



**ENGINEERING AND OPERATIONS DEPARTMENT
ENGINEERING DIVISION**

Report Number: 2010-21

Date: April 26, 2010

**SUBJECT: REQUEST TO PROCEED WITH ISSUING FINES TO RESIDENTS IN
THE ARENA PUMPING STATION AREA IN ACCORDANCE WITH
BY-LAW NO. 5228/134/08**

1) PURPOSE:

This report is prepared by Jim Huppunen, Manager of Engineering Services in reference to the Combined Sewer Overflow (CSO) Program also known as the Extraneous Flow Reduction Program in response to the correspondence received from Associated Engineering by City Staff that references By-law 5228/134/08 – Sewer Use By-law.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

As Council will recall, since 2008 City Staff has been actively working with Associated Engineering in completing flow-monitoring, video inspection of sanitary sewers, preparing repair plans, completing repairs and sump pump disconnections. In conjunction with the Regional Municipality of Niagara, the City of Port Colborne is committed to reducing unnecessary sewage treatment costs, the potential for basement flooding, and combined sewer overflows, by reducing infiltration of storm water to the sanitary sewage collection and treatment system through its Extraneous Flow Reduction Program. It is estimated that the City spends approximately one million dollars each year treating storm water in the sanitary sewer system. These costs are directly absorbed through the City's water and sewer rates.

To date there have been a total of 444 inspections completed out of a possible 455 properties in the Arena Pumping Station Area. On March 29, 2010 a list of 11 properties was received from Associated Engineering notifying City Staff that these 11 properties have failed to schedule an inspection with Associated Engineering. This inspection is to allow PipeFlo Contracting into their homes to review the possible connection of sump pumps or eaves trough downspouts to the sanitary sewer system. This inspection takes approximately 15 to 20 minutes and a report is prepared and sent to Associated Engineering for review. If a sump pump is found to be connected, Associated Engineering schedules a contractor to disconnect the sump pump and install a proper discharge. This work is covered under the funding allotted to the CSO Program in the City's Capital Budget.

On December 15th, 2008 a Sewer-Use By-law was passed and an accompanying Schedule of Offences and Set Fines was approved on September 18th, 2009.

3) STAFF COMMENTS AND DISCUSSIONS

In Section 6.2.12 of By-Law 5228/134/08 states: “Every Person who: having been given appropriate and adequate notice, fails to provide access to a Building or Premises for the purpose of Inspecting, maintaining, repairing, modifying or replacing a Service Connection including appurtenances thereof;” The Set Fine for this By-law Infraction is \$300.00.

Since October 2008 there have been 9 pieces of correspondence sent to the residents of the Arena Pumping Station Area and 2 newspaper advertisements published with no response from 11 property owners. The following list provides a summary of the type, dates and method of delivery of the 11 pieces of correspondence:

Document Name	Delivery Date	Method of Delivery
Notice of Commencement	October 3, 2008	Newspaper
Resident Letter 1	October 3, 2008	Mail
Fact Sheet 1	October 3, 2008	Mail
Fact Sheet 2	October 3, 2008	Mail
Resident Letter 2	January 12, 2009	Mail
Door Hanger	March 12, 2009	Hand
Resident Letter 3	August 11, 2009	Hand (by City)
Notice of Project	August 13, 2009	Newspaper
Resident Letter 4	November 27, 2009	Hand
Resident Letter 5	January 8, 2010	Mail
Resident Letter 6	February 19, 2010	Mail

Staff feels that the City and Associated Engineering have provided “...*appropriate and adequate notice...*” as stated by By-Law 5228/134/08 to allow the residents in the Arena Pumping Station Area to schedule an inspection with PipeFlo Contracting.

Staff along with Associated Engineering is scheduled to complete post-remedial work flow-monitoring in the late summer of 2010 throughout the fall of 2010 to determine the amount of reduction of extraneous flow in the sanitary sewer. This reduction of extraneous flow will result in a direct cost savings to the City and the residents.

In summary Staff is prepared to send notices of this By-Law infraction to these 11 residents to ensure they comply with the requirements of the CSO Program. By not completing these 11 inspections Staff determined that it would not be viable to complete the post-remedial work flow-monitoring in the summer and fall of 2010 which would delay the completion of the Arena Pumping Station Area CSO Program.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do nothing.

Not an option. Staff needs to have confirmation that there are no other sump pump connections into the sanitary sewer system in the Arena Pumping Station Area.

b) Other Options

Send notices of By-Law infractions to the 11 residents and enforce By-Law No. 5228/134/08.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not applicable.

6) ATTACHMENTS

1. Notice of Commencement, published October 3, 2008
2. Resident Letter 1, dated October 3, 2008
3. Fact Sheet 1, sent October 3, 2008
4. Fact Sheet 2, sent October 3, 2008
5. Resident Letter 2, dated January 12, 2009
6. Door Hanger, sent March 12, 2009
7. Resident Letter 3, dated August 11, 2009
8. Notice of Project, published August 13, 2009
9. Resident Letter 4, dated November 27, 2009
10. Resident Letter 5, dated January 8, 2010
11. Resident Letter 6, dated February 19, 2010

7) RECOMMENDATION

That the Council of the City of Port Colborne supports staff to enforce the By-law and impose the set fine in accordance with By-law 5228/134/08 to the 11 property owners in the Arena Pumping Station Area who have failed to schedule an inspection.

8) SIGNATURES

Prepared on April 13, 2010 by:

Reviewed by:

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Reviewed by:

Reviewed and Respectfully Submitted:

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