

**BY-LAW 2010-188**

**A BY-LAW TO PROHIBIT, REGULATE AND CONTROL DISCHARGES INTO BODIES OF WATERS WITHIN CITY BOUNDARIES OR INTO THE CITY SANITARY SEWERS, STORM SEWERS, SANITARY SEWAGE WORKS AND ALL TRIBUTARY SEWER SYSTEMS.**

**WHEREAS** pursuant to the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended the City of Greater Sudbury may pass by-laws regarding services delivered by the City;

**AND WHEREAS** the City provides services within the limits of the City in the areas of collection of sanitary sewage, collection of storm water and other drainage from land, sewage treatment, among other areas;

**AND WHEREAS** pursuant to the *Ontario Water Resources Act*, R.S.O. c.0-40, 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 87, the City 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** City Council is desirous of passing a By-law to address such services;

**NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY HEREBY ENACTS AS FOLLOWS:**

**PART 1 – GENERAL**

**Definitions**

1. In this By-law:

“accredited laboratory” means any laboratory accredited by an authorized accreditation body in accordance with a standard based on “ISO/IEC/EN 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 an acute hazardous waste chemical within the meaning of O. Reg. 347;

“adverse impact” means impairment of or damage to the environment, human health, safety or property;

“amalgam separator” means any technology, or combination of technologies, designed to separate amalgam particles from dental operation wastewater;

“animate products of biotechnology” means a living organism created through the practice of biotechnology, and includes material which has been genetically modified using techniques that permit the direct transfer or removal of genes in that organism;

“biochemical oxygen demand (BOD)” means the 5-day BOD which is the determination of the molecular oxygen utilized during a 5-day incubation period for the biochemical degradation of organic material (carbonaceous demand), and the oxygen used to oxidize material such as sulphides and ferrous iron;

“biomedical waste” means biomedical waste as defined in the Ontario Ministry of Energy and the Environment Guideline C-4 entitled “The Management of Biomedical Waste in Ontario” dated April 1994, as amended;

“biosolids” means the product of stabilized organic solid material recovered from the wastewater treatment process;

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

“Building Code Act” means the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, or any successor legislation thereto;

“By-law Enforcement Officer” means a Compliance Officer, police officer, By-law enforcement officer, special constable and any other public officer engaged in the enforcement of this or any other law;

“carpet cleaner waste” means a combination of liquid and solid wastes, generated by carpet or furniture cleaning, that are collected in a mobile holding tank or are discharged to a sewer;

“certified amalgam separator” means any amalgam separator that is certified in accordance with standard “ISO 11143:1999 for Dental Equipment-Amalgam Separators” established by the International Organization for Standardization, as amended from time to time;

“carrier” means a person who transports hauled liquid waste to the sewage works for disposal;

“City” means the municipal corporation of the City of Greater Sudbury or the geographic area of the City of Greater Sudbury, as the context requires;

“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;

“Compliance Officer” means a person authorized by the City to carry out inspections and take samples as prescribed by this By-law and to enforce this By-law;

“composite sample” means a volume of sewage, stormwater, uncontaminated water, or effluent made up of two or more grab samples that have been combined automatically or manually and taken at intervals during the sampling period;

“connection” or “drain” means that part or those parts of any pipe or system of pipes leading directly or indirectly to a sewage works;

“CSA B-481” means standard CSA B-481, published by the Canadian Standards Association and entitled “Grease Interceptors”, as amended or replaced from time to time;

“dental amalgam” means a dental filling material consisting of an amalgam of mercury, silver and other materials such as copper, tin or zinc;

“dentistry” means dental care, dental hygiene or dental laboratory activities which produce waste dental amalgam;

“downspout” means a pipe to carry rainwater from a roof;

“EPA” means the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended and any successor legislation thereto;

“fixture” means a receptacle, appliance, apparatus, piping system, floor drain or other device that releases or discharges sewage;

“fuel” means alcohol, gasoline, naphtha, diesel fuel, fuel oil or any other ignitable substance intended for use as a fuel;

“General Manager” means the City’s General Manager of Infrastructure Services and includes his or her authorized designate;

“grab sample” is an aliquot of the flow being sampled taken at one particular time and place;

“gravity weeping tiles” refers to the piping system that collects water from weeping tiles outside the premises and then conveys the drainage water by gravity, away from the premises;

“ground water” means water in a saturated zone or stratum beneath the surface of land or below a surface water body;

“hauled sewage” means waste removed from a sewage system, including a cesspool, a septic tank system, a privy vault or privy pit, a chemical toilet, a portable toilet, or a sewage holding tank but does not include sludge removed from wastewater treatment plants;

“hauled liquid waste” means sewage that is suitable for treatment in a sewage works and is transported to a sewage works for disposal and includes hauled sewage;

“hazardous industrial waste” means hazardous industrial waste within the meaning of O.Reg. 347;

“hazardous waste chemical” means hazardous waste chemical within the meaning of O.Reg.347;

“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 or replaced from time to time; or
- (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 and any successor legislation thereto;

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

“industry” means any owner or operator of industrial premises from which there is a discharge of any matter directly or indirectly into a City sanitary sewer or storm sewer;

“interceptor” means a receptacle that is designed and installed to prevent oil, grease, sand or other materials from passing into a drainage system;

“LEL” stands for Lower Explosive Limit and means the minimum concentration of the compound as a gas or vapour, measured as a percentage in air, which will explode or burn;

“manhole” means access point in a sewer connection to allow for observation, sampling and flow measurements of the sewage, uncontaminated water or storm water therein;

“matter” includes any solid, liquid or gas;

“non-contact cooling water” is water which is used to reduce temperature for the purpose of cooling and which does not come into direct contact with any raw material, intermediate product other than heat, or finished product;

“nuclear substance” means:

- (a) deuterium, thorium, uranium or an element with an atomic number greater than 92;
- (b) a derivative of 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; or
- (e) a radioactive substance or radioactive thing that was used for the development or product or in connection with the use, of nuclear energy as defined under the *Nuclear Safety and Control Act*, S.C. 1997, c. 9 as amended and any successor legislation thereto;

“OWRA” means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended and any successor legislation thereto;

“O. Reg. 347” means Ontario Regulation 347, the general waste management regulation made under Part V of the EPA, as amended from time to time, and any successor regulation;

“pathological waste” means a material which is a pathological waste within the meaning of O.Reg. 347 or any material which may be designated in writing by the Chief Medical Officer of Health;

“PCBs” means any monochlorinated or poly-chlorinated biphenyl or any mixture of these or mixture that contains one or more of them;

“Permit” means a permit issued by the General Manager pursuant to this By-law;

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

“pesticides” means a pesticide regulated under the *Pesticides Act*, R.S.O. 1990, c.P.11, as amended or any successor legislation thereto;

“pH” means the logarithm to the base 10 of the reciprocal of the concentration of hydrogen ions in moles per litre of solution;

“pollution prevention” means the use of processes, practices, materials, products, substances or energy that avoid or minimize the creation of pollutants and wastes at the source;

“premises” means any land or building or both or any part thereof;

“private sewer connection” means that part of any drain or system of drains, including drains or subsurface drainage pipe for surface or subsurface of the land in or adjacent to a building, lying within the limits of the private lands and leading to a municipal sewer connection;

“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; or

(h) is an explosive (Class 1) as defined in the regulations under the *Transportation of Dangerous Goods Act*, 1992, S.C. 1992, c. 34, as amended;

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

“severely toxic waste” means waste containing any contaminant listed in Schedule 3 of O. Reg. 347;

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

“sewage works” means any works owned, operated and maintained by the City for the collection, transmission, treatment or disposal of sewage, storm water or uncontaminated water, including a sanitary sewer, City 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* applies;

“sewer” means a pipe, conduit, drain, open channel, ditch or watercourse for the collection and transmission of sewage, stormwater, or uncontaminated water, or any combination thereof;

“sludge” means wastewater containing more than 0.5% total solids, but does not include material which has been pumped out of a septic tank;

“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;

“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, 20<sup>th</sup> edition, as amended from time to time;

“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 City including storm sewers located within the City's road allowance or other City property;

