

Authority: Item 5, Public Works Committee
Report 13-009
CM: August 16, 2013

Bill No. 211

CITY OF HAMILTON

BY-LAW NO. 13-211

To Amend the Sanitary Surcharge and Wastewater Abatement By-law No. 03-272

WHEREAS on September 24, 2003, the Council of the City of Hamilton passed and enacted By-law No. 03-272, known and referred to as "The Sanitary Surcharge and Wastewater Abatement By-law";

AND WHEREAS on the 13th day of February, 2013 the Council of the City of Hamilton did approve of Item 2 of Public Works Committee Report 13-002 and did direct that The Sanitary Surcharge and Wastewater Abatement By-law be amended to reflect that the calculation used for determining potential eligibility for the wastewater abatement program only include water provided from the municipal water supply;

AND WHEREAS on the 16th day of August, 2013, the Council of the City of Hamilton did approve of Item 5 of Public Works Committee Report 13-009 and did direct that The Sanitary Surcharge and Wastewater Abatement By-law be amended to reflect some additional technical and housekeeping amendments as set out in this by-law;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Section 1 of By-law No. 03-272 is deleted and replaced with the new Section 1 as follows:

Definitions

1. In this By-law,

“Abatement” means a credit on the Sanitary Surcharge amount paid by the Consumer, as approved by the City under the wastewater abatement program described in this By-law;

“Annual Administration Fee” has the meaning assigned in sub-section 22(b) of this By-law;

“Application” has the meaning assigned in section 10 of this By-law;

“City” means the City of Hamilton;

“City of Hamilton Water and Wastewater Arrears Policy” means the policy approved by the Council of the City of Hamilton at its meeting of October 24, 2007 as Item 9(a) of Audit and Administration Committee Report 07-012, as amended or re-enacted from time to time, and any successor to such policy. This policy may be found at the Office of the City Clerk for the City of Hamilton;

“City of Hamilton Water Leak Adjustment Policy” means the policy approved by the Council of the City of Hamilton at its meeting of December 12, 2007 as Item 11(a) of Audit and Administration committee Report 07-015, as amended or re-enacted from time to time, and any successor to such policy. This policy may be found at the Office of the City Clerk for the City of Hamilton;

“City of Hamilton Water and Wastewater Consecutive Estimated Accounts Policy” means the policy approved by the Council of the City of Hamilton at its meeting of May 13, 2009 as Item 9 of the Audit and Administration Committee Report 09-008, as amended or re-enacted from time to time, and any successor to such policy. This policy may be found at the Office of the City Clerk for the City of Hamilton;

“combined sewer” means a sewer intended to function simultaneously as a storm sewer and a sanitary sewer;

“Commercial” means of or pertaining to retail and wholesale sales of food grown on a farm, manufactured goods and/or services;

“Consumer” means either a Commercial or Industrial ratepayer who is responsible under the Waterworks By-law and this By-law for paying fees and charges respecting water supplied by the City of Hamilton and wastewater services provided by the City of Hamilton;

“Director” shall mean the Director of Hamilton Water, Public Works Department, for the City of Hamilton, the person duly authorized to act in his or her stead, or his or her successor;

“General Manager of Finance and Corporate Services” means the General Manager of Finance and Corporate Services for the City or the persons the General Manager may designate from time to time to act in his or her stead for purposes of this By-law, or successor;

“General Manager of Public Works” means the General Manager of the Public Works Department for the City or the persons the General Manager may designate from time to time to act in his or her stead for purposes of this By-law, or successor;

“Industrial” means of or pertaining to the manufacturing, producing or processing of anything, or the research or development in connection with the manufacturing, producing or processing of anything;

“Initial Application Processing Fee” has the meaning assigned in section 10 of this By-law;

“potable water” means water that is fit for human consumption;

“potable water supply” means potable water supplied by the City;

“sanitary sewage system” means,

- (i) the buildings, structures, plant, machinery, equipment, appurtenances, devices, conduits, outlets, underground pipelines

and installations, and other works designated for the collection and treatment of sanitary sewage by the City, and

- (ii) includes lands appropriated for such purposes and uses;

“sanitary sewage works” means,

- (i) all sanitary sewers, sanitary sewer systems, pumping stations, sewage treatment plants, and
- (ii) includes combined sewers, sanitary private drains and other works for the collection, acceptance, transmission, treatment and disposal of sanitary sewage;

“Sewer Use By-law” means By-law R89-049 of the City of Hamilton, as amended or replaced from time to time;

“stormwater” means water from rainfall or other natural precipitation or from the melting of snow or ice or drainage from land or a watercourse;

“Supplementary Application Fee” has the meaning assigned in section 11 of this By-law;

“water rate” means the fees and charges established by the City of Hamilton under By-law R84-026; and

“Waterworks By-law” means By-law R84-026 of the City of Hamilton.

