
TO: GENERAL COMMITTEE

SUBJECT: SEWER USE BY-LAW

WARD: ALL

PREPARED BY AND KEY CONTACT: S. BRUNET, B.SC, MANAGER OF BUSINESS AND ENVIRONMENTAL SUSTAINABILITY

SUBMITTED BY: S. BRUNET, B.SC, MANAGER OF BUSINESS AND ENVIRONMENTAL SUSTAINABILITY

**GENERAL MANAGER APPROVAL: A. MILLER
GENERAL MANAGER, INFRASTRUCTURE AND GROWTH MANAGEMENT**

CHIEF ADMINISTRATIVE OFFICER APPROVAL: M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That By-law 2012-172 regulating the discharge to the sanitary and storm sewer systems of the City of Barrie be repealed and replaced with the Sewer By-law attached as Appendix "B" to Staff Report BPE001-20.

PURPOSE & BACKGROUND

Report Overview

2. Under Section 10 of the Municipal Act, 2001, S.O. 2001, c.25 permits a single tier municipality to pass By-laws respecting: public assets of the municipality, the economic social and environmental well-being of the municipality and the health, safety, and well-being of persons.
3. The current by-law, Sewer Use By-law 2012-172, has assisted in the protection of Barrie's natural water assets by establishing legal and enforceable limits on storm water and wastewater discharges that may adversely affect public health, property and/or the environment.
4. Sewer Use By-law 2012 -172 also regulates discharged substances that may impair or interfere with the normal operations and the safety of the employees responsible for the operation and maintenance of the collection system and Wastewater Treatment Facility (WwTF).
5. Regulation and enforcement of By-law 2012-172 is accomplished by the Business Performance and Environmental Sustainability Department - Environmental Compliance Branch (BPES-EC), through the monitoring of industrial, commercial, and institutional (ICI) facilities for compliance with the limits, prohibitions and conditions including the completion of waste survey reports, discharge agreements, compliance programs, and overstrength surcharge agreements.
6. The Province of Ontario, under Regulation 219/09 for the Lake Simcoe Protection Act, 2008, has enacted the Lake Simcoe Protection Plan (LSPP) which is to address the restoration and protection of the health of Lake Simcoe. The LSPP took effect on June 2nd, 2009.

7. The LSPP outlines several actions to protect and restore the ecological health of the Lake Simcoe watershed, including reducing phosphorus loadings into the Lake. The City's WwTF effluent discharge is governed by an Environmental Compliance Approval (ECA) that reflects these phosphorous effluent reductions. The City's Sewer Use By-law provides a tool to assist the WwTF in meeting these phosphorous standards.
8. The identified changes to By-law 2012-172 were developed by surveying comparable municipalities and by using the current Model Sewer Use By-law (2009) guidance document provided by the Canadian Council of Ministers of the Environment (CCME).
9. Additionally, the City's Environmental Compliance Section (BPES - EC) is a member of the Municipal Enforcement Sewer Use Group (MESUG) which is comprised of Enforcement Officers from various municipalities in southern Ontario dedicated to the monitoring and enforcement of discharges to municipal sewer systems. MESUG serves as a forum for members to discuss ways to manage issues that have been faced collectively by the municipal sector. Discussions with MESUG and a review of 14 municipal sewer use by-laws from neighbouring municipalities were analysed for current practices
10. During the development of the revised Sewer Use By-law several internal City departments were consulted including Wastewater Operations, Building Services, Municipal Law and Prosecution Services, and Legal Services.
11. The updated By-law (Appendix "B") assists in implementing source controls for contaminants discharged to the sewer systems, streamlines requirements, introduces timelines, provides for a full cost recovery service in some areas and creates a more effective enforcement tool.

ANALYSIS

12. The amended Sewer Use By-law builds upon the existing regulatory framework in accordance with updated practices in sewer regulation, adopts new requirements, clarifies language, modifies administrative processes, and enhances enforcement tools to better regulate and protect the sewer system infrastructure.
13. A consultant was hired in 2019 to conduct a review of the WwTF treatment capabilities and to recommend any adjustments to the parameters listed in Schedule A of the By-law, if required. The review concluded that the current list of parameters meets the operational needs of the WwTF and no adjustments to the regulated parameters were proposed.
14. BPES - EC continues to provide sewer use enforcement to the ICI sector by conducting inspections of facilities within the municipality and by completing Waste Survey Reports for each establishment. Experiences performing facility inspections generated a need to streamline the information gathered under the By-law.
15. Overall, to address various challenges experienced with the current by-law, changes were made to:
 - Clarify various compliance program timelines and fees.
 - Streamline requirements for the control of discharges at sources.
 - Enhance enforcement abilities with respect to non-compliant pre-treatment devices.
 - Create more succinct verbiage to assist with the administration of the by-law.
 - Additionally, the specific prohibition of the discharge of chlorinated water to the storm sewer was added to address a letter from Environment and Climate Change Canada, dated

- November 19th, 2018, titled Important Information Concerning Chlorinated Effluent Discharges from Drinking Water Treatment Facilities and the Federal Fisheries Act.
- To reflect the current cost of WwTF operations, the Overstrength Surcharge Calculation in Schedule B of the By-law was updated.
15. The adoption of the proposed Sewer Use By-law will provide the following benefits:
- A simplified, easy to understand sewer use by-law with updated definitions and terminologies to reflect current legislation.
 - The By-law will address the enforcement of current pre-treatment devices.
 - Established timelines for programs will aid the City when carrying out enforcement of the By-law.
 - More stringent timelines will assist the sewage treatment plant to achieve effluent compliance and biosolids/sludge quality limits, help provide a safer operating environment in the sewers, and help ensure the integrity of the natural environment for future generations; and
 - Adopting this new by-law will better position Barrie in meeting the requirements under the Lake Simcoe Protection Act.

ENVIRONMENTAL AND CLIMATE CHANGE IMPACT MATTERS

16. The following environmental matters have been considered in the development of the recommendation:
- a) The Sewer Use By-law regulates discharges into the sanitary and storm sewer collection systems by established legal and enforceable limits on various pollutants, which may adversely affect the water quality of our creeks and lakes or may interfere with the normal operations and the safety of the workers at the WwTF. The limits established within the Sewer Use By-law allow the WwTF to be able to operate more efficiently within design compliance limits thus ensuring that the water quality within Lake Simcoe is not adversely impacted.

ALTERNATIVES

17. There are two alternatives available for consideration by General Committee:

Alternative #1 General Committee could maintain the existing by-law with respect to Sewer Use By-law 2012-172.

This alternative is not recommended as the ability to protect wastewater infrastructure as well as meet Lake Simcoe quality requirements will be challenging for non-compliant dischargers to achieve within a reasonable timeline. Additionally, cost recovery for additional treatment during compliance programs will not be achieved.

Alternative #2 General Committee could authorize the revision of only partial sections of the proposed updated Sewer Use By-law.

This alternative is not recommended as the proposed updated Sewer Use By-law was structured on the recommendations from the 2009 CCME Model Sewer Use By-law and from previously proven successes from other municipalities that have adopted core components of this model by-law. This alternative will not address all the challenges experienced with the current by-law as the administrative

changes throughout the document are made to provide a wholesome enforcement tool.

FINANCIAL

18. There are no financial expenditures for the Corporation resulting from the proposed recommendation.
19. The Fee's By-law will be updated to reflect the full cost recovery of the management of compliance programs. Taking a full cost recovery approach, there is incentive to conform to compliance requirements which is the overall desired outcome.
20. The proposed Sewer Use By-law fee structure will allow tax dollars to go further by recovering costs for non-complying effluents currently borne by the taxpayer.

LINKAGE TO 2018–2022 STRATEGIC PLAN

21. The recommendation(s) included in this Staff Report support the following goals identified in the 2018-2022 Strategic Plan:
 - Fostering a Safe and Healthy City
22. The proposed Sewer Use By-law will continue to protect the health of Lake Simcoe and its recreational value. Regulating the discharge of pollutants will foster a greener future for the City, and healthy water ways that are more resilient to Climate Change.
23. An updated by-law improves the success of regulating the discharges to the City's storm and sanitary sewers resulting in more effective protection of the City's natural water assets.

