

To: Warden and Members of County Council

From: Director of Public Works

Modernized Sewer Use By-law

RECOMMENDATIONS

1. **That Report No. PW 2019-45 and the attached Draft Sewer Use By-Law, as amended, be received;**
2. **And further, that County Council authorize staff to undertake public consultation with stakeholders as outlined in Report No. PW 2019-45 and report back to Council with final policy recommendations for consideration in 2020.**
3. **And further, that Report No. PW 2019-45 be circulated to Area Municipality Chief Administrative Officers and Economic Development Officers for information.**

REPORT HIGHLIGHTS

- The purpose of this report is to obtain Council approval to begin consultation with interested stakeholders on the proposed modernization of the existing Sewer Use By-law (SUB).
- The SUB regulates the discharge of wastewater into the County's sanitary sewer system and storm sewers on County roads by establishing acceptable parameters and strength allowances for such discharge, such that the functionality of the County's wastewater systems and natural environment are not adversely impacted.
- The original SUB dates to 1987 and requires modernization to eliminate vagueness, replace obsolete references, bring the by-law into alignment with more current standard practices of other Ontario municipalities and ensure the long-term effectiveness of the County's Wastewater Treatment Plants (WWTPs).
- The SUB largely affects industrial and commercial customers and consultation efforts will focus on key stakeholders as well as the general public.

Implementation Points

Upon Council's approval of the recommendations contained in this report, staff will initiate a consultation process to inform and solicit feedback from stakeholders and the public. Feedback will be incorporated and the by-law will be brought back to Council in 2020 for further consideration.

Financial Impact

There is no financial implication associated with the recommendations contained in this report beyond that which has been approved in the 2019 budget.

The Treasurer has reviewed this report and agrees with the financial impact information.

Risks/Implications

Industrial and/or commercial enterprises with large or heavy wastewater streams may require increased pre-treatment prior to discharge into the municipal sewer system if discharge limits are lowered or new parameters are added to the SUB. Consultation is required to understand the impact of the potential modifications to the SUB with the goal of further building supportive and collaborative customer relationships.

Not modernizing the SUB to keep pace with changing regulatory requirements could result in the County's WWTPs violating the effluent discharge limits which could result in environmental damage and/or fines and charges from the Ministry of the Environment, Conservation and Parks.

Strategic Plan (2015-2018)

County Council adopted the County of Oxford Strategic Plan (2015-2018) at its regular meeting held May 27, 2015. The initiative contained within this report supports the Values and Strategic Directions as set out in the Strategic Plan as it pertains to the following Strategic Directions:

1. *ii. A County that Works Together* – Enhance the quality of life for all of our citizens by:
 - *Maintaining and strengthening core infrastructure*
 - *Working with community partners and organizations to maintain / strengthen public safety*
3. *iii. A County that Thinks Ahead and Wisely Shapes the Future* - Demonstrated commitment to sustainability by:
 - *Ensuring that all significant decisions are informed by assessing all options with regard to the community, economic and environmental implications including:*
 - o *Responsible environmental leadership and stewardship*

DISCUSSION

Background

Modern WWTPs are primarily designed to treat domestic human waste through a largely biological treatment process, and are not always entirely effective at removing industrial metals or persistent organic pollutants depending on their nature and composition. These contaminants can end up partially treated, can accumulate in the biosolids or can make their way through to being discharged back to the natural environment. Certain parameters can also impact the effectiveness of the biological treatment process at the WWTP resulting in lower levels of treatment of the domestic waste stream.

Industries from diverse sectors, such as food processors, hospitals, dry cleaners, dental offices and large manufacturers, can release a wide variety of parameters with their wastewater discharge streams that have a potential to impact the wastewater treatment process. The best solution to safeguard the environment and ensure proper operation of municipal WWTPs is to prevent these types of pollutants from entering the sewer systems in the first place. This is the rationale for Municipal SUB's which are employed by municipalities across North America.

The first model SUB was developed in the 1980's to provide guidance to and ensure consistency among municipalities across Ontario. Oxford County's SUB is largely based on that original model. Since then, the Canadian Council of Ministers of the Environment participated in and contracted the development of a new model SUB in 2009. This 2009 model SUB as well as information from neighbouring municipalities, legal counsel and Oxford County's own unique requirements formed the basis of the Draft SUB attached to this report as Attachment 1.

Comments

Proposed SUB Revisions

The proposed SUB includes the following updates:

- Storm sewers on County roads have been added, with unacceptable pollutants identified;
- New substances have been added (pesticides, ammonia);
- New requirements have been added for specific industries (motor vehicle repair, food premises, dental offices);
- New requirements for spill response, pre-treatment, sampling and analysis and reporting;
- Revisions to range of acceptable pH; and
- A revised enforcement process.

SUB Enforcement

The goal of the enforcement activities is to achieve long-term customer compliance with the SUB.

At its June 26, 2019 meeting, County Council approved amendments to the existing Sewer Use By-law 6120-2019 to facilitate enforcement measures. As part of the amendment, the CAO was authorized to appoint Officers for the purpose of enforcement of the By-law which has since been completed.