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

“subsurface drainage pipe” means a pipe that is installed underground to intercept and convey subsurface water, and includes foundation drains;

“sump pump” means the system that conveys water drained from the weeping tiles to a collector box / sump pit, away from the premises;

“Swimming Pool” means a structure which is located on or in or above the ground and which is capable of containing an artificial body of water for swimming, wading, diving or recreational bathing with a water depth of 0.6 metres or more at its deepest point;

“total kjedahl nitrogen (TKN)” means organically bound nitrogen plus ammonia nitrogen, as determined by using a standard procedure; hydrocarbons; anthracene, Benzo(a) pyrene, Benzo(a) anthracene, benzo(e)pyrene, Benzo(b)fluoranthene, Benzo(j)fluoranthene, Benzo(k) fluoranthene, Benzo(g,h,i)perylene, chrysene, dibenzo(a,h)anthracene, dibenzo(a,i)pyrene, dibenzo(a,j)acridine, 7H-dibenzo(c,g)carbazole, fluoranthene, indeno(1,2,3-c,d)pyrene, perylene, phenanthrene, and pyrene;”

“total PAHs” means the total of all the following polycyclic aromatic hydrocarbons; anthracene, Benzo(a) pyrene, Benzo(a) anthracene, benzo(e)pyrene, Benzo(b)fluoranthene, Benzo(j)fluoranthene, Benzo(k) fluoranthene, Benzo(g,h,i)perylene, chrysene, dibenzo(a,h)anthracene, dibenzo(a,i)pyrene, dibenzo(a,j)acridine, 7H-dibenzo(c,g)carbazole, fluoranthene, indeno(1,2,3-c,d)pyrene, perylene, phenanthrene, and pyrene;

“uncontaminated water” means potable water as supplied by the City or any other water with a level of quality which is typical of potable water normally supplied by the City, or any other water which complies with Part 3 of this By-law;

“Water / Wastewater Rates By-law” means the City’s Water / Wastewater Rates By-law 2009-292, as amended or replaced from time to time;

“waste disposal site leachate” means leachate, namely liquid containing dissolved or suspended contaminants which emanates from waste and is produced by water percolating through waste or by liquid in waste, from any waste disposal site;

“watercourse” means an open channel, ditch or depression either natural or artificial, in which flow of water occurs either continuously or intermittently; and

“waters” means a well, lake, river, pond, spring, stream, reservoir, artificial watercourse, intermittent watercourse, or other water or watercourse.

### **Interpretation**

2. (1) Whenever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.

(2) References to items in the plural include the singular, as applicable.

(3) The words “include”, “including” and “includes” are not to be read as limiting the phrases or descriptions that precede them.

(4) Headings are inserted for ease of reference only and are not to be used as interpretation aids.

(5) Specific references to laws in the By-law are printed in italic font and are meant to refer to the current laws applicable with the Province of Ontario as at the time the By-law was enacted, as they are amended from time to time.

(6) Any reference to periods of time, stated in numbers of days, shall be deemed applicable on the first business day after a Sunday or statutory holiday if the expiration of the time period occurs on a Sunday or statutory holiday.

### **Severability**

3. If any section, clause or provision of this By-law, including anything contained in the Schedule attached hereto, is for any reason declared by a court of competent jurisdiction to be

invalid, the same shall not affect the validity of this By-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

#### **Compliance with Other Laws**

4. (1) Nothing in this By-law relieves any person from complying with any provision of any Federal or Provincial Legislation or any other By-law of the City.

(2) Where a provision of this By-Law conflicts with the provisions of another By-Law in force in the City of Greater Sudbury, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

#### **Application**

5. (1) This By-law shall apply to all sewers, including sanitary and storm sewers, sewage works and any connections thereto which mediately or immediately enter into such sewers or sewage works, which are publicly or privately owned or operated and are located within the boundaries of the City.

(2) 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, H. 7.

### **PART 2: SANITARY SEWER REQUIREMENTS**

#### **Circumstances Limiting Discharge to Sanitary Sewer**

6. No person shall directly or indirectly discharge or deposit or cause or permit the discharge or deposit of sewage or matter of any type into a sanitary sewer, municipal or private sewer connection to any sanitary sewer in circumstances where, to do so, may cause or result in:

- (a) a health or safety hazard to a person authorized by the General Manager to inspect, operate, maintain, repair or otherwise work on a sewage works;
- (b) an offence under the OWRA or the EPA or any regulation made thereunder from time to time;
- (c) biosolids from the sewage works to which sewage discharges, directly or indirectly, to fail to meet the objectives and criteria as listed in the Ministry of Energy and 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;
- (d) interference with the operation or maintenance of a sewage works or the impairment or interference with any sewage treatment process;
- (e) a hazard to any person, animal, property or vegetation;
- (f) an offensive odour to emanate from sewage works, and without limiting the generality of the foregoing, sewage containing hydrogen sulphide, carbon disulphide or other reduced sulphur compounds, amines or ammonia, in such quantity as may cause an offensive odour shall not be discharged to the sewage works;
- (g) damage to the sewage works;
- (h) an obstruction or restriction to the flow in the sewage works; or
- (i) the presence of toxic gases, vapours or fumes within the sewage works such that:
  - (i) two successive readings on an explosion hazard meter, at the point of discharge into the sewage works or at any point in the sewage works, of more than five percent LEL are obtained;

- (ii) any single reading on an explosion hazard meter, at the point of discharge into the sewage works or at any point in the sewage works, of ten percent LEL or higher is obtained; or
- (iii) any single reading on an explosion hazard meter, at the point of discharge into the sewage works or at any point in the sewage works, of two parts per million atmosphere hydrogen sulphide or higher is obtained.

### **Sewage Characteristics Limiting Discharge to Sanitary Sewer**

7. No person shall directly or indirectly discharge or deposit or cause or permit the discharge or deposit of sewage or matter of any type into a sanitary sewer, municipal or private sewer connection to any sanitary sewer where the sewage has one or more of the following characteristics:

- (a) a temperature greater than 60 degrees Celsius; or
- (b) a pH less than 6.0 or greater than 11; or
- (c) two or more separate liquid layers.

### **Sewage Content Limiting Discharge to Sanitary Sewers**

8. No person shall directly or indirectly discharge or deposit or cause or permit the discharge or deposit of sewage or matter of any type into a sanitary sewer, municipal or private sewer connection to any sanitary sewer if the sewage contains one or more of the following in any amount:

- (a) acute hazardous waste chemical;
- (b) biomedical waste;
- (c) combustible liquid;
- (d) dyes or colouring materials which may or could pass through a sewage works and discolour the sewage works effluent;
- (e) fuel;
- (f) hauled sewage, except where:

- (i) the hauled sewage is being discharged from a recreational vehicle;  
or
  - (ii) the carrier of the hauled sewage operating as a waste management system has a Certificate of Approval or Provisional Certificate issued under the EPA or is exempt from the requirement to have a Certificate of Approval or Provisional Certificate of Approval and the carrier complies with the provisions for the discharge of hauled sewage that are or may be set from time to time by the General Manager;
- (g) hauled liquid waste, except where
- (i) the carrier of the hauled liquid waste operating as a waste management system has a certificate of approval or provisional certificate issued under the EPA or is exempt from the requirement to have a certificate or provisional certificate of approval; and
  - (ii) the carrier complies with the provisions for the discharge of hauled liquid waste that are or may be set from time to time by the General Manager;
- (h) ignitable waste;
- (i) hazardous industrial waste;
- (j) hazardous waste chemicals;
- (k) nuclear waste unless:
- (i) the waste radioactive prescribed substances are being discharged under a valid and current licence issued by the Canadian Nuclear Safety Commission or its successor;
  - (ii) a copy of the licence has been provided to the General Manager; and
  - (iii) the discharge has been authorized in writing by the General Manager;
- (l) pathological waste, except where the waste has been decontaminated prior to its discharge;

- (m) PCB's except where:
  - (i) 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 satisfaction of the General Manager that the conditions of the exemption are met;
  - (ii) a copy of the most recent certificate or provisional certificate and any amendment is provided to the General Manager;
  - (iii) the General Manager has confirmed in writing that the person discharging has met a condition for an exemption under the regulations in relation to that person's discharge of PCBs to the sewage works; and
  - (iv) the discharge contains a concentration of less than 1 microgram per litre of PCBs;
- (n) pesticides;
- (o) reactive waste;
- (p) severely toxic waste;
- (q) silver-bearing wastewater from photo finishing processes not treated with a silver recovery unit prior to discharge;
- (r) sludge, except where:
  - (i) the discharge is expressly authorized in writing by the General Manager, in accordance with guidelines adopted by the City from time to time, prior to the discharge; and
  - (ii) the person has entered into an agreement with the City which expressly authorizes the discharge and includes such conditions as compensation and monitoring requirements;
- (s) waste disposal site leachate, except where:

- (i) the waste disposal site leachate is discharged pursuant to Certificate of Approval or Order relating to the premises under the EPA or OWRA which expressly allows the discharge;
- (ii) the person discharging the waste disposal site leachate has entered into a Leachate Discharge Agreement with the City in accordance with Section 17; and
- (iii) A copy of the Certificate of Approval or written Authorization referred to in 8 (s)(i) or 8(s)(ii) above, has been provided to the General Manager; or
- (t) 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.

