

THE REGIONAL MUNICIPALITY OF HALTON

BY-LAW NO. 2-03

A BY-LAW TO REPEAL AND REPLACE BY-LAW NO. 192-89, BEING A BY-LAW TO PROHIBIT, REGULATE AND CONTROL DISCHARGES INTO BODIES OF WATERS WITHIN REGIONAL BOUNDARIES OR INTO THE REGIONAL SANITARY SEWERS, STORM SEWERS, SANITARY SEWAGE WORKS AND ALL TRIBUTARY SEWER SYSTEMS.

WHEREAS pursuant to the *Municipal Act, 2001*, S.O. 2001, c. 25, Section 11(2), as amended (hereinafter referred to as the *Municipal Act, 2001*), The Regional Municipality of Halton (hereinafter referred to as the Region) has the exclusive responsibility for the collection and treatment of all sewage within Regional boundaries and all the provisions of any general act relating to such collection and treatment of such sewage and the financing thereof by a municipal corporation or local board thereof and all provisions of any special act relating to such collection and treatment of such sewage apply, with the necessary changes being made, to the Region;

AND WHEREAS pursuant to the *Ontario Water Resources Act*, R.S.O. c. O-40, Section 16, every municipality which discharges, deposits, causes, or permits the discharge or deposit any material of any kind into any well, lake, river, pond, spring, stream, reservoir or other water or watercourse that may impair the spring, stream, reservoir or other water or watercourses is guilty of an offence;

AND WHEREAS pursuant to the *Municipal Act 2001*, Section 92(1), Regional Council may, in a by-law prohibiting or regulating the discharge of any matter into a sewage system, provide that a person who contravenes the by-law is guilty of an offence and liable to a fine;

AND WHEREAS pursuant to the *Municipal Act, 2001*, Section 87, the Region may enter on land, at reasonable times, to inspect the discharge of any matter into the sewage system and may conduct tests and take samples;

AND WHEREAS Regional Council is desirous of passing such a By-law.

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HALTON HEREBY ENACTS AS FOLLOWS:

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SECTION 1

1. Definitions

In this By-law:

- (a) “acute hazardous waste chemical” means acute hazardous waste chemical within the meaning of O.Reg. 347, made under the *Environmental Protection Act*, R.S.O. 1990c.E. 19 (EPA), as amended from time to time;
- (b) “annual average daily flow”- means the total flow for a calendar year divided by 365 days (or 366 days in the event of a leap year);
- (c) “authorized representative of the Commissioner” means any Regional employee or representative designated by the Commissioner to act on behalf of the Commissioner for the purposes of this By-law;
- (d) “authorized representative of the Owner or Operator” means the individual with the authority to execute the Agreements referred to in this By-law including:
 - (i) a principal executive officer of at least the level of vice president, if the owner or operator is a corporation; or
 - (ii) a general partner or proprietor if the owner or operator is a partnership or proprietorship, respectively; or
 - (iii) a duly authorized representative of the corporation, partnership or proprietorship if such representative is responsible for the overall operation of the facilities of which the sewage discharge originates;
- (e) “biochemical oxygen demand (BOD)” means carbonaceous biochemical oxygen demand as determined by Standard Methods when an inhibiting chemical has been added to prevent the oxidation of reduced forms of nitrogen;
- (f) “biomedical waste” means biomedical waste as defined in the Ontario Ministry of the Environment Guideline C-4 titled “The Management of Biomedical Waste in Ontario” dated April 1994, as amended from time to time;
- (g) “biosolids” means stabilized organic solid material recovered from the sewage treatment process;
- (h) “blowdown water” means 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 might impair the operation of the system;
- (i) “combined sewer” means a sewer intended to function simultaneously as a storm sewer and a sanitary sewer;

- (j) “combustible liquid” means a liquid that has a flash point not less than 37.8 degrees Celsius and not greater than 93.3 degrees Celsius as defined in the regulations under the *Transportation of Dangerous Goods Act, 1992, S.C. 1992*, as amended;
- (k) “Commissioner” means the Commissioner of Planning and Public Works for the Region or an authorized representative of the Commissioner;
- (l) “composite sample” means a sample which is composed of a series of grab samples taken and combined manually or automatically at intervals during the sampling period;
- (m) “cooling water” means water that is used in a process for the purpose of removing heat and that has not, by design, come into contact with any raw material, intermediate product, waste product, or finished product and has not had any treatment chemicals added, but does not include blowdown water;
- (n) “discharge” when used alone as a verb, includes add, deposit or emit and, when used alone as a noun, includes addition, deposit or emission;
- (o) “food waste” means solid waste from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce;
- (p) “fuel” means alcohol, gasoline, naphtha, diesel fuel, fuel oil or any other ignitable substance intended for use as a fuel;
- (q) “grab sample” is an aliquot of the flow being sampled taken at one particular time and place;
- (r) “groundwater” means water beneath the earth’s surface accumulating as a result of seepage;
- (s) “hailed sewage” means waste removed from a cesspool, a septic tank system, a privy vault or privy pit, a chemical toilet, a portable toilet, or a sewage holding tank as set out in the EPA;
- (t) “hailed waste” means any non-hazardous liquid industrial waste which is transported to and deposited into any location in the sewage works excluding, hailed sewage;
- (u) “hazardous industrial waste” means hazardous industrial waste within the meaning of O.Reg. 347, as amended from time to time, made under the EPA;
- (v) “hazardous waste chemical” means hazardous waste chemical within the meaning of O.Reg. 347, as amended from time to time, made under the EPA;
- (w) “ignitable waste” means a substance that,
 - (a) is a liquid, other than an aqueous solution containing less than 24 per cent alcohol by volume and has a flash point less than 93 degrees Celsius, as determined by the Tag Closed Cup Tester (ASTM D-56-97a), the Setaflash Closed Cup Tester (ASTM D-3828-97 or ASTM D-3278-96el), the Pensky-