The enforcement process now employs the County issuance of Notice of Violation(s) to non-compliant customers from which offence charges can be pursued through Court prosecution in accordance with the *Provincial Offences Act (POA)* and the *Municipal Act*. This approach permits for offence charges to be established up to the maximum upper limits as set out in section 429(3)1 of the *Municipal Act*.

While enforcement costs of “set fines” are much lower (i.e. can be resolved out of court by paying a fine), set fines were not recommended by external legal counsel as they are limited to a cap of \$1,000 per occurrence, would trigger a further substantive overhaul of the SUB and also require Ministry approval of the associated fine amounts. Rather, for prosecution against a non-compliant customer for fine charges in excess of \$1,000, the County would be required to follow Part III of the *POA* for serious offences which are subject to a court proceeding.

Additionally, an updated protocol was developed to formally regulate the activities and define the authorities for the various aspects of staff enforcement activities. Staff have been subsequently trained on this protocol and it is regularly employed.

Stakeholder Consultation

The County’s “inform and engage” strategy on the proposed changes will be focused on the ICI sector as well as the general public. To best deliver this revised SUB strategy proposal, the following tools will be utilized:

- Direct contact with existing industries with agreements under the SUB;
- Mailing of information packages to the local Chambers of Commerce;
- Engagement of Area Municipality Economic Development Officers,
- Website posting;
- News media; and
- Social media.

Conclusion

Staff maintain that revisions to the County's current SUB are warranted and also believe the proposed updates to the SUB will enhance enforcement measures which will result in added environmental protection and wastewater treatment system reliability to customers. Staff and the respective Economic Development Officers recommend that they be directed to conduct stakeholder consultation to revise the existing SUB.

SIGNATURES

Report Author:

Original signed by:

Deborah Goudreau, P.Eng.
Manager of Water and Wastewater Services

Departmental Approval:

Original signed by:

David Simpson, P.Eng., PMP
Director of Public Works

Approved for submission:

Original signed by:

Peter M. Crockett, P.Eng.
Chief Administrative Officer

ATTACHMENT

Attachment 1: Draft Sewer Use By-Law

COUNTY OF OXFORD

BY-LAW NO. -2019

Being a By-law to regulate the discharges into Oxford County's Wastewater and Storm Sewer Systems replacing and revoking By Law No. 2719-87, No. 5715-2015, and No. 6120-2019

WHEREAS Section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that the County of Oxford (the County) shall have exclusive responsibility for collection of sanitary sewage and sewage treatment in the County;

AND WHEREAS, Section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that the County shall have responsibility with respect to collection of storm water and other drainage from County owned lands;

AND WHEREAS, Section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that the County has broad authority to enable it to govern its affairs as it considers appropriate;

AND WHEREAS, Sections 23.1, 23.2 and 23.3 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may delegate certain powers and duties.

AND WHEREAS, this broad authority includes the authority to pass by-laws to regulate or prohibit, require persons to do things and provide for a system of permits respecting to connections to wastewater system and the discharge of any matter into the wastewater system;

AND WHEREAS, Section 391 of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that the County may impose fees or charges on the persons for services or activities provided or done by or on behalf of it;

AND WHEREAS, Section 425 of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that the County may pass by-laws providing that a person who contravenes a by-law of the County is guilty of an offence;

NOW THEREFORE, the Council of the County of Oxford enacts as follows:

PART 1 - DEFINITIONS

1.1 For the purposes of this Article, the following definitions apply:

“accredited laboratory” means any laboratory accredited under the Canadian Association for Laboratory Accreditation Inc. (“CALA”), or 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 from time to time, or an equivalent standard that is acceptable to the County;

“biochemical oxygen demand” means carbonaceous oxygen demand (biochemical) as determined by Standard Methods when an inhibiting chemical has been added to prevent ammonia oxidation;

“biomedical waste” means 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;

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

“blowdown water” means recirculating water that is discharged from a cooling or heating water system for the purpose of controlling the level of water in the system or for the purpose of discharging from the system materials contained in the system;

“*Building Code Act*” means the *Building Code Act*, S.O. 1992, c. 23; as amended from time to time;

“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;

“chemical oxygen demand” means the quantity of oxygen utilized in the chemical oxidation of matter;

“combined sewer” means a sewer intended to function simultaneously as a storm sewer and a sanitary sewer;

“composite sample” means two or more grab samples of a discharge to the wastewater system taken at intervals during the sampling period that have been combined automatically or manually;

“contaminant” means any solid, liquid, gas, odour, heat, vibration, sound, radiation or any combination of them resulting directly or indirectly from human activities that may cause an adverse effect;

“contact cooling water” means water that is used in an industrial process, for the purpose of removing heat, that comes into contact with any raw material, intermediate product, waste product or finished product, but does not include blowdown water;

“County” means the County of Oxford;

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

“Director” means the Director of Public Works for the County of Oxford or his/her delegate;