**Specified Limits for Discharges to Sanitary Sewer**

9. No person shall directly or indirectly discharge or deposit or cause or permit the discharge or deposit of sewage or matter of any type into a sanitary sewer, municipal or private sewer connection to any sanitary sewer if the sewage contains a concentration expressed in milligrams per litre, which exceeds any one or more of the limits in **Schedule "A"** attached, "Limits for Sanitary Sewers" unless the person has:

- (a) entered into an Overstrength Sewage Discharge Agreement in accordance with Section 17 and the discharge to the sanitary sewer is in strict compliance with that Overstrength Sewage Discharge Agreement; or
- (b) in effect a Compliance Program approved by the General Manager in accordance with Section 18, and the discharge to the Sanitary Sewer is in strict compliance with the approved Compliance Program.

### **Sanitary Sewer – Water not originating from the City Water Supply**

10. No person shall directly or indirectly discharge or cause or permit the discharge of sewage containing water originating from a source other than the City's water supply, into a sanitary sewer, municipal or private sewer connection to any sanitary sewer unless:

- (a) the person has entered into a Sanitary Sewer Discharge Agreement in accordance with Section 17 and the discharge is in strict compliance with that Sanitary Sewer Discharge Agreement; or
- (b) the person has entered into an Overstrength Discharge Agreement in accordance with Section 17, and the discharge is in strict compliance with that Overstrength Discharge Agreement.

### **Prohibition of Dilution**

11. No person shall discharge directly or indirectly or deposit or cause or permit the discharge or deposit of sewage into a sanitary sewer, storm sewer, municipal or private sewer connection to any sanitary sewer or storm sewer in circumstances where matter has been added to the discharge for the purpose of dilution to achieve compliance with Part 2 and Part 3 of this by-law.

## **PART 3: STORM SEWER REQUIREMENTS**

### ***Storm Sewer Prohibition – Circumstances***

12. No person shall directly or indirectly discharge or deposit or cause or permit the discharge or deposit of matter of any type or in any quantity into any storm sewer, watercourse, municipal or private sewer connection to any storm sewer in circumstance where to do so may cause or result in:

- (a) damage to a storm sewer;
- (b) interference with the proper operation of a storm sewer;

- (c) any hazard or other adverse impact, to any person, animal, property, or vegetation;
- (d) impairment of the quality of the water in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse;
- (e) the contravention of a certificate of approval or provisional certificate of approval issued under the OWRA or the EPA with respect to the storm sewer, its discharge from the storm sewer or both the storm sewer and its discharge; or
- (f) 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.

**Discharge to Storm Sewer Prohibited – Characteristics of Matter**

**13.** No person shall directly or indirectly, discharge or deposit or cause or permit the discharge or deposit of matter of any type or in any quantity into any storm sewer, watercourse, municipal or private sewer connection to any storm sewer where the matter has one or more of the following characteristics:

- (a) two or more separate layers;
- (b) a pH less than 6 or greater than 9;
- (c) visible film, sheen or discolouration; or
- (d) a temperature greater than 40 degrees Celsius.

**Discharge to Storm Sewer Prohibited – Content of Matter**

**14.** No person shall directly or indirectly, discharge or deposit or cause or permit the discharge or deposit of matter of any type or in any quantity into any storm sewer, watercourse, municipal or private sewer connection to any storm sewer where the matter contains one or more of the following:

- (a) acute hazardous waste chemicals;
- (b) animate products of biotechnology;
- (c) biomedical waste;

- (d) blowdown water;
- (e) carpet cleaner waste;
- (f) combustible liquid;
- (g) concrete mixtures;
- (h) dyes or colouring materials, except where the dye is used by the City or an agent working on behalf of the City as a tracer;
- (i) floating debris;
- (j) fuel;
- (k) hauled sewage;
- (l) hauled liquid waste;
- (m) hazardous industrial waste;
- (n) hazardous waste chemicals;
- (o) ignitable waste;
- (p) material discharged from a groundwater remediation system;
- (q) motor oil;
- (r) nuclear substance;
- (s) organic solvents;
- (t) paint;
- (u) pathological waste;
- (v) PCBs;
- (w) pesticides;
- (x) reactive waste;
- (y) severely toxic waste;
- (z) sewage;
- (aa) sludge;
- (bb) solvent extractable matter of animal, vegetable origin, mineral or synthetic origin;

- (cc) waste disposal site leachate;
- (dd) wastewater from an industrial operation;
- (ee) a substance from raw materials, intermediate or final products produced in, through or from an industrial operation;
- (ff) a substance used in the operation or maintenance of an industrial site;
- (gg) contaminants from the raw materials, intermediate or final products or wastewater from an industrial operation;
- (hh) Escherichia coli colonies in excess of 200 per 100 ml;
- (ii) a substance which has or causes an offensive or nuisance odour; or
- (jj) a concentration, expressed in milligrams per litre, which exceeds any one or more of the limits in **Schedule B** attached, "Limits for Storm Sewer Discharges", except where:
  - (i) the discharge of matter containing concentrations of total suspended solids in excess of 15 mg/l occurs after erosion and sediment control guidelines which have been approved by the General Manager have been implemented; or
  - (ii) the discharge results solely from:
    1. street cleaning which has been authorized by the General Manager;
    2. hydrant flushing which has been authorized by the General Manager; or
    3. extinguishing fires."

## PART 4: HAULED LIQUID WASTE PERMIT

### Permit Required

15.(1) No person shall directly or indirectly discharge or deposit or cause or permit the discharge or deposit of hauled liquid waste of any type or in any quantity into any storm sewer, watercourse, municipal or private sewer connection to any storm sewer unless:

- (a) the person has first procured a Hauled Liquid Waste Permit; and
- (b) the discharge or deposit of the hauled liquid waste is fully compliant with the terms and conditions of the Hauled Liquid Waste Permit and this By-law.

(2) Every applicant for the issuance of a Hauled Liquid Waste Permit under this By-law shall:

- (a) file with the General Manager, an application in the form established by the General Manager from time to time which:
  - (i) identifies the name, municipal address, mailing address, fax number of the applicant;
  - (ii) sets out contact information including emergency contact information;
  - (iii) provides particulars of each vehicle proposed to be used by the applicant pursuant to the Hauled Liquid Waste Permit;
  - (iv) provides particulars of the liquid waste to be hauled by the applicant;
  - (v) provides particulars of any Hauled Liquid Waste Permit now held by the applicant or previously held by the applicant;
  - (vi) sets out such other particulars as the General Manager may require to investigate and process the application; and
  - (vii) is signed by the applicant, or in the case of a corporate applicant, by the authorized signing officer of the corporation, certifying as to the accuracy of the information in the application;

(b) file with the General Manager as part of the application for the Hauled Liquid Waste Permit:

- (i) a copy of the City manifest and Provincial manifest, duly completed; and
- (ii) an insurance certificate evidencing a policy of insurance held by the applicant with an insurance company licensed to operate in Ontario, with limits of not less than \$2,000,000 automobile liability, \$2,000,000 commercial general liability, and \$1,000,000 environmental impairment or pollution liability; and

(c) pay the applicable non-refundable application fee determined in accordance with the Water / Wastewater Rates By-law.

