

DRAINAGE, WASTEWATER, AND WATER UTILITY BYLAW AMENDMENTS

EXECUTIVE SUMMARY

Changes to the Drainage, Wastewater, and Water Utility bylaws are proposed following consultation with citizens, frontline staff, Animal & Bylaw Services, and Law. The amendments support operational efficiencies for a new compliance model, include required references for a reclaimed water agreement, and move the drainage service charge from the Wastewater to the Drainage bylaw. At an administrative level, the changes also simplify existing citizen expectations, clarify language related to billing, and provide improved response mechanisms for infractions that threaten the environment, infrastructure, and public safety.

In terms of efficiency, Water Resources and Water Services' transition to a new compliance model results in enhanced authorities for frontline technical staff and reduces the need for follow-up site visits from an enforcement officer. At the administrative level, several of the proposed amendments incorporate recent plain language drafting and clarity improvements from the Wastewater Bylaw (2012) into the Drainage (2005) and Water Utility (2006) bylaws.

ADMINISTRATION RECOMMENDATION(S)

That the SPC on Utilities and Corporate Services recommends that Council:

1. Give three readings to the proposed bylaw amendments to amended Bylaw 37M2005, the Drainage Bylaw (Attachment 1),
2. Give three readings to the proposed bylaw amendments to amended Bylaw 14M2012, the Wastewater Bylaw (Attachment 2), and
3. Give three readings to the proposed bylaw amendments to amended Bylaw 40M2006, the Water Utility Bylaw (Attachment 3).

RECOMMENDATION OF THE SPC ON UTILITIES AND CORPORATE SERVICES, DATED 2015 JANUARY 28:

That Council:

1. Give three readings to proposed Bylaw **7M2015** to amend Bylaw 37M2005, the Drainage Bylaw (Attachment 1);
2. Give three readings to proposed Bylaw **9M2015** to amend Bylaw 14M2012, the Wastewater Bylaw (Attachment 2); and
3. Give three readings to proposed Bylaw **8M2015** to amend Bylaw 40M2006, the Water Utility Bylaw (Attachment 3).

PREVIOUS COUNCIL DIRECTION / POLICY

On 2005 July 4, Council approved Bylaw 37M2005, the Drainage Bylaw. On 2012 March 12, Council approved Bylaw 13M2012, being a Bylaw of The City of Calgary to amend Bylaw 37M2005, the Drainage Bylaw.

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On 2006 July 24, Council approved Bylaw 40M2006, the Water Utility Bylaw. On 2011 November 29, Council approved Bylaw 67M2011, being a Bylaw of The City of Calgary to amend Bylaw 40M2006, the Water Utility Bylaw.

On 2012 March 12, Council approved Bylaw 14M2012, the Wastewater Bylaw. On 2013 September 13, Council approved Bylaw 38M2013 Being a Bylaw of The City of Calgary to Amend Bylaw 32M98, the Business Licence Bylaw; Bylaw 20M88, the Street Bylaw; Bylaw 26M96, the Calgary Traffic Bylaw; Bylaw 60M90, Being a Bylaw of The City of Calgary Respecting Truck Routes; Bylaw 14M2012, the Wastewater Bylaw; Bylaw 63M94, the Safety Code Permit Fees Bylaw; and Bylaw 72M2011, as amended.

BACKGROUND

Urban runoff presents significant environmental risk with over 800 City outfalls discharging to local waterways. The Drainage Bylaw revisions clarify existing expectations of safe stormwater discharges, provide more clarified enforcement for non-compliance, and better align the bylaw with other City bylaws. The proposed Drainage Bylaw changes will assist Law, Animal & Bylaw Services, and front-line Water Services employees who administer, enforce, and communicate the regulations (Attachment 1).

Watershed protection in Calgary also ties to the success of the Wastewater Bylaw. The City is provincially required to return environmentally safe water to the river from its treatment system, which in turn necessitates safe practices from citizens and industries connected to the wastewater treatment system. Since the Wastewater Bylaw was passed in 2012 there have been several suggestions from staff to assist with its administration and to support upcoming process improvements to the compliance model. The proposed changes to the Wastewater Bylaw clarify existing expectations and allow for more effective identification and resolution of common bylaw concerns (Attachment 2).

