



Staff Report

Operations Department

Report To: Committee of the Whole
Meeting Date: August 26, 2019
Report Number: CSPW.19.039
Subject: Regulating Sewer Discharge By-Law 2013-37 Update
Prepared by: Allison Kershaw, Manager of Water and Wastewater Services

A. Recommendations

THAT Council receive Staff Report CSPW.19.039, entitled "Regulating Sewer Discharge By-Law 2019-37 Update";

AND THAT Council direct staff to initiate the public consultation process, including the required Public Meeting, to receive input regarding a Draft Regulating Sewer Discharge By-Law to replace the current Regulating Sewer Discharge By-Law 2013-37.

B. Overview

The purpose of this report is to provide a draft copy of the Regulating Sewer Discharge By-Law and request Council's approval to initiate a Public Meeting process with regard to updating the Town's current Regulating Sewer Discharge By-Law 2013-37.

C. Background

The Town of The Blue Mountains ("Town") current Regulating Sewer Discharge By-Law 2013-37 ("By-Law") is unable to properly address the regulatory frame work for high strength and industrial users. Updating the By-Law and incorporating both sanitary and storm sewer discharge criteria, the Town is taking a proactive and fiscally responsible initiative to safeguard the Town's infrastructure, public health, property and the environment, now and into the future. The draft Regulating Sewer Discharge Bylaw, provided as Attachment 1 in this report, regulates all users: residential, industrial, commercial and institutional. Further, the By-Law addresses extraneous flows from users discharging to the sewers.

This draft Sewer Discharge By-Law provides an updated list of definitions including new language and agreements to industrial operations. There is an opportunity to allow the Town to receive high strength wastewater and be able to determine a cost to the user. It also regulates the maximum concentrations of some parameters.

D. Analysis

Waste streams with high levels of total suspended solids, total phosphorous and biochemical oxygen demand add operating costs to the treatment plants. The Town has not been able to adequately provide the framework to industry to allow the discharge of the high strength wastewater and be able to determine a cost. In addition, there are some parameters that the Town's treatment facilities are not able to adequately treat, and potentially comprise the entire system. These parameters are either prohibited or have very low maximum acceptable limits.

The updated, draft By-Law includes a regimented schedule of fines for violators. By having this By-Law in place, Staff will be able to reduce impacts to the treatment systems and protect the natural environment. Treatment plant upsets are almost always accompanied by odour issues. It is the Town's responsibility to ensure the operations of the treatment systems are optimized, reducing any impact to neighbouring residents.

Staff is requesting direction to hold a Public Meeting in accordance with POL.COR.07.03 Provision of Notice and Manner of Giving Notice to the Public Policy, on October 7, 2019 to receive comments on the draft By-law. Included for reference is Attachment 2, the Town's current Regulating Sewer Discharge By-law 2013-37 and Attachment 3, a draft Public Meeting notice.

E. The Blue Mountains Strategic Plan

Goal #1: Create Opportunities for Sustainability

Objective #1 Retain Existing Business

Objective #2 Attract New Business

Objective #3 Promote a Diversified Economy

Objective #4 Support Value-Added Agriculture and Culinary Tourism

Objective #5 Improved Visibility and Local Identity

Goal #5: Ensure Our Infrastructure is Sustainable

Objective #1 Develop a Long-Term Asset Management Plan for the Maintenance, Renewal and Replacement of Existing Infrastructure

Objective #2 Avoid Unexpected Infrastructure Failure and Associated Costs and Liability

Objective #3 Implement Best Practices in Sustainable Infrastructure

Objective #4 Ensure that Infrastructure is Available to Support Development

F. Environmental Impacts

The Sewer Discharge By-Law provides updated direction regarding what is received into the sewer collection system, treatment facilities and ultimately the receiving body of water, which is so important to the natural environment.

G. Financial Impact

The Sewer Discharge By-Law provides for an opportunity to receive high strength wastewater and determine a cost to the users. This By-law also includes substantial fines for those that are found in contravention of this By-Law.

H. In Consultation With

Harold Elston, Town of The Blue Mountains Solicitor

Ruth Prince, Director of Finance and IT Services/Treasurer

Maurice Dempster, Wastewater Supervisor

Meg Boyd, Compliance and Efficiency

I. Public Engagement

The topic of this Staff Report will be the subject of a Public Meeting which, pending Council approval, will take place on October 7, 2019. Comments collected at the Public Meeting will be provided to Council and those who have asked to receive notice regarding this matter will be advised. Following the Public Meeting, a staff report which accounts for the comments received and provides a draft Regulating Sewer Discharge By-Law for Council's consideration will be provided.

With Council approval, staff will release the Notice of Public Meeting to receive comments from the public regarding the draft Regulating Sewer Discharge By-Law, in accordance with the proposed timeline noted below:

- September 9, 2019 – Staff Report CSPW.19.039 to be received by Council to confirm direction;
- September 10, 2019 – Public Meeting Notice posted at Town Hall and on the Town's website;
- September 12, 19, and 26, 2019 – Public Meeting Notice to be published in local newspaper;
- October 7, 2019 – Public Meeting
- October 28, 2019 – Public comments to be received by Council in staff report to Committee of the Whole;
- November 13, 2019 – Council to consider adopting the new Regulating Sewer Discharge By-law, 2013-37.

J. Attached

1. Draft – Regulating Sewer Discharge By-Law
2. Current Regulating Sewer Discharge By-law 2013-37
3. Draft Public Meeting Notice

Respectfully submitted,

Allison Kershaw
Manager of Water and Wastewater Services

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The Corporation of the Town of The Blue Mountains

By-Law Number 2019 –XX

Being a By-law to regulate or prohibit the discharge of water and waste into the municipal sanitary or storm sewer systems and wastewater treatment works, including industrial wastes.

WHEREAS pursuant of the *Municipal Act 2001*, S.O. 2001, c. 25, as amended (the **Act**), a municipality has jurisdiction for the systems to provide sewage services;

AND WHEREAS pursuant to the Act, a municipality may pass a By-law prohibiting or regulating the discharge of any matter into a sewage system;

AND WHEREAS pursuant to the Act, a municipality may pass By-laws imposing fees or charges for, among other things, services or activities provided or done by or on behalf of the municipality and for the use of municipality's property;

AND WHEREAS it is desirable to prohibit or regulate the discharge of any matter into the Town of The Blue Mountains' storm or sanitary sewer systems and to consolidate all provisions into a single By-law.

NOW THEREFORE

1.0 Definitions

In this By-law, including the recitals thereto:

"accredited laboratory" means any laboratory accredited by an authorized accreditation body in accordance with a stand based on "CAN-P-1585: Requirements for the Accreditation of Environmental Testing Laboratories" established by the Standards Council of Canada, as amended, or "ISO/IECEN 17025: General Requirements for Competence of Calibration and Testing Laboratories" established by the International Organization for Standardization, as amended;

"acute hazardous waste chemical" means a material which is acute hazardous waste chemical within the meaning of Ontario Regulation 347 made under the Environmental Protection Act as amended, repealed or replaced from time to time;

"automatic sampling device" means a device used to collect liquid sampling automatically using preset conditions such as time, frequency or quantity;

"biochemical oxygen demand" (BOD₅) means carbonaceous oxygen demand (biochemical) as determined by Standard Methods when inhibiting chemical has been added to prevent the oxidation of reduced forms of nitrogen, expressed in milligrams per litre;

"blowdown" means the discharge of recirculating noncontact cooling water or heating water for the purpose of discharging materials contained in the water, the further build-up of which would cause concentrations in the amounts exceeding limits established by best engineering practices;

"chemical oxygen demand" (COD) means the measurement of the capacity of water consume oxygen as a result of oxidation of inorganic chemical and decomposition of organic matter;

"commercial waste chemical" means a material which is a commercial waste chemical within the meaning of Ontario Regulation 347, made under the Environmental Protection Act, as amended, repealed or replaced from time to time;

"composite sample" means a sample which is composed of a series of grab samples taken at intervals during the sampling period;

“concentration” means the content of any element or compound relative to the total volume in which it is contained;

“council” means the Council of the Town of The Blue Mountains;

“cyanide (total)” means all the CN groups in cyanide compounds as determined by Standards Methods;

“Director” means the Director of Operations or designate;

“discharger” means any owner or operator of industrial, commercial or institutional premises from which there is a release of any matter or contaminated water directly or indirectly into a sanitary sewer or storm sewer of the Town;

“discharger abatement order” means an order issued by the Director to a nondomestic wastewater discharger of non-domestic waste to alter or cease nondomestic wastewater discharge into the sanitary system sewer.

