

Clause 9 in Report No. 14 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on October 20, 2016.

9

Sewer Use Bylaw Services Fees Update

Committee of the Whole recommends adoption of the following recommendations contained in the report dated September 21, 2016 from the Commissioner of Environmental Services:

1. Council endorse sewer use bylaw services fees for 2017 to 2021 as per Attachment 1.
2. Schedule "A" of the fees and charges bylaw (Bylaw No.2010-15) be amended to implement the proposed fees.
3. The Regional Clerk circulate this report to the local municipalities.

Report dated September 21, 2016 from the Commissioner of Environmental Services now follows:

1. Recommendations

It is recommended that:

1. Council endorse sewer use bylaw services fees for 2017 to 2021 as per Attachment 1.
2. Schedule "A" of the fees and charges bylaw (Bylaw No.2010-15) be amended to implement the proposed fees.
3. The Regional Clerk circulate this report to the local municipalities.

2. Purpose

This report seeks Council's endorsement of a new Sewer Use Bylaw fee structure for 2017 to 2021. The report also provides Council with an update on York Region's Sewer Use Bylaw Enforcement Program.

3. Background

Sewer Use Bylaw manages risks to wastewater collection system and supports York Region's asset management program

The Region and local municipalities have sewer use bylaws primarily to manage risks and costs associated with conveying and treating discharges of industrial, commercial and institutional (ICI) wastewater into sanitary sewer collection systems. These risks include health and safety hazards, critical infrastructure failures, premature degradation of equipment and negative operating impacts.

Of nearly 50,000 businesses identified in the Region's 2015 Employment Survey, manufacturing businesses accounted for 9.2 per cent and accommodation and food industries accounted for another 8.3 per cent. The Bylaw focuses on engagement efforts with those industries posing a potential risk to wastewater collection and treatment infrastructure such as dairies, anodizers, bakeries, restaurants, circuit board and auto part manufacturers.

The Sewer Use Bylaw Enforcement Program protects infrastructure, workers, the public and the environment from harmful effects of ICI discharges through delivery of six core program areas:

1. **Industrial, Commercial and Institutional Risk Based Monitoring Program:** monitors and regulates discharges to the wastewater system from non-residential sources to protect the public, municipal workers, property and environment from hazardous conditions.
2. **Surcharge Program:** provides opportunities for ICI dischargers to pay to discharge over-strength wastewater.
3. **Compliance Program:** provides an approval to the business owner to implement mitigation measures at their facility, such as capital improvements to ensure Bylaw compliance.
4. **Hauled Wastewater Program:** provides a wastewater treatment service to residents and businesses not on a municipal wastewater system and aims to minimize adverse impacts of hauled wastewater.
5. **Dewatering Discharge Program:** regulates drainage water discharges to sanitary, storm and other Regional infrastructure to protect capacity and ensure quality standards are met.
6. **Information Services:** responds to information requests regarding specific sites (i.e. Freedom of Information and Environmental Site Assessment requests).

4. Analysis and Implications

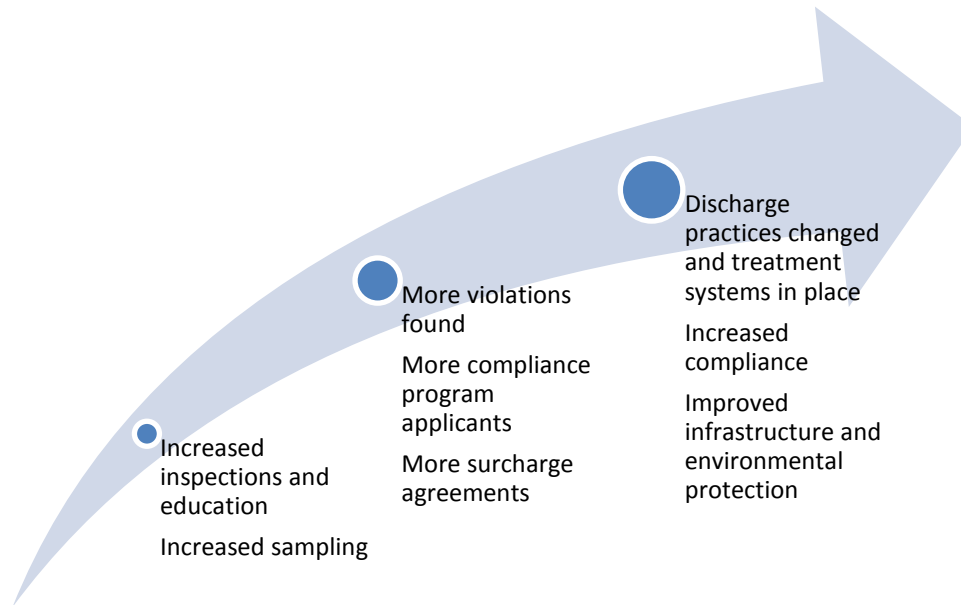
Region's Sewer Use Bylaw Enforcement Program engages business owners to modify practices and protect wastewater infrastructure

