



Disclosure of Toxic Spills and Leaks

Date	May 25, 2022
To	Executive Committee
From	Citizen Services
Service Area	Water, Waste & Environment
Item No.	EX22-69

RECOMMENDATION

That Executive Committee receive and file this report.

ISSUE

On September 29, 2021, City of Regina (City) Council passed *Disclosure of Toxic Spills and Leaks* (CR21-131) to implement the proposed changes to the City's spill reporting procedures. The following report provides a detailed update of work requested during the aforementioned Council meeting including, but not limited to, the Environmental Discharge & Release report, the semi-annual Sewer Source Control Report, and an update on the Water Quality Advisory Committee.

IMPACTS

Financial Impact

The additional ask made in CR21-131 regarding the semi-annual Sewer Source Control Report, Water Quality Advisory Committee, and helping implement environmental enforcement efforts, will require an additional permanent senior scientist position to oversee the work and implement new environmental strategies. A request for this funding will come through the budget process if reallocations cannot be determined.

Policy/Strategic Impact

The update is consistent with the City's goals of maintaining transparency while meeting regulatory obligations and fostering economic growth.

Environmental Impact

The update in this report has limited direct impacts on energy consumption and greenhouse gas emissions. No changes to how spills and releases are prevented or contained occurred. However, the environmental data is now more readily available. Through increased awareness of the City's wastewater and drainage systems and associated impacts and costs, it is expected that fewer incidents may occur in the future.

Legal/Risk Impact

The update emphasizes existing legislative/jurisdictional responsibility for the environment and reporting of discharges to the environment. Discharges are currently regulated by the Saskatchewan Ministry of Environment (MOE) and cases where spills impact fish, or fish habitat, are regulated by Environment and Climate Change Canada (ECCC).

The update balances existing legislative requirements and standardized practices within Saskatchewan and Canada with the City's desire to see increased public reporting. The authority "to collect, process, correlate, store and publish data on ... activities that have or may have an adverse effect, including discharges and waste management" is expressly given to the MOE under s. 3(2)(c)(ii) of *The Environmental Management and Protection Act, 2010* and the MOE maintains the Saskatchewan Spills Database. Therefore, any public interest in disclosure of spills and discharges is already being served by the government entity which is legally authorized to fulfill that role. The City is, therefore, only reporting spills that have occurred on City property or may have resulted in damage to City property in accordance with *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP).

Names and addresses of individuals must be protected under LA FOIP. Other information may be disclosed or not disclosed in accordance with the requirements of LA FOIP. Corporate Information Governance has reviewed both the annual Environmental Discharge & Release Report and the semi-annual Source Control Report (attached) and removed any information that is protected under LA FOIP.

This update allows the City to be more transparent with the public while ensuring privacy laws are maintained. This report takes into consideration the need for evidence of who was responsible for releases when the releases pose no risk to the public prior to public

notification.

When a responsible party has been identified, the costs associated with a release to the environment, or the sewer system will not be included in the attached reports until such time, as the City has recouped those costs and/or litigation has occurred. This delay in reporting the costs will ensure the legal process is not hindered and increases the likelihood of payment should the City need to go through the court system.

OTHER OPTIONS

No other options were discussed with respect to this report.

COMMUNICATIONS

The City will be sharing environmental spill/release and sewer source control information publicly on Open Data to ensure the City is transparent and to increase trust within the community. The Water Security Agency (WSA), EPCOR and regulating bodies have been informed of the City's communications framework and are supportive of the changes.

Administration has leveraged the knowledge of the Director of Indigenous Affairs to help foster communication between the City and First Nations groups that have expressed an interest in the Water Quality Advisory committee. The Water Quality Advisory Committee is being established and further details are provided in this report.

DISCUSSION

Environmental Regulations and *The Wastewater & Storm Water Bylaw*

The Government of Saskatchewan and the Government of Canada have jurisdiction over environmental legislation and regulation in Regina. The key piece of provincial legislation is *The Environment Management and Protection Act, 2010*.