“domestic wastewater” means waste produced on residential premises, or sanitary waste and wastewater from showers and restroom washbasins produced on a non-residential property;

“extra strength” means wastewater released that is higher in concentration for one or more constituent concentrations set out in this By-law;

“extra strength surcharge agreement ("ESSA")” means an agreement entered into between the discharger and the Town to permit the conditional release of wastewater to the wastewater works at concentrations exceeding the limits for conventional contaminants and/or physical parameters set out in this By-law;

“flow proportional composite sampling” means sampling with a piece of equipment that is capable of operating continuously and automatically adjusting, at time intervals not exceeding thirty minutes, either the volume of effluent sub-samples or the time interval between the collection of sub-samples, to the rate of flow in effluent stream;

“fuels” includes any ignitable liquid intended for use as a fuel with a flash point less than 61 degrees Celsius as determine by one of the methods in Ontario Regulation 347, made under the Environmental Protection Act, as amended, repealed or replaced from time to time, and gasoline, naphtha, diesel fuel or fuel oil;

“grab sample” means a portion of the flow being sampled, taken at one particular time and place;

“gravity sewer” means sewer system relying on gradually sloping pipelines that allow sewage to flow naturally downhill into the public sewage works;

“hailed liquid wastewater” means leachate, septage and/or other wastewater, which is transported by truck and discharged into the Town's wastewater system under certain conditions, at a hailed liquid wastewater facility;

“hailed liquid wastewater facility” means an approved depot which may accept hailed liquid wastewater transported by truck and discharged into the Town's wastewater under certain conditions;

“hailed liquid wastewater hauler” means an approved person who has the appropriate approvals and permits to the satisfaction of the Director and who may discharge hailed liquid wastewater transported by truck at a hailed liquid facility;

“hailed liquid wastewater - inside municipal boundaries” means hailed liquid wastewater and/or leachate which is generated from a source within the Town’s municipal boundaries, proof of which must be acceptable to the Director;

“hailed liquid wastewater - outside municipal boundaries” means hailed liquid wastewater and/or leachate which is generated from a source outside the Town’s municipal boundaries;

“high strength wastewater” means waste which exceeds the limits as set out in this By-law, and includes leachate and wastewater discharged into the sanitary wastewater system, but does not include hailed liquid wastewater;

“hazardous industrial waste” means a material which is a hazardous industrial waste within the meaning of Ontario Regulation 347, made under the *Environmental Protection Act*, R.S.O. 1990, c.E.19, as amended, repealed, or replaced from time to time (the EPA);

“hazardous waste chemical” means a material which is a hazardous waste chemical within the meaning of Ontario Regulation 347, made under the EPA;

“ignitable waste” means a material which is an ignitable waste within the meaning of Ontario Regulation 347, made under the EPA;

“industrial” shall mean of or pertaining to industry, manufacturing, commerce, trade, business or institutions as distinguished from domestic or residential;

“industrial wastes” means all water carrying wastes and wastewaters, excluding domestic wastewater and uncontaminated water, and shall include all wastewater from any producing, manufacturing, processing, institutional, commercial, agricultural, or other operation where the wastewater discharged includes significant quantities of waste of non-human origin;

“kjeldahl nitrogen (total) (TKN)” means organic nitrogen and ammonia determined together in accordance with Standard Methods;

“leachate” means contaminated water that is created in landfills, resulting from rain, melting snow or liquid that filters through landfill waste picking up and carrying with it dissolved materials;

“low pressure system” means a sewage system where the wastewater is discharged to an on-property pumping station incorporating a grinder pump before entering the public sewage works;

“owner” or “operator” means the owner or operator of any facility or activity subject to the provisions of this By-law;

“pathological waste” means a material which is pathological waste within the meaning of Ontario Regulation 347, made under the EPA, or any material which may be designated in writing by the Chief Medical Officer of Health (Ontario);

“PCB” means any monochlorinated or polychlorinated biphenyl or any mixture of them, or mixture that contains one or more of the, as determined by Standard Methods;

“PCB waste” means a PCB waste within the meaning of Ontario regulation 352, made under the EPA;

“person” means an individual, association, partnership, corporation, Municipality, Provincial or Federal agency, or an agent or employee thereof;

“pesticides” means a pesticide regulated under the *Pesticide Act*, R.S.O. 1990 as amended, repealed or replaced from time to time;

“pH” means the logarithm to the base 10 of the reciprocal of the concentration of hydrogen ions as determined by Standard Methods;

“phenolic compounds” means any hydroxy derivative of benzene, to its condensed nuclei, as determined by Standard Methods;

“phosphorus” means total phosphorus as determined by Standard Methods;

“plumbing system” means the system of connected piping, fittings, valves, equipment, fixtures, laterals and appurtenances contained in private sewage works that conveys waste to sewer outlets;

“private sewage works” means a sewage system or sewage works which is not owned by the Town;

“public sewage works” means all sewers, sewage works, gravity sewers, low pressure systems, sewage pumping stations, sewage treatment plants and other works for the collection owned by the Town, acceptance, transmission, treatment and disposal of liquid-borne wastes and storm water;

“sanitary sewer” means a sewer for the collection and transmission of domestic, commercial, institutional or industrial sewage or any combination thereof;

“severely toxic material” means any material listed in Schedule 3 of Ontario regulation 347, made under the EPA;

“septage” means all matter, liquid and solid, that is pumped out of septic tanks and/or holding tanks from residential, commercial and industrial properties which are not connected to the Town's sewer system.

“sewage” means any liquid waste containing animal, vegetable or mineral matter in solution or in suspension, but does not include stormwater or uncontaminated water;

“sewage works” means any works for the collection, transmission, treatment or disposal of sewage, stormwater or uncontaminated water, including a sanitary sewer or storm sewer, or any part of such works, but does not include plumbing or other works to which the Building Code Act, 1992 applies;

“Standard Methods” means the latest version or edition of a procedure set out in Standard Methods for the Examination of Water and Wastewater published jointly by the American Public Health Association, American Water Works Association and Water Environment Federation, or an Ontario Ministry of Environment Conservation and Parks approved procedure, or a procedure, modified or validated by the Town, or by equipment manufacturers.;

“storm sewer” means a sewer for the collection and transmission of stormwater, drainage from land or from a watercourse or any combination thereof;

“storm water” means water from rainfall or other natural precipitation or from melting of snow or ice runoff;

“suspended solids” means undissolved or insoluble total suspended matter which is borne by a liquid or contained in wastewater;

“Town” means The Corporation of the Town of The Blue Mountains;

“waste” means all manner of liquids and liquid-borne matter, but does not include storm water entering a sewer;

“waste discharge permit” means a permit issued by the Director to non-domestic wastewater discharger of non-domestic waste to permit non-domestic wastewater discharge into the sanitary system sewer;

“waste sharps” means a form of biomedical waste composed of used “sharps”, which includes medical materials such as hypodermic needles, as well as any device or object used to puncture or lacerate the skin;

“wastewater” means the composite of water and water-carried wastes from residential, commercial, industrial or institutional premises or any other source;

“wastewater sludge” means solid material recovered from the wastewater treatment process;

2.0 Application of By-law

- (1) Nothing in this By-law is to be construed as purporting to permit anything which by the provision of any applicable Statute or Regulation is prohibited, and where there is a conflict between provisions of the any applicable Statute or Regulation and the provisions of this By-law, the provisions of the Statute or Regulations are to prevail.
- (2) This By-law is and shall be known as the “Sewer Use By-law”
- (3) This By-law shall be administered by the Director.

3.0 General Provisions and Administration

- (1) Council delegates authority to the Director, or their designate, to execute all agreements referenced by this By-law on behalf of the Town.
- (2) For the purpose of the administration of this By-law, the Director, any agent engaged by Town and directed by the Director, and any person appointed by the Council to carry out inspections in respect to discharges prohibited or regulated by this By-law and directed by the Director, may, upon production of identification enter in or upon any land or premises, except land or premises being used as a dwelling unit, at any time without warrant and carry out such inspections and take such tests and samples as are necessary for the purposes of the inspections.
- (3) Except under the authority of a search warrant issued under Section 158 of the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended, the persons mentioned in Section 3.2 of this By-law shall not enter any place or room actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused, and entry be made only under the authority of a search warrant.

