

## **Presentation by Lake Ontario Waterkeeper before the Public Works and Infrastructure Committee**

November 12, 2015

### **Introduction**

Lake Ontario Waterkeeper (“Waterkeeper”) is a non-political registered charity dedicated to working in the public interest by advocating for and protecting people’s right to safely swim, drink, and fish in the Lake Ontario watershed. Waterkeeper has developed extensive knowledge of municipal sewage issues and how policy gaps and aging sewage infrastructure adversely impact the diverse ecosystems of Lake Ontario.

This submission outlines our concerns regarding the proposed amendments to Municipal Code Chapter 681 (Sewage). Of particular concern to Waterkeeper is the proposed change to the Pollution Prevention Program (“P2” Program) that would weaken industry self-reporting requirements. This change would make it harder for the City to track pollutants being released into the municipal sewer system. By extension, it would also make it more difficult for the City to ensure toxic emissions into Lake Ontario are reduced or prevented. Thus, this change has the potential to adversely impact the swimmability, drinkability, and fishability of Lake Ontario.

The City of Toronto is tasked with capturing, transporting, and releasing treated wastewater from the municipality into the natural environment. This is a large responsibility. It is important to recognize that not all contaminants can be fully removed during sewage treatment. In addition, each year billions of litres of untreated or partially treated sewage is released directly into the environment during overflow events. This means that everything that goes into the sewage system has the potential to reach Lake Ontario. For these reasons, Waterkeeper believes that it is essential that the City has the best information available about what goes into the sewer system. The City should also try to reduce ‘at the drain’ effluent toxicity whenever reasonably possible. Below, Waterkeeper makes two recommendations that will further these goals.

### **Recommendation 1: Approve the proposed 25% threshold for P2 Plan submissions**

Waterkeeper recommends that the City approve the 25% threshold for subject pollutant reporting under the proposed amendments. Waterkeeper is not opposed to the implementation of a threshold for subject pollutant reporting, as it currently stands, given the burden of highly technical self-reporting and monitoring requirements. The 25% cutoff is a reasonable figure, however, and anything higher would undermine the very purpose of the P2 Program.

The value of the P2 Program is for businesses to identify their sources of pollution and, in completing the necessary P2 plans, to implement strategies to reduce such discharges. As noted in Appendix F to the Staff Report on the 2015 P2 Program Stakeholder Update, this

program derives value from its proactive nature. Should the threshold be raised, even though facilities may be under the legal limit, the benefits from the P2 plans in reducing pollutant discharges would be reduced. A 25% threshold meets the balance of discounting trace emitters, while maintaining the efficacy of the P2 Program as a whole.

### **Recommendation 2: Implement a simple identification mechanism for trace emitters**

Under the current regime, a company discharging *any* amount of a subject pollutant must submit a P2 plan. Waterkeeper understands that this may present an undue administrative burden for companies that discharge only trace amounts of subject pollutants. However, Waterkeeper believes that it is important for the City to be aware of every company that discharges *any* quantity of a subject pollutant.

There is a simple solution that avoids both administrative burden and the loss of important information. The solution is to insert a provision that requires all companies that release trace amounts of a subject pollutant into the sewer to report this information to the City. If the concentration of the subject pollutant is below the 25% threshold, no further action would be required. This avoids the expense of creating a P2 plan, but it also avoids the informational loss that will occur if the amendments are approved in their current form. Information about trace emitters is important for two reasons:

1. It helps provide the City with a more accurate picture of what contaminants are entering the sewer system. For example, if subject pollutants are being used by many companies in trace amount this could raise concerns about pollutant load, particularly for pollutants that wastewater plants are not able to fully remove. Gathering information on the use of trace subject pollutants would also allow the city to be aware of any manufacturing trends that increase the number of companies using subject pollutants.
2. It provides the City with information that will aid in enforcement. If the City discovers higher than expected levels of a subject pollutant in part of the sewer system, it will be able to make an educated decision about which facilities to inspect. The City will also be able to make educated choices about what facilities to inspect in order to confirm that companies required to make P2 plans are in fact doing so.

### **Conclusion**

In respect of the proposed amendments to the Municipal Code, Chapter 681, Waterkeeper has two recommendations. Firstly, the current proposed threshold of 25% for reporting on subject pollutants be approved. Secondly, a provision should be included requiring businesses that use subject pollutants, but that only release them in concentrations under the threshold, to document this usage under a simple reporting scheme.