

Management Directive No.:	MD2023-XXX
Management Directive Name:	Extra Strength Surcharge (ESS) Management Directive
Date Approved by CAO or Designated Person:	dd/mm/yyyy
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Related SOP, Management Directive, Council Policy, Forms	Extra Strength Surcharge SOP 2024, CP2024-XXX Extra Strength Surcharge Council Policy

Directive Statement and Rationale

The Extra Strength Surcharge Management Directive has been established in accordance with the objectives of By-Law 2016-006 “A By-Law to Establish The Management And Use Of The Sewer Works In The City Of Kawartha Lakes” (herein, “the By-law”), as amended. This directive pertains specifically to Dischargers that discharge Sewage into the Municipal Sewer Works containing substances which exceed limits set by the By-law, which results in materially adding cost of treatment at the municipal Sewer Works.

This directive outlines the specific substances and their allowable limits, the procedures for sampling the wastewater stream, any supplementary documentation requirements, the analysis process for the wastewater stream, and the criteria for discharging sewage that exceeds the By-law limits. Additionally, this directive presents a framework for establishing agreements with companies who have premises who exceed discharge limits, calculating a surcharge (referred to as 'R' or Rate for Sewage Treatment in Dollars per cubic meter) to be applied to non-compliant sewage discharges with the associated costs borne by the respective Discharger.

Scope

This Management Directive is applicable for properties which have been predetermined to have the potential to discharge waste into the municipal sewage works that exceed the limits set by the By-law.

Definitions

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes, including its entire geographic area, and includes its Officers, Directors, employees and agents;

“Company” means the legal entity who carries on an activity at a premise(s) that produces a sewage discharge in which the quantity of one or more parameter exceeds the limits set out in the By-Law;

“Commercial” means lands, buildings or structures or any part thereof used, designed or intended to facilitate the buying or selling of commodities or services, including those that relate to self-service and other storage facilities, hotels, inns, motels and boarding, lodging, rooming houses and recreational lodging and all those that are non-residential in nature but excluded from all other types of non-residential land, structures and buildings otherwise defined herein;

“Constituents” means the parameters or substances within the sewage outlined in By-Law 2016-006 that, if exceeded, will result in applicable surcharges;

“Director of Public Works” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“Discharger” means an individual, association, partnership, corporation, municipality, or an agent or employee thereof, who is depositing sewage into the Sewer Works System;

“Extra Strength” means discharged wastewater that is higher in concentration of one or multiple parameters stated in By-law 2016-006 - Table 1 “Limits to Sanitary Sewer Works.”

“Extra Strength Surcharge Program” or “ESS Program” means the program the City has established to identify and analyze the sewage streams in question and calculate the applicable surcharges;

“Industrial” means lands, buildings or structures or any part thereof used, designed or intended for manufacturing, processing, fabricating, electricity generation, assembly of raw goods, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include the sale of commodities to the general public through a warehouse club;

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“**Non-compliant**” includes sewage discharge which contains substances that exceed the parameter limits set out by By-law 2016-006.

“**Property**” includes but is not limited to both public and private lands, a house, building, structure, lot or any part of a house, building, structure or lot within the City, and is adjacent to water and/or sewage works and may be entitled to a service connection;

“**Sewage**” (or “**wastewater**”) means any one of or a combination of domestic sanitary sewage and/or water borne waste, and/or non-domestic sanitary sewage and/or water borne waste, discharged from residences, businesses, recreational facilities, institutions or industry including the unintentional and/or unauthorized inflow or infiltration of storm water or drainage water;

“**Sewer Works**” means any works from buildings, structures, equipment, appurtenances, devices, conduits, underground pipelines, municipal sewer laterals, outlets, and related installations and other works of the City, designed for the collection and transmission of sewage, and includes lands over which an easement or consent has been granted or lands appropriated for such purposes and use. Includes both sanitary sewers and drainage works (storm sewers);

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1.0 Extra Strength Surcharge Program

The City is dedicated to the efficient and effective treatment of sewage generated across the Municipality before its discharged into a watershed. This commitment is driven by our resolve to establish and uphold stringent sanitation protocols, ensuring the safeguarding of our citizens' well-being, and the preservation of ecological integrity. Our overarching goal is to significantly reduce the ecological footprint of effluent on the natural environment (and associated abatement costs), and in turn reduce the cost of treatment within the City's wastewater treatment systems. This program will aid in identifying properties that have the potential to, through evidence collected by the City's representatives, discharge effluent into the Sewer Works that exceeds parameter limits set out by the By-law. This program will also outline the process by which this evidence is collected, how a Company and/or Discharger is determined to be non-compliant, the monitoring of it's Sewage and the steps taken to allow the continuation of certain discharges. A mathematical formula will be presented in order to standardize the surcharges that will be applied. The costs associated with determining non-compliance with discharge limits set out in the By-law will be incurred by the City, however any surcharges applied to a waste stream will be the responsibility of the individual Company and/or Discharger.