APPENDIX "A"

Summary of Critical Changes

Overall, the proposed Sewer Use By-law differs from the existing in the following ways.

- The By-law clarifies timelines for the following programs:
 - Overstrength Surcharge Program (5 years);
 - Compliance Program (2 years);
 - Hauled Sewage Program (1 year); and
 - Sewer Discharge Program (1 year).
- The By-law clarifies fees for Compliance Programs:
 - One to six months, no charge;
 - 6 to 12 months, facility pays 25% of current surcharge rates;
 - 12 to 18 months, facility pays 50% of current surcharge rates;
 - 12 to 24 months, facility pays 75% of current surcharge rates; and
 - After 24 months the facility pays 100% of the current surcharge rates.
- The By-Law specifically streamlined requirements for source control methods that were introduced in By-law 2012-172, include the following:
 - Food oil and grease interceptors;
 - Vehicle and equipment oil and water separators;
 - Sediment interceptors;
 - Waste grinders;
 - Dental Waste Amalgam Separator; and
 - Pre-treatment facilities.
- The specific hauled waste section of the By-law was removed, and the hauled sewage section was enhanced to clarify the waste types accepted under the By-law.
- Verbiage was condensed to streamline private swimming pool water requirements, and the specific prohibition of the discharge of chlorinated water to the storm sewer was added to address a letter from Environment and Climate Change Canada, dated November 19th, 2018, titled Important Information Concerning Chlorinated Effluent Discharges from Drinking Water Treatment Facilities and the Federal Fisheries Act.
- The Spills section was streamlined to reduce verbiage and improve the ability of the Environmental Officer to have any pre-treatment device impacted by a spill cleaned forthwith.
- Update of the Overstrength Surcharge Calculation in *Schedule B* of the By-law to reflect the current cost of WwTF operations.

APPENDIX “B”

Proposed Sewer Use By-law

A by-law to regulate the discharge to the sanitary and storm sewer systems of the City of Barrie

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c.25, Section 8, provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues;

AND WHEREAS the *Municipal Act, 2001*, S.O. 2001, c.25 Section 9, provides that a municipality has the capacity, rights, powers, and privileges of a natural person for the purposes of exercising its authority under the Act;

AND WHEREAS Section 10 of the *Municipal Act, 2001*, S.O. 2001, c.25 permits a single tier municipality to pass By-laws respecting public assets of the municipality, the economic, social, and environmental well being of the municipality and the health and safety, and well being of persons;

AND WHEREAS pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25, Section 87, the City of Barrie may enter on land, at reasonable times, to inspect the discharge of any matter into the municipal sewage works and may conduct tests and take samples;

AND WHEREAS Sections 78 to 93 of the *Municipal Act, 2001* as amended, provides municipalities with specific powers with respect to the provision of public utility services to the municipality.

AND WHEREAS the Council of The Corporation of the City of Barrie adopted motion * deeming it necessary to repeal By-law 2012-172 being a by-law to prohibit, regulate and control discharges into the sanitary and storm sewer systems of the City of Barrie.

NOW THEREFORE the Council of The Corporation of The City of Barrie enacts as follows:

This By-law shall be known as and may be cited as the “Sewer Use By-law”

1 DEFINITIONS

For the purposes of this By-law, the following terms shall have the corresponding meanings:

ACCREDITED LABORATORY - any laboratory accredited by an authorized accreditation body in accordance with a standard based on “*ISO/IEC/EN 17025: General Requirements for Competence of Testing and Calibration Laboratories*” established by the International Organization for Standardization, as amended;

APPROVED WATER OPERATIONS DISCHARGE PLAN – is a plan created by Water Operations to be reviewed and approved by:

- a) Wastewater Operations for sanitary discharges or;
- b) An Environmental Officer for storm discharges.

AUTHORIZED REPRESENTATIVE of the owner or operator means:

- a) A principal executive officer of at least the level of vice president, if the owner or operator is a corporation;
- b) A general partner or proprietor if the owner or operator is a partnership or proprietorship, respectively and;
- c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the wastewater discharge originates;

BIOCHEMICAL OXYGEN DEMAND (BOD) - the five-day BOD which is the determination of the molecular oxygen utilized during a five-day incubation period for the biochemical degradation of organic material (carbonaceous demand), and the oxygen used to oxidize inorganic material such as sulphides and ferrous iron, and the amount of oxygen used to oxidize reduced forms of nitrogen (nitrogenous demand) as determined by the appropriate procedure in *Standard Methods*;

BIOMEDICAL WASTE - biomedical waste as defined in the Ontario Ministry of the Environment Guideline C-4 titled "The Management of Biomedical Waste in Ontario" dated November 2009 or successive;

BIOSOLIDS - stabilized organic solid material generated from the treatment of municipal wastewater;

BLOWDOWN WATER - the recirculating water that is discharged from a cooling or heating water system for the purpose of controlling the level of water in the system or for the purpose of discharging from the system materials contained in the system, the further build-up of which would or might impair the operation of the system;

BUILDING CODE – the regulations governing standards for construction and demolition of buildings made under the *Building Code Act, S.O. 1992, C23*, as amended;

CHEMICAL OXYGEN DEMAND (COD) – a measure of the capacity of water to consume oxygen as a result of oxidation of inorganic chemicals and decomposition of organic matter as determined by the appropriate procedure in *Standard Methods*;

CITY - the Corporation of the City of Barrie or its designated representative;

COMBUSTIBLE LIQUID - any liquid having a flash point at or above 37.8°C and below 93.3°C, as per the *Ontario Fire Code Ontario Regulation 213/07 as amended*;

COMPOSITE SAMPLE – a sample made up of three or more grab samples that have been combined automatically or manually and taken at intervals during a specific sampling period;

CONNECTION OR DRAIN – the part or those parts of any pipe or system of pipes leading directly to the municipal sewage works.

CONTACT COOLING WATER - water that is used in a process for the purpose of removing heat and that has come into contact with any raw material, intermediate product, waste product or finished product, but does not include blowdown water;

COUNCIL - means the Council of the City of Barrie;

DENTAL AMALGAM - a dental filling material consisting of an amalgam of mercury, silver, and other materials such as copper, tin, or zinc;

DENTAL AMALGAM SEPARATOR – any technology, or combination of technologies, designed to separate dental amalgam particles from dental operation wastewater;

DEWATERING ACTIVITY – the taking of water from a well or otherwise extracting groundwater; draining water from a permanent or temporary pond or other surface water body, whether natural or man-made; releasing water previously stored in a tank, vessel, or other means of water storage; or any combination of the above noted activities, where the water from such activities would be discharged into the municipal sewage works and such activities would be related to a construction, land development, renovation, repair, maintenance or demolition activity at a property;

DISCHARGER - a person, owner or an agent or employee thereof, in occupation or having the charge, management or control of a site, sewage, stormwater, uncontaminated water or any other matter to which this By-law applies;

ENVIRONMENTAL COMPLIANCE APPROVAL - an approval issued under Part II.1 of the *EPA*;

ENVIRONMENTAL OFFICER – a person authorized by the City to carry out observations and inspections and take samples as prescribed by this By-law; and means a person who has been assigned by the General Manager to enforce this By-law;

EPA - means the *Environmental Protection Act, R.S.O. 1990, c.E.19*, as amended;

FISHERIES ACT – means the *Fisheries Act, R.S.C. 1985, c. F-14*, as amended;

FUELS – means any alcohol, gasoline, naphtha, diesel fuel, fuel oil or any other ignitable substance;

GENERAL MANAGER - means the General Manager of Infrastructure and Growth Management of the City, or his or her authorized representative;

GRAB SAMPLE - a portion of wastewater, stormwater, or water collected over a period not exceeding 15 minutes which will represent the composition of the wastewater, stormwater or water at that time and place;

GROUNDWATER – water beneath the earth’s surface accumulating as a result of seepage;

HAULED SEWAGE – waste removed from a sewage system, including a cesspool, septic tank system, privy vault or privy pit, a chemical toilet, portable toilet, or a sewage holding tank;

HAZARDOUS WASTE - any substance that is designated as a hazardous waste within the meaning of *Ontario Regulation 347* made under the *EPA, as amended*;

HERBICIDE - any pesticide, as regulated under the *Pesticide Act, R.S.O. 1990, c.P.11*, as amended, used for the destruction or control of any vegetation;

IGNITABLE WASTE - a material which is an ignitable waste within the meaning of *Ontario Regulation 347* made under the *EPA, as amended*;

INDUSTRIAL – of or pertaining to manufacturing, commerce, trade, business, or institutions as distinguished from domestic or residential;

INDUSTRY - an industrial, commercial, or institutional premises from which there is a discharge of any matter directly or indirectly into a municipal sanitary or storm sewer system;

INSTITUTION - a facility operated for public purposes, such as schools, universities, medical facilities (hospitals, nursing stations, and nursing homes), museums, prisons, government offices and military bases.

