



**STAFF REPORT  
ACTION REQUIRED**

**Proposed Amendments to the Sewers and Water Supply By-laws**

<b>Date:</b>	January 5, 2016
<b>To:</b>	Public Works and Infrastructure Committee
<b>From:</b>	General Manager, Toronto Water
<b>Wards:</b>	All
<b>Reference Number:</b>	P:\2016\Cluster B\TW\PWI16001

**SUMMARY**

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This report recommends the adoption of amendments to the City of Toronto's Municipal Code Chapter 681- Sewers ("Sewers By-law") and Municipal Code Chapter 851- Water Supply By-law ("Water Supply By-law"), which will introduce:

- zero tolerance for pesticides discharges;
- new reporting protocols for dental amalgam separators;
- a new environmental code of practice for food service establishments;
- a Best Management Practice (BMP) for automotive refinishing sector and combining it into one BMP for automotive servicing facilities; and
- clarifications and enhancements to each By-law.

At its meeting of December 9 and 10, 2015, City Council referred Recommendation Number 1 of the staff report titled *Sewers By-Law Pollution Prevention (P2) Program Stakeholder Update – 2015 and Sewers and Water Supply By-law Amendments* to the General Manager, Toronto Water, to report back on a risk based approach to minimum reporting thresholds for subject pollutants, including evaluating the use of existing storm water limits.

However, Recommendation Number 1 inadvertently included other amendments (as listed above) to Chapters 681 and 851 (Sewers and Water Supply By-laws) unrelated to the issue of minimum reporting thresholds of subject pollutants. Staff recommend that these amendments be adopted prior to reporting back on a risk based approach to minimum reporting thresholds as it will result in reduced pollution to our wastewater

treatment system, bring clarity to provisions in our by-laws and improve operational efficiency and customer service.

Appendix A contains these proposed By-law amendments for City Council approval. Toronto Water will report back, at a later date, on a risk based approach to minimum reporting thresholds and any proposed amendments related to the proposed creation of a subject pollutant threshold reporting list.

## **RECOMMENDATIONS**

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### **The General Manager, Toronto Water, recommends that:**

1. Municipal Code Chapter 681-Sewers and Municipal Code Chapter 851–Water Supply be amended substantially in accordance with the draft amending By-law attached as Appendix "A" to this report.

### **Financial Impact**

There are no financial impacts arising from the adoption of this report.

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

## **DECISION HISTORY**

City Council at its meeting of December 9 and 10, 2015, referred Recommendation Number 1 of the *Sewers By-law Pollution Prevention (P2) Program Stakeholder Update – 2015 and Sewers and Water Supply By-law Amendments* staff report to the General Manager, Toronto Water, to report back on a risk based approach to minimum reporting thresholds for subject pollutants, including evaluating the use of existing storm water limits.

The decision and link to that report and appendices for reference purposes can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PW9.5>

City Council adopted recommendations in the staff report to approve a Food Service Establishment Environmental Code of Practice and a Best Management Practice document for the auto refinishing service sector, which was then merged into one BMP document for the automotive service sector, entitled "Best Management Practices for Automotive Service Facilities in the City of Toronto".

City Council also adopted a recommendation directing the General Manager, Toronto Water, to continue stakeholder consultations throughout 2016 regarding the proposed changes to the Sewers By-law in relation to the addition of a new Environmental Code of

Practice for mobile washing business operations, and report back to the Public Works and Infrastructure Committee in 2017.

## **ISSUE BACKGROUND**

In 2013, City Council directed the General Manager, Toronto Water, to undertake consultations regarding proposed changes to Toronto Water's Pollution Prevention ("P2") Program and Sewers By-law.

A report dated October 22, 2015 and titled *Sewers By-law Pollution Prevention (P2) Program Stakeholder Update – 2015 and Sewers and Water Supply By-law Amendments* was submitted to and adopted by Public Works and Infrastructure Committee on November 12, 2015. The report was then presented to City Council on December 9 and 10, 2015 where a motion was carried to refer Recommendation Number 1 of the report to the General Manager, Toronto Water, to report back on a risk based approach to minimum reporting thresholds for subject pollutants, including evaluating the use of existing storm water limits.

The purpose of the report was to summarize the results of the stakeholder consultations and provide recommendations in connection with the proposed changes to Toronto Water's P2 Program and Sewers By-law including by-law amendments, adoption of codes of practice, reporting documents and best management practices.

Additionally, Toronto Water took the opportunity to review the Sewers By-law (Municipal Code Chapter 681) and Water Supply By-law (Municipal Code Chapter 851) and identified clarification and enforcement enhancement amendments for City Council's consideration and approval.

A link to the report, which provides details on the two year consultation process, the feedback received from the numerous stakeholders that participated, the modifications made by Toronto Water to address the concerns expressed by stakeholders, the requirements being asked of sectors (specific to each proposed change) and the information included in the documents created (e.g. BMP) can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PW9.5>

## **COMMENTS**

At City Council on December 9 and 10, 2015, the referral motion of Recommendation Number 1 inadvertently included other amendments to Chapters 681 and 851 (Sewers and Water Supply By-laws) unrelated to the issue of minimum reporting thresholds of subject pollutants.

