



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 18, 2018
SUBJECT/REPORT NO:	Enforcement of Section 7.1(b) of the Yard Maintenance By-law Prohibiting Discharging Pool Water to Sewers (PED18216) (City Wide) (Outstanding Business List)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Luis Ferreira (905) 546-2424 Ext. 3087
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That enforcement of section 7.1(b) of the Yard Maintenance By-law (YMBL) 10-118, which prohibits owners or occupants of properties to discharge water from their swimming pools, hot tubs and other chemically treated water features into a sanitary sewer, storm sewer unless it complies with the Sewer Use By-law (SUBL) 14-090, be reinstated;
- (b) That section 7.1(b) of the Yard Maintenance By-law 10-118 be included in Table 13 of the Administrative Penalties System (APS) By-law 17-225;
- (c) That the item respecting the validity of regulation 7.1(b) of the Yard Maintenance By-law be identified as complete and removed from the Planning Committee Outstanding Business List.

EXECUTIVE SUMMARY

At its meeting of July 13, 2018, Council approved Item 6 of Planning Committee Report 18-011, Expanding the Administrative Penalties By-law (APS) to include the Yard Maintenance By-law (YMBL) 10-118 as Table 13 to the APS By-law 17-225.

The report and amending by-law was approved with the exception of item 26 of Table 13 of the By-law which was TABLED until staff reviewed regulation 7.1(b) which

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prohibits owners or occupants of properties from discharging chlorinated water from swimming pools, hot tubs and other chemically treated water features into a sanitary sewer, storm sewer (located out on the roadway) unless the SUBL is complied with and reported back to Committee on the validity of the By-law.

The current By-laws were developed to protect the environment and the City's water systems. As per the SUBL, water from swimming pools may only be discharged into the City's sewer system (catchbasins) out on the roadway if it has been de-chemicalized and is not salt water. Generally speaking, chlorinated water from pools and spas should be released onto the owner's property in a manner that promotes absorption through the ground and salt water pools must only be discharged into a household drain (e.g., laundry tubs, sinks, showers, tubs and utility closets). Water discharged in this manner goes through the City's treatment facility prior to being released into the City's natural waterways. Discharging contaminated water directly into the City's street sewer systems bypasses treatment facilities centers, ending up in the rivers, creeks and other natural water courses unfiltered causing substantial environmental damage and injury to wild life.

In reviewing the various by-laws and in consultation with Public Works staff and the Environment Monitoring and Enforcement who support the current regulation, staff is seeking Council's approval to enforce section 7.1(b) of the YMBL.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial Staffing/Legal: N/A

HISTORICAL BACKGROUND

The YMBL was enacted in 2010 with an amending By-law 12-070 enacted by Council on March 28, 2012, prohibiting owners or occupants of properties from discharging water from swimming pools, hot tubs and other chemically treated water features into the City's (catchbasins) street sanitary sewer, storm sewer unless the SUBL is complied with.

At its meeting of July 13, 2018, Council directed staff not to enforce section 7.1(b) of the YMBL which speaks to the discharging of swimming pool water into the City's sewer system until staff report back on its validity.

This Report speaks to the rationale behind the regulations and desire to limit the negative impact on the environment, wild life and the City's drinking water.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Public Works, Environment Monitoring and Enforcement and Jameson Pools were consulted in the preparation of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

City of Hamilton has different types of sewers:

- (1) A sanitary sewer system carries the water from drains and toilets to the City's wastewater treatment plant before it is released into Lake Ontario;
- (2) Hamilton also has storm sewers which carry rain and melted snow away from houses and roads through large grates on the ground, known as catchbasins. Anything entering a catchbasin enters the storm sewer system and goes directly into the nearest waterway and, eventually, Lake Ontario. This water, referred to as stormwater, is not treated; and,
- (3) In some older parts of the City, there is a combined sanitary and storm sewer system. During times of heavy rain these sewers may overflow, wastewater may mix with stormwater and may even be discharged into Lake Ontario without proper treatment.

The YMBL requires owners and occupants of land to maintain their property to an acceptable standard, free of refuse and debris while prohibiting and regulating public nuisance matters. An amendment to the YMBL was enacted by Council in 2012 that prohibited the discharging of swimming pool water into the City's sewer system unless complied with the regulations found in the SUBL.