(3) Every applicant for a Hauled Liquid Waste Permit shall submit a fully complete application to the General Manager no less than 10 working days before the applicant wishes the permit to issue. For the purposes of this By-law, an application is fully complete once the applicant has submitted all the required information, documentation and fees to the General Manager in accordance with Subsection 15(2).

(4) The General Manager shall refuse to issue a Hauled Liquid Waste Permit:

- (a) if the application is incomplete; or
- (b) the hauled liquid waste proposed to be discharged to the City's waste treatment plant is prohibited.

(5) The General Manager may, in his or her discretion refuse to issue a Hauled Liquid Waste Permit:

- (a) where the applicant has held a Hauled Liquid Waste Permit which was revoked by the General Manager within the past 12 months; or
- (b) where the applicant has failed during the prior year, to comply with the conditions of a Hauled Liquid Waste Permit which was not revoked.

(6) Where the application is complete and otherwise in accordance with this By-law, the General Manager is authorized to issue a Hauled Liquid Waste Permit in the form established by the General Manager from time to time setting out the terms and conditions on which Hauled Liquid Waste may be discharged by the Permit Holder, which terms and conditions may differ from those requested by the applicant. The Permit as issued may set out:

- (a) the discharge location;
- (b) the maximum quantity and quality of the hauled liquid waste permitted to be discharged on each occasion and per month;
- (c) the vehicles permitted to discharge;
- (d) the surcharge rate payable; and
- (e) any terms and conditions of the discharge in addition to those contained in this By-law.

(7) A Hauled Liquid Waste Permit is issued upon signature by the General Manager.

(8) Whether or not set out on the Hauled Liquid Waste Permit, every person being a permit holder of a Hauled Liquid Waste Permit shall be responsible to indemnify and save harmless the City, its elected and non-elected officers and its employees and agents from all costs and damages which may result from the Permit Holder's use of the City's wastewater treatment facilities. The obligation to indemnify shall survive the expiry or revocation of the Hauled Liquid Waste Permit.

(9) A Hauled Liquid Waste Permit issued under this By-law:

- (a) shall expire after 12 months, if not earlier revoked;
- (b) is non-transferable; and
- (c) authorizes discharge of hauled liquid waste only by the vehicles identified on the Hauled Liquid Waste Permit.

(10) Every person being a permit holder of a Hauled Liquid Waste Permit shall and where applicable, shall cause any person exercising any rights under the Hauled Liquid Waste Permit to:

- (a) pay the applicable fees for the discharge of the hauled liquid waste, calculated in accordance with the Water / Wastewater Rates By-law;
- (b) provide or cause to be provided, a sample of the hauled liquid waste for testing upon request, prior to discharge of the waste;
- (c) ensure that the hauled liquid waste being discharged at the City's waste water treatment facility is compliant with this By-law;
- (d) provide, prior to discharge, evidence satisfactory to the General Manager to prove whether the hauled liquid waste was generated within or outside the City;
- (e) provide, prior to discharge, evidence satisfactory to the General Manager to prove whether the hauled liquid waste is of domestic or non-domestic origin;
- (f) ensure that the discharge of the hauled liquid waste is carried out in accordance with guidelines established by the General Manager from time to time;
- (g) produce the Permit upon request of the General Manager, a Compliance Officer or other By-law Enforcement Officer;
- (h) comply with this By-law and the conditions of the Hauled Liquid Waste Permit;
- (i) keep in a visible location on every vehicle hauling liquid waste to the specified City waste water treatment facility, such identifier as may be provided by the General Manager;
- (j) ensure that the discharge of the hauled liquid waste is in accordance with applicable federal and provincial statutes, regulations and guidelines; and
- (k) provide the General Manager in writing with particulars of any change in the information provided in the application for the Hauled Liquid Waste Permit, within 10 days of the change.

(11) For the purpose determining the applicable fee pursuant to paragraph 15(10)(a), hauled liquid waste generated outside the City and transported to the City's sewage works for disposal shall be deemed waste generated outside the City.

(12) Despite Section 9, hauled liquid sewage from domestic source is exempt from the requirement not to exceed one or more of Schedule A " Discharge Limits to a Sanitary Sewer", provided the hauled sewage does not contain:

- (i) industrial sewage;
- (ii) fuels;
- (iii) ignitable waste;
- (iv) hazardous waste chemicals;
- (v) hazardous industrial waste;
- (vi) reactive waste;
- (vii) pathological waste; or
- (viii) severely toxic waste.

(13) The General Manager may revoke a Hauled Liquid Waste Permit, upon 30 days notice in writing, mailed to the permit holder, at the address provided on the application for the Hauled Liquid Waste Permit, where the General Manager, in his or her discretion determines that the permit holder is in contravention of this By-law or of any condition of the Hauled Liquid Waste Permit. Notice will be effective the 5th day after mailing.

## **PART 5: REPORTING AND SELF MONITORING REQUIREMENTS**

### **Waste Survey Report – Industrial Dischargers**

**16.** (1) Every person being an owner or operator of industrial premises with a connection to a sewage works or making use of any kind of sewage works shall, within 60 days of request by a Compliance Officer:

- (a) file with the Compliance Officer, a Waste Survey Report in the form established by the General Manager from time to time and containing:
- (i) the address and legal description of the premises, any commonly used name of the premises, the names of the owner and operator, a telephone number or other means by which the owner and the operator can be contacted;
  - (ii) a description of process operations, including waste discharge rates and contamination concentrations and hours of operation and Standard Industrial Classification codes;
  - (iii) particulars of the names of all raw materials, products, by-products, waste and any other substance or material that is used, produced, discharged or emitted from such premises;
  - (iv) the generator registration number if any assigned with respect to the premises under O. Reg. 309 made under the EPA;
  - (v) particulars of the waste class, hazardous waste number, primary and secondary characteristics and analytical data and the name of the laboratory, if any, furnished to the Ontario Ministry of the Environment under O. Reg. 309 made under the EPA relating to any material discharged into or in land drainage works, private branch drains or connections to any sanitary, or storm sewer;
  - (vi) particulars of the types, volumes, concentrations and frequency of discharge of all substances or materials;
  - (vii) particulars of the types of industrial processes, neutralization processes and systems, ion exchange systems, heavy metal absorption systems, on-site treatment facilities and all other processes occurring prior to the discharge of any substance or material into any sewage works;

- (viii) all other information, which, in the opinion of the General Manager, is reasonable and necessary for the proper treatment of the substances and materials discharged and efficient operation and monitoring of sewage works; and
  - (ix) the signature of the owner or operator of the industrial premises, or its authorized representative, certifying as to the accuracy of the information.
- (b) file with the Compliance Officer, in support of the Waste Survey Report, the following documentation:
- (i) a schematic process diagram indicating waste discharge points and waste description;
  - (ii) a sketch to scale showing the dimensions, specifications and location of all drainage connections to the sewage works;
  - (iii) a sketch to scale showing the dimensions, specifications and location of all manholes constructed pursuant to this By-law; and
  - (iv) the specifications of all drainage lay-out plans.

(2) Every person being the owner or operator of the industrial premises shall submit to the Compliance Office in writing, particulars of any changes to the information provided in subsection 16(1) within 30 days of the change.

(3) No person being the owner or operator of an industrial premises shall discharge or deposit or cause or permit the discharge or deposit of sewage into or in land drainage works, private branch drains or connections to any sanitary sewer, or storm sewer, unless he or she has complied with Subsections 16(1) and 16(2).

(4) Every person being an owner or operator of an industrial premises shall:

- (a) complete any monitoring or sampling of any discharge to a sewage works in accordance with a written request by a Compliance Officer;

- (b) provide the results of monitoring or sampling under paragraph 16(4)(a) to the Compliance Officer, in accordance with written request by the Compliance Officer;
- (c) have samples obtained pursuant to paragraph 16(4)(a) analyzed by an accredited laboratory forthwith upon written request by a Compliance Officer; and
- (d) submit the results of testing under paragraph 16(4)(b) or 16(4)(c) to the Compliance Officer forthwith upon receipt.

