

City of Mississauga Corporate Report



<p>Date: February 16, 2022</p> <p>To: Chair and Members of General Committee</p>	<p>Originator's files:</p>
<p>From: Geoff Wright, P.Eng, MBA, Commissioner of Transportation and Works</p>	<p>Meeting date: March 9, 2022</p>

Subject

New Storm Sewer Use By-law

Recommendations

1. That a new Storm Sewer Use By-law, as outlined in the report dated February 16, 2022 from the Commissioner of Transportation and Works titled *New Storm Sewer Use By-law*, be enacted to regulate the discharge of stormwater into the municipal storm sewers and private storm sewers within the City of Mississauga.
2. That the existing Storm Sewer Use By-law 0259-2005, as amended, be repealed.
3. That the Debris and Anti-Littering By-law 0219-1985, as amended, be further amended to ensure consistency with the proposed new Storm Sewer Use By-law in relation to swimming pool water discharge as outlined in the report dated February 16, 2022 from the Commissioner of Transportation and Works titled *New Storm Sewer Use By-law*.

Background

The City of Mississauga first enacted Storm Sewer Use By-law 0259-2005 ("existing By-law") in 2005, which was subsequently amended in 2010. The existing By-law provides the City with the authority to control connections made to the City's storm sewer system and drainage of rainwater from lands to protect water quality by preventing the discharge of harmful substances from entering municipal and private storm sewer systems, and into natural waterbodies. Where there is a contravention of this By-law, designated staff have the authority to enforce corrective actions through work orders and, if necessary, the issuance of tickets, fines and the laying of charges.

Given that the existing By-law has not been updated since 2010, staff from Environmental Services, in consultation with Legal Services and other internal business units, commenced a comprehensive review of the existing By-law. This undertaking included a jurisdictional scan, regulatory review, and assessment of inspection and enforcement activities completed to date to identify areas of improvement.

This report provides a summary of the comprehensive review findings and recommended improvements.

Comments

In 2021, the City completed a comprehensive review of the existing By-law. Highlights of some of the activities undertaken include:

- a) A jurisdictional scan involving a review of sewer use by-laws from 41 benchmark municipalities, 25 in Ontario and 16 from other provinces. It was found that the existing By-law is mostly comparable to those of other municipalities in urban areas. However, opportunities related to best management practices and standard procedures as well as updates to current legislation were identified as part of the update.
- b) A review of all current applicable federal and provincial laws, regulations and water quality guidelines against the existing By-law criteria for compliance. Additional pollutant chemicals were identified to be included. The enforcement and offences sections also need to be updated to align with current practices prescribed under the *Municipal Act, 2010* and Ontario Court of Justice set fines.
- c) An assessment of current inspection and enforcement activities completed to date. City staff responsible for inspection and enforcement currently respond to approximately 65 compliance incidents per year on average, which require nearly 600 site inspection visits annually. The majority of these incidents are caused by mostly small- to medium-sized businesses that tend to lack sufficient knowledge and resources regarding pollution prevention measures. Several areas of improvement are proposed to further enhance pollution prevention and enforcement capabilities.

As a result of the comprehensive review, revisions are proposed to adequately address changes to applicable government regulations and guidelines, industry best practices, findings from previous enforcement incidents, as well as housekeeping matters.

Some of the key changes proposed include:

- a) Adding more detailed and prescriptive requirements to seek approval for temporary construction dewatering discharge to municipal storm sewers;
- b) Adding more details that are required for the preparation of Pollution Prevention Plans to further enhance their use as an effective compliance tool and allow for discretion by the enforcement officer if a reduced scope is warranted on a case-by-case basis;
- c) Updating standard operating procedures for the dechlorination and safe discharge of residential swimming pool water to the storm sewer system. These updated procedures are based on industry best practices and will provide greater clarity on the proper and safe procedures for pool water discharges that are permitted by the City. This will require an amendment to the Debris and Anti-Littering By-law 0219-1985 regarding swimming pool discharge to be consistent with this proposed change;

- d) Adding new pollutants and revising criteria values of several existing pollutants listed in the existing By-law. This will further enhance enforcement to prevent or mitigate harmful pollutants from discharging to the natural environment and account for the presence of naturally occurring substances,; and,
- e) Incorporating updated enforcement powers and allow for harsher penalties to be issued to offenders as permitted under the *Municipal Act, 2001*, which has been updated since the last amendment was made to the existing By-law in 2010.

Given the proposed changes and restructuring to the existing By-law, Legal Services recommended that a new By-law be enacted and the existing By-law be repealed. A comparison table of proposed major changes between the existing and proposed new By-law is provided as Appendix 1. It should be mentioned that the Region of Peel has been consulted on the proposed new By-law in order to ensure alignment. Subject to the enactment of the new By-law, staff will inform key stakeholders of its passing and offer the necessary guidance.

Financial Impact

The adoption of the report and the enactment of the new Storm Sewer Use By-law have no financial impact on the City.

Conclusion

A new Storm Sewer Use By-law will provide staff with the necessary tools to better administer and improve the regulation of discharges to the City's storm sewer system and prevent pollution from entering natural water bodies.

Attachments

Appendix 1: Comparison Table of Major Changes between the Current and the Proposed Storm Sewer Use By-law



Geoff Wright, P.Eng, MBA, Commissioner of Transportation and Works

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