Section 7.1(b) of the YMBL was intended to keep harmful, chemically treated water out of the City's sewer systems (catchbasins) located out on the street which travel directly to natural water sources like streams, rivers, creeks and lakes, bypassing any treatment plant.

A private swimming pool, hot tub or spa owner and anyone in the business of servicing such things are responsible and have a legal obligation to safely maintain and operate the pool, hot tub or spa in compliance with the Property Standards By-law, the SUBL and the YMBL with regards to the proper way to discharge the water.

Section 4.1, subsection (f), (g), (i) and (k) of the SUBL prohibits discharging water into the City's sewer system (catchbasins) located out on the street that would result in:

- a hazard to or harm of any person, animal, property or vegetation;
- impairment of the quality of the water in any watercourse;
- an offensive odour to emanate from the sewer works, including but not limited to sewage containing hydrogen sulphide, carbon disulphide, or other reduced sulphur compounds, amines or ammonia in such quantity as may cause an offensive odour; and,
- failure of any discharge from the sewer works to comply with the requirements of an environmental compliance approval or with Federal or Provincial legislation.

The SUBL goes further by providing two schedules within the By-law, (B and C) containing a list of chemicals and the permitted threshold levels for safe discharging into the City's sewer system (catchbasins) located out on the street.

Therefore, the SUBL permits the discharging of chlorinated pool water into the City's sewer system provided the chemical levels are below the prescribed threshold levels contained in Schedules B and C of the SUBL.

Section 7.1(b) of the YMBL supports and complements the SUBL by stating the following:

- 7.1 Every owner or occupant of property shall ensure that water from swimming pool, hot tub, spa, water feature, rain barrel or similar water container is not drained:
- (a) on to an adjacent property;
 - (b) into a sanitary sewer, a storm sewer or a combined sewer unless the Sewer Use By-law is complied with.

To clarify, discharging pool water into the City's sewer system (catchbasins) is only a violation if the chemical composition exceeds the threshold prescribed in Schedules B and C of the SUBL.

The City of Hamilton has a responsibility to ensure compliance with the SUBL, the YMBL and to protect the environment. This may include inspections, examinations and collection of water samples for analysis. If necessary, the City may also order corrective measures under the authority of the SUBL.

Since the enactment of the amending By-law in 2012 to the YMBL, prohibiting discharging swimming pool water into the City's sewer system, no complaints have been received and no investigations have been conducted resulting in no charges being laid by Licensing and By-law Services. This may be in large due to the Public Works

educational campaign including a very informative brochure on how to empty swimming pools the right way, private pool owner responsibilities, the City of Hamilton's responsibility and the environmental impact. The brochure describes the different sewer systems and the harmful effects that chemically treated and salt water swimming pools have on fish and organisms that live in creeks and rivers across Hamilton.

The water in swimming pools require high levels of chemicals to remain clear and safe. The main chemicals found in pools are chlorine, bromine, salt, copper-based algaecides, nonylphenols and nonylphenol ethoxylates.

The preferred way to empty chlorinated pool water is to discharge it onto the ground within the private property. Chlorine pools can be emptied onto the property providing it absorbs into the ground. Consider the slope and surface of the property and the rate which water is discharged from the pool to ensure it is absorbed into the ground and not running towards a neighbouring property. It is also safe to discharge chlorinated water directly into the private resident's sanitary drains (e.g., toilets, sinks, shower, tub or utility closets) as this water is directed to a treatment plant before redirecting into our natural water systems.

If the property owner chooses to discharge chlorinated pool water into the City's sewer system, (non-household drain) the water from the swimming pool must first be dechlorinate and allow for other chemicals to dissipate. This can be done by running the pool for approximately two weeks allowing the sun to naturally break down the chemicals. For an immediate option, chlorine neutralizers such as Sodium Thiosulfate are available at most pool supply stores.

Salt water swimming pools, because they have such a high level of chlorides, must only be discharged to a private property household sanitary drain or hauled away by a Ministry of the Environment approved water hauler.

Having section 7.1(b) of the YMBL, enforced along with the other contraventions of the YMBL, not only supports the City's initiatives for Health and Safety and Clean and Green but provides the ability to address the most egregious of violators to ensure the protection of the environment, wild life and residents.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

APPENDICES AND SCHEDULES ATTACHED

N/A

KL:LF:st