(5) The obligations set out in or arising out of this section 16, shall be completed at the expense of the owner or operator carrying out or required to carry out the obligation.

## **PART 6: AGREEMENTS**

### **Agreements**

17. (1) For the purposes of this Section 17:

“Discharge Agreement” includes a Leachate Discharge Agreement, an Overstrength Sewage Discharge Agreement, a Residential Sanitary Sewer Discharge Agreement, a Sanitary Sewer Discharge Agreement, and a Sludge Discharge Agreement and “Discharge Agreements” refers collectively to more than one Discharge Agreement;

“Leachate Discharge Agreement” means a Discharge Agreement, authorizing on the terms set out therein, the discharge of waste disposal site leachate;

“Overstrength Sewage Discharge Agreement means a Discharge Agreement authorizing on the terms set out therein, the discharge to a sanitary sewer of sewage which has concentrations in excess of those otherwise permitted under this By-law of the following parameters:

- (i) suspended solids;
- (ii) biochemical oxygen demand (BOD);
- (iii) phenolic compounds (4AAP);

- (iv) total phosphorous;
- (v) total Kjeldahl nitrogen; or
- (vi) any combination of the parameters in (i) – (v) above.

“Residential Sanitary Sewer Discharge Agreement” means a Discharge Agreement authorizing a sump pump or gravity weeping tiles from a residential premises to be temporarily connected to the City’s sanitary sewer system;

“Sanitary Sewer Discharge Agreement” means a Discharge Agreement authorizing on the terms set out therein the discharge to a sanitary sewer of sewage which contains water that has originated from a source other than the City’s water distribution system; and

“Sludge Discharge Agreement” means a Discharge Agreement , authorizing on the terms set out therein, the discharge of sludge which meets specified criteria set by the General Manager from time to time.

(2) The General Manager may, on application in writing, authorize and sign on behalf of the City, a Discharge Agreement to permit the applicant to discharge or deposit sewage that would otherwise be prohibited by this By-law into or in any connection to any sanitary sewer to the extent fixed by the Discharge Agreement and on such terms and conditions as out therein, including conditions relating to the control of the quantity and quality of the discharge, the protection of the sewage works, payment of discharge and administrative fees or sewer rates as set out in the Water / Wastewater Rates By-law to compensate the City for its additional costs of operation, repair and maintenance of the sewage works, and on such other terms and conditions as may be determined by the General Manager.

(3) An applicant for a Discharge Agreement shall submit an application in writing containing such information and providing such documentation as the General Manager may require to assess the application and reach a determination, and signed by an authorized signing officer for the applicant, certifying the accuracy of the information contained therein.

(4) Despite subsection 17(3), the General Manager may authorize and sign an Overstrength Sewage Discharge Agreement only in circumstances where the General Manager in his or her discretion determines that pretreatment of such waste either due to quality or quantity is not required.

(5) Every Discharge Agreement shall specify:

- (a) the extent of variance from this By-law authorized by the Discharge Agreement;
- (b) the conditions on which the discharge is permitted;
- (c) the surcharge for additional sewage rates payable in accordance with the Water / Wastewater Rates By-law or otherwise as may be necessary to compensate for any additional costs of operating and maintaining the sewage works;
- (d) the obligation of the party to indemnify the City;
- (e) the term and rights of early termination;
- (f) that where a common sewer service pipe connects different industrial premises to the sewage works and only one test manhole is maintained pursuant to this By-law, the results of monitoring performed on samples collected from such manholes shall be used to determine any overstrength fees or sewer rates, unless otherwise approved by the General Manager and
- (g) such matters as the General Manager may determine.

(6) The General Manager is authorized to sign Discharge Agreements in accordance with this By-law provided the applicant has:

- (a) has paid the applicable processing fee determined in accordance with the Water / Wastewater Rates By-law; and

- (b) delivered to the General Manager, the Discharge Agreement in the form authorized by the General Manager, duly signed by its authorized signing officers; and
- (c) delivered to the General Manager, such documentation as may be specified in the Discharge Agreement.

(7) No person being a party to a Discharge Agreement shall, while the Discharge Agreement is in effect, make or permit discharges which are non-compliant with this By-law except in the amount and to the extent set out in the Discharge Agreement.

(8) Despite any other provision of this By-law, a person who has entered into a Discharge Agreement shall not be prosecuted under this By-law for the discharge or deposit of sewage containing the matters specified in the Discharge Agreement while the Discharge Agreement is in effect, provided the discharge is fully compliant with the Discharge Agreement.

(9) The General Manager may terminate a Discharge Agreement prior to its expiry date:

- (a) at any time where the General Manager determines the continuation of the agreement poses a threat or danger to any person, property, plant or animal life, waters or sewage works; or
- (b) on 30 days written notice for contravention of the Discharge Agreement or this By-law.

## **PART 7: COMPLIANCE PROGRAM**

### **Compliance Program**

**18.** (1) An industry which is discharging an effluent which is not in compliance with limits in Schedule A and Schedule B may apply in writing to the General Manager for approval of a proposed Compliance Program intended to bring the industry into compliance with this By-law within a fixed period of time.

(2) The proposed Compliance Program shall set out activities to be undertaken by the industry that would result in a specified time, in the prevention or reduction and control of the discharge or deposit of:

- (a) matter from the industry's premises into municipal or private sewer connections to any sanitary sewer; or
- (b) uncontaminated water, or stormwater from the industry's premises into municipal or private sewer connections to any storm sewer.

(3) The General Manager is hereby authorized to approve in writing a Compliance Program for an industry, where the Compliance Program addresses, to the satisfaction of the General Manager:

- (a) particulars of the permitted exemption from compliance from this By-law, and any limitations to such exemption;
- (b) the terms and conditions on which the non-compliant discharge may occur;
- (c) particulars of any treatment facilities which are to be installed to achieve compliance with this By-law;
- (d) particulars of the remedial actions to be implemented by the industry to achieve compliance with this By-law;
- (e) the dates of commencement and completion of the remedial actions or activities;
- (f) particulars of the permitted exemption from compliance from this By-law, and any limitations to such exemption;
- (g) the fees to be paid in accordance with the Water / Wastewater Rates By-law;  
and
- (h) the date by which compliance with this By-law is to be achieved. The date for completion of proposed remedial activity or action shall not be later than the specified end date for the compliance program.

(4) The General Manager may:

- (a) refuse to approve the proposed Compliance Program where, in his or her opinion, the proposed Compliance Program is inadequate; or
  - (a) approve a Compliance Program in the form applied for, on different terms, or subject to such conditions as he or she determines to be necessary in the circumstances.
- (5) Every industry for which a Compliance Program has been approved, shall:
- (a) submit to the General Manager, a Compliance Program Progress Report in a form acceptable to the General Manager within 14 days of the scheduled completion date of each activity listed in the approved Compliance Program;
  - (b) comply with or to cause compliance with the Compliance Program; and
  - (c) ensure that no discharge is made which is non-compliant with this By-law except in the amount and to the extent and during the time frames set out in the approved Compliance Program.
- (6) The General Manager may terminate an approved Compliance Program on 30 days written notice to the industry, delivered in person, or mailed to the address for the industry shown in the application for the Compliance Program, in the event that the General Manager, in his or her discretion determines that the industry has failed or neglected to carry out or diligently pursue the activities required of it under its approved Compliance Program. Any such notice shall be deemed to be received by the industry on the 5<sup>th</sup> day after mailing.
- (7) The General Manager may suspend any approved Compliance Program on oral or written notice to the industry at any time where the General Manager, in his or her discretion determines that there is an emergency situation or immediate threat or danger to any person, property, plant or animal life or to waters.

