



REPORT TO COUNCIL

Report No.: 12-071

TO: Mayor and Members of Council
FROM: Jim Keech, President & CEO, Utilities Kingston
RESOURCE STAFF: Jim Miller, Director, Utilities Engineering
DATE OF MEETING: January 24, 2012
SUBJECT: Amendment to the Sewer Use By-law
Extra Strength Surcharge Fees

EXECUTIVE SUMMARY:

The Sewer Use By-law regulates all matters relating to the discharge of substances to the waste water collection system. Within the Sewer Use By-law, Schedule C provides for the imposition of fees relating to situations where the discharge of sewage exceeds the limits in the by-law for certain specified parameters. An amendment to the Sewer Use By-law would reduce the fees for certain specified types or classes of uses and is intended to facilitate objectives within KEDCO's strategic plan and advance Council's priority of stimulating economic development.

RECOMMENDATION:

THAT Council approve an amendment to By-law 2008-192, A By-Law To Provide for the Regulation of Waste Water Services and Waste Discharges to Municipal Sewers in the City of Kingston by deleting in its entirety Schedule C and replacing it with a new Schedule C.

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AUTHORIZING SIGNATURES:

<p>ORIGINAL SIGNED BY PRESIDENT & CEO, UTILITIES KINGSTON Jim Keech, President and CEO, Utilities Kingston</p>
<p>ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER Gerard Hunt, Chief Administrative Officer</p>

CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

Cynthia Beach, <i>Sustainability & Growth</i>	N/R
Lanie Hurdle, <i>Community Services</i>	N/R
Denis Leger, <i>Transportation, Properties & Emergency Services</i>	N/R

(N/R indicates consultation not required)

OPTIONS/DISCUSSION:

In 2008 Council adopted by-law 2008-192, “A By-Law To Provide for the Regulation of Waste Water Services and Waste Discharges to Municipal Sewers in the City of Kingston” otherwise known in its short form title as the Sewer Use By-law. The Sewer Use By-law regulates all matters relating to the discharge of substances to the waste water collection system. Within the Sewer Use By-law, Schedule C provides for the imposition of fees relating to situations where the discharge of sewage exceeds the limits in the by-law for certain specified parameters. In these cases an extra strength surcharge agreement is entered into that includes the imposition of certain fees in accordance with Schedule C of the by-law.

The following table illustrates the current fee schedule and parameters to which the charge applies:

Surcharge Parameter	Surcharge (\$/kg exceeding by-law limit)
Biochemical Oxygen Demand (BOD)	\$0.50
Total Suspended Solids (TSS)	\$0.40
Total Phosphorus (TP)	\$6.00
TKN	\$4.00

Sampling and Analytical fee\$200.00/sample

An amendment to the by-law is proposed that would leave the current parameters and fee structure in place but would introduce a new fee structure for certain types of industrial users that align with the City’s current strategies regarding economic development. The proposed amendment is targeted at primary manufacturing - food processing type uses which would be defined as follows:

“Primary Manufacturing - Food Processing” means the use of lands, buildings or structures where dairy products, food products and agricultural products, including meat and poultry products, are altered, washed, cleaned, dusted, waxed, or otherwise processed, prepared or packaged for human consumption but are not consumed on the premises and from which such products are shipped to a wholesale or retail outlet. A Food Processing Plant shall not include an abattoir”

The amending by-law would in addition introduce a new fee structure for only this type of use and is proposed as follows:

Surcharge Parameter	Surcharge (\$/kg exceeding by-law limit)
Biochemical Oxygen Demand (BOD)	\$0.075
Total Suspended Solids (TSS)	\$0.06
Total Phosphorus (TP)	\$0.90
TKN	\$0.60

Sampling and Analytical fee\$200.00/sample

The proposed change achieves the following objectives:

- Aligns with the objective of “enabling economic development” in Kingston’s Strategic Plan 2011-2014
- Aligns with KEDCO’s attraction policies for new business to the city
- Aligns with recent changes to the Impost By-law regarding economic development.

One of KEDCO’s strategies within its Strategic Plan is to attract innovative advanced manufacturing businesses which can benefit from incentive programs, local supply chain and Kingston’s convenient access to markets. One of Council’s priorities within Kingston’s Strategic Plan is to enable economic development and encourage investment in industrial development. The proposed amendment would reduce the fees for extra strength effluent in order to enhance the City’s competitiveness in the market place.

The amending by-law also adds Total Kjeldahl Nitrogen (TKN) to Part 8.2 of the Sewer Use By-Law to reflect that it was and continues to be listed in Schedule C of the By-Law.