Martens Closed Cup Tester (ASTM D-93-97), or as determined by an equivalent test method,

- (b) is a solid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a danger,
- (c) is an ignitable compressed gas (Class 2, Division D) as defined in the regulations under the *Transportation of Dangerous Goods Act, 1992*, S.C. 1992, c. 34, as amended,
- (d) is an oxidizing substance (Class 5, Divisions 1 and 2) as defined in the regulations under the *Transportation of Dangerous Goods Act, 1992*, S.C. 1992, c. 34, as amended;
- (x) “industrial” shall mean of or pertaining to industry, manufacturing, commerce, trade, business or institutions as distinguished from domestic or residential;
- (y) “industrial process area” means any industrial building, property or land area which during manufacturing, processing or storage comes into direct contact with any raw material, intermediate product, finished product, by-product or waste product;
- (z) “monitoring manhole” means an access point in a sewer connection to allow for observation, sampling and flow measurement of the sewage, uncontaminated water or storm water therein;
- (aa) “matter” includes any solid, liquid or gas;
- (bb) “Region sewer connection” means that point where the private sewer connects to the sewage works located within the public road allowance, or other public lands or public land interests (easements);
- (cc) “nuclear substance” means
 - (a) deuterium, thorium, uranium or an element with the atomic number greater than 92;
 - (b) a derivative or compound of deuterium, thorium, uranium or of an element with an atomic number greater than 92;
 - (c) a radioactive nuclide;
 - (d) a substance that is prescribed as being capable of releasing nuclear energy or as being required for the production or use of nuclear energy;
 - (e) a radioactive substance or radioactive thing that was used for the development or production, or in connection with the use, of nuclear energy;

as defined under the *Nuclear Safety and Control Act, 1997*, S.C. 1997, c. 9 as amended from time to time;

- (dd) “pathological waste” means pathological waste within the meaning of O.Reg.347. as amended from time to time, made under the EPA;
- (ee) “PCB” means any monochlorinated or polychlorinated biphenyl or any mixture of them or any mixture that contains one or more of them within the meaning of O.Reg 352, as amended from time to time as defined under the EPA;
- (ff) “person” means an individual, association, partnership, corporation, municipality or an agent or employee of such a person;
- (gg) “pesticides” means a pesticide regulated under the *Pesticides Act*, R.S.O. 1990, c. P. 11;
- (hh) “pH” means the logarithm to the base 10 of the reciprocal of the concentration of hydrogen ions in moles per litre of solution as determined in accordance with Standard Methods;
- (ii) “phenolic compounds (4AAP)” means those hydroxy derivatives of benzene, or its condensed nuclei, which can be identified by the 4-Aminoantipyrene method in accordance with Standard Methods;
- (jj) “reactive waste” means a substance that,
 - (a) is normally unstable and readily undergoes violent changes without detonating,
 - (b) reacts violently with water,
 - (c) forms potentially explosive mixtures with water,
 - (d) when mixed with water, generates toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment,
 - (e) is a cyanide or sulphide bearing waste which, when exposed to pH conditions between 2 and 12.5, can generate toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment,
 - (f) is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement,
 - (g) is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure,
 - (h) an explosive (Class 1) as defined in the regulations under the *Transportation of Dangerous Goods Act, 1992*, S.C. 1992, c. 34, as amended;
- (kk) “Region” means The Regional Municipality of Halton;
- (ll) “sanitary sewer” means a sewer owned, operated and maintained by the Region for the collection and transmission of domestic, commercial, institutional and industrial sewage or any combination thereof;

