

Review of test maintenance hole requirements under the Sewer Use By-law (2010-188)

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Recommended by:	General Manager of Growth and Infrastructure

Report Summary

This report provides recommendations regarding a request to review the test maintenance hole requirements of Sewer Use By-law (2010-188) in response to Resolution OP2024-06 from the March 25, 2024, Operations Committee Meeting.

Resolutions

Resolution 1:

THAT the City of Greater Sudbury directs staff to prepare a by-law to amend the Sewer Use By-law (2010-188) to include the definition of a “multi residential building” as a residential building containing 11 or more dwelling units as outlined in the report entitled “Review of test maintenance hole requirements under the Sewer Use By-Law (2010-188)” from the General Manager of Growth & Infrastructure, presented at the Operations Committee meeting on June 17, 2024.

Resolution 2:

THAT the City of Greater Sudbury directs staff to provide exemptions to the requirement to install a test maintenance hole to commercial establishments which could be considered low risk on a case-by-case basis, as determined by the General Manager of Growth & Infrastructure as outlined in the report entitled “Review of test maintenance hole requirements under the Sewer Use By-Law (2010-188)” from the General Manager of Growth & Infrastructure, presented at the Operations Committee meeting on June 17, 2024.

Relationship to the Strategic Plan, Health Impact Assessment and Climate Action Plans

This report refers to operational matters identified by the Future-Ready Development Services Ad-Hoc Committee and the Planning Committee.

Financial Implications

There are no financial implications associated with this report.

Background

The Sewer Use By-law proscribes the discharge to sanitary sewer of matter that can result in public health and safety hazards, environmental damage and interference with the operation and maintenance of wastewater collection and treatment plants. Plants will often see contaminants, such as motor oil, enter with the raw wastewater, and create serious operational issues at those plants for days. By its nature, the wastewater collection system is difficult to access with few sampling points throughout. Follow-up investigations can prove difficult in pinpointing sources of contamination.

A test maintenance hole is a type of monitoring access point generally located near the property line of a connected building that allows for the observation, sampling, and flow measurement of sewage as it enters the wastewater collection system. A test maintenance hole is not shared with neighbouring properties, thereby providing an accurate monitoring point for the City to sample from a discrete single source.



Test Maintenance Hole with Sampling Equipment (left) and Waste Motor Oil Found in Maintenance Hole (right)

Analysis

The current Sewer Use By-law (2010-188) requires a test maintenance hole be installed for multi-residential buildings with one or more connections to the sewage works along with Industrial, Commercial, and Institutional (ICI) properties. The average cost of installation depends on several factors but is typically in the range of \$10K to \$15K. Once installed the test maintenance hole can be used by the City to monitor wastewater for prohibited, restrictive and surcharge parameters, as per the by-law.

The current by-law does not quantify the number of residences that would trigger the condition to construct a test maintenance hole. The cost of installation could present financial hardship to some residents, and these residences represent a very low risk to public health, the environment, and the operation of our systems.

To determine best practices, a comparison of twenty-one (21) municipalities was undertaken. This review showed that there is no consistency across the province for how a “multi-residential” unit is defined. There

are separate examples of the definition being residential buildings with between three to five (3-5) dwellings and examples where the term is undefined and the decision to install a test maintenance hole is at the sole discretion of staff. There also appears to be no relationship between the population density in a community and the requirement for a test maintenance hole.

Bill 23, the “More Homes Built Faster Act” (2022) exempts development of residential buildings with 10 units or less from the Site Plan Control process. The Site Plan Control process is a planning tool that a municipality uses to evaluate and require certain site elements, such as walkways, parking areas, landscaping, and functional design, such as grading and stormwater management. These elements are more detailed than the Zoning By-law typically accounts for and site plan control is the appropriate process through which the details of the installation of a test maintenance hole should be considered. Requiring test maintenance holes for projects with 10 or fewer units may cause delay, as these are typically projects that require a zoning by-law amendment to permit the built form or density. These zoning by-law amendments require staff to include, as a condition of approval, that a test maintenance hole be installed as the project is exempt from Site Plan Control. It may also create a financial risk for developers as they would be required to install the test maintenance hole prior to the passing of a zoning by-law amendment.

In terms of risk management for the wastewater system, allowing the development of 10 or fewer residential units without a test maintenance hole is considered low risk by staff. This density and form of residential development is not conducive to uses or activities that would cause a contravention of the Sewer Use By-law 2010-188, such as the flushing of biohazardous materials or chemicals. In order to harmonize the Site Plan Control process and water/wastewater requirements, and to reduce risk to both developers and the City, a “multi-residential building” should be defined as a development with 11 units or more for the purposes of the Sewer Use By-law (2010-188).

When examining the possibility to provide exemptions from test maintenance hole requirements based on the type of business being performed at a commercial site, the possibilities for future use must be considered. A scenario where the current use of a commercial site, or proposed use of a premises yet to be constructed, is assessed as low risk to wastewater collection systems does not preclude the possibility that future land use will present a higher level of risk.

As future land use cannot be predicted, it is recommended that no general exemptions be provided and that variances to the bylaw are only granted under exceptional circumstances by the General Manager of Growth and Infrastructure.

Conclusion

Smaller size residential projects and some commercial projects create substantially less risk of non-compliance, within the scope of concerns applicable to the Sewer Use By-law than larger projects and may impose financial hardship on the residents. The Site Plan Control process is a reasonable land use application process where staff could review projects to determine the extent to which a risk under the Sewer Use By-law could be mitigated with the use of a test maintenance hole.

Resources Cited

1. City of Greater Sudbury By-law 2010-188, “*A by-law to prohibit, regulate and control discharges into bodies of waters within City boundaries or into the City sanitary sewers, storm sewers, sanitary sewage works and all tributary sewer systems*” also known as the “*Sewer Use Bylaw*”.
2. Ontario Bill 23, “*More Homes Built Faster Act*”, 2022.