EXISTING POLICY/BY LAW:

Sewer Use By-law 2008-192

NOTICE PROVISIONS:

There are no notice provisions with this report.

ACCESSIBILITY CONSIDERATIONS:

There are no accessibility considerations with this report.

FINANCIAL CONSIDERATIONS:

The effectiveness of this change will be monitored based on experience.

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CONTACTS:

Jim Miller, Director, Utilities Engineering

613-546-1181, Ext. 2475

OTHER CITY OF KINGSTON STAFF CONSULTED:

Hal Linscott, City Solicitor

EXHIBITS ATTACHED:

Exhibit A - Proposed by-law 2012-xx to Amend By-law 2008-192 "A By-Law To Provide for the Regulation of Waste Water Services and Waste Discharges to Municipal Sewers in the City of Kingston"

BY-LAW NO. 2012-XXX

A By-law To Amend By-law 2008-192, A By-law to Provide for the Regulation of Waste Water Services and Waste Discharges to Municipal Sewers in the City of Kingston

WHEREAS the Council is authorized by section 10 as well as sections 78 to 93 of the *Municipal Act, 2001* as amended, to pass by-laws for services that the municipality considers necessary or desirable for the public which includes public utility services including but not limited to prohibiting, regulating and inspecting the discharge of any gaseous, liquid or solid matter into land drainage works, private branch drains and connections to any sewer, sewer system or sewage works for the carrying away of municipal sewage;

AND WHEREAS Council has determined that it is appropriate to reduce the Extra Strength Surcharge Fee Structure for industrial food processing establishments;

NOW THEREFORE, the Council of the Corporation of the City of Kingston hereby enacts as follows:

1. By-law No. 2008-192, “A By-Law To Provide for the Regulation of Waste Water Services and Waste Discharges to Municipal Sewers in the City of Kingston” is hereby amended by deleting in Part 8, Subsection 8.2 the sentence “*An Extra Strength Surcharge Agreement may only be made for discharge of the following treatable parameters in sewage: suspended solids, biochemical oxygen demand and total phosphorus*” and replacing it with the following new sentence:

“An Extra Strength Surcharge Agreement may only be made for discharge of the following treatable parameters in sewage: suspended solids, biochemical oxygen demand, total kjeldahl nitrogen and total phosphorus.”

2. By-Law No. 2008-192, “A By-Law To Provide for the Regulation of Waste Water Services and Waste Discharges to Municipal Sewers in the City of Kingston” is hereby further amended by deleting Schedule C in its entirety.
3. By-Law No. 2008-192, “A By-Law To Provide for the Regulation of Waste Water Services and Waste Discharges to Municipal Sewers in the City of Kingston” is hereby further amended by addition of a new Schedule C as follows:

“Schedule C – Extra Strength Sewer Surcharge Fee Structure

1. The following fees are applicable to Extra Strength Surcharge Agreements as permitted under Part 8 of the Sewer Use By-law. The rates are derived from

operating and maintenance costs at the waste water treatment facilities and pollutant removal efficiencies.

Surcharge Parameter	Surcharge (\$/kg exceeding by-law limit)
Biochemical Oxygen Demand (BOD)	\$0.50
Total Suspended Solids (TSS)	\$0.40
Total Phosphorus (TP)	\$6.00
Total Kjeldahl Nitrogen (TKN)	\$4.00

Sampling and Analytical fee\$200.00/sample

2. Notwithstanding Clause 1) of Schedule C, the following fees are applicable to any Extra Strength Surcharge Agreements as permitted by Section 8 of the Sewer Use By-law for the following use:

- a) Primary Manufacturing - Food Processing
 “Primary Manufacturing - Food Processing” means the use of lands, buildings or structures where dairy products, food products and agricultural products, including meat and poultry products, are altered, washed, cleaned, dusted, waxed, or otherwise processed, prepared or packaged for human consumption but are not consumed on the premises and from which such products are shipped to a wholesale or retail outlet. A Food Processing Plant shall not include an abattoir.

Surcharge Parameter	Surcharge (\$/kg exceeding by-law limit)
Biochemical Oxygen Demand (BOD)	\$0.075
Total Suspended Solids (TSS)	\$0.06
Total Phosphorus (TP)	\$0.90
Total Kjeldahl Nitrogen (TKN)	\$0.60

Sampling and Analytical fee\$200.00/sample”

4. This By-Law shall come into force and take effect as of 2012.

GIVEN FIRST AND SECOND READINGS ON _____, 2012.

GIVEN THIRD READING AND FINALLY PASSED _____, 2012.

CITY CLERK

MAYOR