- (mm) “severely toxic waste” means waste containing any contaminant listed in Schedule 3 of O.Reg 347, as amended from time to time, made under the EPA;
- (nn) “sewage” means any liquid, solid or gas containing organic, inorganic, animal, vegetable or mineral matter in solution or in suspension but does not include storm water or uncontaminated water;
- (oo) “sewage works” means any works owned, operated and maintained by the Region for the collection, transmission, treatment or disposal of sewage, storm water or uncontaminated water, including a combined sewer, sanitary sewer, Region sewer connection or storm sewer, or any part of such works, but does not include plumbing or other works to which the *Building Code Act, 1992*, S.O. 1992, c. 23 and any amendments thereof applies;
- (pp) “spill” means a direct or indirect discharge or deposit to the sewage works or the natural environment which is abnormal in quantity or quality in light of all circumstances of the discharge;
- (qq) “Standard Methods” means a procedure or method 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 the Water Environment Federation, latest edition;
- (rr) “storm sewer” means a sewer for the collection and transmission of uncontaminated water, storm water, drainage from land or from a watercourse or any combination thereof that is the responsibility of the Region including storm sewers located within the Region’s road allowance or the Region’s property;
- (ss) “storm water” means water from rainfall, other natural precipitation, drainage or from the melting of snow or ice;
- (tt) “uncontaminated water” means potable water as supplied by the Region or any other water to which no matter has been added as a consequence of its use;
- (uu) “waste disposal site leachate” means leachate from any waste disposal site;
- (vv) “watercourse” means an open channel, ditch or depression either natural or artificial, in which flow of water occurs either continuously or intermittently.

SECTION 2

2. Application

Nothing in this By-law shall be interpreted so as to permit the discharge of anything, which by the provision of any applicable Act, Regulation or Regional by-law is otherwise prohibited.

SECTION 3

3. Administration and Enforcement

- (a) The Commissioner shall be responsible for the administration and enforcement of this By-law.
- (b) No person shall prevent, hinder, obstruct or interfere in any way with the Commissioner:
 - (i) entering in or upon any land or premises, except land or premises being used as a dwelling house; or
 - (ii) making such tests or taking such samples as the Commissioner or an inspector deems necessary; or
 - (iii) inspecting or observing any plant, machinery, equipment, work, or activity on the land or premises,

for the purposes of the administration and enforcement of this By-law.

SECTION 4

4. Sanitary Sewer Requirements

- (1) No person shall discharge directly or indirectly or cause or permit the discharge or deposit of sewage or matter of any type or in any quantity into a sanitary sewer or combined 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 Commissioner to operate, maintain, or otherwise work in the sewage works;
 - (ii) an offence under any Federal or Provincial Act or Regulation, as amended from time to time, or any regulation made thereunder from time to time;
 - (iii) biosolids that fail to meet the objectives and criteria as listed in the Ministry of the Environment publication entitled “Guidelines for the Utilization of Biosolids and Other Wastes on Agricultural Land” dated March 1996, as amended from time to time;
 - (iv) damage to any part of the sewage works;
 - (v) impairing or interfering with the proper operation of any part of the sewage works;
 - (vi) an obstruction or restriction of the flow in the sewage works;
or

- (vii) a nuisance or offensive odour to emanate from the sewage works, and without limiting the generality of the foregoing, sewage containing hydrogen sulphide, carbon disulphide, ammonia and nitrogen compounds, trichloroethylene, ketones sulphur dioxide and other sulphur compounds, formaldehyde, chlorine, bromine, or pyridine, in such quantity as may cause a nuisance or offensive odour.
- (b) the sewage has one or more of the following characteristics:
- (i) a pH less than 6.0 or greater than 10.0 or which due to its nature or content becomes less than 6.0 or greater than 10.0 within the sewage works; or
 - (ii) two or more separate liquid layers; or
 - (iii) a temperature greater than 60 degrees Celsius.
- (c) the sewage contains one or more of the following in any amount:
- (i) acute hazardous waste chemical;
 - (ii) biomedical waste, except where the sewage meets the conditions for the discharge as listed in the Ontario Ministry of Environment Guideline C-4 entitled "The Management of Biomedical Waste in Ontario" dated April 1994, as amended from time to time;
 - (iii) combustible liquid;
 - (iv) dye or colouring materials which may or could pass through a sewage works and discolour the sewage works effluent;
 - (v) fuel;
 - (vi) hauled sewage, except where all of the following conditions are met:
 - (a) the hauled sewage originated from sources within the municipal boundaries of the Region or unless the Commissioner has given written approval for accepting hauled sewage originating from outside the municipal boundaries of the Region;
 - (b) the carrier of the hauled sewage operating as a waste management system has a certificate of approval or provisional certificate of approval issued under the EPA or is exempt from the requirement to have a certificate or provisional certificate of approval;
 - (c) a copy of the most recent certificate or provisional certificate and any amendment is provided to the Commissioner;
 - (d) the Commissioner has issued written approval to the carrier permitting the discharge of hauled sewage into the sewage works; and
 - (e) the carrier meets all conditions for discharge that are or may be set from time to time by the Region with respect to the haulage and discharge of hauled sewage and that the Commissioner or authorized

representative operating at the sewage works has not refused to accept the hauled sewage.