The City manages water use to ensure a reliable and sustainable water supply in the future. Provisions to protect reservoir source water and prevent contamination within the distribution system are found in the Water Utility Bylaw. Minor changes to clarify existing provisions and to align with updated administrative best practices are contained in these updates (Attachment 3).

INVESTIGATION: ALTERNATIVES AND ANALYSIS

Detailed explanations of the recommended changes and updated copies of the proposed bylaws are contained in Attachments 4-7. At a high level the revisions to the Drainage Bylaw result in:

- Improved legal clarity of definitions.
- Better structured process requirements to improve operational efficiency and make it easier to do business with The City.
- Moving the drainage service charge from the Wastewater Bylaw to the Drainage Bylaw.
- Proactive remedial action where there is potential harm to the environment, property, or human safety.

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At a high level the revisions to the Wastewater Bylaw result in:

- Clarified response options for non-compliant wastewater discharges.
- More explicit communication of site access expectations.
- Legal support for transition to new compliance model.
- Required references to support a reclaimed water agreement.

At a high level the revisions to the Water Utility Bylaw result in:

- An updated list of approved methods to protect against supply contamination that reflects current operational allowances.
- Tools that provide greater legal clarity, such as simplified language related to billing and the ability to link a fine to the owner of a vehicle.
- An updated fine structure that aligns with similar Drainage and Wastewater bylaw provisions and adheres to the CPS2008-62 Bylaw Fine Review Guideline.

Stakeholder Engagement, Research and Communication

Citizen stakeholder engagement preceded each of the Drainage, Wastewater, and Water Utility bylaws when coming into force and the regulations are regularly communicated through public communication and outreach initiatives. The suggested changes reinforce existing provisions and reflect improvements identified by the public during frontline staff interactions.

Through engagement with Law, the revisions result in more legally robust bylaws. An additional review of equivalent legislation shows that Calgary aligns with the bylaw requirements of other leading Canadian municipalities. Regulatory staff will continue to monitor these sources for additional improvement opportunities.

Strategic Alignment

This report aligns with the 2020 Sustainability Direction and the Utilities and Environmental Protection Business Plan. At the provincial level, bylaw compliance initiatives support the Water for Life strategy and the utility's Approval to Operate. Nationally, these programs align with the Canadian Council of Ministers of the Environment's Model Sewer Use Bylaw as well as the Canada-wide Strategy for the Management of Municipal Wastewater Effluent. Through these initiatives, The City is able to remain compliant with provincial and federal environmental legislation on behalf of citizens.

Social, Environmental, Economic (External)

This report has been reviewed for alignment with The City of Calgary's Triple Bottom Line Policy Framework.

Encouraging proper use and disposal of water fosters a culture of sustainability in Calgary. Education and compliance programs support watershed management strategies that focus on public safety and environmental viability. Improved bylaw compliance mechanisms suggested through these revisions also help to improve citizen understanding, reduce maintenance demand, and ensure that remediation costs are properly allocated to the offender rather than rate payers.

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Financial Capacity

Current and Future Operating Budget:

None.

Current and Future Capital Budget:

None.

Risk Assessment

Calgary takes a multifaceted approach to managing risks to its water resources. Compliance programs are an additional component of the asset management, source water protection, research, and outreach initiatives that support watershed management strategies. The suggested changes allow for more effective resolution of bylaw concerns that impact citizens, the utility, and the environment.

REASON(S) FOR RECOMMENDATION(S):

Administration has identified improvement opportunities in the Drainage, Wastewater, and Water Utility bylaws. The suggested changes more effectively communicate citizen expectations, incorporate required references to a reclaimed water agreement, and outline frontline staff response options to support compliance model transition and efficiency initiatives.

ATTACHMENTS

1. **PROPOSED Bylaw 7M2015**
2. **PROPOSED Bylaw 9M2015**
3. **PROPOSED Bylaw 8M2015**
4. Explanation of Drainage, Wastewater, and Water Utility Bylaw Amendments
5. Drainage Bylaw Showing Proposed Changes
6. Wastewater Bylaw Showing Proposed Changes
7. Water Utility Bylaw Showing Proposed Changes