## PART 8: SAMPLING AND ANALYTICAL REQUIREMENTS

19. Where a sample is required pursuant to this By-law for the purpose of determining the characteristics or contents of the sewage, uncontaminated water or stormwater to which reference is made in this By-law the following guidelines shall apply:

- (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 tests, measurements, analyses and examinations of sewage, uncontaminated water and stormwater, shall be carried out in accordance with standard methods;
- (c) for each one of the following metals: aluminum, antimony, arsenic, bismuth, cadmium, chromium, cobalt, copper, iron, lead, manganese, mercury, molybdenum, nickel, selenium, silver, tin, titanium, vanadium and zinc whose concentration is limited in Schedule A and B, the analysis shall be for the quantity of total metal, which includes all metal both dissolved and particulate;
- (d) where a common sewer service pipe connects different industrial and commercial premises served by separate water meters to the wastewater collection system and only one test manhole is maintained pursuant to this By-law, the results of tests performed on samples collected from such test manholes shall be used to determine a sewer service surcharge which shall be used for all premises connected to the common sewer service; and
- (e) the General Manager may from time to time conduct tests at the test manhole, or, where there is not a test manhole located at a place satisfactory to test the wastewater being discharged, the General Manager may enter upon the

premises from which the wastewater originates and conduct the tests as he deems necessary.

## PART 9: SPILLS

### Immediate Notification

20. (1) Every person responsible for a spill which enters or has the potential to enter the sewage works and every person having charge, management and control of such a spill shall:

- (a) phone the City at 3-1-1 as soon as the person knows or ought to know that the spill has entered the sewage system or has the potential to enter the sewage system to give notice of the spill;
- (b) provide such information with regard to the spill as is requested by the General Manager and is then available;
- (c) provide a detailed written, signed report to the General Manager within 5 days after the spill, including in the report, to the best of his or her knowledge particulars of:
  - (i) the location where spill occurred;
  - (ii) the name and telephone number of person who reported the spill and the location and time where that person can be contacted;
  - (iii) the name of the person who discharged or deposited or who is believed to have discharged or deposited the material to the sewage works;
  - (iv) the date and time of spill;
  - (v) the material spilled;
  - (vi) the characteristics of material spilled;
  - (vii) the volume of material spilled;
  - (viii) the duration of the spill;
  - (ix) the work completed and/or still in progress in the mitigation of the spill;

- (x) the preventative actions being taken to ensure a similar spill does not occur again;
- (xi) the date and time of any report of the spill to the Ministry of the Environment or to any other agency; and
- (xii) such other information as the General Manager may reasonably require to investigate and assess the situation.

### **Containment**

(2) Every person being responsible for a spill into the sewage works and every person having charge, management and control of a spill into the sewage works shall do everything reasonably possible, at the person's own cost and expense to:

- (a) contain the spill;
- (b) protect the health and safety of citizens;
- (c) minimize damage to property;
- (d) protect the environment;
- (e) clean up the spill and contaminated residue; and
- (f) restore the affected areas to its condition prior to the spill.

### **Cleanup**

(3) Where the person responsible for the spill or the person having the charge, management and control of the spill fails to or neglects to carry out or diligently pursue the activities required of it in subsection 20 (2) of this By-law, the General Manager may take or direct the taking of such measures as the General Manager deems appropriate to contain the spill, protect the health and safety of citizens, minimize damage to the property, protect the environment, clean up the spill and associated residue and restore the affected area to its condition prior to the spill. The cost of doing so shall be a debt owing by the person responsible for the spill and/or the

person having the charge, management and control of the spill, enforceable by any means open to the City.

## **PART 10: MANHOLES / MONITORING DEVICES**

### **Monitoring Manholes**

**21.** (1) Every person being 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 in each connection, a suitable monitoring manhole to allow observation, sampling and flow measurement of the sewage, uncontaminated water or storm water therein.

(2) Despite Subsection 21(1), where on application of the owner or operator of a commercial, institutional or industrial premises or multi-residential building, the General Manager is satisfied that the installation of a monitoring manhole is not feasible or possible in the circumstances, the General Manager may authorize in writing the installation of a specified alternative device or facility instead of a monitoring manhole on such conditions as the General Manager may determine.

(3) Every person who has the written authorization of the General Manager under Subsection 21(2) shall install in each connection, the alternate device or facility authorized by the General Manager in accordance with the written authorization.

(4) Every person being obligated under this section 21 to install a monitoring manhole or authorized alternate device or facility shall locate such monitoring manhole or alternate device or facility on the premises, as close to the property line as possible,

(5) Despite Subsection 21(4), an owner or operator may apply to the General Manager in writing for approval to install the monitoring manhole or authorized alternate device or facility in a location other than as required under Subsection 21(4).

(6) Every person who has received written approval of the General Manager under Subsection 21(4) shall install the monitoring manhole or authorized alternate device or facility in the location approved by the General Manager.

(7) Every person required to install a monitoring manhole or authorized alternate device or facility under this section 21 shall ensure same is:

- (a) designed and constructed in accordance with good engineering practice and the requirements of the municipal standard (CGSSD) and/or Ontario Provincial Standard (OPS), as established by the City from time to time; and
- (b) maintained in good operating condition at all times.

(8) Every person being the owner or operator of the commercial, institutional or industrial premises or multi-storey buildings shall ensure that every monitoring manhole, authorized alternative device or facility installed as required by this Section 21 is accessible at all times for the purposes of maintaining, observing, sampling, and flow measurement of the sewage, uncontaminated water or stormwater therein.

(9) No person shall structurally modify any monitoring manhole or authorized alternate device, or install devices which may result in interfering with the City's access to or the installation and observation of the City's devices used for the purpose of observation, sampling and flow measurement of the sewage without the prior consent of the General Manager and in accordance with such consent.

(10) In the event that the owner or operator of the commercial, institutional or industrial premises or multi-story building fails to install a monitoring manhole or authorized alternate device or facility, the General Manager may cause monitoring manhole or authorized alternated device or facility to be installed and may enter onto the owner or operator's premises without notice to effect the installation. The cost of the installation shall be a debt owing by the owner or operator to the City, enforceable by any means open to the City. If unpaid, the debt may be

added to the property tax roll for the owner or operator's property and collected in the same manner as taxes.

### **Monitoring Devices**

**22.** (1) The General Manager may by notice in writing require the owner or operator of a commercial, institutional or industrial premises or multi-storey residential building to:

- (a) install and maintain devices to monitor the discharge of matter, sewage, uncontaminated water or stormwater; and
- (b) submit to the City regular reports regarding the discharges.

(2) A discharge of matter or sewage to a single private sewer connection from a premises with two or more separate businesses serviced by a single water service will be considered as being released by the person responsible for the payment of the bill for the water services for that water meter, whether or not actually released by that person.

(3) A discharge of matter or sewage to a single private sewer connection from a premises with two or more separate businesses, each serviced by a separately metered water services will be considered as being released from each of the separate businesses, in proportion to the separate business' water consumption, unless it is shown to the satisfaction of the General Manager, by the owner of the operator of the premises that:

- (a) the portion of the material or sewage that is overstrength, or in violation of this By-law is being released from only one of the businesses serviced by a separate metered water service on the premises; and
- (b) the material or sewage released from that business can be monitored separately from other businesses.

## PART 11: PROTECTION OF THE SEWERS

### INTERCEPTORS / DENTAL WASTE AMALGAM SEPARATORS / GARBAGE GRINDERS / POOLS / GENERAL

#### Food-related Grease Interceptors

23. (1) Every person being an owner or operator of a restaurant or other industrial, commercial or institutional premises where food is cooked, processed or prepared, which premises is connected directly or indirectly to a sewer, shall take all necessary measure to ensure that oil and grease are prevented from entering the sewer.

(2) Every person being an owner or operator of a premises as set out in Subsection 23(1) shall:

- (a) install, operate and properly maintain a grease interceptor in any piping system at its premises that connects directly or indirectly to a sewer;
- (b) install, operate and maintain in accordance with the requirements of CSA B-481, as amended; and
- (c) install any grease interceptor except in compliance with the most current requirements of the *Ontario Building Code*.

#### Service Centre - Grease, Oil and Sand Interceptors

24. (1) Every person being an owner or operator of a motor vehicle service station, repair shop or garage or 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 and maintain an oil interceptor designed to prevent motor oil and lubricating grease from passing into the drainage piping which is connected directly or indirectly to a sewer.