4.0 Sanitary Sewer Requirements

- (1) No person shall release or permit the release of, any matter into the sanitary sewer system except:
 - a. Domestic wastewater;
 - b. Non-domestic wastewater that complies with the requirements of this By-law;
 - c. Hauled liquid wastewater, including septage, that complies with the requirements of this By-law, or where a Waste Discharge Permit has been issued by the Director;
 - d. Storm water, clear-water waste, subsurface water or other matter where a Waste Discharge Permit has been issued by the Director; or

- e. Extra Strength matter where an Extra Strength Agreement is in place.
- (2) No person shall release or permit the release of any restricted substance which exceeds the respective concentrations in Section 4 of the By-law sanitary sewer system.
- (3) No person shall release, or permit the release of, any restricted substance which exceeds the respective concentrations listed in Section 5 of this By-law into the wastewater works, except under and in accordance with an in force Extra Strength Surcharge Agreement.
- (4) If required by the Town, all non-domestic and hauled wastewater dischargers shall complete and submit Form 1 “Abbreviated Discharge Information Report” to the Director.
- (5) If required by the Town, all non-domestic and hauled wastewater dischargers shall complete and submit Form 2 “Detailed Discharger Information Report” to the Director.
- (6) Unless granted an exemption by the Town, no non-domestic and hauled wastewater dischargers shall discharge to the sanitary sewer system until the discharger has obtained a Form 3 “Waste Discharge Permit” from the Director.
- (7) The Director may, upon receipt of the appropriate application and any other documentation or materials as the Town may require, issue or amend a Waste Discharge Permit or/and an Extra Strength Surcharge Agreement or/and a Sanitary Discharge Agreement, to allow the discharge of non-domestic waste and hauled wastewater into a sewer upon such terms and conditions as the Director considers appropriate and, without limiting the generality of the foregoing, may in the Waste Discharge Permit or/and Extra Strength Surcharge Agreement or/and Sanitary Discharge Agreement, and may include:
 - a. Place limits and restrictions on the quantity, composition, frequency and nature of the waste permitted to be discharged;
 - b. Require the holder of a Waste Discharge Permit or an Extra Strength Surcharge Agreement or Sanitary Discharge Agreement to repair, alter, remove, or add to works or construct new works; and,
 - c. Provide that the Waste Discharge Permit and the Extra Strength Surcharge Agreement and the Sanitary Discharge Agreement will expire on a specified date, or upon the occurrence of a specified event.
- (8) The Director may where a person is not in compliance with this By-law or a permit or agreement issued pursuant to the By-law, issue a Discharge Abatement Order to:
 - a. Require a person to alter the quantity, composition, duration and timing of the discharge or cease discharge of non-domestic waste or hauled wastewater to a sewer or wastewater facility.
 - b. Include any terms or conditions that could be included in a Waste Discharge Permit or/and an Extra Strength Surcharge Agreement; and
 - c. Shut down all non-compliant releases.
- (9) The Director may amend or cancel a Discharge Abatement Order based on noncompliance with this By-law or a permit or agreement issued pursuant to this By-law.

5.0 Storm Sewer Requirements

- (1) No person shall discharge or deposit or cause or permit the discharge or deposit of matter of any type into a storm sewer, watercourse, land drainage works, municipal or private sewer connection to any storm sewer which may:
 - a. Interfere with proper operation of a storm sewer;
 - b. Obstruct or restrict a storm sewer or the flow therein;
 - c. Damage a storm sewer;
 - d. Result in any hazard or other adverse impact to any person, animal, property or vegetation;
 - e. Impair the quality of water in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse; or

- f. Contravene or result in the contravention of approved discharge quality or quantity with respect to the storm sewer, its discharge, or both the sewer and its discharge.
- (2) No person shall discharge or deposit or cause or permit the discharge or deposit of any prohibited substances listed in Section 6 of this By-law into a storm sewer, watercourse, land drainage works, municipal or private sewer connection to any storm sewer.
- (3) Every property owner shall ensure that appropriate and necessary practices are undertaken to prevent prohibited discharges described in Section 6 of this By-law and to prevent discharge of suspended solids (total) in excess of 15 milligrams per litre (15mg/L) as a result of activities on their property, including;
- a. Construction activities that may result in erosion or sediment runoff from the property; and
 - b. Outside storage activities that may result in mobilization of stored materials as a result of rain or runoff from the property, including sand and granular material storage.

6.0 Prohibited Wastes – Sanitary and Storm Sewers

- (1) No person or dwelling shall have a roof drain, downspout, sump pump, foundation drain or any other storm water discharge connection to the wastewater lateral or plumbing system;
- (2) No person shall discharge directly or indirectly or deposit or cause or permit the discharge or deposit of wastewater into a sanitary sewer, municipal or private sewer connection to any sanitary sewer in circumstances where;
- a. To do so may cause or result in:
 - i. A health or safety hazard to a person authorized by the Town to inspect, operate, maintain, repair or otherwise work on the wastewater works;
 - ii. An offence under the *Ontario Water Resources Act*, R.S.O. 1990, c. 0.40, as amended (the “**OWRA**”) or the EPA, each as amended, or any regulation made thereunder from time to time.
 - iii. Wastewater sludge from the wastewater treatment plant facility works to which either wastewater discharges, directly or indirectly, fail to meet the objectives and criteria as listed in the *Nutrient Management Act*, 2002, S.O. 2002, c. 4, as amended, and any successor guidelines or regulation(s), (the “**NMA**”).
 - iv. Interference with the operation or maintenance of a wastewater works, or which may impair or interfere with any wastewater treatment process;
 - v. A hazard to any person, animal, property or vegetation;
 - vi. An offensive odour to emanate from wastewater works and without limiting the generality of the foregoing, wastewater containing hydrogen sulphide, carbon disulphide, or reduced sulphur compounds, amines or ammonia in such quantity as may cause an offensive odour;
 - vii. Damage to the wastewater works; or
 - viii. An obstruction or restriction to the flow in wastewater works.
 - b. The wastewater has two or more separate layers; or
 - c. The wastewater contains:
 - i. Hazardous substances;
 - ii. Combustible liquid;
 - iii. Biomedical waste, including any of the following categories: human anatomical waste, animal waste, untreated microbiological waste, waste sharps and untreated human blood and body fluids known to contain viruses and agents listed in Risk Group 4 as defined in the “Laboratory Biosafety Guidelines”

published by Health Canada, dated 2004, as amended;

- iv. Specified risk material for bovine spongiform encephalopathy as defined in the federal Fertilizers Regulations, C.R.C., c.666, as amended from time to time, including material from the skull, brain, trigeminal ganglia, eyes tonsils, spinal cord and dorsal root ganglia of cattle aged 30 months or older, material from distal ileum of cattle of all ages;
 - v. Dyes or colouring materials which may or could pass through a wastewater works and discolour the wastewater works effluent;
 - vi. Fuel;
 - vii. Ignitable waste;
 - viii. Pathological waste;
 - ix. PCBs;
 - x. Pesticides which are not otherwise regulated in this By-law;
 - xi. Herbicides which are not otherwise regulated in this By-law;
 - xii. Reactive wastes;
 - xiii. Toxic substances which are not otherwise regulated in this By-law;
 - xiv. Waste radioactive substances in excess of concentrations greater than those specified for release to the environment under the Nuclear Safety and Control Act S.C, 1997, c. 9 and any Regulations passed thereunder, as amended;
 - xv. Solid or viscous substances in quantities or of such size to be capable of causing obstruction to the flow in a sewer, including but not limited to ashes, bones, cinders, sand, mud, soil, straw, shaving, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, animal parts or tissues and paunch manure;
- d. The wastewater contains a concentration, expressed in milligrams per litre, in excess of any one or more of the limits in Section 7 of this By-law, unless;
- i. The discharge is in accordance with a valid Sanitary Discharge Agreement, Extra Strength Surcharge Agreement or compliance program;
 - ii. All requirements of Section 11, Additional Requirements have been fully satisfied.
- e. No person shall discharge or deposit or cause or permit the discharge or deposit of any matter into a storm sewer, watercourse, land drainage works, municipal or private sewer connection to any storm sewer, where the matter;
- i. Has one or more of the following characteristics:
 - 1. Visible film, sheen, or discolouration;
 - 2. Two or more separate layers;
 - 3. A pH less than 5.5 or greater than 9.5;
 - 4. A temperature greater than 40 degrees Celsius;
 - 5. A BOD5 concentration greater than 20mg/L or a total suspended solids concentration greater than 30mg/L;
 - 6. Is from a sanitary sewer; or
 - 7. Water containing any of the following in excess of the indicated concentrations:

Substance	Expressed as	Concentration
Cobalt	Co	5mg/L
Molybdenum	Mo	5mg/L
Copper	Cu	2mg/L
Zinc	Zn	2mg/L

Arsenic	As	1mg/L
Chromium	Cr	1mg/L
Nickel	Ni	1mg/L
Selenium	Se	0.8mg/L
Cadmium	Cd	0.7mg/L
Silver	Ag	0.4mg/L
Cyanides		0.1mg/L
Phenols	Total	40ug/L
Mercury	Hg	10ug/L
Hydrogen Sulphide	H ₂ S	Any amount
Carbon Disulphide	CS ₂	Any amount

f. Contains one or more of the following:

i. Hazardous Substances:

1. Combustible liquid;
2. Biomedical waste, including any of the following categories: human anatomical waste, animal waste, untreated microbiological waste, waste sharps and human blood and body fluids known to contain viruses and agents listed in the "Risk Group 4 as defined in a "laboratory Biosafety Guidelines" published by Health Canada, dated, 2004, as amended;
3. Specified risk material for bovine spongiform encephalopathy as defined in the federal Fertilizers Regulations, C.R.C., c.666, as amended from time to time, including material from the skull, brain, trigeminal ganglia, eyes, tonsils, spinal cord and dorsal root ganglia of cattle aged 30 months or older, material from distal ileum of cattle of all ages;
4. Dyes or colouring materials which may or could pass through a wastewater works and discolour the wastewater works effluent;
5. Fuel;
6. Ignitable waste;
7. Pathological waste;
8. PCBs;
9. Pesticides which are not otherwise regulated in this By-law;
10. Herbicide which are not otherwise regulated in this By-law;
11. Reactive wastes;
12. Toxic substances which are not otherwise regulated in this By-law;
13. Waste radioactive substances in excess of concentrations greater than those specified for release to the environment under the Nuclear Safety and Control Act S.C, 1997, c. 9 and any Regulations passed thereunder, as amended;
14. Solid or viscous substances in quantities of such size to be capable of causing obstruction to the flow in a sewer, including but not limited to ashes, bones, cinders, sand, mud, soil, straw, shaving, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, animal parts or tissues and paunch manure;
15. Hauled wastewater; or
16. Hauled waste.

ii. Contains E. coli colonies in excess of 200 cfu/100ml.