2.0 Program Overview

Properties will be assessed and have their Sewage analyzed to determine non-compliance. The assessment will revolve around background information on the uses at the property in question (i.e. the product or service it provides) and how it may hold the potential to produce exceedances in their Sewage effluent. An example being a food or biofuel producer that contains high levels of organics in their Sewage due to the nature of their operation. A follow up communication letter will be delivered to the suspected Company and/or Discharger outlining the above and allow the City to proceed with sampling. The results of the sample analysis will be the final evidence required to ascertain the need for an official agreement and subsequent surcharges. Companies and/or Dischargers who enter into an agreement are provided authorization to exceed the established limits as detailed within the By-law, and included below as Table 1.

2.1 A Company and/or Discharger whose activity produces a Sewage discharge in which the quantity of one or more of Total Suspended Solids (TSS), Biochemical Oxygen Demand (BOD), Phenolic Compounds, Total Kjeldahl Nitrogen (TKN), Total Phosphorous (TP), or solvent extractable matter of animal and vegetable origin is above the permissible limits set out in the By-law (i.e. non compliant) is considered meeting the requirements for the program.

Table 1 - Extra-Strength Parameters

Parameter	Limit (mg/L)	Acronym
Total Suspended Solids	350	TSS
Biochemical Oxygen Demand	350	BOD
Phenolic Compounds	1.0	4AAP
Oil & Grease – Animal & Vegetable	150	“Grease”
Total Phosphorous	10	TP
Total Kjeldahl Nitrogen	50	TKN

2.2 The City shall be entitled to conduct such sampling as it sees fit for the purposes of the ESS Program as well as to determine compliance with the By-law. The Company and/or Discharger shall grant the City and/or its agents access to the premises upon request by the City, including the right to take samples, inspect

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equipment and carry on any other investigations that the City may deem necessary. A minimum of four (4) samples of the Sewage will be taken with timing determined by the City.

- 2.3** Once determined that the Sewage exceeds By-law parameters, an agreement will be established between the City and the Company and/or Discharger, detailing the program's objectives and any specific terms or requirements specific to property. The agreement will only be considered valid upon obtaining the signatures of all primary representatives.
- 2.4** To calculate the surcharge fee ("S") payable by the Company and/or Discharger, the parameter with the highest exceedance compared to the By-law discharge limits ("F") shall be multiplied by the quarterly volume of Sewage entering the Sewer Works (based on meter reading of influent water to property) ("Q") and the current rate for sewage treatment ("R"). The sewage treatment surcharge rate ("R") shall be derived from the previous year's actual annual operating and maintenance costs for the respective City wastewater treatment facility for which the property is connected to and will be calculated and adjusted in April of each calendar year.

Parameter Surcharge Calculation:

$$S = F * Q * R$$

Where:

S = Extra Strength Sewage Surcharge in dollars per quarter year

F = the ratio of (actual strength – allowable strength) / allowable strength

Where the actual strength is determined by the City based on sampling in the previous year and allowable strength is the maximum permitted strength for the parameter in question as set out in the By-law.

Q = the total volume of sewage discharged from the Property, as determined by the City, measured in cubic meters (m³) per quarter year

R = the rate for sewage treatment in dollars/cubic meter (m³)

- 2.5** The City shall calculate the total surcharge fee payable for each quarter year and invoice the Company and/or Discharger accordingly on a quarterly basis. All invoices shall be payable within 30 days. Thereafter, interest shall be payable on the amount of any unpaid invoice at an annual rate of **5%**.

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2.6 If, in the course of quarterly sampling, the City detects a variance of 10% or more from the previous year's average (or first month's average in the case of the first year of the agreement) in any parameter, the City may, in its sole discretion, elect to recalculate the surcharge for said parameter(s). In this case, the City shall invoice the Company and/or Discharger based on such recalculated surcharge for the remainder of the year.