“discharge” when used as a verb, includes add, deposit, emit, release or leak and, when used as a noun, includes addition, deposit, emission, release or leak;

“discharger” means a person who is the owner, is in occupation of, or has charge, management or control of a site that discharges to a wastewater system or storm sewer;

“emergency” means a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise;

“*Environmental Protection Act*” means the *Environmental Protection Act*, R.S.O. 1990, c. E. 19, as amended from time to time;

“F.O.G.” means fats, oils and grease found in food waste;

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

“grab sample” means a sample of a discharge into a wastewater system or stormsewer taken at one particular place and time;

“hauled liquid wastewater” includes leachate, industrial, commercial, and institutional (ICI) waste, which is transported by truck;

“hauled liquid waste facility” means an approved depot which may accept hauled liquid waste transported by truck to be discharged into a WWTP. Oxford County’s Woodstock and Ingersoll WWTPs are approved facilities;

“hauled septage” 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 and is transported for discharge, but excludes industrial waste;

“hauled wastewater” means liquid industrial waste that is transported for discharge and that must be transported with a manifest in accordance with O. Reg. 347 (Waste Management) as enacted under the *Environmental Protection Act*, as amended from time to time;

“hazardous waste” includes a waste that is an acute hazardous waste chemical, hazardous industrial waste, hazardous waste chemical, corrosive waste, ignitable waste, pathological waste, reactive waste, radioactive waste, PCB waste, leachate toxic waste or severely toxic waste, or any combination thereof, each as defined by O. Reg. 347 as enacted under the *Environmental Protection Act*; as amended from time to time;

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

“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;

“industrial waste” means a material which is an industrial waste within the meaning of the O. Reg. 347 as enacted under the *Environmental Protection Act*; as amended from time to time;

“leachate” means the liquid generated by water or other liquids percolating through solid waste at a landfill or by liquid in the waste;

“Ministry” means unless otherwise specified refers to the Ontario Ministry responsible for the administration and enforcement the Safe Drinking Water Act, 2002, the Ontario Water Resources Act, 1990 and all regulations and instruments issued under these Acts which are associated with wastewater or sewage;

“maintenance access hole” means an access point in a private sewer connection to a municipal wastewater system that allows for the observation, monitoring, sampling, flow measurement and other related activities of the sewage, uncontaminated water or other substance therein;

“matter” includes any solid, liquid or gas;

“*Municipal Act, 2001*” means the *Municipal Act, 2001*, S.O. 2001, c. 25; as amended from time to time;

“non-contact cooling water” means 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;

“oil and grease” means solvent extractable matter of animal or vegetable origin, mineral or synthetic origin, or a combination of both;

“once-through cooling water” means non-contact cooling water that has been circulated once through the cooling device;

“*Ontario Water Resources Act*” means the *Ontario Water Resources Act*, 1990, c. O. 40, as amended from time to time;

“pathological waste” means any material so defined by Regulation 309 made under the *Environmental Protection Act*;

“person” includes an individual, association, organization, partnership, corporation, or an agent or employee thereof;

“pesticides” means a pesticide regulated under the *Pesticides Act*, R.S.O.1990, c. P. 11, as amended from time to time;

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

“phenolic compounds” means those derivatives of aromatic hydrocarbons which have a hydroxyl group directly attached to the ring;

“sanitary sewer” means any part of the wastewater system that is intended to collect and convey sewage to a sewage treatment facility;

“septage” includes all matter of liquid and solid that is pumped out of septic tanks and holding tanks. Such tanks may be used in residential, commercial, or industrial properties for the purpose of containing sanitary waste;

“sewage or wastewater” includes any liquid containing animal, vegetable or mineral matter in

solution or in suspension, including floating materials, but does not include uncontaminated water;

“Wastewater System” means any works for the collection, transmission, treatment or disposal of sewage or wastewater, or any part thereof, but does not include plumbing to which the *Building Code Act, 1992* applies as amended from time to time;

“Sewer Use By-law Enforcement Officer” means a person appointed by this by-law for enforcement purposes and also includes for the purposes of exercising any power of entry under this By-law;

“spill” means a discharge of any substance to a wastewater system or to the natural environment which is abnormal in quantity or quality in light of all the circumstances of the discharge;

“standard methods” means a procedure or method set out in the most current edition, as of the date of testing, of Standard Methods for the Examination of Water and Wastewater published jointly by the American Public Health Association, American Water Works Association and Water Pollution Control Federation, or a procedure published by the Ontario Ministry of the Environment as a standard method or the equivalent of a standard method;

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

“suspended solids” means solid matter in or on a liquid which matter is removable by filtering;

“total kjeldahl nitrogen (TKN)” means the measure of both ammonia and organic forms of nitrogen as defined in the Standard Methods;

“uncontaminated water” includes,

- a) potable water supplied by the Municipality; or
- b) any water that is of a similar quality to potable water from a source other than the Municipal water distribution system or
- c) water from a dewatering activity, to which no substance has been added intentionally or unintentionally, by any person other than the Municipality;

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

“waste radioactive prescribed substances” means uranium, thorium, plutonium, neptunium, deuterium, their respective derivatives and compounds and such other substances as the Canadian Nuclear Safety Commission, or its successor, may designate as being capable of releasing atomic energy or as being requisite for the production, use or application of atomic energy.