(2) Every person being an owner or operator of a premise as set out in subsection 24(1) shall:

- (a) install, operate and properly maintain in good condition, an oil interceptor in any piping system at its premises that connects directly or indirectly to a sewer; and
- (b) install such oil interceptor in compliance with the then current requirements of the Ontario Building Code and replace from time to time as necessary to ensure same remains in compliance with the Ontario Building Code at all times.

### **Sediment interceptors**

**25.** Every person being an owner or operator of a premises from which sediment may directly or indirectly enter a sewer, including but not limited to premises using a ramp drain or area drain and care and vehicle wash establishments, shall take all necessary measure to ensure that such sediment is prevented from entering the drain or sewer.

### **Catch Basins- Private Property**

**26.** (1) Every person being an owner or operator of private property installing or causing a catch basin to be installed on private property for the purposes of collecting storm water and carrying it into the storm sewers shall ensure that such is:

- (a) equipped with Goss traps or an equivalent; and
- (b) installed in a manner which is compliant with the City of Greater Sudbury Standards Drawing (CGSSD) and/or with Ontario Provincial Standards (OPS) as amended from time to time.

(2) No person being the owner or operator of private property shall install or cause to be installed on private property, any combination of a monitoring manhole and catch basin.

### **Requirements – All Interceptors**

**27.** (1) Every person being an owner or operator of a premises who installs an interceptor or causes an interceptor to be installed shall ensure that the interceptor:

- (a) is of sufficient capacity and appropriate design to intercept natural oil and grease, synthetic or petroleum oil and grease, gasoline, sand or other sediment likely to flow into it under peak flow conditions;

- (b) is located to be readily and easily accessible for cleaning and inspection;
- (c) is constructed of impervious materials capable of withstanding abrupt or extreme changes in temperature;
- (d) is of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, is gastight and watertight, except when the intercepting trap is for sand only, the cover need not be gastight and watertight; and
- (e) is maintained by the owner, at the owner's expense, in continuously efficient operation at all times.

(2) Every person, being an owner or operator who has installed an interceptor or caused an interceptor to be installed shall:

- (a) produce maintenance records for the interceptor on the request of a Compliance Officer for the shorter of:
  - (i) period from installation of the interceptor until the date of request; and
  - (ii) the preceding eighteen month period; and
- (b) permit a Compliance Officer to enter upon the premises at any time to inspect the operation and maintenance of the interceptor.

### **Dental Waste Amalgam Separator**

**28.** (1) Every owner or operator of any premises in which dentistry is practiced, shall install, operate and properly maintain a certified amalgam separator on all fixtures to prevent the release of dental amalgam directly or indirectly to a sewer except where:

- (a) the dental practice consists only of one of the following dental specialties, as defined in the Canada-wide Standard on Mercury for Dental Amalgam Waste:
  - (i) orthodontics and dentofacial orthopedics;
  - (ii) oral and maxillofacial surgery;
  - (iii) oral medicine and pathology;

- (iv) oral and maxillofacial radiology; or
- (v) periodontics; or
- (b) The dental practice consists solely of visits by a mobile dental practitioner who prevents any dental amalgam from being released directly or indirectly to the sewage works.

(2) Notwithstanding subsection 28(1), every person operating a business from which dental amalgam is or will be discharged directly or indirectly to a sewer, at premises which are constructed or substantially renovated on or after the date that this by-law comes into force, shall install, operate and properly maintain dental amalgam separator(s) in any piping system which is connected directly or indirectly to a sewer.

### **Garbage Grinders**

**29.** (1) No person shall install or operate or cause to be installed or operated within the City any garbage grinding devices, the effluent from which will discharge directly or indirectly into the sewage works.

(2) Every person being the owner or operator of an industrial, commercial or institutional properties who has installed or caused to be installed, a garbage grinding device in accordance with the Building Code, shall ensure that the effluent from such garbage grinding device complies with Sections 6, 7 and 8 of this By-law.

### **Discharge from Swimming Pools**

**30.** (1) No person shall discharge, or cause or permit to be discharged, wastewater from a swimming pool such that it flows:

- (a) directly or indirectly to a storm sewer or storm drainage system;
- (b) directly or indirectly onto an adjoining property; or
- (c) over a valley or ravine slope.

(2) Every person discharging wastewater from a swimming pool shall cause the wastewater to either be:

- (a) transported away by an appropriately licensed waste hauler; or
- (b) discharged by way of a temporary connection to the sanitary sewer authorized by the General Manager in writing, on application of the property owner; or
- (c) discharged by way of controlled discharge to the owner's property such that the discharge is at all times contained within the property until it evaporates or infiltrates into the ground.

### **Discharge from Roof / Sump**

**31.** (1) No person being the owner of a premises shall discharge, drain or cause or permit to be discharged or drained, water from the roof or from the sump pump of any building on the land or surface water from the premises such that it flows onto an adjoining property.

(2) Every person being the owner of a premises discharging or draining water from the roof or from the sump pump of any building on the land or surface water from the premises shall cause the water to be:

- (a) discharged by way of controlled discharge to the owner's property such that the discharge is at all times contained within the property until it evaporates or infiltrates into the ground;
- (b) in the case of water from the roof, directed to and contained in an approved rain barrel until used; or
- (c) discharged in accordance with a plan approved by the General Manager, on application in writing by the owner of the premises.

(3) No person being the owner of a premises shall permit water from the roof or from the sump pump of a building on the land to be discharged by way of a connection to the sanitary sewer unless authorized by the General Manager in writing, on application of the owner of the premises.

(4) An applicant under Subsection 31(3) shall provide in support of the application, evidence satisfactory to the General Manager that:

- (a) the building on the premises was constructed prior to January 1<sup>st</sup>, 1973;
- (b) the connection of the downspout, gravity weeping tiles or the sump pump to the sanitary sewer was approved at the time of construction by the applicable approving authority;
- (c) the owner has entered into Residential Sewer Discharge Agreement with the City; or”.
- (d) other options are not practicable in the circumstances.

### **Connection to Collection Systems**

**32.** No person shall make, alter or remove, or suffer or permit the making, alteration or removal of, any connection to the wastewater collection system or the storm drainage collection system without the prior written approval of the General Manager obtained on application.

### **Protection from Damage**

**33.** No person shall uncover, open into, break, alter, damage, destroy, deface or tamper or cause or permit the breaking, damaging, destroying, defacing or tampering with any permanent or temporary device installed in a sewage works for the purposes of flow measuring, sampling and testing of matter, sewage, uncontaminated water or stormwater.

### **Damage to the Sewage Works**

**34.** (1) Every person discharging matter, sewage, uncontaminated water or stormwater to the City sewage works shall ensure that such matter, sewage uncontaminated water or stormwater conforms at all times to the provisions of this By-law.

(2) Every person discharging matter, sewage, uncontaminated water or stormwater to the municipal sewage works shall be liable to the City for any damage or expense arising out of any failure to properly check and control such discharge, including the cost of investigation, repairing, cleaning or replacing any part of any City sewage works damaged thereby.

## PART 12: ENFORCEMENT / RIGHTS

### Failure to Comply

35.(1) Where a person has acted contrary to this By-law or is in default of doing a matter or thing required to be done under this By-law, or the General Manager may remedy the default or have the matter or thing done as the case may be, without notice to the person and at the cost of the person, and the cost thereof shall be a debt of the person to the City and if more than one person, each person shall be jointly and severally liable for payment of the total expense. Any such amount may be recovered from the person or persons by action or any other means available to the City at law.

(2) Where an owner has acted contrary to this By-law or is in default of doing the matter or thing required to be done under this By-law, then in addition to the remedies provided for in subsection 35(1), the cost may be added to the property tax rolls for the owner's property and collected in the same manner as taxes.

(3) For the purposes of Subsection 35(1) and 35(2), a Municipal Bylaw Enforcement Officer may enter onto private property with such persons or persons and such equipment or facilities as may be required to secure compliance with the By-law.