Some of these facilities produce non-residential discharges to sewers from, for example, laboratories, chemical use, and industrial processes;

INTERCEPTOR – a device that is designed and installed to prevent oil, grease, sediment, sand, or other materials from passing into the municipal sewage works.

LEACHATE - the liquid containing dissolved or suspended contaminant which emanate from waste (solid waste or garbage) and is produced by water percolating through waste or by liquid in waste;

MATTER - means any solid, liquid or gas;

MUNICIPALITY - means the Municipality of the “City of Barrie.”

MUNICIPAL SANITARY SEWER SYSTEM - a sewer for the collection and transmission of domestic, commercial, institutional, or industrial wastewater or any combination thereof;

MUNICIPAL STORM SEWER SYSTEM - a sewer and/or land drainage works for the collection and transmission of uncontaminated water, storm water, drainage from land or from a watercourse or any combination thereof;

MUNICIPAL SEWAGE WORKS - any infrastructure for the collection, transmission, treatment and disposal of wastewater, stormwater, or uncontaminated water, including the municipal sanitary sewer, pumping station, wastewater treatment facility, municipal storm sewer, or land drainage works or any part of such works, but does not include private plumbing or other works to which the applicable *Building Code* applies;

NON-CONTACT COOLING WATER - water that is used in a process for the purpose of removing heat and that has not come into contact with any raw material, intermediate product, waste product or finished product, but does not include blowdown water;

OVERSTRENGTH - refers to any wastewater released to the sewer that is higher in concentration for one or more constituent concentrations set out in Schedule “A”;

OWRA - the *Ontario Water Resources Act, R.S.O. 1990, Chapter. O.40*, as amended;

OWNER - means the registered owner of the lands and premises or the person or his authorized agent in lawful control of the premises, building or occupancy and who permits the operation or maintenance of any business, this shall include the person who holds the licence plate, as issued by the Ministry of Transportation for a motor vehicle

PATHOLOGICAL WASTE – any material which is pathological waste within the meaning of *Ontario Regulation 347* made under the *EPA*;

PCB - any monochlorinated or polychlorinated biphenyl or any mixture of them or any mixture that contains one or more of them;

PERSON – an individual, association, partnership, corporation, company, municipality or an agent or employee of such a person;

PESTICIDES - a pesticide regulated under the *Pesticides Act, R.S.O. 1990, Chapter P.11, as amended*;

pH - the logarithm to the base 10 of the reciprocal of the concentration of hydrogen ions in moles per litre of solution as determined by *Standard Methods*;

PHENOLIC COMPOUNDS - those derivatives of aromatic hydrocarbons which have a hydroxyl group directly attached to the ring as determined by *Standard Methods*;

PRETREATMENT – the reduction, elimination, or alteration of pollutants in wastewater or stormwater prior to discharge into the municipal sewage works. This reduction or elimination can be obtained by physical, chemical or biological processes, through pollution prevention, or by other means, except by diluting the concentration of pollutants.

PRIVATE SEWER CONNECTION - that part of any drain or system of drains, including drains or subsurface drainage pipe for surface or subsurface drainage of the land in or adjacent to a building, lying within the limits of the private lands and leading to a municipal sewage works;

RADIOACTIVE MATERIALS – uranium, thorium, plutonium, neptunium, deuterium, their respective derivatives and compounds and such other substances as the Canadian Nuclear Safety Commission, or its successor, may designate as being capable of releasing atomic energy or as being requisite for the production, use or application of atomic energy;

SAMPLING PORT – an access point, valve, tap, or similar device on equipment, a drainpipe or at another suitable location, to allow for observation and sampling of wastewater, stormwater or water discharged from a private sewer connection into a municipal sewage works, as determined by the City;

SEWAGE - any liquid containing organic, inorganic, animal, vegetable, or mineral matter in solution or in suspension, including floating materials, but does not include stormwater or uncontaminated water;

SEWER DISCHARGE PERMIT - a permit issued by the City pursuant to the provisions of this By-law and includes permits pursuant to an Overstrength Surcharge Agreement, Compliance Program, Hauled Sewage Program, or any other program or activity to which this By-law applies;

SOLVENT EXTRACTABLE MATTER OF ANIMAL OR VEGETABLE ORIGIN - means grease and oil determined by *Standard Methods*;

SOLVENT EXTRACTABLE MATTER OF MINERAL OR SYNTHETIC ORIGIN - means grease or oil as determined by *Standard Methods*;

SPILL – a direct or indirect discharge into the municipal sewage works, land or the natural environment, from or out of a structure, vehicle, or other container, and that is abnormal in quantity or quality in light of all the circumstances of the discharge as defined under the *EPA*;

STANDARD METHODS - a procedure or method set out in *Standard Methods for the Examination of Water and Wastewater* published jointly by the American Public Health Association, Water Environment Federation, and American Water Works Association, latest edition;

STORMWATER – drainage water resulting from rainfall or other natural precipitation from the atmosphere and includes, but is not limited to water from melting snow or naturally occurring ice;

SUSPENDED SOLIDS - solid matter in, or on a liquid which matter is removable by filtering as determined by *Standard Methods*;

SWIMMING POOL – a structure designed to hold water for recreational purposes that includes hot tubs or spas operated on private or public industrial, commercial, institutional or residential properties, both indoors and outdoors;

TOTAL POLYCYCLIC AROMATIC HYDROCARBONS (PAH) - the total of all of the following polycyclic aromatic hydrocarbons; Acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, benzo(k)fluoranthene, chrysenes,

dibenzo(a,h) anthracene, fluoranthene, fluorine, indeno(1,2,3-cd)pyrene, methylnaphthalene, naphthalene, phenanthrene, pyrene;

TOTAL SUSPENDED SOLIDS (TSS) – insoluble matter in liquid that is removable by filtration, as determined by the appropriate procedure described by *Standard Methods*;

TOXIC SUBSTANCE - means any material listed in *Schedule 3 of Ontario Regulation 347* made under the *EPA*;

UNCONTAMINATED WATER – water with a level of quality which is typical of potable water normally supplied by the City;

VEHICLE - means any vehicle drawn, propelled, or driven by any kind of power including muscular power, which includes but is not limited to a motor vehicle, trailer, traction engine, farm tractor, roadbuilding machine, bicycle, but does not include a mobility assistive device.

WASTE RADIOACTIVE SUBSTANCES - substances defined in the federal Nuclear Safety and Control Act *SC. 1997, c.9* as amended;

WASTEWATER - the composite of water and water-carried wastes from residential, commercial, industrial, or institutional premises, or any other source, including but not limited to: groundwater; rainwater or surface water which originates from construction activities;

WASTEWATER TREATMENT FACILITY (WwTF) - the facility used for the treatment of wastewater;

WATERCOURSE – an open channel, ditch, or depression, either natural or artificial, in which flow of water occurs either continuously or intermittently.

2 ADMINISTRATION AND ENFORCEMENT

- 2.1 The General Manager may delegate any action they are authorized under this By-law.
- 2.2 The administration and enforcement of this By-law shall be under the jurisdiction of the General Manager. The General Manager shall assign Environmental Officers for the purpose of administering and enforcement of this By-law.
- 2.3 The General Manager or designate shall be authorized to prescribe the form of any permit or agreement required or permitted under this By-law and to amend or revise such permits or agreements provided that the permit or agreement amendment (s) or revision (s) are in a form satisfactory to the Director of Legal Services or designate.
- 2.4 Subject to Section 2.3, the Environmental Officer may prescribe the form and content of any approval, authorization, permit, form, procedure, or other document in relation to the administration of this By-law and may amend or revise the content. The Environmental Officer may issue any permit under this By-law.
- 2.5 An Environmental Officer, or any other person authorized by the General Manager, may at any reasonable time enter upon and inspect any land and buildings for purposes of enforcing this By-law, determining compliance with this By-law, and/or determining compliance with the terms and conditions of an authorization under this By-law. Notwithstanding Sections 2.2 to 2.4 a Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer, or other duly appointed individual may enforce the provisions of this By-law.

