

## Appendix F

### Consultation Feedback Details for Proposed Subject Pollutant Threshold Reporting List

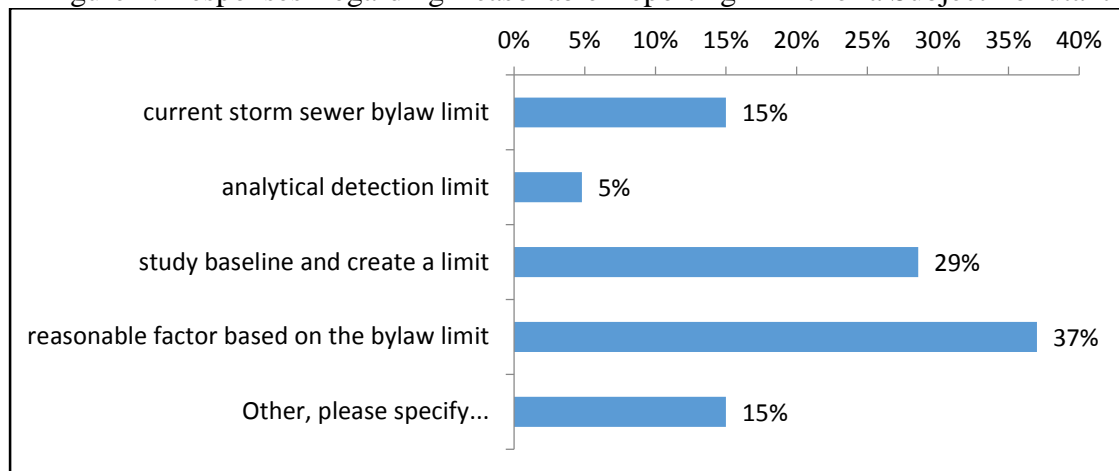
#### Survey Results

The percentage based concept was introduced by consultants during the spring 2014 meetings as a risk management tool to identify when a pollutant is approaching the sanitary sewer discharge limit. When a certain percentage is reached (i.e. 50% or 75%) this serves as a trigger to start taking action to ensure no exceedances occur over the discharge limit. Of the approximately forty (40) consultants and industry, commercial and institutional facilities that responded to the survey, 61% believe current P2 reporting requirements (of submitting a P2 Plan for 'any amount' of a subject pollutant) are unreasonable. Just over half (52%) recommend basing the proposed threshold on the current Sewers Bylaw discharge limits given they were established based on scientific principles taking into consideration environmental and health risks.

#### Highlights:

- 3.3% response rate (approximately 40)
- 83% of respondents were from an industrial, commercial and/or institutional facility and 10% identified themselves as consultants
- 61% believe current P2 requirements of submitting a P2 Plan to the City for any amount of a subject pollutant is unreasonable but 39% thought it reasonable
- 52% believe the threshold should be based on a bylaw limit (see below graph)
- 82% chose email as the preferred communication method and 18% chose regular mail

Figure 1: Responses Regarding Reasonable Reporting Limit for a Subject Pollutant



#### Comments:

##### Basing the Threshold off the By-law Limit

*"I expect that the existing sewer use by-law limits were established based on scientific principles taking into consideration environmental and health risks, therefore, utilizing a reasonable factor across the board seems to ensure that the approach is maintained, while easy to understand."*

##### Basing the Threshold of a Baseline

*“Even though the subject pollutants may be below the bylaw limits, they will still affect the operation of wastewater treatment. Over the course of a year this still may amount to a significant amount of discharge. Studying the baseline would indicate which pollutants contributed most to wastewater discharge and those should be targeted accordingly.”*

#### **Making the Threshold Industry Specific**

*“Compare baseline values and prorate a reporting threshold limit based on the facility size, water use or number of employees at facility. This would minimize the requirement for small operators having to report. The limit could be established as the sewer value x water flow (based on annual water used by facility). Using this type of loading value would still protect STP's from potential small operator "bad actors" that may dump high amounts of toxic materials while still using very limited amounts of water.”*

#### **Basing the Threshold of Other Suggestions**

*“Similar to the National Pollutant Release Inventory (NPRI) and TRA. Easier to calculate”*

*“A subject pollutant limit for which P2 Planning is required should be based on the wastewater treatment plant removal capacity to meet the required biosolids and/or wastewater treatment plant effluent quality.”*

#### **Industry Feedback**

The Toronto Industry Network's ("TIN's") initial response (received spring 2014 – Table 1) was that it supports the concept of a subject pollutant threshold reporting list but feels 25% of the sanitary sewers discharge limits is too low and "recommends that the City adopt an exception based approach for P2 Plans, whereby P2 plans would only be required if companies cannot meet the discharge limits in the by-law, or if companies incur a spill." Such an approach would be similar to the reactive P2 Programs of other municipalities (i.e. Hamilton and Winnipeg).