The goal of the Sewer Use Bylaw Enforcement Program is to engage with businesses about the risks to wastewater infrastructure from their discharges, to discuss their regulatory responsibilities under the Bylaw and to change behaviour (where necessary) to protect wastewater infrastructure. Through the Risk Based Monitoring program, sampling results are provided to business owners to identify mitigation measures required to come into compliance with the Sewer Use Bylaw. To become compliant, businesses can enter a Surcharge Agreement or a Compliance Program with the Region. The Compliance Program encourages pollution control at the source facility by installing equipment and implementing permanent process changes to reduce risks to municipal infrastructure.

Sewer Use Bylaw Enforcement Program achieved ISO 14001 certification

The Sewer Use Bylaw Enforcement Program has improved in several areas since last reporting to Council in June 2014. The Program achieved ISO 14001 certification in 2014 and continues to maintain annual certification through rigorous documentation and audit verification of consistent and efficient practices. Inspections and monitoring events have increased by 43 per cent since 2013, resulting in an increase in violations identified charges laid, and the first court conviction in the history of the Bylaw; all to drive increased compliance as shown in Figure 1.

**Figure 1
Creating Sewer Use Bylaw Compliance**



Increased monitoring of new high risk ICI facilities drives pollution prevention at the source, reducing risk to infrastructure

Through this increased awareness and Bylaw enforcement presence, incremental changes are driving pollution prevention at the source to protect local municipal and Regional wastewater infrastructure and receiving waters. It has also led to higher uptake of available Bylaw tools such as Surcharge Agreements and Compliance Program Approvals as shown in Table 1.

**Table 1
Sewer Use Bylaw Enforcement Program Activities**

Program Activity	2013	2014	2015
New ICI's monitored	43	193	272
ICI inspections	45	289	347
Sampling Events	1352	1290	1379
Violations Identified	29	108	146
Charges Laid	0	8	4
New Surcharge Agreements	4	13	14
New Compliance Program Approvals	0	15	19

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Through a detailed process, businesses are risk assessed and resources are allocated to those most in need of assistance to comply with the Bylaw. In this way staff can focus the Bylaw's tools to drive change where it is needed most.

Hauled Wastewater Program Policy updated to provide better service to customers and protect wastewater infrastructure

The Hauled Wastewater Program Policy, guides haulers of wastewater. It establishes what can and cannot be discharged at York Region's receiving facilities and sets out registration requirements, discharge procedures and consequences for violations. The Policy has been updated every two years since 2012.

Through Policy updates, a more rigorous approach to enforcing the Sewer Use Bylaw has been undertaken to reduce the discharging of noncompliant wastewater. The number of identified violations has doubled since 2013 through consistent monitoring of effluent quality and wastewater hauler activities using CCTV. Addressing these violations has allowed staff to change wastewater hauler behaviour to better protect receiving facilities. For example, wastewater haulers now routinely replace the pipe cap after discharging, thereby reducing odour issues. Haulers now have a clear, well documented understanding of their responsibilities and the Region has appropriate sign-off on their commitment to use our sites appropriately.

Increased system access provided to wastewater haulers

In 2016, the Hauled Wastewater Program Policy was updated to allow 24/7 access to designated York Region receiving facilities. In the past, access hours were restricted to the hours of 6 a.m. to 6 p.m. During various stakeholder consultations, wastewater haulers repeatedly requested increased access to facilities during non-business hours. This increased access will allow them to better serve residents with septic emergencies. With the Operations, Maintenance and Monitoring branch moving to 24/7 shift coverage the Region is now able to offer this extended service.

