



May 19, 2010

Mr. Randall Meades
Director General
Public and Resources Sectors Directorate
Environment Canada
351 Saint-Joseph Boulevard, 13th Floor
Gatineau, Quebec
K1A 0H3

Dear Mr. Meades:

RE: CANADA GAZETTE, PART I, Vol. 144, No. 12 — March 20, 2010 WASTEWATER SYSTEMS EFFLUENT REGULATIONS

I am writing to comment on the proposed national regulations for wastewater systems and effluent treatment. Due to the relatively short period of public consultation on this complex issue, it has not been possible for City of Ottawa staff to prepare a formal response to the proposed regulations for the approval of Ottawa City Council.

For this reason, the positions explained below currently reflect the City of Ottawa's staff position. It is our intention to bring the staff position to Council for their endorsement in the near future. We will submit the endorsed position to you immediately following Council's consideration. In the meantime, we would appreciate your consideration of these comments in this draft context.

We support the goal of a national minimum standard for municipal wastewater treatment in Canada. The proposed regulations' objectives to protect ecosystem health, fisheries resources and human health are shared and supported by the City of Ottawa. However, we submit a national minimum standard must be financially and technically practical for our municipality and the sector in general.

We have contributed, where possible, to the responses to the proposed regulations being prepared by the Federation of Canadian Municipalities, and the Canadian Water and Wastewater Association.

Generally speaking, we support the position taken by both of these organizations and will seek to obtain Ottawa City Council's endorsement of these organizations' positions.

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In addition to the positions of the two organizations, two areas of the regulations are of particular interest to City of Ottawa, combined sewage collection systems and financial support, and we will focus our response on these items.

Combined Sewage Collection Systems

The City of Ottawa's wastewater collection system has been constructed over a century, with the primary purpose of protecting public health through the collection and conveyance of sanitary wastes away from neighbourhoods and communities. The oldest portion of the City's wastewater collection system is comprised of a 120km combined sewage collection system. This type of combined sewage collection system has common characteristics of as many as 700 older communities in Canada, including the cities of Gatineau, Kingston, London, Toronto and Hamilton.

The requirement for combined sewer overflows is intrinsic to combined sewer systems in order to mitigate the risk for residential flooding. These legacy systems pose a challenge that requires attention. The Federal Government must be commended for its desire to tackle it. Provincial Ministries are also involved in this challenge. For example, Ontario's provincial Ministry of the Environment has developed the *Determination of Treatment Requirements for Municipal and Privately Combined and Partially Separated Sewer Systems*. This regulation establishes the framework within which these Ontario systems must operate in order to protect public and environmental health.

The City of Ottawa has recently developed the Ottawa River Action Plan that takes a comprehensive look at various impacts on the Ottawa River from both the City of Ottawa and the City of Gatineau from the perspective of treated wastewater effluents, stormwater discharges and combined sewage overflows to the Ottawa River. The Action Plan, which comes with a \$251-million capital cost, has benefitted from extensive public consultation with Ottawa's residents and has been reviewed and endorsed by Ontario's Environmental Commissioner. Subsequent to this endorsement, the Action Plan was approved in February by Ottawa's City Council.

Through public consultation and the municipal governance process, the residents of Ottawa have shown commitment to the protection of the Ottawa River by approving an integrated, comprehensive, efficient and risk-based approach.

This comprehensive and innovative Plan takes a watershed-based approach to protect and improve the quality of the Ottawa River. The Plan is comprised of more than 17 different projects with the bulk of the spending in the service area of combined sewage collection. The Plan includes cost-effective and quick to implement solutions based in large part on a combination of continuing sewer separation in some areas, improved collection and re-direction of combined sewage for regular rainfall events, and combined sewage storage for large wet weather events. Taken together, the Plan will see improved combined sewage collection service levels that will result in zero sanitary sewage overflows throughout the year and zero combined sewage overflows during the annual control period of April 15 through November 15 during an average year. This service level is in compliance with Ontario's relevant protocol, and with the Canadian Council of Ministers of the Environment (CCME) February 2009 proposed Municipal Wastewater Effluent Standards.

