

**Amendment to the Municipal Code
Chapter 681-Sewers, Article I, Sewage and Land
Drainage**

Date:	May 20, 2008
To:	Public Works and Infrastructure Committee
From:	General Manager, Toronto Water
Wards:	All
Reference Number:	P:\2008\Cluster B\TW\pw08009 (AFS#7094)

SUMMARY

The purpose of this report is to amend various sections of Toronto Municipal Code Chapter 681 (the Sewer Use By-law) to: revise submission dates for pollution prevention plans; adopt an Environmental Best Management Practices (BMP) process for the discharge of private swimming pools and hot tubs/spas; allow the General Manager of Toronto Water to prescribe the form of various agreements within the By-law to the satisfaction of the City Solicitor; repeal an old North York sewer related By-law; amend a clause about sampling and analytical requirements; and amend certain clauses with regards to the re-use of existing sewer connections.

This report has been reviewed by the City Solicitor.

RECOMMENDATIONS

The General Manager of Toronto Water recommends that:

1. Municipal Code Chapter 681- SEWERS, ARTICLE I - Sewage and Land Drainage be amended in accordance with the draft amending By-law attached as “Appendix -A” to this Report;
2. Council authorize and approve:
 - a. the Environmental Best Management Practices (BMP) document attached as “Appendix B” – Environmental BMP for Private Swimming Pools, Hot

- Tubs & Spas in the City of Toronto for facilities with Private Swimming Pools, Hot Tubs/Spas in the City of Toronto; and,
- b. the General Manager of Toronto Water to implement the Environmental Best Management Practices (BMP) Program for the Private Swimming Pools, Hot Tubs/Spas accordingly;
3. Council authorize:
 - a. the General Manager of Toronto Water to prescribe the form of agreement permitting the discharge of hauled sewage, in compliance with the Chapter 681 and such other terms and conditions as the General Manager may prescribe, at designated City wastewater treatment plants (the “hauled sewage discharge agreement”), provided that the form of agreement is satisfactory to the City Solicitor; and
 - b. the General Manager of Toronto Water to enter into and execute the hauled sewage discharge agreements and any other documents necessary to bring effect to the agreements;
 4. The General Manager of Toronto Water be authorized to prescribe the form of any agreement(s) required or permitted under Chapter 681 and to amend or revise such agreement form(s) from time to time, provided that the agreement, amendment(s) or revision(s), as the case may be, are in a form satisfactory to the City Solicitor.

Implementation Points

The appropriate City officials and staff be authorized and directed to take the necessary action to give effect to these Recommendations and that staff be authorized to introduce the necessary bills to Council to implement the above recommendations.

FINANCIAL IMPACT

There are no financial implications to the City as a result of this report.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

At its meeting of June 7, 8 and 9, 2000, City Council, by adoption of Clause No. 1 of Joint Report No. 2 of the Works Committee and Economic Development and Parks Committee, approved a new Toronto Sewer Use By-law (the “By-law”). At that time, Council also requested the Commissioner of Works and Emergency Services to report back to Council at the end of a two-year phase-in period on any modifications to the new discharge limits contained in Section 2 and Section 4 of the By-law. The report can be

found at the following link:

<http://www.toronto.ca/legdocs/2000/minutes/council/cc000607.pdf>

On July 6, 2000, Council officially enacted the By-law. It has since been incorporated into City of Toronto Municipal Code Chapter 681- SEWERS, ARTICLE I- Sewage and Land Drainage. At its meeting of May 30, 31 and June 1, 2001, City Council, by adoption of Clause No. 9 of Report No. 7 of the Works Committee, approved for use the Generic Pollution Prevention Plan and Pollution Prevention Plan Summary Forms for manufacturing industries and a sector-specific pollution prevention plan and sector-specific pollution prevention plan summary forms for the photographic processing sector. The report can be found at the following link:

<http://www.toronto.ca/legdocs/2001/agendas/council/cc010530/wks7rpt/cl009.pdf>

At its meeting on October 28, 2005 Council authorized and approved the Best Management Practices (BMP) documents for Automotive Repair Operations, Vehicle Wash Operations, and Petroleum Facilities. The report can be found at the following link: <http://www.toronto.ca/legdocs/2005/agendas/council/cc051026/wks9rpt/cl007.pdf>