- (vii) hauled waste, except where all of the following conditions are met:
 - (a) the carrier of the hauled waste operating as a waste management system has a certificate of approval or provisional certificate of approval issued under the EPA or is exempt from the requirement to have a certificate or provisional certificate of approval;
 - (b) a copy of the most recent certificate or provisional certificate and any amendment is provided to the Commissioner;
 - (c) hauled waste meets the conditions set out in clauses 23(3)(c) and 25(5)(b) of O.Reg. 347, R.R.O. 1990, as amended from time to time; and
 - (d) the carrier meets all conditions for discharge that are or may be set from time to time by the Region with respect to the haulage and discharge of hauled waste.
- (viii) ignitable waste;
- (ix) hazardous industrial waste;
- (x) hazardous waste chemical;
- (xi) pathological waste, except where all of the following conditions are met:
 - (a) the person has a certificate of approval or provisional certificate of approval issued under the EPA or is exempt from the requirement to have a certificate of approval or provisional certificate of approval;
 - (b) the person has written approval from the Commissioner which expressly authorizes the discharge from the premises; and
 - (c) a copy of the most recent certificate of approval or provisional certificate of approval and any amendment is provided to the Commissioner.
- (xii) PCB, except where all of the following conditions are met:
 - (a) the person has a certificate of approval for a mobile site or PCB mobile waste disposal system issued

under the EPA or where the person is claiming exemption under a regulation, the person has demonstrated to the Commissioner that the conditions of the exemption are met;

- (b) a copy of the most recent certificate of approval or provisional certificate of approval and any amendments is provided to the Region; and
 - (c) the person has written approval from the Commissioner to discharge PCB to the sewage works.
- (xiii) pesticides;
- (xiv) reactive waste;
- (xv) severely toxic waste;
- (xvi) nuclear substance, except where all of the following conditions are met:
- (a) the nuclear substances are being discharged under a valid and current licence issued by the Canadian Nuclear Safety Commission or its successor;
 - (b) a copy of the licence has been provided to the Commissioner; and
 - (c) the person has written approval from the Commissioner permitting such discharge.
- (xvii) waste disposal site leachate, except where all of the following conditions are met:
- (a) the person has prior written approval from the Commissioner which permits the discharge or deposit of the waste disposal site leachate generated within the municipal boundaries of the Region to the sewage works, in accordance with the guidelines adopted by the Region from time to time;
 - (b) in the case where a certificate of approval or order has been issued which includes a provision for the disposal of waste disposal site leachate generated within the municipal boundaries of the Region to the sewage works, a copy of the certificate of approval or order is provided to the Commissioner; and
 - (c) where the person is claiming an exemption, the person has received written notice from the

Commissioner that the conditions of the exemption are being met.

- (xix) solid or viscous substances in quantities or of such size as to be capable of causing obstruction to the flow in the sewage works, including but not limited to ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, animal guts or tissues, paunch manure, and whole blood;
 - (xx) any food wastes, except from garbage disposal units or grinders in accordance with Section 14 (4), which has not been properly shredded so that all particles will be carried freely under flow conditions normally prevailing in Region sanitary sewers and combined sewers;
- (d) (i) Subject to Section 4(d)(ii) below, the sewage contains a concentration, expressed in milligrams per litre, in excess of any one or more of the concentrations identified for each parameter in Table 1 of the By-law titled “Limits for Sanitary Sewers and Combined Sewers Discharge”.

TABLE 1
LIMITS FOR SANITARY SEWERS
AND COMBINED SEWERS DISCHARGE

PARAMETER	Limit mg/L	PARAMETER	Limit mg/L
Biochemical Oxygen Demand	300	Lead (total)	3
Cyanide (total)	2	Manganese (total)	5
Fluoride	10	Mercury (total)	0.05
Total Kjeldahl Nitrogen	100	Molybdenum (total)	5
Oil & Grease – Animal and Vegetable	150	Nickel (total)	3
Oil & Grease – Mineral and Synthetic	15	Selenium (total)	5
Phenolic Compounds (4AAP)	1.0	Silver (total)	5
Phosphorus (total)	10	Tin (total)	5
Suspended Solids (total)	350	Titanium (total)	5
Sulphate	1500	Zinc (total)	3
Aluminum (total)	50	Benzene	0.01
Antimony (total)	5	Chloroform	0.04
Arsenic (total)	1.0	1,4 - Dichlorobenzene	0.08
Beryllium (total)	5	Ethylbenzene	0.16
Cadmium (total)	1.0	Methylene Chloride	2.0
Chromium (total)	3	Naphthalene	0.14
Cobalt (total)	5	Tetrachloroethylene	1.0
Copper (total)	3	Toluene	0.016
Iron (total)	50	Trichloroethylene	0.4

