



Staff Report for Decision

DATE OF MEETING DECEMBER 5, 2022

AUTHORED BY DORIS FOURNIER, MANAGER, MUNICIPAL INFRASTRUCTURE

SUBJECT **Storm Sewer Regulation and Fee Bylaw**

OVERVIEW

Purpose of Report

To introduce a modernized Storm Sewer Regulation and Fee Bylaw for Council's consideration.

Recommendation

That "Storm Sewer Regulation and Fee Bylaw 2022 No. 7351" (to regulate and collect fees and fines for the storm sewer system service) pass first reading.

That "Storm Sewer Regulation and Fee Bylaw 2022 No. 7351" pass second reading.

That "Storm Sewer Regulation and Fee Bylaw 2022 No. 7351" pass third reading.

BACKGROUND

Stormwater is the water from rain or melting snow which falls on and runs off lawns, pavement, and other surfaces, that is not absorbed into the ground.

The City has a complex stormwater system that minimizes pooling and flooding during rain and snowmelt and safeguards our downstream natural environment. All catch basins, culverts, ditches, and storm sewers in the City of Nanaimo lead directly to our watercourses and then enter the Salish Sea. It's imperative to keep pollutants such as oil, paint, pesticides, and other household chemicals out of our storm sewer system to protect our environment.

Managing the system involves inspecting, cleaning, repairing, upgrading, maintaining, and replacing it as and when needed. The City is also responsible for managing the quantity and quality of stormwater before discharge. Some of the stormwater is treated at select City properties, but no major treatment facility exists like the Regional District of Nanaimo (RDN) Wastewater Treatment Plant for the sewer system.

For safe and effective management of stormwater runoff, the City has the "Stormwater Management Policy 1998", the "Storm Sewer Reg and Charge Bylaw 1990 No. 3808", and the "Manual of Engineering Standards and Specifications 2022 R14" to:

1. Minimize risk to public health and safety, as well as property damage due to flooding,
2. Minimize pollutant loadings to groundwater and surface water,
3. Regulate the quality and quality of stormwater runoff to receiving natural watercourses and waterbodies by replicating pre-development hydrologic processes; and,

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4. Ensure deleterious material discharges are minimized to protect aquatic life and wildlife.

The existing "Storm Sewer Regulation and Charge Bylaw 1990 No. 3808" bylaw is currently thirty-two (32) years old, and is creating enforcement as well as cost recovery issues (Attachment B). In keeping with the Governance Excellence section of Council's 2019 – 2022 Strategic Plan and action item to modernize Council's bylaw, Staff from Engineering & Public Works (E&PW), as well as Legislative Services, developed new provisions that were also reviewed by the City's Solicitor to modernize the standards with specific consideration given to:

1. Amendments that would meet updated regulations,
2. Specifications similar to that of other jurisdictions, governing organizations, current best practices and community expectations;
3. Environmental responsibility; and,
4. Amendments to clarify wording and interpretation.

The proposed bylaw "Storm Sewer Regulation and Fee Bylaw 2022 No. 7351" (Attachment A), provides direction and requirements for the City's Storm Sewer System. It has three main focuses:

1. To regulate the discharge to natural watercourses and drainage works,
2. To control connection/extension to the storm sewer system; and,
3. To impose and collect fees and fines for the storm sewer system service.

DISCUSSION

The City Public Works (PW) staff work to manage the City's stormwater system responsibly. This means they regularly inspect, maintain, and improve our system. PW staff also respond to complaints about nuisances and flooding as well as illegal or incorrectly constructed services and main extensions. PW staff have noticed during their inspections over the past few years that some connections and extensions of the storm water system were completed incorrectly with unapproved construction practices. The City has also inherited old and outdated stormwater mains and services from the City's amalgamation with area districts in 1975.

PW staff also investigate water pollution discharged to the City's watercourses and waterbodies and then to the Salish Sea. Examples include soil, sand, silt, mud, building waste concrete, paint, green waste, oil and gas, and driveway cleaning runoff which have been released into the storm water system. Staff have to deal with spill mitigation that involves searching for the source and working with Coast Guard, Snuneymuxw First Nations, Fisheries and Oceans Canada, Ministry of Environment, and Nanaimo Port Authority. Once the source has been identified, PW staff spend a considerable amount of time to stop the source of the spill, commence cleaning operations, and identify the offender for cost recovery.

