

Staff Report 2025-0356

Meeting: General Committee Meeting

Meeting Date: September 9, 2025

Subject: Stormwater By-law

Submitted By: Cassie Schembri, Manager, Water Resources, and Shannon Malloy, Project Manager, Stormwater, Engineering, Public Works & Transportation

RECOMMENDATION

That Council support Engineering, Public Works & Transportation in collaborating across the organization to initiate the development of a Stormwater By-law aimed at safeguarding the Town's municipal stormwater management system and protecting the public and the environment from the adverse impacts of improper stormwater practices.

REPORT HIGHLIGHTS

- Municipalities are facing growing challenges related to stormwater runoff as a result of urbanization, aging infrastructure, and the impacts of climate change. Currently, the Town does not have a dedicated by-law to establish a formal mechanism to define sewer use restrictions, implement a structured permitting process, and protect both public infrastructure and the natural environment.
- A Stormwater By-law would support the Town in meeting regulatory obligations under the Provincial Consolidated Linear Infrastructure Environmental Compliance Approval (CLI-ECA) program.
- Cross departmental support will be essential to create a Stormwater By-law that can be operationalized and enforced.
- The Town's existing Property Standards By-Law has considerations for drainage on private property. Amending the Property Standards By-law for the enforcement of operation and maintenance of stormwater infrastructure on private property may be warranted to include a broader range of stormwater infrastructure.
- The cost to develop the proposed Stormwater By-law is \$31,500, which has been approved through the 2025 Budget for external support services. Any additional financial implications related to the implementation of the By-law will be identified and evaluated during its development. A subsequent report will be brought forward to Council outlining the operational requirements and associated costs as part of the final recommendation report.

DISCUSSION

Background on Caledon's Stormwater Responsibilities

The Ministry of the Environment, Conservation and Parks (MECP) protects the natural environment by issuing Environmental Compliance Approvals (ECAs).

MECP recently implemented a Consolidated Linear Infrastructure (CLI) program for ECAs where municipal stormwater management systems are now authorized and operated by

the Town on behalf of MECP in accordance with a standard set of conditions. Participation in the program is mandatory and a CLI-ECA agreement was issued to the Town in October of 2022.

The Town's CLI-ECA (ECA No. 324-S701 Issue No.2 – [link to ECA](#)) includes the following operating conditions in Schedule E for the municipal stormwater management system, which support implementation of a Stormwater By-law:

- Condition 2.1.4 “All necessary steps are taken to ensure that operations of the Sewage Works and any associated physical structures do not constitute a safety or health hazard to the general public.” and,
- Condition 2.3 “The Owner, Prescribed Persons, and Operating Authority shall take all reasonable steps to minimize and ameliorate any Adverse Effect on the Natural Environment or impairment of the quality of water of any waters resulting from the operation of the Authorized System, including such accelerated or additional monitoring as may be necessary to determine the nature and extent of the effect or impairment.”

Furthermore, Caledon has important responsibilities and rights for spill response in the *Environmental Protection Act* under sections 100 and 101.1. Municipalities have the authority to respond to spills, the right to enter property for the purpose of response, and the right to recover costs from those the Act holds accountable for the spill. Specifically, section 100(1)(a) indicates “Where a pollutant is spilled a municipality may do everything practicable to prevent, eliminate and ameliorate any adverse effects and to restore the natural environment.” Caledon currently does not have a formalized process for exercising our spill action role and would benefit from including this as part of the proposed stormwater by-law to support future enforcement.

Municipal by-laws can complement and support provincial regulation for the protection and conservation of the natural environment with consideration of municipal-specific context and needs. The proposed by-law is anticipated to deter harmful activity that may have adverse effects on the stormwater management system to protect the environment, infrastructure, and public health. Many Ontario municipalities have by-laws to protect the environment and the integrity of their stormwater infrastructure by regulating sewage works and ensuring suitable enforcement mechanisms are in place.

By-law Review and Main Findings

An assessment of several nearby municipalities was conducted to determine whether they have stormwater infrastructure by-laws in place and to identify common provisions included in those bylaws. A summary of the findings from this review is presented in Schedule A of this staff report.