- (ii) The provisions of subsection 4 (1) (d) (i) do not apply to the person that has entered into an Agreement described in Section 9, or in a Compliance Program, described in Section 11 with the Region and is in compliance with that Agreement or Program, pursuant to Section 9(4) or pursuant to Section 11(6) of this By-law.
- (2) The discharge by a person of sewage to a sanitary sewer or combined sewer where the discharge exceeds five percent (5%) of the annual average daily flow to the receiving Sewage Treatment Plant is prohibited, unless otherwise approved in writing by the Commissioner.
- (3) The discharge by a person, of storm water, drainage of lands or from a watercourse or combination thereof, groundwater, cooling water or uncontaminated water to the sanitary sewer or combined sewer is prohibited unless expressly authorized in writing by the Commissioner in accordance with guidelines adopted by the Region from time to time.
- (4) The discharge by a person, of water originating from a source other than the Region water works system directly or indirectly to a sanitary sewer or combined sewer is prohibited, unless:
 - (a) the discharge, regardless of quantity, is expressly authorized in writing by the Commissioner; and
 - (b) where the amount of water taken is greater than 50,000 litres per day and a copy of Permit to Take Water issued under the *Ontario Water Resources Act* is provided to the Region; or
 - (c) where the amount of water taken is less than 50,000 litres per day when the person has provided the Region with the following information:
 - (i) Address of the premises where the water is being used;
 - (ii) Location of water source;
 - (iii) Amount of water being taken.
 - (d) the discharge is in compliance with the conditions of a Compliance Program or Sanitary Discharge Agreement between the person and the Region.

SECTION 5

5. Storm Sewer Requirements

- (1) No person shall discharge directly or indirectly or cause or permit the discharge or deposit of matter of any type or in any quantity into a storm sewer which may or could:

- (a) damage a storm sewer;
- (b) interfere with the proper operation of a storm sewer;
- (c) obstruct or restrict a storm sewer or the flow therein;
- (d) result in any hazard or other adverse impact, to any person, animal, property, or vegetation;
- (e) impair the quality of the water in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse;
- (f) contravene or result in the contravention of a certificate of approval or provisional certificate of approval issued under the *Ontario Water Resources Act* or the EPA with respect to the storm sewer and/or its discharge from the storm sewer into a watercourse;
- (g) contravene or result in the contravention of the *Fisheries Act*, R.S.C. 1985, c. F-14, s. 1 with respect to the storm sewer and/or its discharge from the storm sewer into a watercourse;
- (h) have one or more of the following characteristics:
 - (i) two or more separate layers;
 - (ii) a pH less than 6.5 or greater than 8.5;
 - (iii) visible film, sheen or discolouration;
 - (iv) dye or colouring materials or other matter which discolour the water;
 - (iv) a temperature greater than 30 degrees Celsius;
- (i) contain one or more of the following in any amount:
 - (i) acute hazardous waste chemical;
 - (ii) biomedical waste as defined in the Ontario Ministry of the Environment Guideline C-4 entitled "The Management of Biomedical Waste in Ontario" dated April 1994, as amended from time to time;
 - (iii) combustible liquid;
 - (iv) floating debris;
 - (v) fuel;
 - (vi) hauled sewage;

- (vii) hauled waste;
- (viii) hazardous industrial waste;
- (ix) hazardous waste chemical;
- (x) ignitable waste;
- (xi) nuclear substance;
- (xii) pathological waste;
- (xiii) PCB;
- (xiv) pesticides;
- (xv) reactive waste;
- (xvi) severely toxic waste;
- (xvii) sewage;
- (xviii) waste disposal site leachate.

- (j) contain contaminants from raw materials, intermediate or final products or wastewater from an industrial operation;
- (k) contain Escherichia (E.) coli colonies in excess of 200 per 100 ml;
- (l) have or cause an offensive or nuisance odour;
- (m) result in the discharge of cooling water, blowdown water or storm water from industrial process areas unless all of the following conditions are met:
 - (i) the cooling water, blowdown water or storm water is being discharged pursuant to a certificate of approval or provisional certificate of approval issued under the EPA or the *Ontario Water Resources Act*, as amended, which expressly authorizes the discharge;
 - (ii) the person owning or operating the premises has written approval from the Region which expressly authorizes the discharge from the premises; and
 - (iii) a copy of the certificate of approval or provisional certificate of approval referred to in clause (i) has been provided to the Region.

- (2) A person may be required, upon receipt of notice from the Commissioner, to complete one or more of the following activities as stated in the notice addressing storm water from the person's site:

- (a) a study on storm water quality and/or quantity;
- (b) modification and/or construction of storm water facilities;
- (c) adoption and implementation of pollution prevention techniques and measures;
- (d) any other requirement as specified by the Region.

SECTION 6

6. Prohibition of Dilution

- (1) No person shall discharge directly or indirectly or deposit or cause or permit the discharge or deposit of sewage into the sanitary sewer, combined sewer or storm sewer in circumstances where water has been added from any source to the discharge for the purposes of dilution to achieve compliance with Sections 4 or 5 of this By-law.