It is proposed that the "Storm Sewer Regulation and Charge Bylaw 1990 No. 3808" bylaw be repealed and replaced with an updated (2022) bylaw to deal with the issues listed above. More specific features of the proposed bylaw include:

Section 2 – Interpretation

This section provides modernized and added definitions for clarity.

Section 5 – Connection and Section 6 – Storm Sewer Extension

Section 5 requires permits and inspection by the General Manager or designate of the storm sewer system connection, as well as regulates and provides lists of fees and fines for a connection. No connection/extension to the system can be completed without a permit in Section 6.

Section 9 – Discharge to the Storm Sewer System

This section contains a detailed list of non-approved discharges to the storm sewer system that would damage/compromise the storm sewer system and the environment. If a property owner is responsible for such a discharge, they must take corrective action. The General Manager can arrange for remedial action at the expense of the property owner if correction actions are not taken.

Section 10 – Access

This section ensures that there are no obstructions to the storm water system. PW staff can have access to City storm drainage on private property. The General Manager can arrange for removal of obstructions.

Section 11 – Failure of Service Connection

This section provides more clarification on regulations, requirements, and fines for owners of a failed service connection. The General Manager can arrange for repair of the service at the expense of the property owner if needed.

Section 14 – Erosion and Sediment Control

This section provides details of the Erosion and Sediment Control Plan and requires property owners to obtain an approved plan, as per City standards and guidelines, before starting any works.

Section 15 – Fees for Service

Schedule A lists connection, disconnection, temporary connection, and extension fees to be “At Cost” except for the Erosion and Sediment Control plan fee at \$250. The fees under the previous bylaw are out of date and not cost neutral.

Section 16 – Default and Recovery Costs

Though this bylaw, if a property owner fails to take the required action(s), the City could recover costs for completed works at the expense of the property owner. Unpaid charges shall be deemed to be taxes in arrears and may be recovered.

Section 17 – Disconnection

This section provides authority for the General Manager to disconnect a service connection should a property owner be found in contravention of this bylaw. Prior to any disconnection, the property owner would be given an opportunity to appear before Council to have the matter reconsidered by Council through the recently adopted “Appeals Procedure Bylaw”.

Section 18 – Inspection

This section allows City PW staff to inspect the premises as well as test the quantity and nature of water being discharged to storm drainage from a private property.

Section 19 – Violation and Penalty

The Section 19 penalty language was updated with the same violation and penalty language contained in other regulatory bylaws.

Should Council consider giving first three readings to the Bylaw, an amendment to the “Bylaw Notice Enforcement Bylaw 2012 No. 7159” will be required to include any fines for bylaw infractions. That bylaw will come forward to a subsequent meeting. Fines will range from \$250 to \$500..

OPTIONS

Option 1

That “Storm Sewer Regulation and Fee Bylaw 2022 No. 7351” (to regulate and collect fees and fines for the storm sewer system service) pass first reading.

That “Storm Sewer Regulation and Fee Bylaw 2022 No. 7351” pass second reading.

That “Storm Sewer Regulation and Fee Bylaw 2022 No. 7351” pass third reading.

- The advantages of this option are that it will permit the City to regulate, collect at-cost fees, and issue adequate fines for the storm sewer system service.
- There are no disadvantages for the City with this option.

Option 2

That Council provide staff with alternate direction.

- There are no direct advantages to this option.
- The disadvantages to this option are that the City would continue to incur costs for installation of new services, will have limited ability to impose fines for illegal discharge to the storm sewer system, and there could be possible environmental impacts that may affect aquatic life, wildlife, and human life.

SUMMARY POINTS

- The existing “Storm Sewer Regulation and Charge Bylaw 1990 No 3808” bylaw is 32 years old and out of date. It is creating enforcement as well as cost recovery issues.
- The City has undertaken a collaborative and comprehensive revision process to prepare the proposed bylaw.
- The proposed “Storm Sewer Regulation and Fee Bylaw 2022 No. 7351” is attached for Council consideration of first three readings.

ATTACHMENTS:

Attachment A – Storm Sewer Regulation and Fee Bylaw 2022 No. 7351

Attachment B – Storm Sewer Regulation and Charge Bylaw 1990 No. 3808

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