2. Section 11 of By-law No. 03-272 is amended by deleting subsections (a) to (i) inclusive and replacing them with the new subsections (a) to (m) as follows:

- (a) volume of incoming water to the property from all sources including but not limited to private wells and reservoirs, stormwater, and water from a watercourse such as a lake, harbour, stream, river, pond or spring;

- (b) volume of potable water purchased by the Consumer from the potable water supply;
 - (c) volume of water discharged to a sanitary sewage works that was purchased by the Consumer from the potable water supply;
 - (d) volume of water discharged to a sanitary sewage works that was not purchased by the Consumer from the potable water supply;
 - (e) water consuming processes/products;
 - (f) wastewater volumes diverted from the City's sanitary sewage works;
 - (g) a certification of the water balance for the Consumer's account, which shall cover a minimum period of five calendar days over a minimum of three separate occasions and shall include at least one balance showing seasonal variation, including activities such as shutdowns;
 - (h) sewer flow monitoring (if required by the Director);
 - (i) data on the quality of wastewater discharge to the City's sanitary sewage works, where available;
 - (j) water billings by the City;
 - (k) quantity of products produced by the Consumer;
 - (l) seasonal variations; and
 - (m) other related information as required by the Director.
3. Section 13 of By-law No. 03-272 is deleted and replaced by the following new Section 13:
13. To qualify for an Abatement, the volume of water that was sourced from the potable water supply and diverted from the City's sanitary sewage works in a calendar year must be at least 25% of the measured volume of water purchased by the Consumer from the potable water supply.

4. Section 14 of By-law No. 03-272 is deleted and replaced by the following new Section 14:

14. For the purposes of calculating the volume of water that was sourced from the potable water supply and diverted from the City's sanitary sewage works by a Consumer, as set out in section 13, the amount of water or wastewater that is discharged to a storm sewer which is routed to a City wastewater treatment plant for treatment shall be deemed to not be diverted from the City's sanitary sewage works.

5. Section 15 of By-law No. 03-272 is deleted and replaced by the following new Section 15:

15. No Consumer is entitled to an Abatement:

(a) solely because the Consumer's property is exempt under the *Assessment Act*, R.S.O. 1990, Chapter A.31;

(b) to the extent the water supplied to the Consumer's property is not purchased by the Consumer from the potable water supply; or

(c) to the extent the water supplied to the Consumer's property is purchased by the Consumer from the potable water supply and that water is used for one or more of the following purposes:

(i) irrigation for ground maintenance on the Consumer's property,

(ii) recreational activities on the Consumer's property, including but not limited to the filling of a swimming pool, hot tub or fountain;

(iii) cleaning, consumption or other uses which do not occur on the Consumer's property.

6. Section 22 of By-law No. 03-272 is amended as follows:

(a) the word "potable" is added before the word "water" in the sixth line of subsection 22(a); and

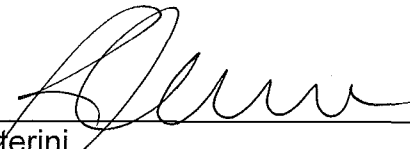
(b) the word "potable" is added before the word "water" in the fourth line of subsection 22(c).

7. Schedule "B" to By-law No. 03-272 is deleted and replaced with the new Schedule "B" attached to this by-law.
8. This by-law shall come into force on the date of its passing.

PASSED this 16th day of August, 2013.



R. Bratina
Mayor



R. Caterini
Clerk

SCHEDULE "B"Wastewater Abatement Program

1.
 - (a) Initial Application Processing Fee (Section 10) \$122.40 plus applicable taxes
 - (b) Supplementary Application Fee (Section 11) \$367.00 plus applicable taxes and full cost recovery for peer review
 - (c) Annual Administration Fee (where annual Abatement exceeds \$500.00 -sub-section 22(b)) \$489.40 plus applicable taxes

2. In determining whether a Consumer appears to qualify for an Abatement under section 10 of this By-law, the Abatement shall be calculated in accordance with the following formula, based on data from the calendar year prior to the year of application for the Abatement:

A = annual volume (m³) of water supplied to the property from the potable water supply

B = annual volume of water that was sourced from the potable water supply and diverted from the City's sanitary sewage works (if B is less than 25% of A, the Consumer is not eligible for the Abatement; if B is greater than 75% of A, insert a value equal to 75% of A)

C = annual wastewater discharged to the City's sanitary sewer and combined sewer system (C = A – B) or C=actual measured value using sewer flow monitoring if required by the Director

D = infiltration and inflow add back (D = C x 133%: add back adjustment of 33% to the volumetric charge so that all ratepayers continue to pay an equal portion of the treatment costs associated with inflow and infiltration)

E% = wastewater Abatement in percentage

Step 1: A – B = C; or C=actual measured value using sewer flow monitoring if required by the Director

Step 2: D = C x 133%

Step 3: E% = $\frac{(A - D)}{A} \times 100$

3. If an Abatement is authorized for a Consumer in accordance with this By-law, the Abatement will be applied quarterly each year in accordance with the following formula:

- F = actual volume (m³) of potable water supplied to the property by the City during the previous quarter
- G = volume (m³) of water eligible for the Abatement during the previous quarter
- H = Sanitary Surcharge (for 2013 is \$1.223 per cubic meter of water)
- \$I = dollar amount of Abatement for the billing period

Step 4: $F \times E\% = G$

Step 5: $G \times H = \$I$