PART 2 – PURPOSE

2.1 The purpose of this by-law is to protect the health, safety and well-being of persons, the natural environment, wastewater system within the County of Oxford and to prevent public nuisances.

PART 3 – ADMINISTRATION

3.1 The Chief Administrative officer has authority to appoint Sewer Use By-law Enforcement Officers to enforce compliance with this bylaw.

3.2 The Clerk is authorized to issue a certificate of appointment to the individual so appointed under the Municipal Act.

3.3 The Director shall be responsible for the administration and a Sewer Use By-law Officer/management representative shall be responsible for the enforcement of this by-law.

3.4 The Director may from time to time prescribe the form and content of any approval, authorization, agreement, form, procedure or other document in relation to the administration of this by-law and may amend or revise the form and content as required.

3.5 The Sewer Use By-law Officer/management representative may issue any approval,

authorization, permit under this by-law as well as any amendments thereto.

3.6 The Director may issue any suspensions or terminations of approvals, authorizations or permits, on behalf of the County of Oxford.

3.7 The Director may dispense with the requirements of this by-law in the event of any emergency.

3.8 The Director may assign duties or delegate tasks under this by-law as necessary.

3.9 Where there is a conflict between the provisions of this by-law and another by-law of the County of Oxford, the provision that is the most restrictive shall prevail.

PART 4 – DISCHARGES – SANITARY SEWERS

4.1 No person shall discharge or cause or permit the discharge of sewage or any other material into the sanitary sewer in circumstances where to do so may result in:

- a) a health or safety hazard to a person authorized to inspect, operate, maintain or otherwise work on, in or around the wastewater system;
- b) damage to any part of the wastewater system or causing a dangerous condition in the wastewater system;
- c) the wastewater system effluent contravening any requirement under the *Ontario Water Resources Act* or the *Environmental Protection Act* or any regulation made thereunder;
- d) the biosolids from the wastewater system failing to meet the objectives and criteria set out in the Ministry of Environment publication entitled “Guidelines for the Utilization of Biosolids and Other Wastes on Agricultural Land” dated March 1996, as amended from time to time;
- e) impairment, or interference with the proper operation of any part of the wastewater system;
- f) inhibition of any treatment process of the wastewater system;
- g) increasing the operational costs of the wastewater system in the opinion of the Sewer Use By-law Officer/management representative;
- h) a hazard or other adverse effect to any person, animal, property, or the natural environment;
- i) an obstruction or restriction of the flow in the wastewater system;
- j) an offensive odour to emanate from the wastewater system that is detectable within the vicinity of the wastewater system, and includes, without limiting the generality of the foregoing, sewage containing hydrogen sulphide, carbon disulphide, other reduced sulphur compounds, amines or ammonia in such quantities as may cause an offensive odour; or
- k) excessive foaming to occur in the wastewater system in the opinion of a Sewer Use By-law Officer/management representative.

4.2 No person shall discharge or cause or permit the discharge of sewage or any other material to a sanitary sewer in circumstances unless permitted by section 4.3, where the discharge contains or is likely to contain:

- a) fuel;
- b) hazardous waste;
- c) pesticides;
- d) biomedical waste;
- e) hauled wastewater;

- f) any solids residuals, screenings, or other residues from the pre-treatment of industrial wastes;
- g) sewage which consists of two or more separate liquid layers;
- h) sewage containing dyes or colouring materials which pass through wastewater system and discolour the wastewater system effluent;
- i) sewage which causes 2 successive readings on an explosion hazard meter of more than 5 percent or any single reading on an explosion hazard meter more than 10 percent of the lower explosive limit (LEL) of the meter. Such readings may be taken at the point of discharge into the wastewater system or at any point in the wastewater system;
- j) storm water, roof run off, roof drainage, foundation drainage, or land drainage or uncontaminated water;
- k) once-through cooling water, water from a dewatering activity, surface water, and uncontaminated water
- l) water that has originated from a source separate from the Municipalities water distribution system except where:
 - i. the discharge is expressly authorized by the Sewer Use By-law Officer/management representative in the form of a Wastewater system Discharge Permit; and
 - ii. the discharge is in compliance with the conditions of the Wastewater system Discharge Permit; and
 - iii. the discharge otherwise complies with this by-law.
- m) hauled septage and hauled liquid waste with a valid permit or approval
- n) landfill leachate from any privately owned or operated facility

4.3 No person shall discharge or cause or permit the discharge of sewage or any other material into a sanitary sewer containing any parameters in excess of the concentrations or ranges listed in schedule “A”, “B”, “C” and “D” of this by-law.

4.4 In determining whether the limit with respect to any matter described in section 4.3 is contravened, the volume of any water that has been added for the purpose of enabling the limit to be met shall be disregarded for the purposes of calculating whether the limit has been met so that compliance with the limit cannot be attained by dilution.

