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TO: Members of Environment and Climate Change Committee

DESTINATAIRE : Membres du Comité de l'environnement et du changement climatique

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SUBJECT: REPORT ON THE USE OF DELEGATED AUTHORITY DURING 2022 BY THE INFRASTRUCTURE AND WATER SERVICES DEPARTMENT, AS SET OUT IN SCHEDULE “H” OF BY-LAW 2023-67.

OBJET: L’UTILISATION DE LA DÉLÉGATION DE POUVOIRS EN 2022 PAR LA DIRECTION GÉNÉRALE DES SERVICES D’INFRASTRUCTURE ET D’EAU, COMME IL EST INDIQUÉ À L’ANNEXE H DU RÈGLEMENT 2023-67

PURPOSE

The purpose of this report is to inform the Environment and Climate Change Committee on the use of delegated authority for 2022 under Schedule “H” – Infrastructure and Water Services Department.

In 2022, the Delegation of Authority By-law was used by the Infrastructure and Water Services Department, specific to the following sections:

- Section 5 – Discharge, Hauled Waste and Leachate Agreements
- Section 6 – Compliance Certificates
- Section 7 – Federal and Provincial Agreements
- Section 8 – Grants and Rebates
- Section 14 – Third Party Infrastructure Agreements
- Section 15 – Federal and Provincial Agreements

Schedule “H” of the By-law also delegates authority to appropriate staff within the Department for the following sections; however, this authority was not used in 2022:

- Section 2 – Soil Tests
- Section 3 – Water Service Agreements
- Section 4 – Non-Municipal Water Systems
- Section 7 – Federal and Provincial Agreements
- Section 9 – Maintenance and Liability Agreements
- Section 10 – Ontario Water Resources Act
- Section 16 – Ontario Underground Infrastructure Notification System Act, 2012

BACKGROUND

The City of Ottawa has undergone several organizational changes since the fall of 2021. In January 2022, the Infrastructure and Water Services Department (IWSD) was created as part of this transition, two service areas, Water Services and Technology, Innovation,

and Engineering Support Services, were transferred from the former Public Works and Environmental Services Department to IWSD. Furthermore, Infrastructure Services, previously under the former Planning, Infrastructure, and Economic Development Department (PIED), also transitioned to IWSD.

Today Infrastructure and Water Services is comprised of five service areas:

Linear Water and Customer Services

Linear Water and Customer Services and Water Facilities and Treatment Services play an important role in ensuring that water used and discharged by homes, businesses, industries, and institutions is handled safely and protects environmental and human health.

Linear Water and Customer Services operates and maintains more than 10,000 kilometres of the City's drinking water distribution, wastewater and stormwater collection systems and delivers related programs and customer-facing services that directly affect businesses and residents.

Water Facilities and Treatment Services

Water Facilities and Treatment Services is responsible for the production, distribution and treatment of drinking water and wastewater through the operation and maintenance of Ottawa's water supply.

Infrastructure Services

Infrastructure Services implements City-building priorities from planning to delivering infrastructure projects. These include managing the design and construction of new projects and the renewal of existing municipal infrastructure, buildings, and parks, totaling approximately \$700 million in capital projects annually.

Asset Management

Asset Management Services administers and optimizes the lifecycle of municipal infrastructure valued at over \$70 billion, maintains asset inventory, undertakes condition and performance assessments, develops risk-based renewal strategies and defines investment needs. This service area also leads water resource master planning, source water protection and, in addition to managing the City's Comprehensive Asset Management (CAM) Program and defining the City's capital program.

DISCUSSION

Presented below are the instances throughout 2022 where the Infrastructure and Water Services Department exercised delegated authority under the applicable sections of the Delegation of Authority By-law. The names of the companies for these agreements are listed in Document 1.

Section 5 – Discharge, Hauled Waste and Leachate Agreements

The authority to enter into and execute or amend sewer discharge agreements or permits, permits for the disposal of hauled liquid materials, and leachate agreements.

Special Discharge Agreements

The revenues collected from Special Discharge Agreement fees totalled \$283,090.03.

Sanitary Sewer Agreements

The revenues collected from Sanitary Sewer Agreement fees totalled \$2,728,582.26.

Sludge Agreements

The revenues collected from Sludge Agreement fees totalled \$6,668,203.88.

Sanitary Sewer Agreements (Internal Construction Projects)

The revenues collected for Sanitary Sewer Agreements (Internal Construction Projects) is \$418,690.18.

Combined Agreements

The revenues collected from Combined Agreement fees totalled \$166,366.35.

Leachate Agreements

The revenues collected from Leachate Agreement fees totalled \$771,657.72.

Hauled Waste Permits

The revenues collected from Hauled Waste Permit fees totalled \$697,045.28.

Section 6 - Compliance Certificates

The authority to issue or amend compliance certificates for sewer and waste disposal programs.

The revenues collected from compliance certificates fees totalled \$0.

Section 7 - Provincial and Federal Agreements

The authority to approve, amend, extend, and execute service agreements, contribution agreements, and grant agreements with federal or provincial governments or any funding organization or agency designated by these governments.

The funds received from provincial and federal agreements totalled \$4,082,543.

Section 8 – Grants and Rebates

The authority to approve grants and rebates, and approve, amend, extend and execute appropriate agreements for the High Volume User Program, the Protective Plumbing Program, the Compassionate Grant Program, and the Lead Pipe Replacement Program.

The funds provided to residents as a result of grant and rebate applications totalled \$55,590.

Section 14 - Third Party Infrastructure Agreements

The authority to enter into agreements with a third party to reimburse the City for infrastructure works that the City completes on behalf of the third party, to negotiate, conclude, and execute agreements with a third party to complete works that are contemplated in a subdivision agreement, where the third party is a developer and a party to the subdivision agreement and to negotiate, conclude, and execute agreements with a third party to reimburse for work completed on behalf of the City.