At its meeting on June 22, 2007 Council authorized and approved the Best Management Practices (BMP) documents for the Photofinishing Operations. At the same meeting Municipal Code Chapter 681 was amended to reflect the Powers and Authority of the General Manager or Inspector, and to give certain administrative authority to General Manager. The report can be found at the following link:

<http://www.toronto.ca/legdocs/mmis/2007/cc/decisions/2007-06-19-cc10-dd.pdf>

ISSUE BACKGROUND

(1) Sewer Use By-law Updates: Definitions and Administration

Toronto Water staff review the Sewer Use By-law annually to identify areas of enhancement, improvement or clarification. The current review has identified a need to modify the existing By-law as follows:

- Add a definition for “Interceptor” to assist the auto service industry in better understanding the term;
- Post new deadlines for Pollution Prevention Plan submissions;
- Revise the Subject Pollutants List so as to group items according to classes of chemical compounds known as organic and inorganic;
- Authorize the General Manager of Toronto Water to prescribe and revise agreements permitted by the By-law provided such agreements are satisfactory to the City Solicitor; and
- Repeal the former City of North York sewer related By-law which previously had not been repealed.

(2) Environmental Best Management Practices for Private Swimming Pools and Hot Tubs/Spas

In 2007, the Pool and Hot Tub Council of Canada, whose members include swimming pool dealers and pool chemical manufacturers, raised a concern about the stringent requirements in the Sewer Use By-law prohibiting the discharge to the storm sewer when draining water from private swimming pools and hot tubs/spas (herein called “pool or pools”). Specifically, pool water could not be discharged to the storm sewer even if it met the stringent requirements of the storm sewer limits within Municipal Code Chapter 681.

Private chlorine based pools can be discharged in such a manner so as to meet the storm sewer limits provided certain actions are first taken by owners and operators. These actions include not using algaecides and reducing the chlorine levels in pool water by adding de-chlorination tablets that are readily available in the market place.

Toronto Water staff held a number of meetings with the Pool Council to address the issues raised and a consensus was reached to create an Environmental Best Management Practice (BMP) document for private pools. The BMP is designed to protect the natural environment and is acceptable to both the City and the Pool and Hot Tub Council of Canada. It was agreed that chlorine pools need to be de-chlorinated to reduce or eliminate high levels from pool water prior to draining to a storm sewer system.

Also, both parties agreed that since salt water pools contain excessive levels of chlorides which cannot be effectively removed or lowered in a cost effective manner, salt water pools must be discharged via the property’s sanitary service line to the sanitary sewer system or allowed to soak into the pool owner’s property (if sufficient land is available). The latter is currently allowed under the existing Sewer Use By-law and will remain unaffected by the proposed BMP and By-law amendments.

Private pool owners, pool chemical manufacturers, and swimming pool service contractors will benefit from a BMP as it will assist them in understanding the proper handling and treatment of chemicals of concern prior to discharge to a sewer system. The BMP is a guide for owners, operators, and service contractors. While private pools have a seasonal discharge, the cumulative effect of discharging a large number of pools in the City could have a negative impact on the water quality of creeks and rivers. The BMP is considered the best approach to address the environmental and safety concerns associated with private pool discharges.

The proposed “Environmental Best Management Practices for Private Swimming Pools, Hot Tubs/Spas in the City of Toronto” can be found in “Appendix B”.

(3) Hauled Sewage

Hauled sewage waste is accepted at the Highland Creek and Humber Wastewater Treatment Plants for disposal site. The sewage waste is generated by a number of residential properties in the City that rely on private septic systems, City parks with holding tanks/portable toilets and construction sites with portable toilets. The City has

established a program to monitor, sample and verify the origin of hauled sewage to ensure the discharge to treatment plants is in accordance with the requirements of Chapter 681. However, an amendment is required in the Municipal Code to give the General Manager the authority to enter into and designate the form of agreement used.

(4) Existing Sewer Connections

Staff are recommending the removal of the clause(s) relating to the use of existing sewer connections in the Sewer Use Bylaw. Past experience has shown that permitting the use of existing sewer connections is not practical for various reasons, such as inaccurate and inconclusive inspection processes used in the past, deteriorating or aging infrastructure, and the potential for improper connection to the sewer systems, etc.

