

**Region of Waterloo**

**Engineering and Environmental Services**

**Water and Wastewater Services**

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**To:** Planning and Works Committee

**Meeting Date:** August 15, 2023

**Report Title:** Sewer Use By-law 21-036 Enforcement Tool Implementation

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**1. Recommendation**

For information.

**2. Purpose/Issue**

This report informs Regional Council that Regional staff will begin using the enforcement tools outlined in Sewer use By-law 21-036 (By-law), starting September 1, 2023, to protect the environment. This includes Orders, Tickets and Summons.

**3. Strategic Plan**

Strategic Focus Area: Environment and Climate Action, Section 3.4- Protect our water resources (drinking water and wastewater treatment)

**4. Report Highlights**

In 2021, Council approved a new Sewer Use By-law 21-036, which included enforcement options for infractions/non-compliance. For decades, the Region has used education and outreach to advise companies of their sewage discharge results and to discuss processes and on-site treatment available to reduce negative impacts on the local wastewater treatment plants. This important work is performed by Senior Environmental Officers, in the Water and Wastewater Services Division.

By-law 21-036 enables the Commissioner of Engineering and Environmental Services to designate Senior Environmental Officers to issue the following enforcement tools for non-compliance with the By-law, when and where deemed appropriate:

- **Tickets (Part I Offence Notice)**
- **Summons to Appear in Court (Part III)**

A summons can be issued for By-law offences where serious or ongoing environmental harm has, or is likely to have occurred.

- **Order**

An order can be issued to an individual or a company. It orders the discontinuation of a contravening activity listed in the By-law. Non-compliance with a By-law Order could ultimately lead to a Summons issued and eventual prosecution.

## **5. Background**

The By-law governs and regulates the discharge of water and wastewater into the sewer system within the Region of Waterloo. It is in place to protect the Region's sewers from blockages and corrosive chemicals, which may damage the pipes. The By-law protects workers and the public from offensive sewer odours, protects the Region's wastewater treatment plants from upset and/or non-compliance, protects the Region's drinking water supply and ultimately the natural environment.

The Region's original Sewer Use By-law (1-90) was approved in 1990 with only minor updates occurring since that time. By-law 21-036 was presented to Council via the Committee of the Whole on June 15, 2021 and approved by Regional Council on June 30, 2021. The new By-law included enforcement options for infractions/non-compliance.

In order for Regional staff to issue tickets, approval was required. On February 22, 2023 the Hon. Doug Downey, Attorney General approved the Region's ticket wording (prepared by Regional counsel). The short form wording and proposed fines went to the Ontario Court of Justice for approval.

On May 19, 2023, the Ontario Court of Justice established (approved) the set fines for 35 individual offences outlined in By-law 21-036 (see Appendix B).

Without the use of enforcement tools such as tickets, orders and summons being available, the Region historically has had difficulty getting certain companies to come into compliance with the By-law. Despite frequent meetings, education and direction, some organizations have continued to operate in non-compliance with the By-law for many years. For some, there has been no incentive to invest money into upgrades or change their process behaviours. The use of enforcement tools may serve as a deterrent moving forward, when all other methods fail to yield action.

## **6. Communication and Engagement with Area Municipalities and the Public**

### **Initial By-law 21-036 Consultation (2019-2021)**

#### **Cities and Townships**

A presentation on the draft Sewer Use By-law occurred with the Region's Economic Development group and the Area Municipalities in September of 2019. Present at the meeting were representatives from Cambridge, Kitchener, Waterloo, Wilmot, Wellesley, Woolwich and North Dumfries. The draft By-law was reviewed, and all comments were documented and responded to.

#### **Public**

The draft By-law and summary presentation were posted on the EngageWR website for public consultation between February 4, 2021 and March 17, 2021.

25 responses were received – 9 from businesses, 14 from residents and 2 from Area Municipalities. The Region responded to all comments and presented a summary of those comments and responses to Regional Council on June 30, 2021.

The benefits of the Region's new By-law were featured in an article in the Waterloo Region Record on June 11, 2021.

During the summer of 2021, industry stakeholders and area municipalities were notified that the new By-law was approved and now in force. Education for local industry occurred in the fall of 2021, specifically around the new By-law permitting process.

The Region's Environmental Enforcement and Laboratory Services group is tasked with enforcing the By-law on a daily basis and has frequent and ongoing verbal and written communication with local industry representatives about the By-law requirements, expectations and actions required as it relates to wastewater discharge to the sanitary sewer and spills.

### **Current By-law Consultation (2023)**

#### **Sector Specific Outreach**

Despite prior outreach and education, the Region continues to respond to reports of dumping of harmful substances into the storm and sanitary sewers.

Starting in August of 2023, the Region will send educational materials to organizations determined to be in the five sectors outlined below. These sectors account for the vast majority of purposeful dumping calls the Region of Waterloo responds to each year:

- Restaurants
- Paint/drywall contractors
- Concrete/Ready mix companies
- Aggregate driveway installers
- Pool companies

### **Companies with a Surcharge or Compliance Permit**

All organizations that have applied for, and currently hold a valid Surcharge or Compliance Permit issued by the Region of Waterloo will be notified in writing that enforcement tools may be used when/if the voluntary approach has been exhausted or if the severity of the offence is serious enough to warrant it.

### **Cities/Townships**

Municipal contacts will be notified in writing that enforcement tools may be used when/if the voluntary approach has been exhausted or if the severity of the offence is serious enough to warrant it.

### **General Public**

By-law 21-036 is publically available on the Region's website. Staff are working with Corporate Communications to create a rolling banner on the front page of the Region's website. The banner will serve to educate the public on the Sewer Use By-law and general responsibilities/tools under that By-law.

## **7. Financial Implications**

The issuance of Tickets and Summons may help to offset the cost of Regional Environmental Officers who are on standby 24 hours a day, 7 days a week to respond to after-hours spills/ environmental infractions. In addition, they may offset the additional cost of treatment needed at local wastewater treatment plants due to the receipt of over strength wastewater or spills reaching the facility. As the number of tickets issued cannot be estimated or planned, the additional revenue will not be reflected in the draft 2024 operating budget.

- Ticket (Part I) fines range from \$150 to a maximum of \$500 depending on the specific offence (see Appendix B).
- Summons (Part III)- see below

Contravention of an order could lead to a summons issued. Upon conviction, a minimum fine of \$500 and a maximum fine of \$10,000 per day or part of a day if that offence continues to occur.

- If the Region needs to take remedial action and/or do work due to a failure of the responsible party to do so, the By-law allows the Region the ability to recover the cost of that work by court action or through property taxes.

## **8. Conclusion / Next Steps**

Senior Environmental Officers will be trained on the issuance of Orders and Part I tickets and Part III Summons. Detailed Standard Operating Procedures for the issuance of these enforcement tools are being prepared.

Starting September 1, 2023, the Region will use enforcement tools laid out in the By-law when all voluntary approaches are exhausted, or if the severity of the offence is serious enough to warrant it.

## **9. Attachments**

Appendix A: Region of Waterloo Sewer Use By-Law 21-036

Appendix B: Part I POA By-Law 21-036 Short Form Wording and Set Fines

Appendix C: PowerPoint Presentation

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