The funds received from Third Party Infrastructure agreements in 2022 totalled \$733,629.

The funds received from Third Party Infrastructure agreements in 2021 totalled \$95,122.

Section 15 - Federal and Provincial Agreements

The authority to approve, amend, extend, and execute agreements with the federal or provincial government and with any crown agencies provided that such agreements are consistent with the departmental mandate and are at no cost to the City, with the exception of associated operational and administrative costs that are within approved budgets.

The funds received from provincial and federal agreements totalled \$633,413.

CONCLUSION

The Infrastructure and Water Services Department will continue to report annually to the Environment and Climate Change Committee on the use of delegated authority, in accordance with Schedule “H” – Infrastructure and Water Services By-law 2022-77, as amended by By-law 2023-67.

Any inquiries related to the use of delegated authority for Infrastructure and Water Services Department should be directed to Sherry Sani, Manager, Business and Technical Support Services, Infrastructure and Water Services Department.

Tammy A.M. Rose, P.Eng.

(She, Her, Elle)

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cc: Senior Leadership Team

SUPPORTING DOCUMENTATION

Appendix A

[2022 Delegated Authority – Document 1](#)

APPENDIX A

Section 5 – Discharge, Hauled Waste and Leachate Agreements

The General Manager, Infrastructure and Water Services, is delegated the authority to enter into and execute or amend sewer discharge agreements, permits for the disposal of hauled liquid materials, and leachate agreements in accordance with Section 9 of By-law No.2003-514, as amended, being the Sewer Use By-law, or any successor by-law thereto.

A discharge agreement is entered into when a facility's wastewater discharges exceed certain limits or contain prohibited substances to bring their discharge into compliance with the Sewer Use By-law. The agreement outlines the conditions that must be met and provides the recovery of treatment costs. The City administers five types of discharge agreements:

1. Special Discharge Agreement – for facilities wishing to discharge non-toxic waste that exceeds the discharge limits for substances that can be treated at the wastewater treatment plant.
2. Sanitary Sewer Agreement – for discharges of liquid material that comes from a source other than the municipal water system, such as remediated groundwater.
3. Sludge Agreement – under specific circumstances and conditions sludge can be discharged to the sewer or hauled to the wastewater treatment plant.
4. Combined Agreements – when a Special Discharge Agreement and a Sanitary Sewer Agreement are required at the same time.
5. Leachate Agreement – under specific circumstances and conditions leachate can be discharged to the sewer or hauled to the wastewater treatment plant.

Permits for the disposal of hauled liquid materials are issued to companies which dispose of sewage that is suitable for treatment to the City's wastewater treatment facility. The permit outlines the conditions that must be met and provides the recovery of treatment costs.

Section 6 - Compliance Certificates

The General Manager, Infrastructure and Water Services, is delegated the authority to issue or amend compliance certificates for sewer and waste disposal programs in accordance with Section 10 of By-law No. 2003-514, as amended, the Sewer Use By-law or any successor by-law thereto.

Facilities discharging wastewater exceeding the limits set out in the Sewer Use By-law 2003-514 can request the implementation of a compliance program. The objective of the compliance program is to put necessary steps in place such that the discharge limits eventually fall within the requirements of the Sewer Use By-law while providing the facility with sufficient time to implement the required corrective action. The compliance program sets conditions and timeframes under which the facility may be allowed to discharge the waste to the sanitary or combined sewer.

Section 8 – Grants and Rebates

The City Manager and the General Manager, Infrastructure and Water Services are individually authorized to approve grants and rebates and approve, amend, extend and execute appropriate grant agreements for the High-Volume User program, the Residential Protective Plumbing program, the Compassionate Grant program, and the Lead Pipe Replacement program provided that such agreements are in accordance with applicable City policies approved by Council;

- Within approved budget limits; and,
- Contain appropriate insurance, termination, and indemnification provisions

Section 14 - Third Party Infrastructure Agreements

The General Manager, Infrastructure and Water Services, is delegated the authority to enter into agreements with a third party to reimburse the City for infrastructure works that the City completes on behalf of the third party provided that:

- For a non-government party, the total value of the works to be completed shall

not exceed \$350,000.00 and the funds owing by the third party shall be fully secured to the satisfaction of the Chief Financial Officer / Treasurer; and

- For a government party, the total value of the works to be completed shall not exceed \$500,000.00.

The General Manager, Infrastructure and Water Services, is delegated the authority to negotiate, conclude, and execute agreements with a third party to complete works that are contemplated in a subdivision agreement, where the third party is a developer and a party to the subdivision agreement.

The General Manager, Infrastructure and Water Services, is delegated the authority to negotiate, conclude, and execute agreements with a third party to reimburse for work completed on behalf of the City provided that such agreements are consistent with the departmental mandate, are within approved budgets and that:

- For a non-government party, the total value of the works to be completed on behalf of the City of Ottawa shall not exceed \$1,000,000.00 and shall be established by way of a competitive procurement process; and
- For a government party, the total value of the works to be completed on behalf of the City of Ottawa shall not exceed \$5,000,000.00 and will be subject to the government party's procurement policies.

Section 15 - Federal and Provincial Agreements - Infrastructure Services

The Director of Infrastructure Services, the Managers, Design and Construction Branches (Facilities and Municipal), and the Director, Asset Management Services, individually are authorized to approve, amend, extend and execute agreements with the federal or provincial government and with any crown agencies provided that such agreements are consistent with the departmental mandate and are at no cost to the City, with the exception of associated operational and administrative costs that are within approved budgets.