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- 2.6 Any costs incurred by the City for the purposes of ensuring compliance with this By-law are the responsibility of the person having control of the discharge.
- 2.7 No person shall prevent, hinder, obstruct, or interfere in any way with the City or Environmental Officers, or other duly appointed individual from:
- a) Entering in or upon any land premises, except land or premises lawfully being used as a dwelling house, at any reasonable time without warrant;
 - b) Conducting such examinations, investigations, inquiries, tests, and taking of samples, and
 - c) Inspecting or observing any plant, machinery, equipment, processes, or documents for the purpose of determining whether there is compliance with this By-law.

3 SANITARY SEWER REQUIREMENTS

- 3.1 No person shall discharge, or permit the discharge, of any matter directly or indirectly into the municipal sanitary sewer system except:
- a) Wastewater that complies with the requirements of this By-law; or
 - b) Hauled sewage that complies with the requirements of this By-law; or
 - c) Wastewater that complies with a permit or agreement as outlined in this By-law; or
 - d) Water, other than storm water, that has originated from the City's water distribution system.
- 3.2 No person shall discharge, or permit the discharge, of wastewater directly or indirectly into a municipal sanitary sewer system unless authorized to do so by the City.
- 3.3 No person shall discharge storm water or uncontaminated water from drainage of roofs or building foundations, including sump pumps; or from land or watercourse or dewatering activity into the municipal sanitary sewer system unless authorized to do so by the City.
- 3.4 No person shall discharge directly or indirectly matter of any type or temperature or in any quantity into the municipal sanitary sewer system which may or could result in any of the following:
- a) A hazard to any person, animal, property, or environment;
 - b) A health or safety hazard to a person authorized by the City to inspect, operate, maintain, repair, or otherwise work on the municipal sanitary sewer system;
 - c) An offence under the *EPA* or *OWRA*, or any regulation made there under, as amended;
 - d) Biosolids from the WwTF to fail to meet the objectives and criteria as listed in the *EPA* as amended;
 - e) Interference with the operation or maintenance of the municipal sanitary sewer system, or which may impair or interfere with any municipal wastewater treatment process;
 - f) An offensive odour to emanate from the municipal sewage works, and without limiting the generality of the foregoing, wastewater containing hydrogen sulphide, carbon disulphide, other reduced sulphur compounds, amines or ammonia in such quantity as may cause an offensive odour;

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- g) Damage to the municipal sewage works;
 - h) An obstruction or restriction to the flow in the municipal sewage works; or
 - i) Wastewater that has two or more separate liquid layers.
- 3.5 No person shall directly or indirectly discharge wastewater that contains any of the following into a municipal sanitary sewer system:
- a) Biomedical waste;
 - b) Combustible liquid;
 - c) Dyes or colouring materials which may or could pass through a municipal sanitary sewer system and discolour the municipal sewage works final effluent;
 - d) Explosive products or substances;
 - e) Fertilizers;
 - f) Fuel;
 - g) Hazardous waste;
 - h) Herbicides;
 - i) Ignitable waste;
 - j) Pathological waste;
 - k) PCBs;
 - l) Pesticides;
 - m) Radioactive materials;
 - n) Solid or viscous substances in quantities of such size to be capable of causing obstruction to the flow in a sewer; or
 - o) Waste radioactive prescribed substances.
- 3.6 No person shall discharge, or permit the discharge of, any restricted substance listed in Schedule "A" which exceeds the respective concentrations listed in Schedule "A", Table 1 of this By-law into the municipal sanitary sewer system unless approved by a permit or agreement issued under this By-law.
- 3.7 The discharge to the municipal sanitary sewer system of water originating from a source separate from the municipal water distribution system is prohibited except where the discharger:
- a) Has obtained an approved permit or agreement issued under this By-law prior to any discharge; or
 - b) Has an active Exemption Approval issued under the *Water and Wastewater Billing By-law*, as amended.
- 3.8 Section 3 does not apply to prevent the discharge to the municipal sanitary sewer system when:
- a) The discharge is pursuant to a Certificate of Approval, Environmental Compliance Approval or order relating to the premises under the *EPA* or the *OWRA* which expressly allows the discharge; and
 - b) The discharge is in compliance with Schedule "A, Table 1" of the By-law; and
 - c) The owner or operator of the premises has written approval from the City which expressly authorizes the discharge from the premises in accordance with guidelines adopted by the City from time to time.

- 3.9 Section 3 does not apply to prevent the discharge of hauled sewage when:
- a) The carrier of the hauled sewage is a waste transportation system under a license issued under the *EPA*; and
 - b) The carrier has written approval from the City, which may be amended from time to time by the City.
- 3.10 Discharge of wastewater from maintenance activities related to the municipal water distribution system into the municipal sanitary sewer system is authorized when:
- a) The discharge is pursuant to an Approved Water Operation Discharge Plan;
 - b) Wastewater quality is compliant with Section 3.4, 3.5 and Schedule "A", Table 1; and
 - c) Notification is provided to an Environmental Officer and the Manager of the WwTF at least 5 business days prior to the discharge.
- 3.11 All connections to the municipal sanitary sewer system must be installed in accordance with the *Building Code*.

4 STORM SEWER REQUIREMENTS

- 4.1 No person shall discharge directly or indirectly matter of any type or any temperature, or in any quantity, into a municipal storm sewer system which may result in or results in any of the following:
- a) Interference with the proper operation of a municipal storm sewer system;
 - b) Obstruction, damage, or restriction of a municipal storm sewer system or the flow therein;
 - c) A hazard or other adverse impact to any person, animal, property or vegetation or the natural environment;
 - d) Impair the quality of the water in any well, lake, river, pond, spring, stream, recreational beach reservoir or other water or watercourse;
 - e) Contravention of an approval, requirement, direction, or other order under the OWRA or *EPA* or *Fisheries Act* with respect to the storm sewer or its discharge;
 - f) Two or more separate layers; or
 - g) Discharge of any of the following matter in any amount:
 - (i) Blowdown water;
 - (ii) Chlorinated water;
 - (iii) Combustible Liquids;
 - (iv) Contact Cooling water;
 - (v) Fertilizers;
 - (vi) Floating debris;
 - (vii) Fuels;
 - (viii) Hauled Sewage;
 - (ix) Hazardous Substances;
 - (x) Ignitable Waste;

- (xi) Leachate;
- (xii) Non-Contact Cooling water;
- (xiii) Paints;
- (xiv) Pathological Wastes;
- (xv) PCBs;
- (xvi) Pesticides or Herbicides;
- (xvii) Radioactive Materials;
- (xviii) Salt water swimming pool water;
- (xix) Sewage;
- (xx) Toxic Substances;
- (xxi) Volatile Organic Compounds;
- (xxii) Waste Radioactive Materials;
- (xxiii) Water containing dyes or colouring material which discolours the water;
- (xxiv) Water containing solvent extractable matter of animal or vegetable origin or of mineral or synthetic origin which causes a visible film, sheen, or discolouration on the water surface; or
- (xxv) Wastewater.

- 4.2 No person shall discharge, or permit the discharge of, any restricted substance listed in Schedule "A" which exceeds the respective concentrations listed in Schedule "A", Table 2 of this By-law into the municipal storm sewer system.
- 4.3 No person shall discharge, or permit the discharge, of surface water, uncontaminated water or wastewater generated as a result of dewatering activities or from land drainage or watercourse without obtaining an approved permit or agreement which expressly allows the discharge under this By-law.
- 4.4 Discharge of wastewater from maintenance activities related to the municipal water distribution system into the municipal storm sewer system is authorized when:
- a) Discharged pursuant to an Approved Water Operations' Discharge Plan;
 - b) Wastewater quality is compliant with Section 4.1 and 4.2; and
 - c) Notification was provided to an Environmental Officer at least 5 business days prior to the discharge commencing.
- 4.5 All connections to the municipal storm sewer system must be installed in accordance with the *Building Code*.

