto Sewer Use By-law (Municipal Code Chapter 681 – Sewers) regulates all discharges to the City’s sewer system. Compliance with discharge limits is mandatory. It is the responsibility of the individual owners and operators of all businesses and industries within the City to ensure that their effluent complies with the Sewer Use By-law discharge limits and to therefore install the appropriate effluent treatment and monitoring equipment. Most industries generally have established an effluent monitoring program which is economically and technically feasible to their operations in order to avoid non-compliance under the By-law. The industry can also enter into various agreements with the City to ensure compliance with the By-law is achieved. In addition, under Section 13 of the Sewer Use By-law, a Toronto Water By-law Officer can instruct any industry to carry out any monitoring and sampling within a specified timeframe of any discharge to a sewer that the Officer deems necessary to ensure compliance with the By-law.

Failure to comply with the By-law can result in fines up to \$100,000.00 per day for non-compliance. The requirements stipulated in the Sewer Use By-law (Municipal Code Chapter 681 – Sewers) apply to all persons who discharge to the sewer system, including all industries. Therefore, in order to avoid prosecution under the By-law, industries would have to take the necessary action, if required, to install and maintain the appropriate effluent monitoring equipment to ensure compliance under the By-law. No classes of industry are exempt from the Sewer Use By-law.

## **FINANCIAL IMPACT**

There is no financial impact associated with this report.

## **DECISION HISTORY**

At its meeting of May 28, 2007, the Executive Committee recommended adoption of the Staff Report, as amended, dated May 14, 2007, entitled “Water Rate Restructuring – Results of Public Consultation and Recommended Rate Structure”. A copy of the staff report can be found at:

<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3800.pdf>

## **ISSUE BACKGROUND**

The lower second block water rate for industrial processors consuming greater than 6,000 cubic meters of water annually was put forward as an economic incentive to retain the manufacturing industry within Toronto. To be eligible for the industrial process block two rate the industry’s process water effluent must be in compliance with the Sewer Use By-law and the industry must install and maintain effluent monitoring equipment if determined that it is required by the General Manager of Toronto Water. At its meeting of June 19, 20, and 22, 2007, while considering the above report, City Council requested the General Manager of Toronto Water report directly to the Executive Committee on which classes of businesses shall require effluent monitoring equipment and which classes of businesses shall be exempt from this requirement.

## **COMMENTS**

The City of Toronto Sewer Use By-law (Municipal Code Chapter 681 – Sewers) regulates all discharges to the City’s sewer system. Compliance with discharge limits is mandatory. It is the responsibility of the individual owners and operators of all businesses and industries within the City to ensure that their discharges comply with the Sewer Use By-law discharge limits and to therefore install the appropriate effluent treatment and monitoring equipment. Toronto Water By-law Enforcement Officers regularly inspect operations at industries and collect samples of the discharges to the sanitary and storm sewer to ensure compliance of the Sewer Use By-law. Industries are sampled at a frequency of once a month to once a year depending on their potential to pollute and the nature of the substances utilized in their manufacturing process that may potentially enter the sewer system. Failure to comply with the By-law can result in fines up to \$100,000.00 per day for non-compliance.

High risk dischargers, of which there are over 100, already have a practice in place to monitor or analyze their effluent. These include industrial categories such as electroplating, anodizing, textile and fabric finishing, metal finishing, circuit board manufacturing, chemical manufacturing, industrial laundries and textile processing.

Some wastes, like those from food processing plants (i.e. breweries, dairies, and meat packers) that may exceed the By-law limits are treatable at the wastewater treatment plants. In these cases, sample data is used to evaluate the amount of wastes generated by these companies for the purpose of recovering the costs of providing treatment. This is accomplished through Industrial Waste Surcharge Agreements. The City recovers approximately \$7 million per year in costs from industries through these agreements. This makes good business sense for both parties as the City can treat these wastes effectively at the wastewater treatment plants at less cost than if the industries had to install and maintain their own on-site treatment equipment. Generally, industries under such a Surcharge Agreement monitor and analyze their effluent to ensure the discharge levels are within those of the Agreement limits and to confirm the fees they are charged are accurate. Currently, the City has approximately 140 industries in the Industrial Waste Surcharge Agreement Program.

At the discretion of the General Manager of Toronto Water, the Sewer Use By-law allows the City to enter into a Compliance Agreement with an industry where enforcement action will not be taken as a company attempts to rectify its non-compliance status under the By-law. This provision enables the industry, within a set time limit, to install pollution control equipment, monitoring equipment or to pilot a new process that would place them in compliance. Under these agreements, quarterly reporting on the status of pre-defined measures is required as is frequent monitoring by the City to ensure progress within the agreed to timeframe. To date there are three companies under such an agreement.

Notwithstanding the above, under Section 13 of the Sewer Use By-law, a By-law Officer can instruct any industry to carry out any monitoring and sampling within a specified timeframe of any discharge to a sewer that the Officer deems necessary to ensure compliance with the By-law. This requirement, which may require the installation of specific effluent monitoring equipment, can be imposed on any industry and no industrial classes are exempt from this provision of the By-law.

Toronto Water staff issue written violation notices under the By-law to advise industries of improper discharges and to allow the offender an opportunity to investigate and correct the problem. In 2006, 108 Notices of Violations were issued as a result of over 1,700 inspections and 8,000 samples collected from sewer discharges. To date in 2007, 240 Notices of Violations have been issued. Toronto Water will prosecute industries or individuals for on-going violations under the By-law. Currently there are 10 prosecutions before the court.

## CONCLUSION

The existing Sewer Use By-law (Municipal Code Chapter 681 - Sewers) adequately addresses the issue of effluent monitoring by industries. Those companies that are at a greater risk of exceeding the By-law limits due to the nature of their process generally have established monitoring equipment and programs in place in order to avoid non-compliance or prosecution under the Sewer Use By-law. There are no exemptions for any class of industry under the By-law.

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## SIGNATURE

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