The goal of Toronto's P2 Program, as endorsed by City Council, is to minimize subject pollutants from entering the City sewer system and to make businesses aware of their operations through the reporting process as they identify methods to reduce and/or eliminate subject pollutants. Making P2 Plan submissions reactionary would undermine these Council mandated goals. Toronto's proactive approach captures a significantly larger number of businesses, which has led to many successes including, reformulation of products and elimination/reduction of pollutants in certain industrial sectors, which in turn has helped protect the wastewater treatment facilities and Lake Ontario.

TIN's follow-up response (received spring 2015) supports the 25% threshold but still questions why the limit is not 50% of the sanitary sewer discharge limit as it "would further reduce the need for the ICI businesses to file P2 reports and Toronto Water to review them." After conducting multiple threshold scenarios, it was decided that 25% was an optimum limit to eliminate trace amounts and at the same time ensure the proactive element of the P2 Program. Anything higher would be too high and eliminate more than just reporting of trace amounts. TIN also had questions about the implementation of the P2 Program, specifically if the 25% threshold is self-reporting or determined by the City? This matter is addressed in the 'Implementation Plan' paragraph of the staff report.

Toronto Water identified and met with 'P2 trace businesses' that would be directly affected by the proposed change as they are currently submitting P2 Plans for trace amounts of subject pollutants. These industries support the proposed threshold and also confirmed that they do not use and therefore do not discharge the five (5) prohibited pesticides. Following these meetings, over a dozen support letters and emails were received from environmental consultants (who accompanied industry to the meetings) and a variety of companies including; pharmaceuticals, food manufacturers, tile and stone, silicone products, printed circuit boards, comprehensive adhesives and sealants and waterproofing products. Business meeting participants followed up with their associations (who had already been previously contacted by Toronto Water) and the Canadian Association of Surface Finishing indicated support for the 25% threshold and the removal of the 5 prohibited pesticides via a letter.

Table 1: Toronto Industry Network (TIN) Recommendations and Toronto Water Responses

TIN Recommendation	Toronto Water Response
'TIN recommends that the City adopt an exception based approach for P2 Plans, whereby P2 plans would only be required if companies cannot meet the discharge limits in the bylaw, or if companies incur a spill.'	The goal of the Pollution Prevention (P2) Program, as endorsed by City Council, is to minimize subject pollutants from entering the City sewer system and to make businesses aware of their operations through the reporting process as they identify methods to reduce and/or eliminate subject pollutants. Making P2 Plan submissions reactionary would undermine these Council mandated goals. Toronto's proactive approach captures a significantly larger number of industries, which has lead to many successes including, reformulation of products and elimination/reduction of pollutants in certain industrial sectors, which in turn has helped protect the wastewater treatment facilities and Lake Ontario. For your reference, details of the P2 Program successes to date can be found at <a href="http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PW27.8">http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PW27.8</a> in Appendix B of the November 2013 staff report. Additionally, we are taking into consideration the Sewers Bylaw limits when creating these thresholds.
'TIN recommends that the City accept ISO 14001 Certification in place of a P2 Plan for any companies who have this international environmental certification. This approach has been commonly used by the other GTHA municipalities.'	The City has reviewed the Sewers Bylaw of the few municipalities with P2 Programs and has found no reference to ISO 14001 Certification as an acceptable alternative to a P2 Plan. The City is also not certain how such a Certification would capture prevention methods like the P2 Plan is geared to do. The City is open to reviewing any materials, such as bylaw references in which TIN can provide to support this recommendation.
'TIN also recommends that the City consider changing several parameters for discharge to the City's treatment plants, as it seeks to reduce administration costs for the City and business.' TIN then provides three parameters to increase; chloroform, phosphorus and copper.	Changing parameter bylaw limits is not within the scope of this P2 Program Consultation and would have to be considered under a separate consultation involving more stakeholders under City Council's approval. That being said, the City adopted stringent limits on heavy metals as part of the Ashbridges Bay Treatment Plant Environmental Assessment Mediation and the Council mandate to ensure beneficial use of biosolids and to meet the provincial requirements for metal

	concentrations. It should be noted that the Canadian Council of Ministers of the Environment (CCME) recommends more stringent limits in comparison to the Sewers Bylaw limits for a number of parameters. For example, CCME's suggested limit for copper is 1 mg/l, whereas the Sewers Bylaw limit is 2 mg/l. The City has the option of decreasing limits further, though; this is not its intent at this time.
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### Environmental Group Feedback

Nearly a dozen environmental groups were contacted and/or participated in the consultation process. Five letters consisting of numerous recommendations, comments and questions were submitted by: the Canadian Environmental Law Association (CELA), Citizens for a Safe Environment/Committee for Safe Sewage, Lake Ontario Waterkeeper, Toronto Environmental Alliance (TEA) and Toronto Cancer Prevention Coalition opposing both proposals (threshold and pesticide removal).