Both levels of government have a robust regulatory framework and reporting structure that use a risk-based framework to set limits for compounds in the environment to protect animal, plant and human life. Until compounds enter the environment at a level above regulatory criteria, such compounds are not considered spills or releases by the regulators.

Rigorous science-based regulations are in place federally and across all provinces that define what constitutes acceptable public risk based on best practice scientific principles. In situations where releases occur, the City works with the offending party to clean up the spill and ensures

the offending party pays for the cleanup. In the event the offending party cannot be identified, the City cleans up the spill at the City's cost.

The City regulates what enters the City's wastewater and stormwater system through *The Wastewater and Storm Water Bylaw, 2016, Bylaw No. 2016-24* (Bylaw). The Bylaw is publicly available on the City's website. This Bylaw specifically outlines what can and cannot be disposed of into the wastewater and storm water system with the goal of protecting the City's infrastructure and the receiving environment. Penalties for violating the Bylaw are up to \$25,000 for a corporation or \$5,000 for an individual. These fines are the maximum sums allowed by *The Cities Act*. A breach of the Bylaw can result in a prosecution where the offender is before a court and evidence is presented. If convicted, it is the court that imposes the fines. The City does not have the authority to impose a fine without a conviction in a court.

All of the sewer source control programs are governed by the Bylaw. In 2016, *The Sewer Service Bylaw*, Bylaw No. 5601 was repealed and replaced with the current Bylaw. The Bylaw contains substantial updates from the previous bylaw. The changes were made based on the City's new biological nutrient removal processes and requirements at the Wastewater Treatment Plant (WWTP), through comparison to other municipalities, and industry best practice (Canadian Council of Ministers of the Environment – Canada-wide Strategy for the Management of Municipal Wastewater Effluent).

The current Bylaw is more restrictive in terms of prohibited substances, restricted substances and allowed substances and concentrations of those substances into the wastewater sewer system, but still takes into consideration realistic industrial, commercial, institutional (ICI) wastewater quality. When the Bylaw came into effect in 2016, the City with Council approval implemented a two-year phase in approach to allow businesses time to introduce the necessary changes to meet the new Bylaw.

Wastewater System

The City operates two separate sewer systems (Appendix A). The storm water sewer system collects runoff from precipitation events and directs the untreated water to Wascana Lake or Wascana Creek.

The wastewater sewer system collects wastewater (i.e. sewage) from residents, commercial business, institutions, and industries across the city. Wastewater is pumped to the WWTP for treatment before being released into Wascana Creek, west of Regina.

The wastewater system operates under a Permit to Operate and is regulated by the WSA, the provincial regulator. The WSA regulates all municipal water and wastewater systems in

Saskatchewan. The City's Permit to Operate contains specific requirements about how the City must operate the wastewater system and dictates when public reporting is required. In addition to the requirements of the WSA, the City operates the wastewater system, including any discharges, in accordance with all other applicable federal or provincial laws.

EPCOR currently operates and maintains the City-owned WWTP and the City-owned hauled wastewater station. The City and EPCOR both conduct extensive sampling within the wastewater sewer system, the WWTP and in Wascana Creek. This testing serves four main purposes:

- to comply with the City's Permit to Operate from the WSA
- to monitor the effects that the City has on surface water in and around Regina
- to monitor the wastewater sewer system for potentially harmful compounds that could adversely impact the WWTP
- to gather information to help the City and EPCOR effectively operate collection and treatment systems

EPCOR performs approximately 15,000 analyses per year on routine laboratory testing. The testing includes a combination of regulatory, quality control, process control, and downstream creek samples. Approximately half of the samples are required by the City's contract or regulators, the remaining samples are related to source control initiatives and process control. Additional testing is also conducted when the WWTP experiences influent contamination, this testing is charged back to the City. The City would then recoup costs from the offending party.