PART 5 – Agreements and Permits

5.1 The County may enter into an agreement with any person or corporation for the purpose of relieving that person or corporation of the responsibility for strict compliance with this by-law. Such agreement shall clearly define alternative limitations and conditions with which the said person or corporation shall be required to comply, and such portions of the said agreement shall supersede any conflicting provisions of this by-law.

5.2 The Director may grant, that a municipal corporation, including the County, in exercise of its statutory responsibilities, is not bound to strict compliance with this by-law, and Director may impose such alternative limitations and conditions as deemed appropriate.

5.3 The Sewer Use By-law Officer/management representative may issue permits for hauled liquid wastewater or hauled septage.

PART 6 – ADDITIONAL REQUIREMENTS FOR DISCHARGERS

6.1 At the time of construction or reconstruction of a private sanitary sewer that is connected or being connected into the County sewage system, the owner of such private sewer may be required to construct, and thereafter maintain, at his own expense, to the satisfaction of the Director, the applicable items listed in sections 6.2 to 6.25, inclusive.

6.2 Director may require the discharger to refer to or implement the Ministry Industrial Wastewater Dischargers Best Management Practices.

Monitoring / Maintenance Structure

6.3 The discharger may be required to provide a suitable maintenance structure to allow for observation, sampling and measurement of sewage being discharged into the County system.

Food Processing

6.4 Every person who owns or operates a restaurant or other industrial premises where food is cooked, processed or prepared shall install, operate, and properly maintain an appropriately sized oil and grease interceptor in any piping system at the site that connects directly or indirectly to the County Wastewater system.

6.5 The installation, operation and maintenance of each oil and grease interceptor shall be:

- a) in compliance with the *Building Code Act, 1992*, as amended and its regulations; and
- b) in accordance with the requirements of the Canadian Standards Association/National Standard of Canada CAN/CSA B481, as amended.

6.6 The discharger shall ensure all oil and grease interceptors are maintained in good working order, including ensuring that every oil and grease interceptor shall have the maintenance requirements posted at the site in a conspicuous location in proximity to the oil and grease interceptor.

6.7 The discharger must provide, upon request, the maintenance schedule and record of maintenance for each oil and grease interceptor and must keep documentation of proof of interceptor clean-out and oil and grease disposal at the site for a minimum of 2 years.

6.8 Where a discharger fails to adequately maintain the oil and grease interceptor to the satisfaction of the County, the Sewer Use By-law Officer/management representative may require an alarmed monitoring device or other such device to be installed at the site at the expense of the discharger.

6.9 No person who owns or operates a restaurant or other industrial premises where food is cooked, processed or prepared shall use or cause or permit the use of enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of oil and grease through an interceptor.

Motor Vehicle Service Station, Repair Shop or Garage

6.10 Every person who owns or operates a vehicle or equipment service station, repair shop, garage or other industrial premises where motor vehicles are repaired, lubricated, washed or maintained shall install, operate and properly maintain, an appropriately sized oil and grease interceptor in any piping system at its premises that connects directly or indirectly to the County wastewater system or storm sewers.

6.11 Each oil and grease interceptor shall be installed in compliance with the *Building Code Act, 1992*, as amended and its regulations.

6.12 The discharger shall ensure all oil and grease interceptors are maintained in good working order, including ensuring that every oil and grease interceptor shall:

- a) be maintained as recommended by the Canadian Petroleum Products Institute and in accordance with the manufacturer's guidance and recommendations;
- b) be inspected regularly to ensure performance is maintained and to ensure the surface oil, grease and sediment levels do not exceed the recommended level; and
- c) have the maintenance requirements posted at the site in a conspicuous location in proximity to the oil and grease interceptor.

6.13 The discharger must provide, upon request the maintenance schedule and record of maintenance for each oil and grease interceptor and keep documentation of proof of interceptor

clean-out and oil and grease disposal at the site for a minimum of 2 years.

6.14 Where a discharger fails to adequately maintain the oil and grease interceptor to the satisfaction of the County, the Sewer Use By-law Officer/management representative may require an alarmed monitoring device or other such device to be installed at the expense of the discharger.

6.15 No person who owns or operates a vehicle or equipment service station, repair shop, garage or other industrial premises where motor vehicles are repaired, lubricated, washed or maintained shall use or cause or permit the use of enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of oil and grease through an interceptor.

Dental Offices

6.16 Every owner or operator of a premise from which dental amalgam may be discharged directly or indirectly into the wastewater system, shall install, operate and properly maintain dental amalgam separators with at least 95% efficiency in amalgam weight and certified International Standards Organization 11143 "*Dental Equipment: Amalgam Separators*", at its premises that connects directly or indirectly to the wastewater system.

Accidental Discharges

6.17 Every industrial discharger shall evaluate and if needed prepare a plan or other action to control and prevent accidental discharges that contravene this by-law.