5 PROHIBITION OF DILUTION

No person shall discharge directly or indirectly or permit the discharge directly or indirectly of wastewater into a municipal sewage works where water or any chemical, agent or additive has been added to the discharge for the purposes of dilution to achieve compliance with this By-law.

6 PRETREATMENT DEVICES

6.1 FOOD OIL AND GREASE INTERCEPTOR OR GREASE TRAP

- a) Every owner or operator of an industry where food is cooked, processed, or prepared, for which the premises is connected directly or indirectly to a municipal sanitary sewer system shall:

- (i) Install and operate, a food oil and grease interceptor or grease trap at a premise that connects directly or indirectly to a municipal sanitary sewer system.
 - (ii) Ensure that the food oil and grease interceptor or grease traps are installed in compliance with the requirements of the *Building Code*.
 - (iii) Clean out the food oil and grease interceptor or grease traps before the thickness of the solids and grease is greater than twenty-five percent (25%) of the liquid volume, or in accordance with manufacturers recommendations, whichever occurs first.
 - (iv) Operate and maintain a food oil and grease interceptor or grease trap in accordance with manufacturer recommendations and ensure performance is continuously maintained. Where a conflict occurs between this By-law and the manufacturers recommendations, the more stringent requirement shall prevail.
 - (v) Retain documentation of proof of food oil and grease interceptor or grease trap clean-out and oil and grease disposal for a minimum of two (2) years.
 - (vi) Ensure that maintenance and disposal records are submitted to the City upon request for each food oil and grease interceptor or grease trap installed.
- b) No person shall use or permit the use of solvents, hot water, or other agents to facilitate the passage of oil or grease through a food oil and grease interceptor or grease trap to which this Section applies.

6.2 OIL AND WATER SEPARATOR

- a) Every owner or operator of an industry where motor vehicles are serviced, repaired, washed, or maintained, and where the wastewater is directly or indirectly connected to a municipal sanitary sewer system shall:
- (i) Install, operate, and maintain an oil and water separator in any piping system at its premises that connects directly or indirectly to a municipal sanitary sewer system.
 - (ii) Ensure that the oil and water separator is installed in compliance with the requirements of the *Building Code*.
 - (iii) Inspect and maintain the oil and water separator in accordance with manufacturer's recommendations to ensure the surface oil and sediment levels do not exceed the manufacturer's recommended level. Where a conflict occurs between this By-law and the manufacturers recommendations, the more stringent requirement shall prevail.
 - (iv) Clean out the oil and water separator at least once annually.
 - (v) Retain documentation of proof of oil and water separator clean-out and oily water disposal for a minimum of two (2) years.
 - (vi) Ensure that maintenance and disposal records are submitted to the City upon request for each oil and water separator installed.
- b) No person shall use or permit the use of solvents, hot water, or other agents to facilitate the passage of oil or grease through an oil and water separator to which this Section applies.

6.3 SEDIMENT INTERCEPTOR

- a) Every owner or operator of an industry from which sediment may directly or indirectly enter a municipal sanitary sewer system, including but not limited to premises where vehicles are washed, shall:

- (i) Install, operate, and maintain a sediment interceptor in any piping system at its premises that connects directly or indirectly to a municipal sanitary sewer system.
 - (ii) Ensure that the sediment interceptor is installed in compliance with the requirements of the *Building Code*.
 - (iii) Inspect and operate the sediment interceptor regularly to ensure performance is maintained to the manufacturer's recommendations to ensure the surface oil and sediment levels do not exceed the manufacturer's recommended level. Where a conflict occurs between this By-law and the manufacturers recommendations, the more stringent requirement shall prevail.
 - (iv) Ensure that the sediment interceptor is cleaned out at least once annually.
 - (v) Retain documentation of proof of sediment interceptor clean-out and waste disposal records for a minimum of two (2) years.
 - (vi) Ensure that maintenance and disposal records are submitted to the City upon request for each sediment interceptor installed.
- b) No person shall use or permit the use of solvents, hot water, or other agents to facilitate the passage of sediment through a sediment interceptor to which this Section applies.

6.4 OIL GRIT SEPARATOR

- a) Every owner or operator of an industry where an oil grit separator has been installed and discharges directly or indirectly into a municipal storm sewer system, the owner or operator shall:
- (i) Operate and maintain an oil grit separator in any piping system at its premises that connects directly or indirectly to a municipal storm sewer system.
 - (ii) Ensure that all oil grit separators are inspected at least once annually.
 - (iii) Ensure that all oil grit separators are operated and maintained in accordance with manufacturer recommendations. Where a conflict occurs between this By-law and the manufacturers recommendations, the more stringent requirement shall prevail.
 - (iv) Retain all oil grit separator inspection and maintenance documentation for each of the oil grit separators, including sediment disposal movement manifests for a minimum of two (2) years.
 - (v) Submit all maintenance and inspection documentation to the City upon request for each oil grit separator installed.

6.5 DENTAL WASTE AMALGAM SEPARATORS

- a) Every dental practice shall comply with the *Dentistry Act, 1991, S.O. 1991, c.24*, and the regulations made there under, as amended, for the management and disposal of amalgam waste.
- b) Each dental waste amalgam separator shall be operated and maintained in accordance with manufacturer recommendations. Retain documents demonstrating proof of dental amalgam separator clean-out and disposal for a minimum of two (2) years.

- c) Documentation related to the installation and/or maintenance of a dental waste amalgam separator shall be submitted to the City upon request for each dental amalgam separator installed.

6.6 WASTE GRINDERS

- a) No owner or operator of an industry shall install, operate, or replace within the City any waste grinding device for which the wastewater from this device will discharge directly or indirectly into a municipal sanitary sewer system.

6.7 PRETREATMENT FACILITIES

Where required by this By-law, the owner or operator of an industry shall:

- a) Install a wastewater pre-treatment facility on the premises prior to the final point of discharge into the municipal sewage works.
- b) Ensure the design, operation and maintenance of the pre-treatment facility achieves the treatment objectives and is in accordance with the manufacturer's recommendations.
- c) Ensure that any waste products from the pre-treatment facility are disposed of in accordance with applicable legislation.
- d) Keep documentation pertaining to the pre-treatment facility and waste disposal for a minimum of two (2) years.
- e) Submit the maintenance records and waste disposal records to the City upon request.**

7 DISCHARGE PERMITS AND AGREEMENTS

7.1 The City may issue an agreement or permit to the discharger for any one or more of the following:

- a) Overstrength Surcharge Agreement
 - (i) An Overstrength Surcharge Agreement may only be entered into for the discharge of treatable wastewater parameters Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS). The discharger shall pay the assessed amount as per the terms established by the City for the duration of the discharge.
 - (ii) Overstrength Surcharge fees will be reviewed and adjusted accordingly as determined by the City from time to time and based on projected operating and maintenance costs as calculated in Schedule "B".
- b) Hauled Sewage Program in accordance with Section 8 of the By-law
- c) Compliance Program in accordance with Section 9 of the By-law
- d) Sewer Discharge
 - (i) Notwithstanding Section 3 or Section 4 of the By-law, the City may issue a Sewer Discharge Permit, in its sole discretion and on such terms and conditions as it may deem appropriate; including but not limited to terms and conditions to protect the municipal

sewage works and compensation for costs related to the operation, maintenance and/or repair of the municipal sewage works, treatment or monitoring of the discharge and administration of the permit.

- (ii) Notwithstanding Section 4 of the By-law, the City in its sole discretion, may issue a Sewer Discharge Permit for a discharge of wastewater from a dewatering activity into a municipal sewage works on such terms and conditions it may deem appropriate, including but not limited to; terms and conditions to protect the municipal sewage works, the natural environment, standards for the parameters in the discharge, volume of the discharge, and compensation for costs related to maintenance and/or repair of the municipal sewage works and facilitating administration of the approval.
- (iii) All reasonable pre-treatment measures shall be utilized to ensure the discharge meets Section 4 and Schedule "A" Table 2 of the By-law prior to requesting to discharge to the municipal sanitary sewer system.

7.2 A person applying for a permit or agreement shall submit a completed application and all required supporting documentation to the City.