SECTION 7

7. Reporting Requirements for Approval of Discharges

- (1) Prior to any discharge of sewage, storm water, cooling water, uncontaminated water or any combination thereof, to the sewage works, a person owning or operating an industrial premises is required to complete and submit:
 - (a) “Application for Approval of Discharge into a Region Sewage Works” to the Commissioner for approval; and
 - (b) “Discharger Information Report - Short Version” (form #1); and
 - (c) “Complete Discharger Information Report” (form #2) under the following conditions:
 - (i) where in the sole opinion of the Commissioner, the discharges may have a significant impact on the sewage works and the Commissioner has provided notice to complete the report; or
 - (ii) the discharge has or may require an Overstrength Discharge Agreement, Restrictive Discharge Agreement or Sanitary Discharge Agreement with the Region.
- (2) If a person was discharging to the sewage works prior to the enactment of this By-law, the person shall comply with the requirements of 7 (1) within three months from the date on which this By-law takes effect unless an extension of this time has been granted in writing by the Commissioner.

- (3) The requirement in 7 (2) does not apply to the person discharging to the sewage works, if in the sole opinion of the Commissioner, adequate information has been provided to and accepted by the Commissioner, prior to the date of enactment of this By-law.
- (4) The person shall provide written notification to the Region of any change to the information required under 7(1), 7(2) or 7(3) within 30 days of the change.

SECTION 8

8. Discharger Self-Monitoring

- (1) Where a written notification has been issued by the Commissioner to any person discharging to a Region sewage works, the person shall carry out all monitoring and/or sampling of any discharge to the sewage works as required by the Commissioner, and provide the results to the Region in accordance with written notification from the Commissioner.
- (2) The obligation set out in or arising out in 8 (1) shall be completed at the expense of the person discharging unless the Commissioner has agreed in writing to share the expense with the person discharging.

SECTION 9

9. Agreements

- (1) Subject to subsection 9(2), the discharge or deposit of sewage by a person that would otherwise be prohibited by this By-law may be permitted into or in any connection to any sanitary sewer or combined sewer to an extent fixed by an Overstrength Discharge Agreement, a Restrictive Discharge Agreement or a Sanitary Discharge Agreement entered into between the person and Region on such terms and conditions as set out in this By-law including conditions with respect to the payment of an Application Fee and additional sewage service rates to compensate the Region for its additional costs of operation, repair, and maintenance of the sewage works, and on other terms and conditions as may be deemed appropriate by the Region.
- (2) (a) An Overstrength Discharge Agreement may only be entered into with respect to the discharge of the following parameters in sewage: biochemical oxygen demand, oil and grease – animal or vegetable in origin, phenolic compounds (4AAP), total phosphorus, iron, total kjeldahl nitrogen and total suspended solids.

The following formula shall apply for the calculation of Overstrength Discharge Fees payable to the Region by the person with whom the Overstrength Discharge Agreement is entered into:

$$S = F \times Q \times R$$

Where “S” means the Overstrength Discharge Fee, expressed in dollars;

“F” means the ratio of:

$$\frac{\text{Actual Concentration} - \text{Allowable Concentration}}{\text{Allowable Concentration}}$$

of the parameter or whichever is greatest in excess of the respective By-law limits;

“Q” means the volume of discharge of sewage flow in thousand cubic metres (1000 m³); and

“R” means the rate for sewage treatment in dollars/thousand cubic metres (1000 m³) of sewage flow as set out from time to time by the Region.

- (b) A Restrictive Discharge Agreement may be entered into to restrict or limit the discharge of any parameters or their respective concentrations specified in Section 4 of this By-law with respect to the discharge of sewage into a sanitary sewer or combined sewer where the discharge exceeds or may exceed five percent (5%) of the annual average daily flow to the receiving Sewage Treatment Plant and also where in the sole opinion of the Commissioner the discharge of sewage by a person of any parameter at concentrations specified in Section 4 may result in the non-compliance of any Federal or Provincial Act, Regulation or Guideline regarding the discharge of any matter from the receiving Sewage Treatment Plant.
 - (c) A Sanitary Discharge Agreement may be entered into with respect to the discharge of sewage, which contains water that has originated from a source other than the Region water supply system.
- (3) Overstrength Discharge Agreements, Restrictive Discharge Agreements and Sanitary Discharge Agreements shall be generally in the form approved by the Commissioner from time to time. The Commissioner shall be authorized to execute Overstrength Discharge Agreements, Restrictive Discharge Agreements and Sanitary Discharge Agreements on behalf of the Region, unless the Commissioner chooses to seek approval of Regional Council.
 - (4) A person who has entered into an Overstrength Discharge Agreement, Restrictive Discharge Agreement or Sanitary Discharge Agreement with the Region shall not be prosecuted under Section 4 of this By-law for the discharge or deposit of sewage so long as the agreement and all provisions in the agreement are being fully complied with.
 - (5) The Region may terminate any Overstrength Discharge Agreement, Restrictive Discharge Agreement or Sanitary Discharge Agreement under the early termination provisions of each agreement or where the Commissioner has determined that there is an emergency situation of immediate threat or danger to any person, property, plant, animal life, or waters or any hazard or other adverse impact to the sewage works.