6.18 The Director may require an industrial discharger to develop, submit for approval, and implement an accidental discharge control plan or other specific action.

6.19 Every industrial discharger shall notify the County immediately of any changes at its facilities affecting the potential for spills and other accidental discharges, discharge of non-routine, episodic nature, or non-customary batch discharge.

6.20 An accidental discharge control plan shall address, at a minimum, the following:

- a) description of discharge practices including non-routine batch discharges;
- b) description of stored chemicals;
- c) procedures for immediately notifying the County of any accidental discharge; and,
- d) procedures to prevent adverse impact from any accidental discharge. Such procedures shall include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site-runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and measures and equipment for emergency response.

6.21 In the event that there is an accidental discharge that contravenes this by-law, the discharger shall pay all applicable costs to compensate the County for its costs of operation, repair, maintenance and replacement of the wastewater system and shall pay the sewer service rate, over-strength discharge fee and any other applicable fees as per the County's Fees and Charges By-Law.

Pre-Treatment

6.22 Every person who discharges or causes or permits the discharge of sewage or any other material into the wastewater system shall provide sewage treatment if necessary to comply with this by-law.

6.23 The sewage treatment facilities shall be provided, operated, and maintained at the discharger's expense.

6.24 Detailed plans showing the discharger's sewage treatment facilities and operating procedures shall be submitted to the County for information purposes before construction of the facility. The submission of such plans and operating procedures shall in no way relieve the discharger from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the County under the provisions of this by-law. Any subsequent changes in the sewage treatment facility or its method of operation shall be reported to the Sewer Use By-law Officer/management representative prior to the discharger's initiation of the changes.

6.25 The discharger shall ensure that

- a) any waste products from the sewage treatment facility are disposed of in a safe manner;
- b) the maintenance records and waste disposal records are available to the Sewer Use By-law Officer upon request; and
- c) operating records pertaining to the sewage treatment facility and waste disposal are kept for 2 years.

PART 7 – INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL (ICI) DISCHARGER REPORTING REQUIREMENTS

7.1 Activities that have the potential to cause by-law violations must be reported to the County immediately. By-law violations must be reported immediately.

7.2 Every owner or operator of an industrial premise that discharges sewage, non-contact cooling water, uncontaminated water or any combination thereof to the wastewater system shall upon request, submit to the Director within 30 days a Discharger Information Report in a form prescribed by the County.

7.3 Where an industry is not discharging to a sanitary sewer but wishes to in the future, the discharger shall notify the County as follows:

- a) notification shall be received by the County a minimum of 30 days prior to the commencement of the discharger's operations; and
- b) notification shall be in the form of a Discharger Information Report.

7.4 The discharger shall provide any additional information related to the discharge within 15 days of receiving a written request from the County.

7.5 Where a discharger is required to complete a Discharger Information Report, the discharger shall provide written notice of any change in the information requested in the report a minimum of 30 days prior to the effective date of such change. Such notice shall include pertinent details of any change to the operation, process, or sewage treatment facilities, and shall include any analyses of the sewage and any other information related to the discharge as may be required by the County.

7.6 The information provided to the County in the Discharger Information Report shall be in a format acceptable to the County.

7.7 Where a change occurs in any information related to sewage characteristics described in a Discharger Information Report, the discharger shall not discharge or cause or permit a discharge to the wastewater system unless a new Discharger Information Report has been submitted setting out the change.

7.8 The Director may require the owner or operator of an industrial premise to perform one or more of the following at its expense:

- a) collect and analyze samples of sewage being discharged;
- b) install devices to monitor sewage discharges;
- c) submit regular reports regarding the discharges; or
- d) require that samples obtained under 7.8(a) be analyzed by an accredited laboratory.

7.9 The obligations set out in or arising out of this article shall be completed at the expense of the discharger carrying out the obligation.

PART 8 – SAMPLING & ANALYSES

8.1 The owner or operator of an industrial premise with one or more connections to the wastewater system shall install and maintain in good repair in each connection a suitable maintenance access point such as a property line a suitable maintenance structure to allow observation and sampling of the sewage or wastewater and measurement of the flow of sewage

therein provided that where installation of a maintenance structure is not possible an alternative device or facility may be substituted with the written approval of the Sewer Use By-law Officer/management representative.

8.2 The maintenance structure or alternative device shall be located on the property of the discharger unless the Sewer Use By-law Officer/management representative has given written approval for a different location.

8.3 Every maintenance structure, device or facility installed as required by section 8.1 shall be designed and constructed in accordance with good engineering practices and the standards and specifications of the County and shall be constructed and maintained by the discharger at their expense.

8.4 The owner or operator of an industrial premise shall at all times ensure that every maintenance structure, device or facility can be safely accessed for the purposes of observing and sampling the sewage and measuring the flow of sewage.

8.5 No person shall break, damage, destroy, deface, tamper or cause or permit the breaking, damaging, destroying, defacing or tampering with:

- a) any part of the wastewater system; or
- b) any permanent or temporary device installed in the wastewater system for the purpose of measuring, sampling and testing of sewage.