Sewer Use Bylaw Enforcement Program driven by education to improve ICI wastewater treatment practices

Educating businesses about the Bylaw is integral to success of the program. In recent years, staff have promoted the Bylaw to businesses and the public through a variety of approaches. The www.york.ca/seweruse website promotes Sewer Use Bylaw services, best practices and enforcement programs. The website contains electronic copies of brochures, forms for businesses seeking Sewer Use Bylaw services and fee information. Other approaches include social media broadcasts, special events, truck decals and partnership communication with local municipalities regarding the proper disposal of fats, oil and grease. The

website www.york.ca/fog warns residents and businesses on the dangers of creating clogs and backups from disposing of fats, oil and grease down the drain or toilet (see Attachment 2). Residents can bring their used cooking oil for recycling to the following York Region waste depots: Georgina Transfer Station, East Gwillimbury Household Hazardous Waste and Recycling Depot, Markham and Vaughan Household Hazardous Waste Depots, as well as the McCleary Court and Elgin Mills Community Environmental Centres.

In 2017, additional efforts will focus on other unsafe disposal practices that cause blockages and damage such as baby wipes and cotton swabs, feminine hygiene products, prophylactics and other items that belong in the solid waste stream not in the sewers. This will include continuing collaboration with Public Health and leveraging the “I Don’t Flush” campaign (www.idontflush.ca).

88.5 per cent of costs associated with user fee services recovered in 2015

Sewer Use Bylaw Enforcement Program costs include staff salaries and benefits, equipment, operational supplies, fleet costs and laboratory expenses. Costs are recovered by two funding mechanisms:

- 1) Wastewater rate revenues are used to cover costs associated with monitoring industries to ensure protection of infrastructure, health and safety and the environment, and
- 2) User fees are used to recover costs associated with providing added wastewater services.

In 2014, Council approved phased-in user fee increases through 2016 to enable the Sewer Use Bylaw Enforcement Program to recover costs associated with providing added wastewater services. This revised user fee structure led to the Program recovering 88.5 per cent of the costs associated with providing added wastewater services in 2015 and 85.7 per cent in 2014.

Detailed study completed to advise Sewer Use Bylaw Enforcement Program future fee structure and secure cost recovery

In early 2016, a detailed third party review was undertaken to re-examine the Sewer Use Bylaw Enforcement Program finances and recommend new fees for 2017 to 2021 to close the gap on cost recovery. The proposed fees, as outlined in Attachment 1, continue to align revenues with costs to reduce dependency on wastewater rates and to align with the user pays principle for additional services.

Small increases in fees are necessary in some programs to reflect York Region operational and treatment costs

The third party review recommended increases in some of the Sewer Use Bylaw Enforcement Program user fees. The review was based on a detailed cost analysis per treatment train or business process. The review was further supported by data recorded by staff since 2014 on the level of effort to provide additional user pay services. Proposed fees are aligned with those from neighbouring municipalities as shown in Attachment 3. Proposed increases are not expected to create undue financial hardship as the majority of the program fees remain the same with increases proposed to be phased-in over five years. The greatest increased fees have been proposed for the Compliance and Dewatering Discharge programs to address significant gaps.

Increased program uptake drives proposed fee increases for Compliance Program

As the Compliance Program was new in 2014, there was very little data to assist staff in designing the 2015-2016 fee structure for this program. Uptake of this service has increased in the past two years and resource metrics have provided a better understanding of level of effort required for each facility in the program. The previously approved 2015 fee of \$375 fell significantly short of cost recovery (only 11 per cent recovered). It is proposed the fee structure be increased (see Attachment 1) to better recover the cost of an engineering review of complex wastewater treatment plans. Furthermore, it is proposed that an extension/renewal fee be added to recover the cost of processing extension or amendment requests. A monthly compliance fee is proposed to recover the cost of ensuring compliance with the program. These new fees will recover the cost of reviewing plans that have been revised by businesses. It will also encourage proper planning by the applicant in the original submission and avoid delayed implementation. The monthly compliance fee will recover the cost of staff time to review compliance progress reports, monthly sampling results and site inspection.

