



**Subject: CSO MANAGEMENT PLAN  
SEWER USE BYLAW ADOPTION**

**1) PURPOSE:**

This report was authorized and prepared by Ron Hanson, Director of Engineering and Operations. The report will present the draft Sewer Use Bylaw for adoption by the Council of the City of Port Colborne.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

In 2007, the City was successful in attaining funding from the Region of Niagara's CSO Management Plan program. The program provides 50% funding for municipalities actively working on projects to reduce combined sewer overflows (CSO) to the environment. CSO's are one of the highest point source contributors of contaminants to receiving water bodies from urban areas. Funding was approved for 2007 and 2008 and we are now in the process of applying for continued funding in 2009.

Associated Engineering was retained by the Municipality in August, 2008 to lead the program. To date, we have:

- Purchased & installed 6 flow monitors for evaluation of the flow volumes in the Arena sewershed
- Initiated a CCTV contract for the Arena Sewershed to identify any defects in the pipe system
- Initiated a Public Education program to all homes in the pilot area by means of information flyers with contact names and numbers
- Held a Public Information session on November 13 to review the program with interested parties
- Presented an information session to City Council outlining the program
- Completed 115 home inspections representing 25% of the subject area. The home inspections were completed on a voluntary basis with calls from the homeowners
- In conjunction with our consultant and our solicitor, prepared a "draft" Sewer Use Bylaw for presentation to Council

**3) STAFF COMMENTS AND DISCUSSIONS**

The intent of this report is to present the draft Sewer Use Bylaw for discussion and clarification. The bylaw represents the legislative means for City Staff or their designate to enter onto private property for the purposes of inspection, documentation and remediation of the sources of extraneous flow and to provide for punitive measures for non-compliance to the requirements of the bylaw. The success of any program to reduce extraneous flows is dependent on 100% participation by the public. A copy of the draft bylaw is included with this report and we will present a brief PowerPoint presentation to introduce the topic.

The Municipal Act provides the legislative means for municipalities to enact the bylaw. The bylaw would prohibit any form of storm water connection to the sanitary sewer system and would provide the means to disconnect such connections. Of special interest for Council discussion is Section 4.8 of the bylaw. While the owner of the building is responsible for the cost of disconnection of the sources of storm water, section 4.8.2 provides for a reimbursement program, subject to budget and Council concurrence, which would provide financial incentives to assist in the work. The amounts shown are suggested levels based on historical costs and other programs implemented by other municipalities. The input that we have received at the Public Information Centre strongly suggests that the residents are looking for a financial commitment from the Municipality before they are willing to commit to the program of

inspections and repairs on private property. The voluntary program has generated a 25% response. Our commitment on the current pilot program would be to carry out remediation on private property as required and at no cost to the owner within the limits of the budget. Of additional interest is the fact that the current CSO program provides funding that is not restricted to work on the public system, however, the Region of Niagara has amended the terms of future agreements (2009 and beyond) that would not provide any funding on the private sector of the system. This decision may have a large impact on those municipalities who are now focusing on the I/I component located on private property.

#### **4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

##### **a) Do nothing.**

As explained in previous reports, this is not an option for municipalities.

##### **b) Other Options**

The option outlined in this report utilizes available funding from the Region of Niagara and provides a strong alternative to the construction of multi-million dollar storage tanks. The elimination of extraneous flows substantially reduces the cost of sewage treatment to Port Colborne and would make those funds available for increased capital improvements to the system. The increased capacity created in the sanitary system also provides capacity for new development and offsets the need for capital upgrades to treatment and pumping facilities.

#### **5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

Not applicable.

#### **6) ATTACHMENTS**

Draft Sewer Use Bylaw

#### **7) RECOMMENDATION**

***That the draft Sewer Use Bylaw be received for review by City Council; and, upon receipt of any comments or revisions to the document, that the bylaw be presented at the December 15, 2008 Council Meeting for adoption.***

#### **8) SIGNATURES**

Prepared and Approved on November 19,  
2008 by:

Ron Hanson, C.E.T.,  
Director of Engineering & Operations

Reviewed and Respectfully Submitted:

Robert J. Heil  
Chief Administrative Officer