This report is recommending adoption of the unrelated amendments to Chapter 681 and 851, prior to reporting back on a risk based approach to minimum reporting

thresholds. The revised amendments are set out as Appendix A to this report. These amendments enact the pesticide prohibition; new reporting protocols for dental amalgam separators; the Environmental Code of Practice for Food Service Establishments; the Best Management Practice for Automotive Refinishing, which is merged into one BMP document for the automotive service sector; and provides clarifications concerning private water, maintenance access holes, City hydrants and other terminology and provisions in Chapters 681 and 851

Additionally, the date the proposed Sewers By-law and Water Supply By-law amendments would come into effect was changed to February 4, 2016 (as oppose to January 1, 2016) and the effective date of the dental office Pollution Prevention (P2) Program reporting requirements changed to May 31, 2016 (as oppose to April 30, 2016) to account for the extra time needed to implement the needed By-law amendments.

A summary of each of the proposed amendments is provided below.

**(1) Zero Tolerance for Pesticides Discharges**

The amendments will remove six pesticides from the subject pollutant list and instead prohibit them from being discharged to the municipal sanitary or storm sewers under the Sewers By-law. This represents a zero tolerance approach to these pesticides, which are: aldrin/dieldrin, chlordane, DDT, mirex, hexachlorobenzene and hexachlorocyclohexane (also known as lindane).

**(2) New Reporting Protocols for Dental Amalgam Separators**

The amendments will require dental offices to submit a P2 Plan once and only submit an additional P2 Plan if there is a change in address, ownership, practice, number of patient chairs, amalgam separator brand and/or a change in the third party company that services the device. Though the P2 Plan will be submitted once (if there are no changes in the dental practice listed above), proof of maintenance of the amalgam separator, via a copy of the invoice and/or service or maintenance contract, will be required to be sent every time the device is serviced. The document submission will be based on the manufacturer's recommended cleaning schedule or the dental office cleaning schedule, whichever is performed more frequently.

**(3) New Environmental Code of Practice for Food Service Establishments**

Currently, the Sewers By-law requires industrial, commercial or institutional premises where food is cooked, processed or prepared to install and maintain grease interceptors. The installation of grease interceptors is governed by the Ontario Building Code, which also makes reference to the Canadian Standard Association's B481 Series-12 Grease Interceptor maintenance elements. City Council adopted a staff recommendation for an Environmental Code of Practice consistent with the Ontario Building Code and the Canadian Council of Ministers of the Environment, which have adopted the Canadian Standard Association's B481 as a guide for the Model Sewer Use By-law for Canadian municipalities. By-law amendments as contained in Appendix A are required to implement this approved code of practice.

#### **(4) Best Management Practice for Automotive Refinishing Sector**

Currently, the Sewers By-law allows for a Best Management Practice ("BMP") and these have been developed in the past for vehicle wash operations, automotive repair facilities and gas stations but not for autobody shops. An autobody shop's main line of work is to fix or replace body parts and to paint vehicles. They may also wash vehicles and perform many general automotive repairs. As the work method is similar across the sector, this sector can benefit from a BMP to improve environmental performance. Hence, the Autobody BMP is being merged into one document for the automotive service sector and is entitled "Best Management Practices for Automotive Service Facilities in the City of Toronto".

City Council adopted a staff recommendation for a BMP for automotive servicing facilities, however By-law amendments as contained in Appendix A are required to align terminology used in the BMP with that of the Sewers By-law.

#### **(5) Clarification and Enhancements of the Sewers and Water Supply By-laws**

Staff identified a number of amendments to the Sewers By-law and Water Supply By-law beyond those noted above. Specifically, these amendments include clarifications concerning private water (water not purchased from the City but requiring disposal in a City sewer), maintenance access holes, City fire hydrants and other terminology.

Appendix A sets out the proposed amendments noted within this report and Appendix B provides an explanation of the rationale for each proposed amendment.

## **CONTACT**

Joanne Di Caro, Manager  
Environmental Monitoring & Protection  
Toronto Water  
Phone: 416-392-2929  
Email: [jdicaro@toronto.ca](mailto:jdicaro@toronto.ca)

Lawson Oates, Director  
Business Operations Management  
Toronto Water  
Phone: 416-392-8223  
Email: [loates@toronto.ca](mailto:loates@toronto.ca)

## **SIGNATURE**

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Lou Di Gironimo  
General Manager, Toronto Water

## **ATTACHMENT**

Appendix A: Amendments to Municipal Code Chapter 681 – Sewers and Municipal Code Chapter 851 – Water Supply

Appendix B: Explanation of Amendments to Municipal Code Chapter 681- Sewers and Municipal Code Chapter 851-Water Supply