8.6 Where a sample is required for the purpose of determining the characteristics or quality of sewage the following provisions 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 shall be carried out by the discharger in accordance with Standard Methods.
- c) For metals whose concentration is limited schedule "A", "B", "C", "D", "E" and "F" of this by-law, the analysis shall be for the quantity of total metal, which includes all metal both dissolved and particulate.
- d) For the determination of concentration of each of cyanide and phosphorous, the analysis shall be for the total quantity.
- e) For the determination of concentration of phenolic compounds, the analysis shall be the 4AAP method.

PART 9 – SPILLS

9.1 Every person who discharges or causes or permits the discharge of any substance to a wastewater system or to the natural environment which is abnormal in quantity or quality in light of all the circumstances of the discharge shall, forthwith notify:

- a) the Ontario Spills Action Center;
- b) the County, by contacting the County Public Works; and
- c) any person whom the person reporting knows or ought to know may be directly affected by the discharge.

9.2 In addition to the reporting obligations set out above, the person responsible for a spill, in circumstances where there is an immediate danger to human health or safety, shall report the discharge to 9-1-1 emergency.

9.3 Every person responsible for a spill and every person having the charge, management and control over 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.

9.4 Within 10 days following a spill, the person having charge, management and control of the spill shall submit to the County a detailed written report, in a form prescribed by the County, on the spill that contains the following information to the best of the person's knowledge:

- a) location where discharge occurred;
- b) name and telephone number of the 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 or still in progress in the mitigation of the spill;
 - i) preventative actions being taken to ensure the situation does not occur again; and
 - j) agencies notified of the discharge and corresponding notification times.
- 9.5** Upon receipt of the detailed report specified in section 9.4, the Director may require the development of a Spills Response Contingency Plan by the responsible person with copies submitted to the Director within 30 days of the spill and the Director may direct compliance with the plan.
- 9.6** Where a person responsible for a spill fails to comply with a Spills Response Contingency Plan as directed by the Director, the remedial measures set out in the Spills Response Contingency Plan may be carried out by the County at the person's expense and the County may recover the expense in accordance with this by-law.
- 9.7** Where the County has taken specific action with respect to the prevention, elimination and remediation of the adverse effects from a spill that has taken place, as set out in this article, the person responsible for the spill and person having the charge, management and control over the spill shall be fully responsible for costs incurred by the County under this article.

PART 10 - POWER OF ENTRY AND INSPECTION

- 10.1** The County may enter upon any part of a property at any reasonable time, to inspect the discharge of any substance into the wastewater system or and may conduct tests and take samples of the discharge.
- 10.2** The County power of entry described in subsection 10.1 may be exercised by a by-law enforcement officer or an employee, officer or agent of the County, where escorted by a municipal by-law enforcement officer.
- 10.3** Municipal by-law enforcement officers may enter on lands at any reasonable time, to carry out inspections in order to determine compliance with or enforce,
- a) this by-law;
 - b) an order or direction issued under this by-law;
 - c) a compliance agreement approved or authorized under this by-law;
 - d) any other approval issued by the County under this by-law to permit the discharge of a substance that would otherwise be prohibited by this by-law; or
 - e) an order made under section 431 of the *Municipal Act, 2001*.
- 10.4** An enforcement officer may enter on land at any reasonable time to undertake an inspection pursuant to an order issued under section 438 of the *Municipal Act, 2001*.
- 10.5** When entering a property in accordance with articles 10 and 11 of this by-law the person exercising the power of entry shall provide identification to any person requesting identification during the course of the inspection and,
- a) may be accompanied by a person or persons under his or her direction; and
 - b) shall not enter or remain in any room or place actually used as a dwelling unless one of the conditions set out in section 437 of the *Municipal Act, 2001* are met.
- 10.6** When entering a property in accordance with articles 10 and 11 of this by-law the exercise of such powers shall be limited to reasonable times, unless an emergency situation requires otherwise.
- 10.7** For the purposes of an inspection to determine compliance with this by-law or any order issued under this by-law or to otherwise enforce this by-law a municipal by-law enforcement officer may,
- a) access any drain pipe, interceptor, maintenance access hole, catch-basin or other discharge point connecting, directly or indirectly, to the wastewater system or storm sewers, including by making or requiring necessary excavations;

- b) make and record observations, such as by taking photographs, notes, video recordings and sound recordings;
 - c) require the production for inspection of documents or things relevant to the inspection;
 - d) require information from any person concerning a matter related to the inspection;
 - e) alone or in conjunction with a person possessing special or expert knowledge make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
 - f) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts; and
 - g) do such other things that are reasonably necessary for an enforcement officer to effectively carry out the inspection.
- 10.8** A demand by a municipal by-law enforcement officer to respond to reasonable inquiries under subsection 10.7 (e) or to produce documents under subsection 10.7 (f) may be made by telephone, letter or e-mail and such demand shall be deemed to be made in the course of an inspection.
- 10.9** No person shall refuse or neglect to give, produce or deliver any access, information, document or other thing that is requested by a municipal by-law enforcement officer carrying out an inspection.
- 10.10** No person shall hinder or obstruct or attempt to hinder or obstruct the County, its municipal by-law enforcement officers, employees or agents from carrying out any powers or duties under this by-law.