7.0 Restricted Wastes – Sanitary Sewer Discharges

Conventional Contaminants and Physical Parameters

Substance	Concentration Limit
Biochemical Oxygen Demand (BOD ₅)	300mg/L
Total Suspended Solids	300mg/L
Nitrogen, Total Kjeldahl (TKN)	50mg/L

Phosphorus, Total	10mg/L
pH	5.5 to 9.5
Temperature	60 Degrees Celsius
Oil & Grease – animal and vegetable	150mg/L
Oil & Grease – mineral and synthetic/ hydrocarbon	15mg/L

Organic Contaminants

Substance	Concentration Limit
Benzene	0.01mg/L
Chloroform	0.04mg/L
Dichlorobenzene (1,2-)	0.05mg/L
Dichlorobenzene (1,4)	0.08mg/L
Ethylbenzene	0.06mg/L
Hexachlorobenzene	0.0001mg/L
Methylene chloride (dichloromethane)	0.09mg/L
PCBs (chlorobiphenyls)	0.004mg/L
Phenols, total (or phenolic)	0.1mg/L
Tetrachloroethane (1, 1,2, 2-)	0.06mg/L
Tetrachloroethylene	0.06mg/L
Toluene	0.02mg/L
Trichloroethylene	0.05mg/L
Xylenes, total	0.3mg/L

Inorganic Contaminants

Substance	Concentration Limit
Arsenic, total	1.0mg/L
Cadmium, total	0.7mg/L
Chromium, total	2.8mg/L
Chlorides (as Cl)	1500mg/L
Cobalt	5.0mg/L
Copper, total	2.0mg/L
Cyanide, total	1.2mg/L
Lead, total	0.7mg/L
Mercury	0.01mg/L
Molybdenum, total	5.0mg/L
Nickel, total	2.0mg/L
Selenium, total	0.8mg/L
Silver, total	0.4mg/L
Sulphates (as SO ₄)	1500mg/L
Sulphides (as H ₂ S)	1.0mg/L
Zinc, total	2.0mg/L

8.0 Prohibition of Dilution

- (1) No person shall discharge directly or indirectly, or permit the discharge or deposit of wastewater into a sanitary sewer works where water has been added to the discharge for the purposes of dilution to achieve compliance with Section 6 or Section 7 of this By-law.
- (2) No person shall discharge directly or indirectly, or permit the discharge or deposit of matter into a storm sewer where water has been added to the discharge for the purposes of dilution to achieve compliance with Section 7 of this By-law.

9.0 Sampling

- (1) Where sampling is required for the purposes of determining the concentration of constituents in the wastewater, storm water or uncontaminated water, the sample may:

- a. Be collected by grab or by using an automatic sampling device; and,
 - b. Contain additives for its preservation.
- (2) For the purpose of determining compliance with Section 6 or Section 7, discrete wastewater streams within premises may be sampled, at the discretion of the Director.
- (3) Any single grab sample may be used to determine compliance with Section 6 or Section 7. Alternatively, the discharger from the premises may compensate the Town for the purchase and installation of an automatic sampling device for the purposes of collecting a composite sample.
- (4) All test, measurements, analyses and examinations of wastewater, its characteristics or contents pursuant to this By-law shall be carried out in accordance with “Standard Methods” and be performed by a laboratory accredited for the analysis of the particular substance(s) using a method which is within the laboratory’s scope of accreditation or to the satisfaction of the Director as agreed in writing prior to sample analysis.
- (5) Where a sample is required for the purpose of determining the characteristics or contents of the wastewater or storm water to which reference is made in the B-law:
- a. One sample along is sufficient and, without limiting the generality of foregoing, the sample may be a grab sample or a composite sample, may contain additives for its preservation and may be collected manually or by using an automatic sampling device.
 - b. Except as otherwise specifically provided in the By-law, all analytical tests, measurements, analyses and examination of sewage, water and storm water shall be carried out in accordance with Standard Methods.
 - c. For each one of the metals whose concentrations is limited under the regulation contained in this By-law, the analysis shall be for the quantity of total metal, which includes all metals, both dissolved and particulate.

10.0 Discharger Self-Monitoring

- (1) The discharger shall complete any monitoring or sampling of any discharge to a wastewater works as a required by the Town and provide the results to the Director in the form specified by the Director.
- (2) The obligations set out in or arising out of Section 10 (1) shall be completed at the expense of the discharger.

11.0 Additional Requirements

- (1) No person shall install or operate within the Town any food waste grinding devices in residential buildings for domestic purposes, the effluent from which will discharge directly or indirectly into a sanitary or storm sewer.
- (2) In the case of industrial, commercial or institutional properties where food waste grinding devices are installed in accordance with the Building Code, the effluent from such food waste grinding devices must comply with Section 6 and Section 7 of this By-law.
- (3) Food waste grinders shall not be equipped with motors in excess of one half (1/2) horsepower.
- (4) Where required by the Director, the owner or operator shall install on the premises, and prior to the sampling point, a wastewater pre-treatment facility, which meets the requirements of the following subsections:
 - a. The owner or operator shall ensure the design, operation and maintenance of the pre-treatment facility achieves the treatment objectives and is in accordance with the manufacture’s recommendations;
 - b. The owner or operator shall ensure any waste products from the pre-treatment facility are disposed of in a safe manner;
 - c. The maintenance records and waste disposal records shall be available to the Director upon request; and

- d. The owner or operator shall keep documentation pertaining to the pre-treatment facility and waste disposal for two years.
- (5) If required by the Town, oil and grease interceptors, sediment interceptors and dental waste amalgam separators shall be provided for the proper handling of wastewater containing excessive quantities of these substances and the following provisions of this section shall apply.
- a. Food-Related Grease Interceptors
 - i. Every owner or operator of a restaurant or other industrial, commercial or institutional premises where food is cooked, processed or prepared, for which the premises is connected directly or indirectly to a sanitary sewer shall take all necessary measures to ensure that oil and grease are prevented from entering the sanitary sewer in excess of the provisions of the By-law. Grease interceptors shall not discharge to storm sewer.
 - ii. The owner or operator of the premises as set in this subsection shall install, operate and properly maintain an oil and grease interceptor in any piping system at its premise that connects directly or indirectly to a sewer. The oil and grease interceptors shall be installed in compliance with the most current requirements of the Building Code. The installation of the oil and grease interceptor shall meet the requirements of the Canadian Standards Association national standard CAN/CSA B-481.2, as amended.
 - iii. All oil and grease interceptors shall be maintained according to the manufacturer's recommendations. The testing, maintenance and performance of the interceptor shall meet the requirements of CAN/CSA B-481. Traps should be cleaned before the thickness of the organic material and solids residuals is greater than twenty-five percent of the available volume; cleaning frequency should not be less than every four weeks. Maintenance requirements should be posted in the workplace in proximity to the grease interceptor.
 - iv. A maintenance schedule and record of maintenance shall be available to the Director in a form acceptable to the Director, upon request for each interceptor installed.
 - v. The owner or operator of the restaurant or other industrial, commercial or institutional premises where food is cooked, processed or prepared, shall, for two years, keep the document of proof of interceptor clean-out and oil and grease disposal.
 - vi. Emulsifiers shall not be discharged to the sewer system into interceptors. No person shall use enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of oil and grease through a grease interceptor.
 - vii. In the case of failure to adequately maintain the grease interceptor to the satisfaction of the Director, the Director may require an alarmed monitoring device to be installed, at the expense of the owner, in accordance with the specifications of CAN/CSA B-481.
 - b. Vehicle and Equipment Service Oil and Grease Interceptors
 - i. Every owner or operator of a vehicle or equipment service station, repair shop or garage of an industrial, commercial or institutional premises or any other establishment where motor vehicles are repaired, lubricated or maintained and where the sanitary discharge is directly or indirectly connected to a sewer shall install an oil and grease interceptor designed to prevent motor oil and lubricating grease from passing into the sanitary sewer in excess of the limits in this By-law.
 - ii. The owner or operator of the premises as set out in Subsection b(i) shall install, operate, and properly maintain an oil and grease interceptor in any piping system at its premises that connects directly or indirectly to a sewer. The oil and grease interceptor shall be installed in compliance with the most current requirements of the Ontario Building Code and be maintained as recommended