7.3 Permits or agreements are non-transferable and shall expire

- a) In the case of:
 - (i) Overstrength Surcharge Agreement – five (5) years from the date of issuance,
 - (ii) Compliance Program – two (2) years from the date of issuance,
 - (iii) Sewer Discharge Permit – maximum one (1) year from the date of issuance; or
 - (iv) Upon the written notice of cancelation by the City.
- b) In accordance with Section 7.3 (a) unless written approval to extend a permit or agreement is provided by the City

7.4 A holder of any permit or agreement issued under this By-law shall forthwith inform the City of any change to:

- a) The information contained in an application,
- b) The information contained in a permit or agreement that has been issued: or
- c) The characteristics of the discharge for which the approval has been issued.

7.5 The City may amend the terms and conditions in any permit or agreement after it has been issued.

7.6 The City may suspend or revoke a permit or agreement at any time, or where:

- a) There may be an adverse effect to the municipal sewage works;
- b) In an emergency situation, as determined by the City; or
- c) The permit or agreement holder:
 - (i) Fails to comply with the terms and conditions of a permit or agreement or with any of the provisions of this By-law;
 - (ii) Fails to notify the City forthwith of any changes referred to in Section 7.4; or
 - (iii) Provides false or inaccurate information in an application for a permit or agreement

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- 7.7 All permits and agreements are subject to an application fee as specified in the *Fees By-law*, as amended, and the fee shall be paid prior to the issuance of any permit or agreement.
- 7.8 Where a request is made for an amendment to an existing permit or agreement prior to the expiry date of the permit or agreement, the amendment will be subject to the approval of the City and the permit or agreement holder shall pay the amendment fee as outlined in the *Fees By-law* and Schedule "B" of the By-law, as amended. Any invoices in arrears shall be added to the tax roll for the property and such costs shall represent a lien against the land.
- 7.9 A person who has received written notice from an Environmental Officer that a permit or agreement is required shall submit a completed application as specified in Section 7.1 to the City within 30 days from the date of written notification.
- 7.10 Written notice is sufficiently given if:
- It is delivered by registered mail addressed to the last known address of the permit or agreement holder and on the fifth (5) business day after it was mailed;
 - It is sent by fax to the permit or agreement holder at the latest fax number provided by the applicant and on the first (1) business day after it was sent;
 - It is sent by email to the permit or agreement holder at the latest email address provided by the applicant and on the first (1) business day after it was sent; or
 - It is delivered personally to the permit or agreement holder.
- 7.11 A person who has been issued a permit or agreement under this By-law authorizing a discharge that is otherwise prohibited by this By-law, shall not be prosecuted under the provision of the By-law prohibiting the discharge so long as the permit remains valid and the terms and condition of the permit are fully complied with.
- 7.12 At the City's request, a flow meter approved by the City must be installed on the discharge line into the municipal sewage works, at the expense of the owner, as a condition of entering into an Overstrength Surcharge Agreement, Compliance Program and/or a Sewer Discharge Permit.
- 7.13 The discharger shall comply with all other aspects of this By-law that are not contained within the valid permit or agreement.

8 HAULED SEWAGE

- 8.1 No person shall discharge hauled sewage to a municipal sanitary sewer system, directly or indirectly unless:
- The carrier of the hauled waste abides by all requirements in accordance with the *EPA*;
 - A copy of the most recent Certificate of Approval, Environmental Compliance Approval, or provisional certificate and any amendment is provided to the City;
 - The carrier meets all terms and conditions for discharge that are or may be set from time to time with respect to the haulage of sewage by the City;
 - The carrier obtains an approved Sewer Discharge Permit issued by the City and may be amended by the City from time to time; and,
 - The carrier adheres to all terms and conditions as outlined in the Sewer Discharge Permit, including the payment of fees as outlined in the current Fee's By-law, as amended.

9 COMPLIANCE PROGRAMS

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- 9.1 An industry may submit to the Environmental Officer a proposed Compliance Program setting out activities to be undertaken by the industry that would result in compliance with this By-law.
- 9.2 Proposed Compliance Programs must be submitted by the industry to the City within thirty (30) days from the date of a Notice of Violation or Order requesting the submission.
- 9.3 Compliance Programs shall contain but not be limited to the following information: a specified length of time during which pre-treatment facilities or other measures are to be installed or implemented and shall be specific as to the remedial actions to be implemented by the industry, the dates of commencement and completion of the activity and the materials or other characteristics of the matter to which it relates. The final activity completion date shall not be later than the final compliance date in the Compliance Program.
- 9.4 At its sole discretion, the City may establish a Compliance Program that will permit an industry to discharge non-complying wastewater upon such terms and conditions deemed appropriate by the City.
- 9.5 A person to whom a Compliance Program has been issued shall not be prosecuted under this By-law for the condition identified in the approved Compliance Program. These Compliance Programs may include a provision for a fee which is fully recoverable by the City pursuant, but not limited to, the Fee's By-law and Schedule "B" of this By-law, as amended. The full cost recovery payment to the City may be in such an amount and for such duration as the Compliance Program may specify.
- 9.6 The industry for which a Compliance Program has been approved shall submit a Compliance Program progress report to the City within fourteen (14) days after the scheduled completion date of each activity listed in the Compliance Program.
- 9.7 After the date of expiry of the Compliance Program, all Parts of this By-law shall apply, and an industry may be convicted of an Offence under the By-law.
- a) Notwithstanding Section 9.6, a Compliance Program established within the last five (5) years from the date of passing of this By-law shall be exempt from Section 9.7.
- 9.8 The City may terminate any approved Compliance Program entered into pursuant to Section 9 of the By-law by written notice at any time to the industry in the event that the industry fails or neglects to carry out or diligently pursue the activities required of it under its approved Compliance Program. In the event of any such termination, the industry shall pay to the City the full difference in amount between what it was required to pay pursuant to Schedule "B", and the amount actually paid to the City as a result of having entered into a Compliance Program. Any invoices in arrears shall be added to the tax roll for the property and such costs shall represent a lien against the land.
- 9.9 For the duration of the Compliance Program, an industry shall pay the following fees, in accordance with the Fee's By-law, as amended from time to time:
- a) One (1) to six (6) months, no charge;
- b) Six (6) to (12) months, facility pays 25% of current wastewater surcharge rates;
- c) Twelve (12) to eighteen (18) months, facility pays 50% of current wastewater surcharge rates;
- d) Eighteen (18) to twenty-four (24) months, facility pays 75% of current wastewater surcharge rates;
- e) After twenty-four (24) months the facility pays 100% of the current wastewater surcharge rates.

10 SAMPLING AND ANALYTICAL REQUIREMENTS

- 10.1 The City may collect samples for the purposes of determining the concentration of constituents in sewage, storm water or uncontaminated water that is discharged directly or indirectly into a municipal sewage works, the sample may:
- a) Be collected manually or by using an automatic sampling device; and/ or,
 - b) Contain additives for preservation.
- 10.2 Compliance or non-compliance with this By-law may be determined by the analysis of either one grab sample or a composite sample.
- 10.3 For the purpose of determining compliance with this By-law, samples shall be obtained at the point of discharge closest to the property boundary or final point of discharge wherever possible, and/ or from discrete wastewater streams within premises as identified, at the discretion of the City.
- 10.4 All tests, measurements, analyses and examinations of wastewater, its characteristics or contents pursuant to this By-law shall be carried out in accordance with *Standard Methods*, Ministry of the Environment "*Protocol for the Sampling and Analysis of Industrial/Municipal Wastewater*", and/or be performed by a laboratory accredited for analysis of the particular substance(s) using a method which is within the laboratory's scope of accreditation.
- 10.5 The City may invoice the discharger to recover any costs associated with ensuring compliance with the By-law in accordance with the *Municipal Act, 2001* as amended. The discharger shall pay the costs invoiced by the City.