COMMENTS

Appendix “A” to this report sets out the proposed amendments to the Sewer Use By-law. The reasoning for the proposed amendments is as follows:

(1) Definition of Interceptor

Interceptor is currently not defined in Municipal Code Chapter 681. Providing a definition gives clarity to the requirements for an automotive service facility. The definition has also been adopted from the Ontario Building Code.

(2) Form of Agreement

The amendment to §681-1.1 authorizes the General Manager of Toronto Water to prescribe, amend or revise the form of agreements required or allowed under the Chapter, from time to time, as may be deemed appropriate by the General Manager in consultation with the City Solicitor. This avoids the necessity of amending the Sewer Use By-law or obtaining Council Approval every time the introduction or revision of an agreement is required to address changes in City policy, the law, liability or risk factors (such as the introduction of new interest charges by the City for late payment).

(3) Hauled Sewage Discharge Agreement

Municipal Code Chapter 681 prohibits the discharge of hauled sewage except when the carrier of hauled sewage meets certain requirements. This amendment to the Municipal Code permits hauled waste carriers to enter into an agreement with the City for the discharge of the hauled sewage at designated City wastewater treatment plants under prescribed circumstances. Subsections §681-6 A, B, and C need to be amended to give effect to the implementation of hauled sewage agreements.

(4) Analytical Methods

Municipal Code Chapter 681 requires that the examination of sewage, uncontaminated water and stormwater shall be carried out in accordance with Standard Methods. It is proposed to amend this clause to include other national and international standard methods, and other methods either developed or approved by the Ontario Ministry of the Environment, or Environment Canada which are better suited for the analysis of certain chemical compounds in sewage.

(5) Reuse of Existing Sewer Connections

As part of proposed amendments to Chapter 681-11 C, Toronto Water proposes to eliminate the subsections that permit the re-use of an existing sewer service connection(s) in those situations where there is a new building or an existing connection pipe from a building to the septic system where the private septic system has undergone conversion.

The rationale for this revision is as follows:

- the inspection process is onerous, and in some cases inconclusive;
- the vast majority of existing sewer service connections are not suitable for re-use;
- the option is used to by-pass the installation of new connections in renovation situations; and
- the opportunity to renew infrastructure and defer maintenance costs is missed.

As a result of the change to §681-11.C, subsections §681-11.D (3) and §681-11.H (4) need to be deleted.

(6) Swimming Pool Discharges

The current subsection §681-11 that deals with the discharge of private pool water does not allow for pool water to be discharged to a storm sewer. The proposed amendment incorporates the adoption of Environmental Best Management Practices for pools which will allow discharge in certain circumstances while maintaining compliance with the requirements for storm water quality. Chlorine based private pools will be allowed to discharge to storm sewers if de-chlorinated, do not contain algaecides and meet the storm sewer By-law limits.

To ensure that salt water pools are not discharged to the storm sewer, a new clause is added to §681-11 to prohibit the discharge of salt water pools to the storm sewer, which have an impact on the aquatic environment.

(6) Repeal of former North York By-law

The former North York By-law No. 10532, requiring a connection to be made to sanitary sewer, has not been repealed since amalgamation. This was an oversight that only came to light recently. As a result, §681-15 (A) should be repealed.

(7) Subject Sectors and Pollutants

The Subject Sector list in Appendix 1 of the By-law requires amendment to reflect the new due dates for Pollution Prevention Plan submission and also to remove some erroneous entries. It is proposed to delete current Appendix 1 in its entirety and replaced with the revised Appendix 1 – Subject Sectors. Also, Appendix 2 of the By-law, which displays the Subject Pollutants, is being amended to re-organize the Pollutant list into two categories, organic and inorganic, for ease of review by industry. It is proposed to delete current Appendix 2 in its entirety and replace with the revised Appendix 2 – Subject Pollutants.

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ATTACHMENTS

Appendix A - List of Proposed Municipal Code Chapter 681 amendments (p:\2008\Cluster B\TW\pw08009-a)

Appendix B - Environmental Best Management Practice for Private Swimming Pools, Hot Tubs & Spas in the City of Toronto (p:\2008\Cluster B\TW\pw08009-b)