by the Canadian Petroleum Products Institute (CPPI),

- iii. All oil and grease interceptors and separators shall be maintained in good working order and according to the manufacture's recommendation and shall be inspected regularly to ensure performance in maintaining to the manufacture's specifications for performance and inspected to ensure the surface oil and sediment levels do not exceed the recommended level.
 - iv. A maintenance schedule and record of the maintenance shall be submitted to the Director upon request for each oil and grease interceptor installed in the Town.
 - v. The owner or operator of the premises as set out in Subsection b(i), shall, for two years, keep the document of proof for interceptor clean-out and oil and grease disposal.
 - vi. Emulsifiers shall not be discharged to the sewer system into interceptors. No person shall use enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of oil and grease through an oil and grease interceptor.
 - vii. In the case of failure to adequately maintain the oil and grease interceptor to the satisfaction of the Director, the Director may require an alarmed monitoring device to be installed, at the expense of the owner.
- c. Sediment Interceptors
- i. Every owner or operator of the premises from which sediment may directly or indirectly enter a sewer, including by not limited to premises using a ramp drain or area drain and vehicle wash establishments, shall take all necessary measures to ensure that such sediment is prevented from entering the drain or sewer in excess of the limits in this By-law.
 - ii. Catch basins installed on private property for the purposes of collecting storm water and carrying it directly into the storm sewers shall be equipped with an interceptor and the installation of these catch basins on private property shall comply with the Town's Engineering Standards, as amended from time to time.
 - iii. All sediment interceptors shall be maintained in good working order and according to manufacturer's recommendations and shall be inspected regularly to ensure performance is maintained to the manufacture's specifications for performance.
 - iv. The owner or operator of a premises as set out in Subsection c(i), shall, for two years, keep documentation of interceptor clean-out and sediment disposal.
 - v. A maintenance schedule and record of maintenance shall be submitted to the Director upon request for each sediment interceptor installed.
- d. Dental Waste Amalgam Separator
- i. Every dental practice shall comply with the Dentistry Act, 1991, S.O. 1991,c.24, and the regulations made there under, as amended from time to time, for management and disposal of amalgam waste.
 - ii. A record of maintenance shall be submitted to the Director upon request for each dental amalgam separator installed.
 - iii. A record of inspection and any documentation related to the installation of the dental amalgam separator shall be submitted to the Director upon request for each dental amalgam separator installed.

12.0 Non-Contact Cooling Water

- (1) The discharge of non-contact cooling water or uncontaminated water to a sanitary sewer from any property is prohibited. The discharge of non-contact cooling water or uncontaminated water to a sanitary sewer from industrial, commercial or institutional properties is permissible where:

- a. In the case of proposed building, no storm sewer exists adjacent to the building and no opportunity exists to discharge to a yard drainage; or
- b. In the case of an existing building, no storm connection exists to the building.

13.0 Water Originating from a Source Other Than the Town's Water Supply

- (1) The discharge of water originating from a source other than the Town water supply, including storm water or ground water, directly or indirectly to a sanitary sewer works is prohibited, unless:
 - a. The discharge is in accordance with a Waste Discharge Permit; and
 - i. The discharge does not exceed the limits set out under Section 7, with respect to biochemical oxygen demand, total Kjeldahl nitrogen, total phosphorus or total suspended solids; or
 - ii. In the event the discharge does exceed the limits set out under Section 7, with respect to BOD₅, total Kjeldahl nitrogen, total phosphorus or total suspended solids, the discharge is in accordance with an Extra Strength Surcharge Agreement.

14.0 Spills

- (1) In the event of a spill to a wastewater works and/or storm sewer works, 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. Ministry of Environment Conservation and Parks Spills Action Center (1-800-268-6060),
 - b. The Town (705-446-5041); and
 - c. 911 only if the incident is a health and safety concern
- (2) The person shall provide a detailed report on the spill to the Director, within five working days after the spill, containing the following information to the best of his or her knowledge:
 - a. Name of the company and location of spill;
 - b. Name and telephone number of the person who reported the spill and location and time where they can be contacted;
 - c. Date and time of the spill;
 - d. Material spilled;
 - e. Characteristics and composition of material spilled;
 - f. Volume of material spilled;
 - g. Duration of spill event;
 - h. Work completed and any work still in progress in the mitigation of the spill;
 - i. Preventative actions being taken to ensure a similar spill does not occur again; and
 - j. Copies of applicable spill prevention and spill response plans.
- (3) The person responsible for the spill and 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 and contaminated residue and restore the affected area to its condition prior to the spill.
- (4) Nothing in this By-law relieves any persons from complying with any notification or reporting provisions of:
 - a. Other government agencies, including federal and provincial agencies, as required and appropriate for the material and circumstances of the spill; or
 - b. Any other By-law of the Town.

- (5) The Town may invoice the person responsible for the spill to recover costs of time, materials and services arising as a result of the spill. The person responsible for the spill shall pay the costs invoiced.
- (6) The Town may require the person responsible for the spill to prepare and submit a spill contingency plan to the Town to indicate how risk of future incidents will be reduced and how future incidents will be addressed.

15.0 Disconnection of Sewer

- (1) The Director may, in addition to any other remedy available, may disconnect, plug or seal off the sewer line discharging the unacceptable wastewater in the wastewater collection system or take such other action as is necessary to prevent such wastewater from entering the wastewater collection system if the wastewater is considered to be:
 - a. Hazardous or creates an immediate danger to any person;
 - b. Endangers or interferes with the operation of the wastewater collection or treatment system; or
 - c. Causes or is capable of causing an adverse effect.
- (2) The wastewater may be prevented from being discharged into the wastewater collection system until evidence satisfactory to the Director has been produced to assure that no further discharge of hazardous wastewater will be made to the wastewater collection system.
- (3) Where the Director takes action pursuant to subsection (1), the Director may by notice in writing advise the owner or occupier of the premises from which the wastewater was being discharged, of the cost of taking such action and the owner or occupier, as the case may be, shall forthwith reimburse the Town for all such costs which were incurred.

16.0 Offences

- (1) Any person other than a corporation who contravenes any section of this By-law or fails to comply with an order or requirement made pursuant to this By-law is guilty of an offence and on conviction is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$10,000 for a first offence and \$25,000 for any subsequent offence.
- (2) Any corporation that contravenes any provision of this By-law is guilty of offence and one conviction is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$50,000 for a first offence and not more than \$100,000 for any subsequent offence.
- (3) The continuation of a condition violating the provisions of the By-law shall be considered a violation, notwithstanding that it existed prior to the passage hereon.
- (4) Prior to commencing a prosecution or issuing an order under this section, the Director shall ensure that:
 - a. The alleged offender is served with a notice of violation, stating the Town address for the property, that provides to the alleged offender reasonable notice of the particulars of the non-compliance and the required remedy, indicating the time for complying with the By-law and/or permit or agreement issued pursuant to this By-law and indicating that the offender may be charged or incur additional fines or costs in the event the non-compliance continues beyond the time set out in the notice of violation for compliance;
 - b. A notice of violation issued pursuant to this section may require the offender to develop and implement a compliance program in accordance with Section 19 of this By-law that is to the satisfaction of the Director; and,
 - c. The notice of violation shall be served on the owner of the property and such other persons affected by it as the Director determines and a copy of the notice of violation may be served by being posted on the property in a location visible to the

public.

17.0 Access to Information

- (1) All information submitted to or collected by the Town in accordance with this By-law will be subject to the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M. 56 as amended.
- (2) The Director shall have access to information contained in the Environmental Compliance Approval of any wastewater dischargers to the Municipal sewer system.

18.0 Extra Strength Surcharge Agreement and Sanitary Discharge Agreement

- (1) The discharge or deposit of wastewater that would otherwise be prohibited by this By-law may be permitted to an extent fixed by:
 - a. An Extra Strength Surcharge Agreement, including conditions for payment of additional costs of operation, repair and maintenance of wastewater works, and on other terms and conditions as may be deemed appropriate by the Director; and/or
 - b. A Sanitary Discharge Agreement, including conditions for payment for water pollution control treatment that otherwise would have been obtained from a surcharge on the water had it been supplied by the Municipality and on other terms and conditions as may be deemed appropriate by the Director.
- (2) The Director may assess an extra strength surcharge for wastewater releases that exceed the limits of treatable parameters. An Extra Strength Surcharge Agreement may only be entered into with respect to the discharge of the following treatable parameters in wastewater: BOD₅, total phosphorus, oil and grease of animal and vegetable origin, total suspended solids and total Kjeldahl nitrogen. The discharger shall pay the assessed amount per the terms established by the Director for the duration of the discharge. The maximum concentrations the Director will consider for Extra Strength Surcharge Agreements are as follows:

Substance	Maximum Concentration Limits Under an Extra Strength Agreement
Biochemical Oxygen Demand (BOD ₅)	1500mg/L
Total Suspended Solids (TSS)	1500mg/L
Oil and Grease – animal and vegetable origin (O&G)	450mg/L
Total Kjeldahl Nitrogen (TKN)	100mg/L
Total Phosphorus (TP)	20 mg/L

- (3) Should testing of the wastewater being discharged into the wastewater collection system be required for the purpose of determining the wastewater surcharge rate, such testing shall be conducted by the owner to the satisfaction of the Director, using automatic sampling devices or in accordance with the following manual sampling protocol:
 - a. Samples from the effluent produced at a location will be collected each day for a minimum of two days;
 - b. A minimum of four grab samples of equal volume shall be taken each day, such samples to be taken at least one hour apart;
 - c. The analysis shall be conducted on a composite sample made of each day's grab samples; and,
 - d. The respective results of these tests shall be averaged to determine the characteristics and concentration of the effluent being discharged into the wastewater collection system.
- (4) A Sanitary Discharge Agreement may be entered with respect to the discharge of

wastewater, which contains water that has originated from a source other than the Town's water supply system.