11 DISCHARGER SELF-MONITORING

- 11.1 The City may require that a discharger monitor or sample any discharge into a municipal sewage works and provide the results to the City in the form specified by the City.
- 11.2 The obligations set out in or arising out of Section 11 shall be completed at the expense of the discharger.
- 11.3 All tests, measurements, analysis and examinations of wastewater, its characteristics or contents pursuant to this By-law shall be carried out in accordance with *Standard Methods*, Ministry of the Environment "*Protocol for the Sampling and Analysis of Industrial/ Municipal Wastewater*" and/or be performed by a laboratory accredited for analysis of the particular substance(s) using a method which is within the laboratory's scope of accreditation.
- 11.4 The sampling and monitoring results as described in Section 11 can be used by the City to determine compliance with this By-law.

12 SWIMMING POOL WATER

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- 12.1 A person may discharge water from a swimming pool or cover either:
- a) By way of permanent or temporary connection to the private sanitary sewer system; or
 - b) By way of a controlled discharge to the owner's property such that the discharge is controlled on the owner's property until it evaporates or infiltrates into the ground.
- 12.2 All water discharged from a swimming pool or cover entering onto City property shall be free of all chemical additives used for routine pool maintenance.

13 SPILLS

- 13.1 In the event of a spill to a municipal sanitary or municipal storm sewer or municipal property, the person responsible or the person having the charge, management and control of the spill shall immediately notify and provide any requested information with regard to the spill to:
- a) 911 and/or Ministry of the Environment Spills Action Center; and
 - b) The City.
- 13.2 The person responsible for the spill or the person having the charge, management and control of the spill shall do everything reasonably possible to contain the spill, protect the health and safety of citizens, minimize damage to property, protect the environment, clean up the spill, ameliorate any adverse effect, and restore the affected area to its condition prior to the spill.
- 13.3 The person responsible for the spill or the person having charge, management and control of the spill shall make a record of the spill in accordance with the EPA.
- 13.4 In the event the person, responsible or the person having charge, management and control is unable and/or declines to clean up the spill and restore the affected area to its condition prior to the spill, the City will complete such action at the cost and expense of the person or discharger or owner of the property. Costs and expenses incurred by the City may be added to the tax roll for the property or any real property owned by the person or discharger or owner, and such costs shall represent a lien against the land or real property.
- 13.5 Notwithstanding Section 13.4, where the spill results from a vehicle or the use of a vehicle, the owner of such vehicle shall be responsible for all costs and expenses incurred by the City.
- 13.6 An industry having ownership of the spill shall provide a detailed written report on the spill to the City, within five (5) business days after the occurrence of the spill, containing the following information to the best of their knowledge:
- a) Name of the company and the location of spill;
 - b) Current contact information, including name and telephone number of the person who reported the spill;
 - c) Date and time the spill occurred or was observed;
 - d) Material spilled;
 - e) Characteristics and composition of material spilled (including Safety Data Sheets);
 - f) Volume of material spilled;
 - g) Cause of the spill;

- h) Duration of spill event;
- i) Work completed and any work still in progress in the mitigation of the spill;
- j) Preventative actions being taken to ensure a similar spill does not occur again; and
- k) Copies of applicable spill contingency and spill response plans.

13.7 Nothing in this By-law relieves any person from complying with any notification or reporting provisions or any other requirements of:

- a) Other government agencies, including federal and provincial agencies or,
- b) Any other By-law of the City.

13.8 The City may invoice the person responsible for the spill to recover costs of time, materials and services arising as a result of the spill as outlined in the *Fee's By-law* and the *Municipal Act, 2001, S.O. 2001, c.25* as amended. The person responsible for the spill shall pay the costs invoiced.

13.9 The City may issue an Order requiring the immediate inspection and cleanout of a pre-treatment device that may have been compromised by a spill, in accordance with manufacturer recommendations.

14 SEWER USE REPORT

14.1 At the request of the City, an industry shall complete and submit a Sewer Use Report (SUR) for review by the City and participate in a facility inspection. The industry shall return the SUR to the City and allow an Environmental Officer to inspect the facility within thirty (30) calendar days of the request.

14.2 A fee for missed scheduled facility inspections shall be invoiced as specified in the *Fees By-law*, as amended, and will be sent to the owner of the facility. The owner shall pay the costs invoiced, any invoices in arrears shall be added to the tax roll for the property and such costs shall represent a lien against the land.

14.3 Information collected on the SUR, inspection observations, and supporting documentation may be used to determine compliance with this By-law.

14.4 At the discretion of the City, the Environmental Officer may amend the SUR from time to time.

15 PROTECTION FROM DAMAGE TO THE MUNICIPAL SEWAGE WORKS

15.1 Unless specifically authorized by the City, no person shall enter, access, or operate any part of the municipal sewage works.

15.2 No person shall uncover, make any connection with, break, alter, destroy, damage, deface or tamper or cause or permit the breaking, damaging, destroying, defacing, or tampering with:

- a) Any part of a municipal sewage works; or
- b) Any permanent or temporary device installed in or connected to a municipal sewage works or private sewage works for the purpose of flow measuring, collecting samples or otherwise

monitoring wastewater, stormwater, uncontaminated water or stormwater from land or watercourse.

- 15.3 Any person discharging to the municipal sewage works shall be responsible for ensuring that such discharge complies at all times with the provisions of this By-law and shall be liable for any damage or expense arising out of the failure to properly check and control such discharge, including the cost of investigation, repair and replacing any part of any municipal sewage works damaged thereby.
- 15.4 The City may invoice the person to recover any costs associated with the investigation, repair, or replacement of any part of the municipal sewage works damaged by the discharge in accordance with the *Municipal Act, 2001, S.O. 2001, c.25* as amended.

16 MONITORING ACCESS POINTS

- 16.1 The owner or operator of an industry or multi-use residential building, with one or more connections to a municipal sewage works, shall install and maintain in good repair in each connection a suitable monitoring access point to allow observation, sampling and flow measurement of the wastewater, or storm water. Where installation of a monitoring access point is not possible, a sampling port may be substituted with the prior written approval of the Director of Infrastructure or Designate.
- 16.2 The monitoring access point or sampling port shall be located on the property of the industry or multi-use residential building, as close to the property line as possible or final point of discharge, unless the City has given prior written approval for a different location.
- 16.3 Each monitoring access point or sampling port installed shall be designed and constructed in accordance with good engineering practice and meet the requirements of the City and shall be constructed and maintained by the owner or operator of the industry or multi-use residential building at their expense.
- 16.4 The owner or operator of an industry or multi-use residential building shall ensure that every monitoring access point or sampling port installed as required by this By-law is accessible at all times to the Environmental Officer for the purposes of observing, sampling, and flow measurement of the final point of discharge of the wastewater, uncontaminated water, or storm water therein.

17 DISCONNECTION OF SEWER

- 17.1 Where wastewater which is hazardous or creates an immediate danger to any person; endangers or interferes with the operation of the municipal sewage works; or causes or is capable of causing an adverse effect, is discharged to the municipal sewage works, the Environmental Officer may, in addition to any other remedy available, disconnect, plug, seal or take any other action necessary to prevent such wastewater from entering into the municipal sewage works.
- 17.2 The wastewater as described in Section 17.1 shall be prevented from being discharged into the municipal sewage works until the Environmental Officer is provided satisfactory evidence that no further hazardous discharge of wastewater shall be made to the municipal sewage works.

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- 17.3 All cost incurred subject to Section 17 shall be forthwith reimbursed to the City by the owner or operator of the property, and such costs and expenses may be added to the tax roll for the property, and such costs shall represent a lien against the land.

18 NOTICE OF VIOLATION AND ORDERS

- 18.1 A Notice of Violation or Order may be issued by the Environmental Officer to a person who contravenes any provision of this By-law. The Notice of Violation or Order will specify the contravention and require the person receiving such Notice of Violation or Order to comply with all directives stated in the Notice of Violation or Order.
- 18.2 When a Notice of Violation or Order is issued by the Environmental Officer, the person to whom the Notice of Violation or Order is made shall be deemed to have received the Notice of Violation or Order on the date it is posted in a conspicuous place at the subject property or delivered in accordance with Section 7.10 to the premise owner or operator.
- 18.3 The manner of delivery set out in Section 18.2 shall be at the discretion of the Environmental Officer.
- 18.4 When an Order is made and the person required to take action fails to comply by the due date, the City will complete such action at the cost and expense of the owner of the property, and such costs and expenses may be added to the tax roll for the property, and such costs shall represent a lien against the land.