SECTION 10

10. Prior Agreements

This By-law shall not prohibit the discharge of sewage expressly permitted by an Overstrength Discharge Agreement, Restrictive Discharge Agreement or Sanitary Discharge Agreement, between a person and the Region existing at the time this By-law comes into force, provided that the Agreement is being fully complied with.

SECTION 11

11. Compliance Program

- (1) A person may submit to the Commissioner for approval a proposed compliance program setting out activities to be undertaken by the person that would result in the prevention or reduction and control of the discharge or deposit of sewage, uncontaminated water, groundwater, cooling water, drainage from lands or from a watercourse or combination thereof, storm water or water originating from a source other than the Region water supply from the person's premises into Region sewer connections or sewer connections to any Region sanitary sewer or combined sewer.
- (2) Upon receipt of an application pursuant to subsection (1) above, the Commissioner may issue an approval for a compliance program for a person to discharge sewage that does not comply with Section 4 of this By-law. The person shall be entitled to make non-complying discharges in the amount and only to the extent set out in the Commissioner's approval during the planning, design, and construction or installation of facilities or works needed to implement the approved compliance program.
- (3) Every proposed compliance program shall be for a specified length of time during which treatment facilities are to be installed, 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.
- (4) The person to which a compliance program has been issued shall submit a compliance program progress report to the Commissioner within 14 day after the scheduled completion date of each activity listed in the compliance program.
- (5) The Region shall levy fees, as determined by the Commissioner, with respect to the payment of an Application Fee and additional sewage service rates to compensate the Region for its additional costs of operation, repair, and maintenance of the sewage works, and on other terms and conditions as may be deemed appropriate by the Region regarding the discharges by a person, of non-complying sewage which is specified in the compliance program during the period within which the compliance program is applicable.

- (6) A person to whom a compliance program has been issued shall not be prosecuted under Section 4 of this By-law for the discharge or deposit of sewage, uncontaminated water, groundwater, cooling water, drainage from lands or from a watercourse or combination thereof, storm water or water originating from a source other than the Region water supply system containing the matter specified in the compliance program so long as the compliance program and Section 11 of this By-law are being fully complied with.
- (7) The Commissioner may terminate any compliance program by written notice at any time with a person wherein in the sole opinion of the Commissioner:
 - (a) the person fails or neglects to carry out or diligently pursues the activities required while under its approved compliance program; and
 - (b) there is an immediate threat or danger to any person, property, plant, animal life or waters or any hazard or other adverse impact to the sewage works.

SECTION 12

12. Sampling and Analysis

- (1) All tests, measurements and analyses of sewage, uncontaminated water or storm water required by this By-law shall be carried out in accordance with the procedures, modified or unmodified, as described in Standard Methods or analytical methods approved by the Commissioner.
- (2) Compliance or non-compliance with this By-law may be determined by the analysis of a grab sample or a composite sample which may contain additives for its preservation and may be collected manually or by using an automatic sampling device.

SECTION 13

13. Spills

- (1) In the event of a spill to the sewage works, the person responsible and/or the person having charge, management and control of the spill shall immediately notify the Commissioner and provide any information with regard to the spill that is requested.
- (2) The duty imposed by subsection 13(1) comes into force immediately when the person knows or ought to know that the matter referred to in that subsection has the potential to enter or is spilled into any sewage works.
- (3) The person responsible for the spill into the sewage works and/or the person having charge, management and control of the spill shall do everything reasonably possible to contain the spill, minimize damage to property, protect the environment, clean up the spill and contaminated residue and restore the affected areas to its condition prior to the spill.

- (4) All costs incurred by the Region as a result of such discharge shall be borne by the responsible person.
- (5) For any discharge in 13(1) for which the person is required to forthwith notify the Commissioner, the notification shall include the following information:
 - (a) location where spill occurred;
 - (b) name and telephone number of person who reported the spill and the location and time where that person can be contacted;
 - (c) date and time of spill;
 - (d) material spilled;
 - (e) characteristics of material spilled;
 - (f) volume of material spilled;
 - (g) work completed and/or still in progress in the mitigation of the spill;
 - (h) whether the spill was reported to the Ministry of the Environment and any other agency and, if so, the date and time such report was made.
- (6) The person shall provide a detailed report on the spill to the Commissioner within five (5) days after the spill, containing the following information to the best of the person's knowledge:
 - (a) location where spill occurred;
 - (b) name and telephone number of person who reported the spill;
 - (c) date and time of spill;
 - (d) material spilled;
 - (e) characteristics of material spilled;
 - (f) volume of material spilled;
 - (g) duration of spill event;
 - (h) work completed and/or still in progress in the mitigation of the spill; and
 - (i) preventative actions being taken to ensure the situation does not occur again.
- (7) Upon receipt of the detailed report specified in Section 13 (6) above, the Commissioner may require a further more detailed submission by the responsible person outlining preventative actions being undertaken which, at the sole discretion of the Commissioner, may require the development of a Spills Response Contingency Plan which must be updated on an as needed basis and copies submitted to the Commissioner within thirty (30) days of the spill.