- (5) Extra Strength Surcharge Agreement and Sanitary Discharge Agreements shall be in the form designated by the Director as amended, from time to time. The Director shall be authorized to execute Extra Strength Agreements and Sanitary Discharge Agreements on behalf of the Town.
- (6) The Extra Strength Surcharge rate and the Sanitary Discharge rate will be reviewed and adjusted from time to time as outlined in the Town's Fees and Charges By-law.
- (7) The agreements contemplated in this Section may be terminated by the Director by written notice at any time, including but not limited to an emergency situation of immediate threat or danger to any person, property, plant or animal life, water or wastewater works.
- (8) A person who has entered into an agreement with the Town under this Section 18 shall not be prosecuted under this By-law for the discharge or deposit of sewage containing the matters specified in an in-force agreement or permit and in compliance with such agreement or permit during the period within which the agreement or permit is applicable and so long as the agreement or permit is being complied with.

19.0 Compliance Programs

- (1) Any person may submit to the Director a proposed compliance program setting out activities to be undertaken by the person that would result in compliance with this By-law.
- (2) Proposed compliance programs must be submitted by the person to the Town within 30 days from the date of a violation notice requesting submission of compliance program.
- (3) The Director at their discretion will establish a compliance program that will permit a person to discharge non-complying sewage upon such terms and conditions deemed appropriate by the Director. The person shall be entitled to make non complying discharges in the amount and only to the extent set out in the Town's approval during the planning, design and construction or installation of facilities or works needed to implement the approved compliance program.
- (4) Compliance programs shall contain but are not limited to the following information:
 - a. Final activity completion date not later than the final compliance date in the compliance program;
 - b. Specific length of time during which pre-treatment facilities or other measure are to be installed or implemented with the;
 - c. Specific as to the remedial actions to be implemented by the industry;
 - d. Dates of commencement and completion of the activity; and;
 - e. Materials or other characteristics of the matter to which it relates.
- (5) The Director is authorized to execute agreements with persons with respect to approved compliance programs. These agreements may, in accordance with guidelines adopted by the Town from time to time, include a provision for a reduction in the payment otherwise required from the person to the Town pursuant to an Extra Strength Surcharge Agreement. The reduction in payment to the Town may be in such an amount and for such duration as the agreement may specify.
- (6) The person to which a compliance program has been approved shall submit a compliance program progress report to the Director within fourteen (14) days after the scheduled completion date of each activity listed in the compliance program.
- (7) The Director may terminate any approved compliance program entered into pursuant to Section 19 by written notice at any time to the person in the event that the person 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 person shall pay to the Town the full difference in the amount between what is was required to pay to the Town pursuant to the Extra Strength Surcharge Agreement and the amount actually paid to the

Town as a result of having entered into an agreement with respect to the approved compliance program.

20.0 Monitoring Access Points

- (1) The owner or operator of commercial, institutional or industrial premises or multi-story residential buildings with one or more connections to a wastewater 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, uncontaminated water or stormwater therein, provided that, where installation of a monitoring access point is not possible, an alternative device or facility may be substituted with the prior approval of the Director.
- (2) The monitoring access point or alternative device such as a sampling port shall be located on the property of the owner or operator of the premises as close to the property line as possible, unless the Director has given prior written approval for a different location.
- (3) Each monitoring access point, device or facility installed shall be designed and constructed in accordance with good engineering practice and the requirements of the Town and shall be constructed and maintained by the owner or operator of the premises at his or her expense.
- (4) The owner or operator of an industrial, commercial or institutional premises or a multi-story residential building shall at all times ensure that every monitoring access point, alternative device or facility installed as required by this By-law is uncovered and accessible to the Director for the purpose of observation, sampling and flow measurement of wastewater, uncontaminated water or stormwater therein.
- (5) The following discharge activities require sampling ports when it is not possible to install a monitoring access point:
 - a. Dental Offices; and
 - b. Business using photographic processing units

21.0 Limitation

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.

22.0 Exceptions

This By-law does not apply to the discharger 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.

23.0 Repeal – Enactment

- (1) The following By-law and all amendments thereto are hereby repealed:
 - a. The Town of the Blue Mountains By-law 2013-37
 - b. The Township of Collingwood By-law 80-14
 - c. The Town of Thornbury By-Law 22-1977
- (2) The short title of this By-law shall be the Sewer Use By-law

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this ____ day of _____, 20XX

Alar Soever, Mayor

Corrina Giles, Clerk

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. 2013– 37

REGULATING SEWER DISCHARGE BY-LAW

WHEREAS

1.0 Definitions

In this By-law, including the recitals thereto:

“B.O.D.5” means (denoting Biochemical Oxygen Demand) the quantity of oxygen utilized in biochemical oxidation of organic and inorganic matter in five (5) days at twenty (20) degrees Celsius, expressed in milligrams per litre;

“composite sample” means a sample which is composed of a series of grab samples taken at intervals during the sampling period;

“concentration” means the content of any element or compound relative to the total volume in which it is contained;

“Director” means the Director of Engineering and Public Works or designate;

“discharge” means the acts of failing to prevent escape, emitting, and releasing;

“grab sample” means a portion of the flow being sampled, taken at one particular time and place;

“gravity sewer” means sewer system relying on gradually sloping pipelines that allow sewage to flow naturally downhill into the public sewage works

“hailed liquid wastewater” means leachate and/or septage, which is transported by truck and discharged into the Town’s wastewater system under certain conditions, at a Hauled Liquid Wastewater Facility;

“hailed liquid wastewater facility” means an approved depot which may accept hailed liquid wastewater transported by truck and discharged into the Town’s wastewater under certain conditions;

“hailed liquid wastewater hauler” means an approved person who has the appropriate approvals and permits to the satisfaction of the Director and who may discharge hailed liquid wastewater transported by truck at a hailed liquid facility;

“hailed liquid wastewater – inside Municipal Boundaries” means hailed liquid wastewater which is generated from a source within The Town of The Blue Mountains’ Municipal Boundaries, proof of which must be acceptable to the Director;

“hailed liquid wastewater – outside Municipal Boundaries” means hailed liquid wastewater which is generated from a source outside The Town of The Blue Mountains Municipal Boundaries;

“high strength wastewater” means waste which exceeds the limits as set out in this by-law, and includes wastewater discharged into the sanitary wastewater system, but does not include hailed liquid wastewater;

“leachate” means contaminated water that is created in landfills, resulting from rain, melting snow or liquid within municipal garbage that filters through the landfill waste picking up and carrying with it dissolved materials. Where leachate is discharged to the sanitary sewage system, it is a form of High Strength

Wastewater. Where leachate is transported to and discharged into a Hauled Liquid Wastewater Facility, it shall be considered as Hauled Liquid Wastewater;

“low pressure system” means a sewer system where the wastewater is discharged to an on-property pumping station incorporating a grinder pump before entering the public sewer works.