While it is difficult to determine the proposed regulation's requirements for combined sewage collection systems and their requisite overflows, it appears as though the proposed *Fisheries Act* may require complete separation of combined sewage collection systems. This was one of the options considered during the development of the Ottawa River Action Plan. However, with \$1.5-\$2.0 billion in capital costs to separate the remaining 120 kilometres of combined sewer within the City, and the 30-50 years to do this for little, if any, appreciable environmental gain, this option was not favoured by the public, the Environmental Commissioner or by Council.

Notably, the course of action for the Action Plan selected by involved parties was not the cheapest. Instead, it was deemed the most effective course of action to improve the river quality with the best return on investment that exceeds provincial regulations. This Action Plan speaks to the need for the proposed regulations to take into account specific local conditions. This can only be done through a risk-based approach, rather than prescribed standards that can only be met at a tremendous premium cost and result in only marginal improvement. If the proposed regulations would require the guarantee of no combined sewer overflows under any conditions, City of Ottawa staff believe the works required to comply will unlikely be the most effective solution to protect ecosystem health, fisheries resources and human health across the country.

We note within the CWWA's Position Statement that they are proposing to work with Environment Canada towards a National Overflows Standard. We are very supportive of this particular recommendation and would be prepared to volunteer to work collaboratively on an initiative of this nature with Environment Canada.

Funding

Cost, value for money and wise use of taxpayers' dollars are fundamental issues for all ratepayers and the City of Ottawa, the importance of which cannot be overstated. The financial impact of the proposed regulations on municipalities will fall into two categories – the capital cost of investing in new or upgraded wastewater and stormwater collection systems, treatment facilities and technologies, and the added operating costs which will be incurred annually both directly and indirectly.

A 2007 Federation of Canadian Municipalities (FCM) study set the national municipal infrastructure deficit at \$123 billion. The study also probed deeper, revealing "sub-deficits" in various classes of infrastructure, with water and wastewater systems needing \$31 billion, even before these new regulations.

The City of Ottawa is not immune to infrastructure deficits, and Ottawa City Council has made it a priority to address the needs of replacing and renewing aging systems. To that end, the City of Ottawa recently approved its 2010 annual rate budget, which covers water and wastewater services, at \$241.3 million, of which \$106.6 million is directed towards the capital renewal, rehabilitation and expansion of our drinking water, wastewater and stormwater collection and treatment systems. These systems are currently estimated to have a replacement value of \$17 billion, and this capital investment is intended to help allow the City to make progress on its strategic objective of eliminating our water, wastewater and stormwater infrastructure deficit by 2015. The ongoing burden of having to operate, maintain, replace,

renew and rehabilitate this complex system of infrastructure to meet resident and ratepayer expectation in an ever increasing regulatory environment is placing tremendous burden on municipal ratepayers.

It is our opinion that from a municipal perspective, the supplementary financial load on municipal ratepayers that could result from these proposed regulations could hinder plans, such as the City of Ottawa's, to close the existing infrastructure gap. In short, an unintended consequence of these proposed regulations could be that funds utilized on new projects to comply with the proposed regulations will be at the expense of much needed spending on infrastructure renewal. The City of Ottawa contends that a risk-based, environmentally-monitored approach would allow for a better assessment of the trade off required between diminishing rates of environmental gains and infrastructure renewal.

These cost burdens would also have to be met at a time of increasing demands on municipal services in general, in particular other environmental improvement demands such as expanded public transit systems, improvements to potable water supply, and, of course, the broad issues of social justice and equity facing modern cities.

For this reason, we suggest that a committed funding program on the part of the Senior Levels of Government will be essential to assist municipalities in general to achieve the laudable objectives contained in the proposed regulations

Summary

The City is supportive of the goals and objectives of the proposed regulations. Ottawa is a Canadian leader in wastewater effluent improvement and combined sewer overflows reduction. However, it is our position that at this time, much further work is necessary on these regulations in order to ensure that meaningful environmental improvements can be effectively implemented in a manner that does not place excessive financial burden on municipalities already struggling to provide acceptable service to our residents and ratepayers.

Respectfully submitted,

Dixon Weir, P. Eng.,
General Manager,
Environmental Services,
City of Ottawa

cc: Nancy Schepers, Deputy City Manager, Infrastructure Services and Community Sustainability
Councillor Peter Hume, Chair, Planning and Environment Committee
Councillor Marianne Wilkinson, City of Ottawa Representative for Federation of Canadian Municipalities