Proposed increases to Dewatering Discharge Program allows for alignment with level of effort and program delivery costs

The Dewatering Discharge Program approves and monitors construction dewatering practices in the Region to ensure that discharged water is of appropriate quality and does not exceed capacity of the sewer. Similar to the Compliance Program, the Dewatering Discharge Program recovered only 25 per cent of costs in 2015 as costs to review extension/amendment requests and field monitoring had not been incorporated. The proposed fees better reflect the user needs and include extension/amendment review fee and revising the compliance fee from annually to monthly. A monthly compliance fee is more equitable as the

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annual fee would penalize dewaterers whose project was less than a year. This change also addresses comments brought forward during stakeholder consultations. In addition, the level of effort to review storm sewer discharge has proven to be more complex than sanitary applications, requiring an engineering report and review. As a result, the fee was adjusted to reflect this level of effort.

Communication with affected businesses is ongoing and helps them prepare for any changes

In September 2016, stakeholders from businesses, residents, surchargers, wastewater haulers and local municipalities were consulted to obtain feedback on the programs and proposed new fee structure. This feedback was duly considered and changes were made where possible. For example, wastewater haulers wanted 24/7 access to the Region's hauled wastewater receiving facilities and this change was made.

Updated Sewer Use Bylaw Fees will align with Strategic Plans

York Region's corporate plans and strategies including the Official Plan, *Vision 2051*, and the *2015 to 2019 Strategic Plan* establish goals demonstrating the importance of long-term sustainability. The Sewer Use Bylaw Enforcement Program objectives align with these goals, which include:

- Optimizing critical infrastructure system capacity
- Proactively manage and maintain infrastructure to ensure short and long-term adequacy and reliability of water and wastewater services
- Safeguard the environment, residents, municipal workers, and property from hazardous conditions
- Ensuring a fiscally prudent and efficient Region

5. Financial Considerations

Proposed fee structure will move program towards full cost recovery over next five years

The fees proposed in Attachment 1 will continue to move the Sewer Use Bylaw Enforcement Program to 100 per cent cost recovery over the next five years. The third party assessment considered causes for future cost increases including staffing costs and operational costs when forecasting future fees. Staff will ensure businesses are well informed of the five year plan. The five year phase-in period will allow businesses to plan for any increases.

Staff are committed to implement efficiencies to provide cost effective services

Using ISO 14001 tools staff monitor processing time and level of effort. The third party review identified program efficiencies achieved from 2014. Staff will look for further opportunities to optimize internal processes and provide cost effective services.

Staff periodically discuss cost saving measures with surchargers and other businesses to identify their opportunities for cost savings. Surchargers are able to make operational changes to reduce contaminant loading, or to conduct their own sampling or to participate in York Region's water use and wastewater quality consultation program. The water use and wastewater quality consultation program is a free program offered by York Region designed to help industries reduce their water use and give them access to a Capacity Buyback incentive while also decreasing their surcharge invoice.

Proposed 2017-2021 user fees structure align with surrounding jurisdictions

In general the proposed 2017-2021 user fees are aligned with surrounding municipal jurisdictions. Attachment 3 compares the fees with surrounding jurisdictions such as Toronto, Durham, Peel, Hamilton and Niagara. In addition, the fees were also compared against local municipal fees, where possible.

6. Local Municipal Impact

Sewer Use Bylaw Enforcement programs have grown in local municipalities

Since 2013, the City of Markham, Town of Aurora and City of Vaughan have updated their Sewer Use Bylaws. These changes have led to increased complimentary enforcement with the Region and local municipalities. Staff frequently consult with local municipal staff when dealing with dischargers. For example, local municipal staff are asked to comment on surcharge agreements, compliance programs and dewatering applications to ensure appropriate capacity, address operational issues and to minimize risk to local collection systems.

Sewer Use Bylaw Services Portal reduces processing time and improves access to York Region services for businesses and local municipalities

In May 2015, the Region launched the Sewer Use Bylaw Services portal (yorkseweruse.york.ca) to provide businesses with an improved and convenient method for applying for dewatering permits or hauled wastewater registration. Businesses can now easily track progress of their application as it is reviewed by staff. The portal also allows any business to log in and view their sampling results, past invoices or correspondence. Local municipalities also have access to review sampling results and other information in the database for those businesses within their jurisdiction. The portal reduces staff administrative time and improves response time for provision of permits and registrations. Staff have received many positive comments on the portal from York Region businesses and local municipalities.