Reports and Open Data

Awareness and transparency have improved by providing information to the public so they can understand the City's process and become more informed on matters related to the WWTP final effluent, sewer releases, wastewater agreements and spills to the environment. Administration has begun posting the below data on Regina's Open Data website (Open Data). The information will be updated annually and will include:

- wastewater effluent quality results (as per the WWTP's Permit to Operate) including records dating back to 2014
- results of Wascana Creek water sampling events
- information gathered for the Permit to Operate for the WWTP that has been reported to the WSA starting in 2021
- all wastewater agreements from 2021 onward, in accordance with requirements in LA FOIP, *The Cities Act*, and other applicable legislation
- the annual Discharge and Release Report, attached, detailing spills to the environment that occurred over the previous year as well as the associated cleanup

costs and actions that the City of Regina took following the spill

A report detailing the actions Administration has taken to improve sewer source control and reduce the impact businesses have on the wastewater collection and treatment system is attached and will be provided semi-annually to Executive Committee.

Water Quality Advisory Committee

Administration is working with community partners and groups to improve relationships and share information on the health of Wascana Creek and the downstream Qu'Appelle Watershed. Invitations to the Committee have been sent out and responses indicating a willingness to participate have been received. First Nations, the University of Regina, the MOE, the WSA and various community groups, including the Calling Lakes Eco Museum, have indicated interest and will be included in the Committee.

With advice from the Director of Indigenous Affairs, Administration has met with an Elder helper and developed a plan to engage with First Nations to ensure all the appropriate individuals have the option to participate in the Committee. The Administration has had a meeting with the Calling Lakes Eco Museum to share information and continue building relationships and developing partnerships. Administration has also attended the Wascana & Upper Qu'Appelle Watershed Association Taking Responsibility annual general meeting.

Downstream Notification

Administration has implemented a reporting system to alert downstream users when the City becomes aware of a spill into Wascana Creek or Wascana Lake that could affect downstream users, in accordance with the City's Permit to Operate from WSA. The reporting system, Notify Now, uses a mass notification system to send out a text message to a predetermined set of phone numbers. Downstream users were identified in consultation with the WSA and based on groups, municipalities and businesses that may be negatively affected by a spill into Wascana Creek or Wascana Lake.

Notification will occur when either a regulatory body directs the City to notify downstream users or Administration has assessed the situation and deemed the spill likely to affect downstream users. More detailed information on this process can be found in the Annual Environmental Discharge and Release Report (Appendix B). This process considers the risk to the public, and environment and notifies potentially affected parties when required without desensitizing them with numerous notifications. It is important that the effects of any spill are understood, and the tangible risks are appropriately communicated to avoid generating unnecessary fear or confusion for the general public. With the increased reporting through the Environmental Discharge and Release Report,

the information will be more accessible to the public, including downstream users.

Conclusion

Administration believes that this approach meets the intent of the motion by increasing transparency while protecting against desensitization and maintaining privacy rights. The updates ensure continuity between all levels of government and regulations while improving transparency and awareness.

DECISION HISTORY

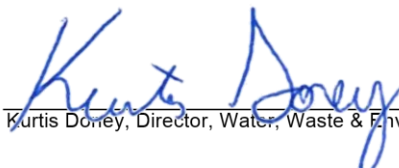
On August 26, 2020, City Council considered motion *Public Disclosure of Toxic Spills and Leaks* (MN20-16) and requested Administration come back with a plan to improve transparency and notification of spills to the environment and sewer system and passed recommendations to improve transparency in regard to the City's wastewater source control program, creek sampling data, and spills onto public lands.

On September 29, 2021, City Council approved the City's recommendation on how to improve transparency in regard to the City's wastewater source control program, Creek sampling data, and spills onto public lands.

On September 29, 2021, City Council also requested that semi-annual reports be brought to Executive Committee on the City's wastewater source control program and the development of a Water Quality Committee.

Respectfully submitted,

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Kurtis Doney, Director, Water, Waste & Environment

5/9/2022



Kim Conra, Executive Director, Citizen Services

5/11/2022

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ATTACHMENTS

Appendix A - Water, Wastewater and Drainage System

Appendix B - Annual Environmental Discharge and Release Report

Appendix C - Semi-Annual Source Control Report