“person” means an individual, association, partnership, corporation, Municipality, Provincial or Federal agency, or an agent or employee thereof;

“pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per litre of solution;

“phenolic compounds” means any hydroxy derivative of benzene, to its condensed nuclei;

“plumbing system” means the system of connected piping, fittings, valves, equipment, fixtures, laterals and appurtenances contained in private sewage works that conveys waste to sewer outlets;

“private sewage works” means a sewage system or sewage works which is not owned by the Municipality;

“public sewage works” means all sewers, sewage systems, gravity sewers, low pressure systems, sewage pumping stations, sewage treatment plants and other works for the collection owned by the Municipality, acceptance, transmission, treatment and disposal of liquid-borne wastes and storm water;

“septage” means all matter, liquid and solid, that is pumped out of septic tanks and holding tanks. Such tanks may be used in residential, commercial or industrial properties which are not connected to the Town’s sewerage system. Where Septage is transported by truck for disposal at a Hauled Liquid Waste Facility, it shall be considered Hauled Liquid Waste;

“sewage” means storm water and other drainage from land and commercial wastes and industrial wastes that are disposed of in a sewage system;

“standard methods” means the use of validated test methods and procedures that are based on recognized international, national, or regional standard methods by reputable technical organizations or by equipment manufacturers. The latest edition of a test method will be used by the Town or by any agent testing on behalf of the Town at the time of testing;

“storm sewer” means a sewer, open channel, ditch or depression for the purpose of which is to carry storm water;

“storm water” means rainwater runoff, water runoff from roofs, snowmelt and surface runoff;

“suspended solids” means undissolved or insoluble total suspended matter which is borne by a liquid or contained in wastewater;

“waste” means all manner of liquids and liquid-borne matter, but does not include storm water entering a sewer;

2.0 General Provisions

2.1 This by-law shall be administered by the Director.

2.2 For the purpose of the administration of this by-law, the Director, any agent engaged by The Corporation of The Town of The Blue Mountains and directed by the Director, and any person appointed by the Council to

carry out inspections in respect to discharges prohibited or regulated by this by-law and directed by the Director, may, upon production of identification enter in or upon any land or premises, except land or premises being used as a dwelling unit, at any time without warrant and carry out such inspections and take such tests and samples as are necessary for the purposes of the inspections.

2.3 Except under the authority of a search warrant issued under Section 158 of the *Provincial Offences Act, R.S.O. 1990, c.P.33*, as amended, the persons mentioned in Section 2.2 of this by-law shall not enter any place or room actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry be made only under the authority of a search warrant.

2.4 Where a sample is required for the purpose of determining the characteristics or contents of the wastewater or storm water to which reference is made in this by-law:

- (a) one sample alone is sufficient and, without limiting the generality of the foregoing, the sample may be a grab sample or a composite sample, may contain additives for its preservation and may be collected manually or by using an automatic sampling device.
- (b) except as otherwise specifically provided in this by-law, all analytical tests, measurements, analyses and examinations of sewage, water and storm water, shall be carried out in accordance with standard methods.
- (c) for each one of the metals whose concentration is limited under the regulations contained in this by-law, the analysis shall be for the quantity of total metal, which includes all metal both dissolved and particulate.

3.0 Prohibitions – Discharges to Sanitary Sewers

- 3.1
- (a) Unless permitted to do otherwise under this by-law, no person shall allow wastewater to be discharged anywhere other than a permitted receiving collection system.
 - (b) Unless permitted to do otherwise under this by-law, no person shall allow wastewater to be discharged into the public sewer works other than by means of a gravity sewer connection or by means of a grinder pump and low pressure forcemain connection.
 - (c) Unless permitted to do otherwise under this by-law, all waste discharged into the wastewater lateral or plumbing system shall be measured by either direct, indirect or estimated means as specified by the Director.
 - (d) Unless permitted to do otherwise under this by-law, no person shall fail to ensure that Hauled Liquid Wastewater is discharged only to a designated Hauled Liquid Wastewater Facility.
 - (e) No person or dwelling shall have a roof drain, sump pump or any other storm water discharge connection to the wastewater lateral or plumbing system.

- (f) No person or dwelling shall have a water aided sump pump that discharges to the wastewater lateral or plumbing system.
- 3.2 No person shall discharge or deposit or cause or permit to be discharged or deposited, into or in sanitary sewers, wastewater which is at a temperature in excess of fifty-five (55) degrees Celsius, or one hundred thirty-one (131) degrees Fahrenheit.
 - 3.3 No person shall discharge or deposit or cause or permit to be discharged or deposited, into or in sanitary sewers, waste which has a pH lower than 6.0 or greater than 10.5 or which due to its nature or content, becomes less than 6.0 or greater than 10.5 during transmission to a wastewater treatment plant.
 - 3.4 No person shall discharge or deposit or cause or permit to be discharged or deposited, into or in sanitary sewers, wastewater which may be or may become harmful to the public sewage works.
 - 3.5 No person shall discharge or deposit or cause or permit to be discharged or deposited, into or in sanitary sewers, waste which may become harmful to persons.
 - 3.6 No person shall discharge or deposit or cause or permit to be discharged or deposited, into or in sanitary sewers, waste which has a B.O.D.₅ exceeding 300 milligrams per litre.
 - 3.7 No person shall discharge or deposit or cause or permit to be discharged or deposited, into or in sanitary sewers, waste which contains more than 350 milligrams per litre of suspended solids.
 - 3.8 No person shall discharge or deposit or cause or permit to be discharged or deposited, into or in sanitary sewers, waste which contains a concentration of:
 - (a) aluminum, expressed as Al, in excess of 50 milligrams per litre;
 - (b) ammonia, expressed as N, in excess of 50 milligrams per litre;
 - (c) arsenic, expressed as As, in excess of 1.0 milligrams per litre;
 - (d) barium, expressed as Ba, in excess of 5 milligrams per litre;
 - (e) beryllium, expressed as Be, in excess of 5 milligrams per litre;
 - (f) cadmium, expressed as Cd, in excess of 3 milligrams per litre;
 - (g) chloride, expressed as Cl, in excess of 1,500 milligrams per litre;
 - (h) chromium, expressed as Cr, in excess of 5 milligrams per litre;
 - (i) copper, expressed as Cu, in excess of 5 milligrams per litre;
 - (j) cyanide, expressed as CN, in excess of 2.0 milligrams per litre;
 - (k) fluoride, expressed as F, in excess of 10 milligrams per litre;
 - (l) iron, expressed as Fe, in excess of 50 milligrams per litre;
 - (m) lead, expressed as Pb, in excess of 5 milligrams per litre;

- (n) manganese, expressed as Mn, in excess of 5 milligrams per litre;
- (o) mercury, expressed as Hg, in excess of 0.1 milligrams per litre;
- (p) molybdenum, expressed as Mo, in excess of 5 milligrams per litre;
- (q) nickel, expressed as Ni, in excess of 5 milligrams per litre;
- (r) phenolic compounds, in excess of 1.0 milligrams per litre;
- (s) phosphorous, expressed as P, in excess of 10 milligrams per litre;
- (t) selenium, expressed as Ag, in excess of 2 milligrams per litre;
- (u) silver, expressed as Se, in excess of 2 milligrams per litre;
- (v) sulphates, expressed as SO₄, in excess of 1,500 milligrams per litre;
- (w) sulphides, expressed as S, in excess of 2 milligrams per litre;
- (x) tin, expressed as Sn, in excess of 5 milligrams per litre;
- (y) zinc, expressed as Zn, in excess of 5 milligrams per litre;

3.9 The Director may permit the discharge of Hauled Liquid Wastewater at a Hauled Liquid Wastewater Depot provided;

- (a) the Hauled Liquid Wastewater Hauler has a signed agreement with the Town and approvals necessary to collect and transport Hauled Liquid Wastewater, to the satisfaction of the Director; and
- (b) the Hauled Liquid Wastewater Hauler meets the necessary credit requirements, in the opinion of the Director of Finance.

3.10 Details of the construction and operation of any wastewater system;

- (a) which is used to intercept or control the discharge of wastewater into the public sewage works; or
- (b) which is used to provide treatment of wastewater,

shall be furnished to the Director upon installation of the system or at the request of the Director, to the Director's satisfaction.

4.0 Prohibitions – Discharges to Public Sewage Works

4.1 No person shall discharge or deposit or cause or permit to be discharged or deposited, matter of a kind listed below into a public wastewater works:

- (a) pesticide;
- (b) herbicide;

- (c) fuel oil;
- (d) gasoline;
- (e) benzene;
- (f) Naphtha;
- (g) acetone;
- (h) ammonia;
- (i) carbon disulphide;
- (j) chlorine;
- (k) bromine;
- (l) trichloroethylene or perchloroethylene;
- (m) sulphur dioxide;
- (n) pyridine;
- (o) formaldehyde.

4.2 No person shall discharge or deposit or cause or permit to be discharged or deposited, into a public sanitary sewer, waste which has toxic, corrosive, radioactive, flammable or noxious properties.

4.3 No person shall discharge or deposit or cause or permit to be discharged or deposited, into a public sewage works, wastewater that may cause an offensive odour to emanate from the public sanitary sewer, and without limiting the generality of the foregoing, the discharge of any concentration of hydrogen sulphide, carbon disulphide, reduced sulphur compounds, amines or ammonia.

4.4 No person shall discharge or deposit or cause or permit to be discharged or deposited, into a public sewage works, waste or storm water containing any matter which will not pass through a screen having openings not larger than 6.7 millimeters square.

4.5 No person shall discharge or deposit or cause or permit to be discharged or deposited, into a public sewage works, waste containing coloured matter, which would require a dilution in excess of four (4) parts of distilled water to one (1) part of such waste to dissipate the colour.

5.0 Commercial Institutions – Industrial Premises

5.1 The Director may require the owner or occupant of commercial, institutional or industrial premises with one or more connections to the public sewage works to install and maintain in good repair in each connection a suitable device to prevent the entry of grease, oil, sand and dirt into the public sewage works.