The by-law review indicated a consistently high prevalence of regulatory frameworks governing stormwater infrastructure across municipalities. It is considered standard municipal practice to enact bylaws that regulate the permissible quality and quantity of discharges into sanitary and storm sewer systems. A high-level synopsis of the municipal Stormwater By-law review is as follows:

- Content – Recent by-laws updated in 2021 and 2022 by the municipalities of Mississauga, Vaughan, Centre Wellington, and Toronto serve as exemplary

- models, as they represent the most comprehensive regulatory frameworks identified.
- Connection Permits – The majority of by-laws reviewed have a permit procedure for private connections to the municipal storm sewer. The Town currently does not have a process for this.
 - Enforcement – Orders can be made to discontinue an activity, to correct a contravention and/or to require pollution prevention plan among others. Commonly, orders are enforced by municipal enforcement officers as a provincial offence or Engineering staff may also be appointed under stormwater by-laws to support with enforcement.
 - Offences and Penalties – All municipal by-laws reviewed included penalties for offences. It was a common approach for municipalities to lay out fines according to Section 429 of the *Municipal Act, 2001*. If municipalities perform remedial action costs can be recovered from the person responsible under Section 446 of the *Municipal Act, 2001*. Administrative Monetary Penalties are an emerging approach that municipalities are taking to more expediently address offences.

Key Considerations to Create, Operationalize and Enforce a Stormwater By-law in Caledon

Key considerations to Create, Operationalize and Endorse a Stormwater By-law in Caledon include the following:

Public Notice: The Town’s Public Notice Policy indicates that regulatory by-laws be published in the Newspaper and on the Website 20 calendar days in advance of the Open House concerning the new proposed regulatory by-law or amending by-law. The proposed by-law or amending by-law shall come before Council for consideration within 6 months of the Open House. Should a by-law or amending by-law not come forward within 6 months, and if Staff wish to pursue the amendment(s) or new by-law, this process will be repeated.

Interdepartmental Support: Developing and determining the approaches for operationalizing and enforcing the by-law will be undertaken through a cross-departmental approach:

- Draft By-law – Water Resources Division (Engineering, Public Works & Transportation Division) to lead; and supported by Municipal Law Enforcement Services.
- Review of By-law – Review of by-law to be completed by Legal Services, Clerks, Communications, Municipal Law Enforcement Services, Development Engineering and Public Works.
- Public Education and Outreach – Water Resources Division (Engineering, Public Works & Transportation Division) to lead and supported by Municipal Law Enforcement Services.
- Final By-law – Water Resources Division (Engineering, Public Works & Transportation Division) to lead; and supported by Municipal Law Enforcement Services.

Operation and Maintenance of Private Stormwater Systems: It should be noted that the CLI-ECA requires legal instruments to ensure the operation and maintenance of privately

owned stormwater if the works used to meet CLI-ECA performance criteria. While requirements for connections and discharge to the municipal stormwater system are proposed to be outlined in the stormwater by-law, the existing Property Standards By-law may be considered for the enforcement of operation and maintenance of stormwater infrastructure on private property. The Town's existing by Property Standards By-Law does have considerations for drainage however amendments should be considered to better ensure private infrastructure used to collect, store and treat stormwater is maintained in a state of good repair and free from any deficiencies that may prevent it from functioning property.

FINANCIAL IMPLICATIONS

The cost to develop the proposed Stormwater By-law is \$31,500, which has been approved through the 2025 Budget for external support services. Any additional financial implications related to the implementation of the By-law will be identified and evaluated during its development. A subsequent report will be brought forward to Council outlining the operational requirements and associated costs as part of the final recommendation report.

COUNCIL WORK PLAN

Strategic Plan 2023-2035

This report is directly related to the following priority in Caledon's 2023-2035 Strategic Plan:

Environmental Leadership

Details about Caledon's 2023-2035 Strategic Plan can be found at caledon.ca/strategicplan.

ATTACHMENTS

Schedule A: Summary of Municipal Stormwater By-law Review