Phasing out of fats, oil and grease in surcharge program addresses local municipal concerns

Through collaboration with local municipalities and Public Health, the surcharge program was modified in 2011 to phase out fats, oil and grease to reduce blockages and damage to local infrastructure. Effective November 1, 2016 there will be no surcharge agreements that include fats, oil and grease parameter. Staff have been working with seven affected businesses to prepare them for this date. Businesses have used the phase-in period to install wastewater treatment equipment within their facilities to meet this requirement.

7. Conclusion

This report provides Council with an update on implementation of the Region's Sewer Use Bylaw Enforcement Program and provides rationale for the proposed fee structure to achieve cost recovery for the provision of added wastewater services. This program plays a vital role in protecting employee and public health and safety, the environment and Regional and municipal infrastructure. The proposed increases are necessary to ensure the Sewer Use Bylaw Enforcement Program continues to provide a best-in-class program.

Sewer Use Bylaw Services Fees Update

For more information on this report, please contact Roy Huetl, Director, Operations, Maintenance and Monitoring, Environmental Services Department at 905 830-4444, Ext. 75323.

The Senior Management Group has reviewed this report.

September, 21 2016

Attachments (3)

7035896

Accessible formats or communication supports are available upon request

	Dewatering Permit Application Fee (flowrate is > 5 L/s) - Sanitary Discharge	\$1,400	\$1,520	\$1,650	\$1,800	\$1,970	\$2,030
	Dewatering Permit Application Fee (flowrate is = or < 5 L/s) - Sanitary Discharge	\$815	\$950	\$1,100	\$1,300	\$1,550	\$1,800
	Dewatering Permit Application Fee - Storm Discharge	\$1,400	\$1,600	\$1,800	\$2,050	\$2,300	\$2,600
Dewatering Discharge Program	Dewatering Monthly Compliance Fee - both Storm and Sanitary Discharge	\$200/yr.	\$30	\$60	\$100	\$110	\$115
	Dewatering Extension/Amendment Fee – Sanitary Discharge	N/A	\$250	\$400	\$600	\$850	\$1,250
	Dewatering Extension/Amendment Fee – Storm Discharge	N/A	\$250	\$375	\$550	\$800	\$1,150
	Dewatering Volumetric Discharge Fee to Sanitary Sewer (per m ³)	\$1.35	\$1.49	\$1.62	\$1.74	\$1.93	\$2.01
	Laboratory Costs						Invoiced based on actual cost
Information Requests	Environmental Site Assessment Information Request Fee	\$150	\$150	\$150	\$150	\$150	\$150

MYTH:

Running hot water and soap or degreasers down the drain with fats, oil or grease will stop it from hardening inside the pipe.

FACT:

Water and oil do not mix. Fats, oil and grease will eventually cool in the pipe, harden and could cause a blockage.

MYTH:

Flushing fats, oil and grease down the toilet won't clog pipes.

FACT:

Wastewater from every toilet, drain, shower, kitchen sink, dishwasher, laundry sink or bathtub is connected to a single sewer pipe from your residence. All wastewater ends up in the same sewer pipe.

MYTH:

Pouring fats, oil and grease down the drain is acceptable as long as a food waste grinder is used.

FACT:

A food waste grinder grinds up items before passing them into your sewer pipes. It does not break down fats, oil and grease. In fact, food waste contributes to clogged pipes as well. It's better to screen out food particles before they go down the drain.



Environmental Monitoring and Enforcement

Operations, Maintenance and Monitoring
Environmental Services
The Regional Municipality of York
380 Bayview Parkway
Newmarket, ON L3Y 4W3
1-877-464-9675

For more information including the current
Sewer Use Bylaw, please visit york.ca
or email sewerusebylaw@york.ca
or call 1-877-464-9675



A HOME OWNER'S GUIDE TO SAFE DISPOSAL OF FATS, OIL AND GREASE





DROP-OFF LOCATIONS

Cooking oil can be dropped off in a tightly sealed container, no more than four litres in size, at one of the following drop-off depots:

East Gwillimbury Household Hazardous Waste and Recycling Depot

225 Garfield Wright Boulevard
Town of East Gwillimbury

Georgina Transfer Station, Household Hazardous Waste and Recycling Depot

23068 Warden Avenue
Town of Georgina

Markham Household Hazardous Waste Depot

Rodick Road, South of Miller Avenue
City of Markham

Vaughan Household Hazardous Waste Depot

2840 Rutherford Road
City of Vaughan

McCleary Court Community Environmental Centre

130 McCleary Court
City of Vaughan

Elgin Mills Community Environmental Centre

1124 Elgin Mills Road East
Town of Richmond Hill

For hours and additional information please visit york.ca/wastedepots

WHAT ARE FATS, OIL AND GREASE?