5.2 No person shall fail to install or maintain a suitable device to prevent the entry of grease, oil, sand and dirt into the public sewage works upon being required to do so by the Director when notified of this requirement in writing within the suitable time of 30 days.

5.3 The Director may require the owner or occupant of commercial, institutional or industrial premises with one or more connections to the

public sewage works to install and maintain in good repair in each connection a suitable manhole having a diameter of not less than 1.2 meters to allow observation, sampling and measurement of the flow therein, provided that where installation of a manhole is not possible, an alternative device or facility may be substituted with the approval of the Director.

- 5.4 Every manhole, device or facility installed as required by this by-law shall be designed and constructed in accordance with good engineering practice to the satisfaction of the Director and shall be constructed and maintained on the land of the owner or occupant of the premises, at the owner's or occupant's expense.
- 5.5 No person shall fail to install or maintain in good repair a manhole, device or facility that meets the standards of this by-law upon being required to do so by the Director.
- 5.6 No person required to install a manhole, device or facility shall fail to ensure that such manhole, device or facility is accessible at all times for the purposes of observing, sampling and measuring the flow of wastewater therein.
- 5.7 The owner or occupant of commercial, institutional or industrial premises shall, at the discretion of the Director, install devices to monitor discharges to the satisfaction of the Director, and if required to do such installation, shall submit regular reports regarding such discharges to the Director.
- 5.8 No person shall fail to install a device to monitor discharges or fail to submit regular reports regarding such discharges when required to do so by the Director.
- 5.9 Where the owner or occupant of commercial, institutional or industrial premises, does not install or maintain each manhole device or facility required under this by-law, such installation or maintenance may be done at the direction of the Director at the expense of the owner or occupant and the Municipality may recover the costs incurred in doing such work by action or by adding the costs to the tax roll and collection them in the same manner as Municipal taxes.
- 5.10 (1) Any charge based upon the rates set out in the Schedule of Sewer System Fees and Charges By-law imposed upon any owner or occupant of land has priority lien status and may be added to the tax roll against the property in respect of which the sewer service was supplied.

(2) If any charge or any part thereof remains unpaid after its due date, the Town Clerk, upon notice to the owner of the amount due, shall add the same to the tax roll.

If an amount is added to the tax roll in respect of a property under subsections (1) or (2), that amount, including interest:

- (a) may be collected in the same manner as taxes on the property;
- (b) may be recovered with costs as a debt due to the Municipality from the assessed owner of the property at the time the charge was added to the tax roll and from any subsequent owner of the property or any part of it;

- (c) is a special lien on the property in the same manner as taxes under subsection 349(3) of the *Municipal Act, 2001*; and
- (d) may be included in the cancellation price under Part XI of the *Municipal Act, 2001* in the same manner as are taxes on the property.

5.11 Measurements:

(1) High Strength Waste

- (a) The volume of high strength waste shall be as measured by the flow measuring device located upon the land served or as estimated by the Director should such device malfunction or fail to provide complete data.
- (b) The concentration of ammonia, B.O.D.₅, suspended solids and phosphorous in excess of the limits prescribed by this by-law shall be as calculated by the Director on the basis of no less than two grab samples per year of the waste being discharged.

(2) Hauled Liquid Waste

The volume of Hauled Liquid Waste shall be based on the capacity of the vehicle discharging this waste. Where there is a clear sight glass in order to view the level of the waste stored in the vehicle, the volume may be based on an estimated capacity as determined by the Director.

5.12 Billing of High Strength Sewage

(1) The High Strength Sewage Service Charge shall be based upon:

- (a) the strength of ammonia, B.O.D.₅, suspended solids and phosphorous which have been treated and shall be calculated as follows:

$$S = \frac{F \times Q \times R}{2}$$

Where

S means High Strength Sewage Service Charge in dollars

F means the ratio of:

$$\frac{\text{actual strength} - \text{allowable strength}}{\text{allowable strength}}$$

(ratio calculated separately and additive for B.O.D.₅, suspended solids, ammonia and phosphorous strength in excess of the respective by-law limits)

Q means the volume measured in cubic meters (m³)

R means the High Strength Sewage Service Rate as set out in the Schedule of Sewer System Fees and Charges By-law;

- (b) billings shall be made quarterly and are due within 30 days of the actual billing date;
- (c) the penalty upon all amounts invoiced, but not paid within 30 days shall be 1.5% per month (18% per year).

(2) The Hauled Liquid Waste Disposal charge shall be based upon:

- (a) the volume of Hauled Liquid Waste discharged from the vehicle, multiplied by the appropriate Hauled Liquid Waste Disposal rate as set out in the Schedule of Sewer System Fees and Charges By-law.
- (b) billings shall be made monthly and are due within 30 days of the actual billing date;
- (c) the penalty upon all amounts invoiced, but not paid within 30 days shall be 1.5% per month (18% per year).

6.0 Enforcement

- 6.1 Any person other than a corporation who contravenes any section of this by-law is guilty of an offence and upon conviction is liable for a fine of not more than \$10,000.00 for a first offence and not more than \$25,000.00 for any subsequent offence under this by-law.
- 6.2 Notwithstanding any other provision of this by-law, a corporation upon conviction of a contravention of this by-law is liable for a fine of not more than \$50,000.00 for a first offence and not more than \$100,000.00 for any subsequent offences.
- 6.3 The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

7.0 Repeal – Enactment

- 7.1 By-law and all amendments thereto are hereby repealed:
 - (a) the former Township of Collingwood By-law 80-14
 - (b) the former Town of Thornbury By-law 22-1977
- 7.2 The short title of this by-law shall be the Sewer Discharge By-law.
- 7.3 This by-law comes into force and effective upon the enactment thereof.

Enacted and passed this twenty-sixth day of August, 2013.

"ORIGINAL SIGNED"
.....
Ellen Anderson, Mayor

"ORIGINAL SIGNED"
.....
Corrina Giles, Clerk

Public Meeting to consider proposed revisions to
Regulating Sewer Discharge By-law 2013-37

Date of this Notice: September 10, 2019



Notice of Public Meeting

PROPOSED REVISIONS TO REGULATING SEWER DISCHARGE BY-LAW 2013-37

October 7, 2019 5:00 p.m.

Town Hall, Council Chambers
32 Mill Street, Thornbury, ON N0H 2P0

What is being proposed?

The Town is considering revisions to its existing Regulating Sewer Discharge By-Law 2013-37 to address the regulatory framework for high strength and industrial wastewater users.

Updating the By-Law and incorporating both sanitary and storm sewer discharge criteria, the By-Law, if passed, will allow the Town to take a proactive and fiscally responsible initiative to safeguard the Town's infrastructure, public health, property and the environment, now and into the future. The proposed draft Regulating Sewer Discharge By-Law regulates all users: residential, industrial, commercial, and institutional and addresses extraneous flows from users discharging to the sewers.

Staff report CSPW.19.039 Regulating Sewer Discharge By-law 2013-37 Update provides additional information regarding the proposed changes.

Notice is hereby given that the Council of the Town of The Blue Mountains, at its regularly scheduled Council Meeting on November 13, 2019, will consider the adoption of a new Regulating Sewer Discharge By-Law and repeal the existing Regulating Sewer Discharge By-law 2013-37.

Questions? Want more information? Ask a Staff Member!

Allison Kershaw, Manager of Water and Wastewater Services
519-599-3131 ext 226
managerwww@thebluemountains.ca

Under the authority of the Municipal Act, 2001 and in accordance with Ontario's Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), all information provided for, or at a Public Meeting, Public Consultation, or other Public Process are considered part of the public record, including resident deputations. This information may be posted on the Town's website. and/or made available to the public upon request.

This document can be made available in other accessible formats as soon as practicable and upon request.

When will a decision be made?

It is important to note that a decision on proposed revisions to the Regulating Sewer Discharge By-law 2013-37 has NOT been made at this point, and will NOT be made at this Public Meeting.

After reviewing comments from the public, Staff will bring its recommendations to Council at a future Council Meeting.

How can I make my views known about this proposal?

Comments at the Public Meeting aid the Town and Council in their decision making process, so be sure to have your say!

Any person or agency may attend the Public Meeting and/or make verbal or written comments regarding the proposed revisions to the Regulating Sewer Discharge By-law 2013-37.

How do I submit my comments?

If you would like to submit comments in writing or would like to be notified of a decision on this proposal, submit your written comments or request during regular office hours (Monday to Friday from 8;30 a.m. to 4:30 p.m.) to Corrina Giles, Town Clerk at:

Town Hall, 32 Mill Street, Thornbury, ON
Telephone: 519-599-3131 ext. 232

Comments can also be faxed to Corrina Giles at 519-599-7723, or emailed to townclerk@thebluemountains.ca

Please note that any submitted comments become part of the **public record**, including names and addresses. Written comments are due by **October 4, 2019** so that they may be read at the meeting for the benefit of everyone in attendance.