

## *City Hall Shakes Up Sewer Discharge By-law*

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*At its meeting of February 3, Toronto City Council voted to amend the Sewers By-law (Municipal Code Chapter 681) and the Water Supply By-law (Municipal Code Chapter 851) to address, in part, the discharge of certain pesticides, dental amalgams and wastewaters from the food services and auto servicing sectors<sup>1 2 3</sup>. In addition, new provisions covering the discharge of private water (i.e., water not purchased from the City, including storm water) have caused concern among builders and land developers.*

The bulk of the amendments came into effect February 4, 2016, with the effective date of the dental office Pollution Prevention (P2) Program reporting requirements deferred to May 31, 2016.<sup>4</sup> Additional, significant changes to the sewer discharge standards are likely forthcoming. City staff are currently reviewing the list of “subject pollutants” in the Sewers By-law,<sup>5</sup> as well as developing a risk-based approach to minimum reporting thresholds for subject pollutants.<sup>6 7 8 9</sup>

<sup>1</sup> Tracking Status: Proposed Amendments to the Sewers and Water Supply By-laws (PW10.5); <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PW10.5>

<sup>2</sup> Appendix A, Amendments to Municipal Code Chapter 681—Sewers and Municipal Code Chapter 851 – Water Supply; <http://www.toronto.ca/legdocs/mmis/2016/pw/bgrd/backgroundfile-87266.pdf>

<sup>3</sup> Appendix B, Explanation of Amendments to Municipal Code Chapter 681 – Sewers and Municipal Code Chapter 851 – Water Supply; <http://www.toronto.ca/legdocs/mmis/2016/pw/bgrd/backgroundfile-87267.pdf>

<sup>4</sup> Proposed Amendments to the Sewers and Water Supply By-laws, General Manager Toronto Water, January 5, 2016; <http://www.toronto.ca/legdocs/mmis/2016/pw/bgrd/backgroundfile-87265.pdf>

<sup>5</sup> Reviewing Subject Pollutants in the Sewers By-law, a decision of the Public Works and Infrastructure Committee, January 21, 2016, directing the General Manager, Toronto Water, to undertake a review of chemicals that could be added as “Subject Pollutants” in the Sewers By-law because these chemicals could impact the Toronto wastewater treatment plant operations. The review is to start in the fourth quarter of 2016 with a report back to the Committee in 2017;

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PW10.6>

<sup>6</sup> Staff are considering a risk management tool to identify when a pollutant is approaching the sanitary sewer discharge limit. When a certain percentage is reached (staff have considered levels from 5% to 75% of the discharge limit), this would serve as a trigger to start taking action to ensure no exceedances occur over the discharge limit;

<http://www.toronto.ca/legdocs/mmis/2015/pw/bgrd/backgroundfile-85008.pdf>

<sup>7</sup> Sewers By-law Pollution Prevention (P2) Program Stakeholder Update-2015 and Sewers and Water Supply By-law Amendments, City Council decision, December 9 and 10, 2015;

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PW9.5>

<sup>8</sup> Sewers By-law Pollution Prevention (P2) Program Stakeholder Update – 2015 and Sewers and Water Supply By-law Amendments, Staff Report from the General Manager, Toronto Water, dated October 22, 2016, describes both the current batch of amendments and the proposed creation of a subject pollutant threshold reporting list (which has been held back from the current of amendments);

<http://www.toronto.ca/legdocs/mmis/2015/pw/bgrd/backgroundfile-85002.pdf>

This will include evaluating the use of existing storm water limits. City Council has also directed Toronto Water to continue stakeholder consultations regarding the addition of a new Environmental Code of Practice for mobile washing business operations.

A summary of the recently adopted amendments follows.

### **Pesticide Discharges:**

Toronto has adopted a “zero tolerance” approach for the discharge of a number of banned pesticides,<sup>10</sup> effectively prohibiting the discharge of aldrin/dieldrin, chlordane, DDT, mirex, hexachlorobenzene and hexachlorocyclohexane to storm or sanitary sewers. An exception has been added to cover pesticides used by City Divisions for public health, safety and other regulated uses.<sup>11</sup>

Reference to the six “legacy” pesticides have been removed from Tables 1 and 2 in the Sewers By-law (which list the discharge limits to sanitary, combined and storm sewers),<sup>12</sup> while the existing limits for pH and temperature have been added to those tables from elsewhere in the by-law.<sup>13</sup> Otherwise, there have been no changes in the permitted discharge limits for any of the other listed parameters.

### **Dental Offices:**

After filing their first Pollution Prevention (P2) Plan, dental offices won’t have to submit a new P2 plan every six years unless there have been certain prescribed changes to the practice (such as a change in ownership, address, practice, number of patient chairs, brand of the amalgam separator, and/or a change in the third party company that services the device).<sup>14</sup> All dental offices that discharge amalgam are now required to have amalgam separators,<sup>15</sup> and the reporting requirements related to the maintenance of those amalgam separators have been amended.<sup>16</sup>

### **Food Service Establishments:**

Currently, industrial premises where food is cooked, processed or prepared must install and maintain grease interceptors. (Note, industrial premises include all manufacturing, commercial, business, nonprofit and institutional premises, as distinguished from domestic or residential premises.) Installation is governed by the Ontario Building Code (OBC), which also references the maintenance-related provisions of a Canadian Standards Association standard (CSA B481 Series-12) for grease interceptors.<sup>17</sup> The Sewers By-law has been amended to adopt the Food Service Establishment Environmental Code of Practice<sup>18</sup> (consistent with the OBC and the CSA

<sup>9</sup> See Footnote 4. The General Manager, Toronto Water, will report back to Council on the proposed subject pollutant threshold reporting list at a future, unspecified time.