19 OFFENCES

- 19.1 Where an Environmental Officer has reason to believe that a contravention of this By-law has occurred, the Environmental Officer may make an Order requiring the person who has contravened the By-law or who has caused or permitted the contravention or the owner or occupier of the land on which contravention of the By-law occurred to do a thing or carry out work to correct the contravention. If an Order has been issued and the Order has not been complied with, the contravention of the Order shall be deemed to be a continuing offence for each day or part of a day that the Order is not complied with.
- 19.2 When a Notice of Violation or Order is made and the person required to take action fails to comply by the due date, the City will complete such action at the cost and expense of the owner of the property, and such costs and expenses may be added to the tax roll for the property, and such costs shall represent a lien against the land.

20 ENFORCEMENT

- 20.1 Every person who contravenes any provision of this By-law is guilty of an offence and liable on conviction to a penalty not exceeding \$5,000, exclusive of costs and the provisions of the *Provincial Offences Act, R.S.O 1990, c P.33*, as amended, shall apply to said fine.
- 20.2 Every person who contravenes the provisions of any section of this By-law and every General Manager, Director or Officer of a Corporation, who knowingly concurs in the contravention by the

Corporation, is guilty of an offence under the provisions of the *Municipal Act*, S.O. 2001, c.25, s. 433(1.).

- 20.3 Every person who contravenes the any provision of this By-law and every General Manager, Director or Officer of a Corporation, who knowingly concurs in the contraventions by the Corporation, is guilty of an offence and liable on conviction to a penalty where the minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the *Municipal Act 2001*, s. 429, as amended.
- 20.4 For the purpose of continuous offences, every person who contravenes any provision of this By-law and every General Manager, Director or Officer of a Corporation who knowingly concurs in the contravention of a By-law of the Corporation is guilty of an offence and liable on conviction to a penalty where the minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000 per day or part thereof, exclusive of costs under the provisions of the *Municipal Act 2001*, s. 429, as amended. Despite Paragraph 20.1, the total of all fines for continuous offences or multiple offences is not limited to \$100,000.
- 20.5 For the purpose of multiple offences, every person who contravenes any provision of this By-law and every General Manager, Director of Officer of a Corporation, who knowingly concurs in the contravention of a By-law is guilty of an offence and liable on conviction to a penalty where the minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000, exclusive of costs under the provisions of the *Municipal Act 2001*, s. 429 as amended. Despite Section 20.1, the total of all fines for continuous offences or multiple offences is not limited to \$100,000.
- 20.6 In this By-law, subsequent offence means a conviction for an offence, which occurs after the date of conviction for an earlier offence under this By-law or the City's former Sewer Use By-law 2012-172.

21 ACCESS TO INFORMATION

- 21.1 All information submitted to and collected by the City that is contained in plan summaries, reports, surveys, monitoring and inspection and sampling activities will, except as otherwise provided in this Section, be available for disclosure to the public in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.F.31, as amended.
- 21.2 In the event that any person submitting information to the City, as required under this Section, where such information is confidential or proprietary or otherwise, may be exempt from disclosure under the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.F.31, the person submitting the information shall so identify the information upon its submission to the City and where such information is confidential or proprietary or otherwise, may be exempt from disclosure.
- 21.3 The Environmental Officer shall have access to the information contained in or related to a Certificate of Approval, Environmental Compliance Approval, Permit to Take Water, Environmental Activity Sector Registry or any other permit or approval made under the EPA which permits a discharge into the municipal sewage works.

22 **LIMITATION**

- 22.1 Nothing in this By-law shall be so construed as to permit anything, which by the provisions of any applicable Act, Regulation or By-law is otherwise prohibited.
- 22.2 Where there is a conflict between federal or provincial legislation and this By-law, the most stringent abiding legislation shall prevail.
- 22.3 In the event any provision, or part thereof, of this By-law is found by a court of competent jurisdiction, to be *ultra vires*, such provision, or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all provisions of this By-law shall remain in full force and effect.

23 **EXCEPTIONS**

- 23.1 This By-law does not apply to the discharge of any matter or sewage, in an emergency, as determined and approved by the Medical Officer of Health in the exercise of their authority under the *Health Protection and Promotion Act, R.S.O. 1990, c.H.7.*

24 **SCHEDULES**

- 24.1 All of the provisions of this By-law shall come into effect on the date that it is passed by Council.
- 24.2 Every person shall be required to meet the new limits as set out in Schedule "A" of this By-law commencing one (1) year after the date that this By-law is passed by Council.

25 **REPEAL**

This By-law hereby repeals and replaces By-law 2012-172.

26 **EFFECTIVE DATE**

This By-law shall come into force and take effect on the date of its passing and enactment.

SCHEDULE "A" RESTRICTED WASTES- SEWER DISCHARGES

Table 1 – LIMITS FOR SANITARY SEWER DISCHARGES

PARAMETER	MAXIMUM CONCENTRATION LIMIT (mg/L, except as noted)
Temperature	60 Degrees Celsius
pH	Min - Max 6.0 - 9.5
Biochemical Oxygen Demand (BOD)	300
Chemical Oxygen Demand (COD)	600
Total Kjeldahl Nitrogen	100
Suspended Solids (Total)	350
Oil & Grease – Mineral & Synthetic	15
Oil & Grease – Animal and Vegetable	150
Phosphorus (Total)	10
Cyanide	1.2
Chloride	1500
Fluoride	10
Sulphate	1500
Aluminum	50
Antimony	5.0
Arsenic	1.0
Barium	5.0
Benzene	0.01
Bismuth	5.0
Cadmium	0.7
Chromium (Total)	2.0
Cobalt	5.0
Copper	2.0
Dichlorobenzene (1,2-)	0.05
Dichlorobenzene (1,4)	0.08
Ethylbenzene	0.06
Gold	5.0
Hexachlorobenzene	0.0001
Iron	50
Lead (Total)	0.7
Manganese	5.0
Mercury	0.01
Methylene chloride (dichloromethane)	0.09

SCHEDULE "A" RESTRICTED WASTES- SEWER DISCHARGES

CONTINUED

Table 1 – LIMITS FOR SANITARY SEWER DISCHARGES

PARAMETER	MAXIMUM CONCENTRATION LIMIT (mg/L, except as noted)
Molybdenum	5.0
Nickel	2.0
PAH	0.005
Phenols, Total (or Phenolic compounds)	0.1
Platinum	5.0
Rhodium	5.0
Selenium (Total)	1.0
Silver	0.4
Sulphide	1.0
Tetrachloroethane (1,1,2,2-)	0.06
Tetrachloroethylene	0.06
Toluene	0.02
Trichloroethylene	0.05
Xylenes, Total	0.3
Tin	5.0
Vanadium	5.0
Zinc	2.0

Refer to Section 3 for parameters not listed in the above table.



SCHEDULE "A" RESTRICTED WASTES- SEWER DISCHARGES

Table 2 – LIMITS FOR STORM SEWER DISCHARGE

PARAMETER	MAXIMUM CONCENTRATION LIMIT (mg/L, except as noted)
Temperature	30 Degrees Celsius
pH	Min – Max 6.0-9.5
Total Suspended Solids	15
Biochemical Oxygen Demand (BOD)	15
Chromium	0.08
Zinc	0.04
Lead	0.05
Nickel	0.05
Copper	0.01
Cadmium	0.001

Refer to Section 4 for parameters not listed in the above table.

SCHEDULE "B" SURCHARGE FORMULA AND CALCULATION

SURCHARGE FORMULA AND CALCULATION

$$C = Q ((K_1 (TSS - 350)) + (K_2 (BOD - 300))) 10^{-3}$$

C = Cost of Surcharge in Dollars

Q = Quantity of flow in cubic metres (m³) per month

K₁ = Cost of treatment allocated to Suspended Solids per kilogram (kg)

K₂ = Cost of treatment allocated to BOD₅ per kilogram (kg)

TSS = Monthly Total Suspended Solids in milligrams per litre (mg/L)

BOD = Monthly BOD in milligrams per litre (mg/L)

10⁻³ = Factor for converting milligrams per litre (mg/L) to kilograms/cubic metre (m³)

Note:

- Should (TSS - 350) equal less than 0, (TSS-350=0)
- Should (BOD - 300) equal less than 0, (BOD - 300=0)