2.7 The City may terminate or suspend this agreement and may require the Company and/or Discharger to cease the discharge of Sewage in excess of the limits set out in the By-law by giving written notice sent by registered mail to the Company and/or Discharger;

2.7.1 at any time where, in the opinion of the Director of Public Works, there is an immediate threat or danger to any person, animal, property, or the natural environment, in which case the termination or suspension shall be effective immediately upon receipt of the written notice;

2.7.2 at any time where, in the opinion of the Director of Public Works, a discharge causes or may cause an adverse effect to the Sewage works, in which case the termination or suspension shall be effective immediately upon receipt of the written notice;

2.7.3 at any time, at the sole discretion of the Director of Public Works, by giving 30 days' written notice, in which case the termination or suspension shall be effective on the date stated in the written notice; or

2.7.4 at any time where the Company and/or Dischargers discharges or causes or permits the discharge of sewage or any other material into the Sewer Works in circumstances where, in the opinion of the Director of Public Works, to do so may or could result in:

- damage to any part of the Sewage Works or causing a dangerous condition in the Sewage Works;
- the Sewage Works effluent contravening any requirement under the Ontario Water Resources Act or the Environmental Protection Act or any regulation made there under;
- impairment, inhibition or interference with the proper operation of any part of the Sewage Works; or

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- increasing the operational costs of the Sewage Works in the opinion of the Director of Public Works.

2.8 In the event of termination, suspension, or expiration of an agreement to this program, the Company and/or Discharger shall comply with all provisions of the By-law immediately as of the date of expiry, termination or suspension of the agreement.

3.0 Responsibilities

3.1 The City of Kawartha Lakes is responsible for the following:

- 3.1.1 The administration and enforcement of the City's Extra Strength Surcharge Program Management Directive and affiliated documents such as By-law 2016-006 and the associated Extra Strength Surcharge Council Policy;
- 3.1.2 The City shall maintain a list of properties that have been suspected to emit non-complaint effluent, as well as a list detailing the ones that have been proven to do so;
- 3.1.3 The City will provide resources and incur costs required to conduct necessary sampling and obtain analyses from an accredited laboratory;
- 3.1.4 The marketing of the Extra Strength Surcharge Program and promoting awareness by educating owners about the risks, hazards and costs associated with high levels of certain substances in their Sewage, particularly Companies and/or Dischargers that deal with organic materials and processes;

3.2 The Company and/or Discharger is responsible for the following:

- 3.2.1 Modifying processes to ensure there are no exceedances of limits set out by the By-law in their Sewage, including but not limited to the cost of installing any modifications;

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- 3.2.2 Providing access to any relevant information, as determined by the City, that allows the program to be carried out and any applicable surcharges to be calculated;
- 3.2.3 Access to the sampling area(s) and to maintain the area as to allow continued access;
- 3.2.4 Complying with the terms of the written agreement and payment of applicable surcharges in the defined timeframe;

4.0 Enforcement

- 4.1 The Director of Public Works has the authority under By-law 2016-006 to enforce compliance with the requirements of the program.
- 4.2 A Municipal Law Enforcement Officer is vested with the authority of enforcing provisions of By-law 2016-006 S.8 and S. 10, aided by guidelines set within this Management Directive and the associated Extra Strength Surcharge Council Policy.
- 4.3 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty related to the Policy or the By-law. A person shall be deemed to have obstructed or hindered an Officer in the execution of their duties if he or she:
 - 4.3.1 Provides false information to an Officer; or
 - 4.3.2 Is alleged on probable grounds to have contravened any of the provisions of the Policy or affiliated documents.

5.0 Penalties

- 5.1 Every corporation which contravenes any provision of the By-law is guilty of an offence and on conviction is liable for every day or part thereof upon which such offence occurs or continues to a fine, exclusive of costs, to the use of the City, of not more than \$25,000.00 for a first offence and \$50,000.00 for any subsequent conviction.
- 5.2 Unpaid set fines may, following a thirty (30) calendar day period, at the sole discretion of the City, be added to the party's municipal taxes, and shall be collected in like manner and with the same priority as fees or charges for sewer services.

5.3 Refer to By-Law 2016-006 for the complete list of the penalties associated with non-compliance in this program.

6.0 Records Retention

6.1 The City's Water and Wastewater Division is responsible for the collection, retention and proper storage of all records and documents submitted in accordance with all applicable legislation and City by-laws.

7.0 References

City of Kawartha Lakes, By-law 2016-006 "*A By-Law to Establish The Management And Use Of The Sewer Works In The City Of Kawartha Lakes*", as amended.