<sup>10</sup> See Footnote 4

<sup>11</sup> Amending Section 681-2A(3)(1), Sanitary and combined sewer requirements to include pesticides exception

<sup>12</sup> Amending Table 1 in Section 681-2 and Table 2 in Section 681-4, Storm sewer, sanitary sewer and combined sewer requirements to remove certain pesticide limits and replace with prohibitions and include temperature and pH requirements

<sup>13</sup> Amending Section 681-2A(4)

<sup>14</sup> Amending Sections 681-5B, 5E, 5F and 5G and adding 681-5J, Pollution prevention planning to exclude dental offices

<sup>15</sup> Amending Section 681-10F, General to clarify amalgam separator requirements

<sup>16</sup> Adding Section 681-5J

<sup>17</sup> Canadian Standard Association, B481 Series-12 Grease Interceptors, which specifies the minimum requirements for the performance, safety and quality of grease interceptors.

<sup>18</sup> Food Service Establishment Environmental Code of Practice;

<http://www.toronto.ca/legdocs/mmis/2015/pw/bgrd/backgroundfile-85004.pdf>

standard) that sets out grease interceptor installation and maintenance requirements for industrial operations, as well as, best kitchen practices to minimize grease from entering the sewer system.<sup>19</sup>

#### **Automotive Service Facilities:**

In the past, separate Best Management Practices (BMPs) have been developed for vehicle wash operations, automotive repair facilities and gas stations. To improve environmental performance, a BMP covering autobody repair and painting operations has been developed and merged with the existing automotive BMPs into one document that covers the entire automotive service sector.<sup>20</sup> The Sewers By-law is amended to align with the terminology used in the BMP and to clarify that any facility discharging sand, grit or similar materials requires sand and grit interceptors.<sup>21</sup>

#### **Private Water:**

The new definition of private water (i.e., water not purchased from the City but requiring disposal in a City sewer) now includes “storm water and/or groundwater accumulating or collected on private lands.”<sup>22</sup> According to BILD (the Building Industry and Land Development Association) and RESCON (the Residential Construction Council of Ontario), any discharge of storm water will now require a written approval by way of a discharge agreement or permit.<sup>23</sup> In a brief to the Public Works and Infrastructure Committee, the two associations “view this as a big change as all developments have storm discharge which currently don’t require any testing or sampling” and “metering would be very difficult.”

#### **Other Amendments:**

A number of additional amendments have been made to clarify or enhance provisions related to private water, City-owned hydrants, maintenance access holes and sampling access points,<sup>24</sup> and requirements in the event of a spill to the City's sewage works.<sup>25</sup> In addition, a number of definitions have been added or amended and references to other legislation updated. For example, new or amended definitions have been made for the terms “groundwater,” “person,” “spill,” “storm water” and specific types of water discharges, drainage and property interests.<sup>26</sup>

<sup>19</sup> Amending Section 681-10B, General to include reference to Food Service Establishment Code (ECP) of Practice and clarify grease interceptor requirements.

<sup>20</sup> Best Management Practices for Automotive Service Facilities in the City of Toronto; <http://www.toronto.ca/legdocs/mmis/2015/pw/bgrd/backgroundfile-85005.pdf>

<sup>21</sup> Amending Section 681-10D, General to align with Ontario Building Code wording and clarify sand and grit interceptor requirements

<sup>22</sup> Adding the following definition to Section 681-1; Private Water – water originating from: (A) storm water and/or groundwater accumulating or collected on private lands; or (B) a private drainage or waterworks system; or (C) a well or any other subsurface extraction of groundwater; or (D) a permanent or temporary wastewater pond, water retention site or other area or site of surface water collection, whether natural or man-made, created, used or caused by or for renovation, repair, maintenance, demolition, construction-related or land development activity or activities; or (E) a tank, tanker truck, vessel, or other means of water storage and not supplied by the City; or (F), The permanent or temporary alteration of a natural or pre-existing drainage pattern; or (G) any combination of the above-noted activities, where the water from such activity would be discharged directly or indirectly to a municipal storm sewer or municipal sewer connection thereto and such activity is related to renovation, repair, maintenance, demolition construction or land development activity or activities at a property.

<sup>23</sup> Letter from BILD and RESCON, dated January 20, 2016, submitted to the Public Works and Infrastructure Committee, re: PW10.5 Proposed Amendments to the Sewers and Water Supply By-laws; <http://www.toronto.ca/legdocs/mmis/2016/pw/comm/communicationfile-58517.pdf>

<sup>24</sup> Amending Sections 681-10A(2)-(3)

<sup>25</sup> Amending Sections 681-9B, 9C and 9D

<sup>26</sup> By adding the above definitions to Section 681-1

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