The general sentiment expressed was not to consider implementing a subject pollutant threshold reporting list as it was perceived to undermine the P2 Program goals and increase pollutants discharged from industry effluent into the wastewater treatment plants (Table 2). Toronto Water disagrees as the P2 Program will remain proactive, asking industry to report on subject pollutants discharged well below the sanitary sewers discharge limits, (unlike other municipalities who request P2 submissions only after a company has exceeded their sewers discharge limits) and the *discharge* limits, which dictate the concentration of pollutants that are permitted to be released from industry effluent, are not being changed and will continue to be enforced.

Additionally, environmental groups requested to receive a comparison table displaying the sanitary sewer discharge limits, the storm sewer discharge limits, the current lowest level of detection the Toronto Water laboratory can identify and the proposed 25% threshold, as well as additional information on the companies submitting P2 plans, including their sectors and the subject pollutants they discharge. Toronto Water fulfilled both requests. Ideally, environmental groups would like the P2 Program to mimic the ChemTRAC Program with information being submitted available online and P2 solutions being shared amongst industry.

However, Toronto Water's Environmental Monitoring and Protection Unit (EM&P) is an enforcement branch and cannot provide solutions to industry. EM&P previously looked into online P2 submissions several years ago, when ChemTRAC was starting up and an IT solution could not be found at that time to meet corporate requirements. It should be noted that due to the competitive nature of businesses and because of proprietary reasons, sharing information amongst competitors may be challenging. Toronto Public Health advised that less than 10% of industry reporting to ChemTRAC share their environmental programs, achievements and solutions.

Table 2: Environmental Group High-Level Synopsis of Recommendations and Toronto Water Responses

Environmental Group Recommendation	Toronto Water Response
<p>The general sentiment expressed by environmental groups was to not consider implementing a subject pollutant threshold reporting list as it will undermine the P2 Program goals and increase pollutants discharged from industry effluent into the wastewater treatment plants.</p>	<p>Businesses are permitted to release pollutants below the Sanitary Sewers Bylaw limits according to the City's Sewers Bylaw (Municipal Code Chapter 681-Sewers). Should a threshold reporting list be approved by Council and implemented, the City of Toronto's P2 Program will remain <b>proactive</b> by continuing to make businesses aware of and identifying methods to reduce and/or eliminate subject pollutants that are <u>below the permitted Sanitary Sewers Bylaw limits</u>. Hence the City of Toronto's P2 Program goals will continue to be the same. This proactive approach has led to many P2 program successes including, reformulation of products and elimination or reduction of pollutants in certain industrial sectors, which in turn has helped protect the wastewater treatment plants and Lake Ontario. For your reference, details of the P2 Program successes to date can be found at the below link in Appendix B of the November 2013 staff report: <a href="http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PW27.8">http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PW27.8</a>. It should be noted that the City is not opposed to a "do nothing" option when it comes to the Threshold topic.</p> <p>P2 programs in other jurisdictions (such as Winnipeg and Hamilton) are <b>reactionary</b> as they require preventative action from businesses only when a subject pollutant being discharged from their property <u>exceeds the jurisdictions' Sanitary Sewers Bylaw limit</u>. The exclusion of trace amounts that are substantially below the permitted Sanitary Sewers Bylaw limits will focus efforts and resources on discharge concentrations and pollutants of greater concern.</p>
<p>Environmental groups also recommended considering the environmental and health impacts of each subject pollutant when determining the threshold of each one.</p>	<p>The Sewers Bylaw limits, implemented in 2000 and which include all 39 subject pollutants in the Sanitary Sewers Bylaw limits, was based on Federal and Provincial documentation that took into account environmental and health related risks of each pollutant listed in the bylaw. For Storm Sewer Bylaw limits, data was based on levels that can be released into the natural environment and for Sanitary Sewer Bylaw limits; data was based on levels that can be treated by the wastewater treatment plants. The government documents and bodies consulted at that time include:</p> <ul style="list-style-type: none"> <li>• Provincial Water Quality Objectives (PWQO)</li> <li>• Ministry of the Environment and Climate Change's draft model Sewer Use Bylaw</li> <li>• Canada Ontario Agreement (COA) Tier 1 and 2 substances</li> <li>• Canadian Environmental Quality Guidelines (CEQG)</li> <li>• Health Canada's 'Persistent Environmental Contaminants &amp; Great Lakes Basin Pollution'</li> <li>• Health Canada's 'Priority Substances Lists Assessment Report Nonylphenol and its Ethoxylates'</li> </ul>
<p>In addition to not implementing the proposed subject pollutant</p>	<p>Adding pollutants to the subject pollutant list is not within the scope of this P2 Program Stakeholder Consultation. It would need to be considered under a separate stakeholder consultation involving more</p>

threshold reporting list, environmental groups recommended adding pollutants of emerging concern to the subject pollutant list.	stakeholders, which were not included in the current P2 stakeholder consultation, and would require City Council approval.
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