Fats, oils and grease are byproducts of cooking. These include:

- Butter or margarine
- Shortening
- Lard
- Salad dressings
- Cooking oils (includes deep frying oils)
- Olive oil
- Sauces and gravies
- Meat fats
- Milk and cream
- Marinades
- Sandwich spreads

WHY ARE FATS, OIL AND GREASE A CONCERN?

How you dispose of fats, oil and grease can have a serious impact on your home and the environment. When poured down your sinks, drains or toilets, they eventually cool and can clog the pipes that take the wastewater from your house to the treatment plant.

This can cause untreated sewage to back up and flood your basement or your neighbour's basement. It could also back up onto streets and surrounding areas, polluting the natural environment.

Ensure fats, oil and grease are disposed of properly to avoid harmful impacts to human health and the environment. Repairing sewage infrastructure because of fats, oil and grease damage can also lead to increased water rates.

WHAT CAN YOU DO TO PREVENT FATS, OIL AND GREASE FROM GOING DOWN THE DRAIN?



• Fats, oil and grease are organic waste and should be placed in your green bin



• Before washing pots, pans and dirty dishes, wait for fats, oil and grease to harden, then wipe with a paper towel or scrape it into the green bin



• If fats, oil and grease are in liquid form, leave it to cool in the pan; if too hot, pour the liquid into a container such as a tin can or bowl to cool then empty into green bin



• Waste fats and grease can also be used to make suet to feed birds

• Liquid cooking oil like vegetable oil, canola oil, sunflower oil and olive oil that won't solidify can be dropped off at one of York Region's waste depots for recycling into biodiesel



Jurisdictional Fee Comparison

Program	Fee	York (2016)	Toronto	Niagara	Hamilton	Durham	Halton	Peel
	New Surcharge Agreement Fee	\$385	\$845	\$125	\$465	\$1,885	N/A	N/A
	Annual Surcharge Maintenance Fee	\$1,400	Built into parameter rate	N/A	\$1,440	N/A	\$2,053	\$2400
	Surcharge Rates (per kg)						(\$/m ³)	(\$/m ³)
Surcharge Program	Biochemical Oxygen Demand (BOD ₅)	\$0.93	\$0.64	\$1.46	\$0.74	\$0.53	\$0.41	\$0.34
	Phenolic Compounds (4AAP)	\$0.93	N/A	N/A	N/A	N/A	\$0.41	N/A
	Suspended Solids (SS)	\$0.73	\$0.70	\$1.46	\$0.59	\$0.53	\$0.41	\$0.34
	Total Phosphorus (TP)	\$2.89	\$2.24	\$1.46	\$1.58	\$0.53	\$0.41	\$0.34
	Total Kjeldahl Nitrogen (TKN)	\$0.94	\$1.43	N/A	\$2.25	\$0.53	\$0.41	\$0.34
	Animal and Vegetable Oil & Grease	\$0.64	N/A	N/A	\$0.62	\$0.53	\$0.41	N/A
	Compliance Program	Application Fee	\$385	N/A	N/A	\$852.65/qtr.	Actual Costs	\$2,052.65

Program	Fee	York (2016)	Toronto	Niagara	Hamilton	Durham	Halton	Peel
Hauled Wastewater Program	Hauled Wastewater Annual Registration Fee	\$200	N/A	\$115	\$306	\$170 + \$10 per truck	N/A	N/A
	Hauled Sewage Disposal Fee (per cubic metre)	\$23.93	\$27.86	\$8.80	\$46.30 1st 15.9 m ³ \$92.6 for 15.9m ³ -22.7m ³ \$138.9 for 22.7m ³ -36.3m ³ \$185.2 for 36.3m ³ -45.43m ³	\$19.56 residential	\$5.56	\$2.86

Program	Fee	York (2016)	Toronto	Vaughan	Hamilton	Markham	Halton	Peel
Dewatering Discharge Program	Dewatering Permit Application Fee	\$1,400	N/A	\$450	\$465	\$1,245	\$2,052	N/A
Information Requests	Environmental Site Assessment Information Request Fee	\$150	\$50	\$113 – residential \$339 – non-residential	\$139	\$143	\$158	\$100