### Administration / Delegation / Enforcement

36.1-(1) Where the General Manager, a Compliance Officer or other By-law Enforcement Officer is satisfied that a contravention of this By-law has occurred, the General Manager, a Compliance Officer or other By-law Enforcement Officer may make an order requiring the person who contravened this By-law or who caused or permitted the contravention to discontinue the contravening activity. The order shall set out reasonable particulars of the contravention, and where applicable, the location of the land on which the contravention is occurring and the date by which there must be compliance.

(2) Where the General Manager, a Compliance Officer or other By-law Enforcement Officer is satisfied that a contravention of this By-law has occurred, an order may be made requiring the

person who contravened this By-law or who caused or permitted the contravention to correct the contravention. The order shall set out:

- (a) reasonable particulars of the contravention;
- (b) particulars of the location where the contravention occurred;
- (c) any work to be done or steps to be taken to comply with this By-law;
- (d) the date by which the work must be done or steps taken; and
- (e) provide that if any work specified is not completed by the date specified to the satisfaction of the General Manager, a Compliance Officer or other By-law Enforcement Officer, that the General Manager, a Compliance Officer or other By-law Enforcement Officer may cause the work to be done at the expense of the Owner.

(3) Pursuant to subsection 445(3) of the *Municipal Act, 2001*, as amended, an order pursuant to subsection 36.1(1) or 36.1(2) may require the work to be done even though the facts which constitute the contravention of the By-law were present before this By-law making them a contravention came into force.

(4) Service of an order issued under this By-law shall be given to each person, by delivering personally to the person, or by mailing to each owner of the property by registered mail at the address recorded for that property in the tax rolls of the City.

(5) Every person who is served with an order under this By-law shall comply with the requirements of the order within the time period specified in the order.

(6) Enforcement fees shall be payable in accordance with the provisions of the User Fees By-law then in effect.

(7) Any fee payable pursuant to subsection 36.1(6) shall be in addition to:

- (a) any fine levied upon conviction of an offence under this By-law; and
- (b) any costs incurred for remediation.

(8) No fee payable pursuant to subsection 36.1(6) shall be waived or cease to be payable in the event that no charge is laid or a charge that is laid does not lead to a conviction.

### **Offences**

**37.** (1) Every person other than a Corporation who contravenes any provision of Part 2 or Part 3 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 Part 2 or Part 3 this By-law and every director or officer of a corporation who knowingly concurs in such contravention 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) Notwithstanding subsections 37(1) and 37(2), every person who contravenes any provision of any other section 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 \$5,000 as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33 as amended.

(4) 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 73-31 as amended.

(5) When a person has been convicted of an offence under this By-law, , the Ontario Court (Provincial Division), or any court of competent jurisdiction thereafter may, in addition to any penalty imposed on the person convicted, issue an Order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.

(6) Where a person contravenes this By-law, the City, acting through the General Manager, may take remedial actions to ensure that this By-law is complied with, and the City 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.

(7) 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 City from issuing a separate legal proceeding to recover charges, costs and expenses incurred by the City and which may be recovered in a Court of competent jurisdiction.

## PART 13: GENERAL

### Confidential Information

38.(1) All information submitted to and collected by the City, 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 City or to the General Manager 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 City or the General Manager and shall provide sufficient details as to the reason for its purported exemption from disclosure.

### Repeal

39. (1) This By-law hereby repeals By-law No. 73-31 of the Regional Municipality of Sudbury, as amended.

(2) The repeal of By-law 73-31 as amended, does not:

- (a) affect the previous operation of any by-law so repealed;
- (b) affect any right, privilege, obligation or liability acquired, accrued, accruing, or incurred under the by-law so repealed;

- (c) affect any offence committed against any by-law so repealed or any penalty or forfeiture or punishment incurred in respect thereof; or
- (d) affect any investigation, legal proceeding or remedy in respect of such privilege, obligation, liability, penalty, forfeiture or punishment.

**Short Title**

40. This By-law may be referred to as the "Sewer Use By-law".

**Coming into Force**

41. This By-law shall come into force and take effect on September 15<sup>th</sup>, 2011.

**READ AND PASSED IN OPEN COUNCIL** this 15th day of September, 2010.

\_\_\_\_\_ Mayor

\_\_\_\_\_ Clerk

UNOFFICIAL  
CONSOLIDATED  
VERSION

**SCHEDULE “A “**  
**TO BY-LAW 2010-188 OF THE CITY OF GREATER SUDBURY**

**Limits for Sanitary Sewer Discharge**

<b>Parameter</b>	<b>Limit (mg/L)</b>	<b>Parameter</b>	<b>Limit (mg/L)</b>
Biochemical Oxygen Demand	300	Benzene	0.01
Cyanide (total)	2	Chloroform	0.04
		1,2 Dichlorobenzene	0.05
Total Kjeldahl Nitrogen (TKN)	100	1,4-Dichlorobenzene	0.08
Oil and Grease (Animal & Vegetable)	150	Cis-1,2 dichloroethylene	4
Oil and Grease (Mineral & Synthetic)	15	Trans-1,3-dichloropropylene	0.14
Phenolics (4AAP)	1.0	Ethylbenzene	0.16
Phosphorus (total)	10	Methylene chloride	0.21
Suspended Solids (total)	350	1,1,2,2-Tetrachloroethane	0.04
Aluminum (total)	50	Tetrachloroethylene	0.05
Antimony (total)	5	Toluene	0.016
Arsenic (total)	1	Trichloroethylene	0.07
Bismuth	5	Xylene (total)	1.4
Cadmium (total)	0.7	Di-n-butylphthalate	0.08
Chromium (total)	4	Bis (2-ethylehexyl) phthalate	0.012
Chromium (hexavalent)	2	Nonylphenols	0.02
Cobalt (total)	5	Nonylphenol ethoxylates	0.01
Copper (total)	2	Aldrin/Dieldrin	0.0002
Fluoride	10	Chlordane	0.1
Iron	50	DDT	0.0001
Lead (total)	1	Hexachlorobenzene	0.0001
Manganese (total)	5	Mirex	0.1
Mercury (total)	0.01	PCBs	0.001
Molybdenum (total)	5	3,3'-dichlorobenzidine	0.002
Nickel (total)	2	Hexachlorocyclohexane	0.1
Selenium (total)	1	Pentachlorophenol	0.005
Silver (total)	5	Total PAHs	0.005
Tin (total)	5		
Titanium (total)	5		
Vanadium	5		
Zinc (total)	2		
Vinyl Chloride	0.4		

**SCHEDULE “B “**  
**TO BY-LAW 2010-188 OF THE CITY OF GREATER SUDBURY**

**Limits for Storm Sewer Discharge**

<b>Parameter</b>	<b>Limit (mg/L)</b>	<b>Parameter</b>	<b>Limit (mg/L)</b>
Biochemical Oxygen Demand	15	Trans-1,3-dichloropropylene	0.0056
Cyanide (total)	0.02	Ethylbenzene	0.002
Phenolics (4AAP)	0.008	Methylene Chloride	0.0052
Phosphorus (total)	0.4	1,1,2,2-Tetrachloroethane	0.017
Suspended Solids (total)	15	Tetrachlorethylene	0.0044
Arsenic (total)	0.02	Toluene	0.002
Cadmium (total)	0.008	Trichloroethylene	0.0076
Chromium (total)	0.08	Xylene (total)	0.0044
Copper (total)	0.04	Di-n-butylphthalate	0.015
Lead (total)	0.12	Bis (2-ethylehexyl) phthalate	0.0088
Manganese (total)	0.05	Nonylphenols	0.001
Mercury (total)	0.0004	Nonylphenol ethoxylates	0.01
Nickel (total)	0.08	Adrin/Dieldrin	0.00008
Selenium (total)	0.02	Chlordane	0.04
Silver (total)	0.12	DDT	0.00004
Zinc (total)	0.04	Hexachlorobenzene	0.00004
		Mirex	0.04
Benzene	0.002	PCBs	0.0004
Chloroform	0.002	3,3"-dichlorobenzidine	0.0008
1,2-dichlorobenzene	0.0056	Hexachlorocyclohexane	0.004
1,4-dichlorobenzene	0.0068	Pentachlorophenol	0.002
Cis-1,2-dichloroethylene	0.0056	Total PAHs	0.002