SECTION 14

14. General Provisions

(1) Monitoring Manhole:

- (a) Notwithstanding provisions in the Region's Wastewater System By-law No. 184-95 any person as the owner or operator of commercial, institutional or industrial premises, or multi-residential buildings with one or more connections to the sewage works shall install and maintain in good repair in each connection a suitable monitoring manhole to allow observation, sampling and flow measurement of the sewage, uncontaminated water or storm water therein, provided that where installation of a monitoring manhole is not possible, an alternative device or facility may be substituted with the prior written approval of the Commissioner.
- (b) Any monitoring manhole or alternate device shall be located at the property line of the person's property and in accordance with Region standards and all conditions of the Region's Wastewater System By-law No.184-95 unless otherwise specified in this By-law.
- (c) No person shall structurally modify any monitoring manhole or alternate device, or install devices which may result in interfering with the Region's access or the installation and observation of the Region's devices used for the purpose of observation, sampling and flow measurement of the sewage without the prior consent of the Commissioner.

(2) Unauthorized Entry to Sewage Works:

Unless specifically authorized by the Commissioner, no person shall enter any sewage works.

(3) Interceptors for Grease, Oil and Sand:

An interceptor for grease, oil and sand shall be provided by any person or source as stipulated in the Region's Wastewater System By-law No. 184-95, and in accordance with all provisions of the *Ontario Building Code Regulation O.Reg. 403/97* and any amendments thereof prior to and while discharging sewage into the sewage works:

- (a) shall maintain maintenance records for the preceding twenty-four (24) month period; and
- (b) shall be located so as to be readily accessible for cleaning and inspection.

(4) Food Shredding or Grinding Device:

No person shall install or operate within the Region, any food shredding or grinding device for industrial, commercial or multi-residential purposes, the matter from which will discharge directly or indirectly into the sewage works without fully

complying with the conditions of the Region's Wastewater System By-law No. 184-95.

(5) **Disconnecting and Stopping up of Sewers:**

Where, in the opinion of the Commissioner a person is contravening the provisions of Sections 4 or 5 of this By-law, the Commissioner may, upon written notice to the person or the owner or occupant of the lands from which the discharge is occurring, order the land drainage works, sewer connection or Region sewer connection to any sewage works carrying the prohibited discharge to be stopped up or disconnected until such time as measures are undertaken satisfactory to the Commissioner to eliminate the prohibited discharge and that all expenses incurred for these actions by the Region are reimbursed to the Region by these persons, owners or occupants at the time of re-connection or unstopping of the sewer connections.

(6) **Violation Notice:**

A Violation Notice may be issued by the Commissioner to a person discharging any matter or substance into the sewage works contrary to this By-law and that the Violation Notice will specify the contravention and require the person receiving such notice to comply with all directives stated in this Violation Notice. The person shall also respond to the Commissioner in writing no later than the date specified in the Violation Notice for such response.

SECTION 15

15. Confidential Information

- (1) All information submitted to and collected by the Region 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. M.56 (MFIPPA).
- (2) In the event that any person in submitting information to the Region or to the Commissioner in any form, as required under this By-law, where such information is confidential or proprietary or otherwise may be exempt from disclosure under the MFIPPA, the person submitting the information shall so identify that information upon its submission to the Region or the Commissioner and shall provide sufficient details as to the reason for its purported exemption from disclosure.

SECTION 16

16. Offences

- (1) Every person other than a corporation who contravenes any provision of 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 \$20,000 for any subsequent conviction.

- (2) Every corporation which contravenes any provision of 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 \$50,000 for a first offence and \$100,000 for any subsequent conviction.
- (3) Where a person contravenes this By-law, the Region, acting through the Commissioner, may take remedial actions to ensure that this By-law is complied with, and the Region may recover the costs of such remedial action by charging the cost against the property as taxes due and owing in respect of that property.
- (4) An offence and subsequent conviction under this By-law pursuant to the *Provincial Offences Act*, R.S.O., 1990, c. P.33 or the Municipal Act, 2001, shall not be deemed in any way to preclude the Region from issuing a separate legal proceeding to recover charges, costs and expenses incurred by the Region and which may be recovered in a court of competent jurisdiction.
- (5) In this By-law, subsequent conviction means a conviction for an offence which offence occurs after the date of conviction for an earlier offence under this By-law or By-law 192-89.

SECTION 17

17. Exceptions

This By-law does not apply to the discharge of any matter or sewage, in an emergency, as determined by 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.

SECTION 18

18. Repeal

This By-law hereby repeals and replaces By-law No. 192-89.

SECTION 19

19. Coming into Force

This By-law shall come into force and take effect on March 31, 2003.

READ and PASSED this 22nd day of January, 2003.


REGIONAL CHAIRMAN


REGIONAL CLERK

Report No. P190117-02