PART 11 – ORDERS

- 11.1** Where the Sewer Use By-law Officer/management representative has reason to believe that a contravention of this by-law has occurred, the Sewer Use By-law Officer/management representative may issue and serve an order requiring the person who has contravened the by-law or who has caused or permitted the contravention or the owner or occupier of the property on which contravention of the by-law occurred to discontinue the contravening activity.
- 11.2** Where the Sewer Use By-law Officer/management representative has reason to believe that a contravention of this by-law has occurred, the Sewer Use By-law Officer/management representative may make an order requiring the person who has contravened the by-law or who has caused or permitted the contravention or the owner or occupier of the property on which contravention of the by-law occurred to do work to correct the contravention.
- 11.3** Where a person is issued an order described under sections 11.1 and 11.2 and in the opinion of the County fails to do a matter or thing required by the order by the date specified in the order, the County may cause the matter or thing set out in the order to be done at the person's expense.
- 11.4** For the purpose of doing any matter or thing under section 11.3, employees of the County and any contractor, consultant or other person authorized by the County may enter upon the property referred to in the order at any reasonable time.
- 11.5** The Sewer Use By-law Officer/management representative may, in accordance with the requirements of this by-law, enter upon a property to which sanitary and are supplied by the County:
- a) to install, inspect, maintain, repair, alter, replace or disconnect a sewer, municipal sewer connection, subsurface drainage pipe or other wastewater system;
 - b) to shut off or reduce the supply of sanitary and provided by the County;
- 11.6** In accordance with section 446 of the *Municipal Act, 2001*, the County may recover the

cost of doing a matter or thing under section 11.3 from the person directed or required by order to do the matter or thing by action or by requesting the costs be added to property taxes and that such costs be collected in the same manner as property taxes.

- 11.7** The power of a Sewer Use By-law Officer/management representative to issue an order under this article includes the power to amend or revoke such orders.

PART 12 - SERVICE

- 12.1** Where a notice, document, record or other information is required to be provided or given under this by-law any document given or served under this by-law is sufficiently given or served by a party when,

- a) delivered personally or by courier;
- b) sent by ordinary, prepaid mail addressed to the last known address for the person appearing on the records of the County; or
- c) sent by e-mail or fax.

- 12.2** An order issued under Article 11 may be served personally or served by sending it by ordinary, prepaid mail to the last known address of,

- a) the person to whom the order is issued; or
- b) where the identity of the person cannot be ascertained, to the property of the discharger.

- 12.3** If the person to whom the notice, order, document, record or other information is required to be provided or given under this by-law is a corporation, service under section 12.1 or 12.2 shall be effected,

- a) in the case of any corporation incorporated or continued by or under applicable legislation by,
 - i. delivering the notice, order, document, record or other information personally to the manager, secretary or other senior officer of the corporation or person apparently in charge of a branch office of the corporation, or
 - ii. mailing the notice, order, document, record or other information by registered mail to the corporation at an address held out by it to be its address;
- b) in the case of corporation not incorporated or continued by or under applicable legislation by,
 - i. a method provided under section 12.3(a),
 - ii. delivering the notice, order, document, record or other information personally to the corporation's resident agent or agent for service or to any other representative of the corporation in Ontario, or
 - iii. mailing the notice, order, document, record or other information by registered mail to a person referred to in clause (ii) or to an address outside Ontario, including outside Canada, held out by the corporation to be its address.

- 12.4** Service under sections 12.1, 12.2 and 12.3 is deemed to be effected as follows:

- a) If service is by courier, the next business day after the day the courier received the document from the person giving or serving it.
- b) If service is by ordinary, prepaid mail, the fifth day after the day of mailing.
- c) If by e-mail or fax, on the day the document is sent unless the transmission is made on a day other than a business day or if it is sent after 4:30 p.m. on any day, in which case service will be deemed to be effected on the next business day.

- 12.5** Despite section 12.4, deemed service may be rebutted by the person deemed served by proving, on a balance of probabilities, that the person did not receive the notice, document, record or other information until a date other than the deemed service date or not at all due to a cause beyond the person's control.

PART 13 – OFFENCES

- 13.1 Every person who contravenes any provision of this by-law is guilty of an offence.
- 13.2 Every person who fails to comply with an order issued under article 11 of this by-law is guilty of an offence.
- 13.3 If an order has been issued under article 11 of this by-law, and the order has not been complied with, the contravention of the order shall be deemed to be a continuing offence for each day or part of a day that the order is not complied with.

PART 14 – PENALTIES

- 14.1 Every Person, other than a corporation, who contravenes any portion of this by-law is guilty of an offence and upon conviction is liable to a fine of not more than \$50,000.00.
- 14.2 Every corporation who contravenes any portion of this by-law is guilty of an offence and upon conviction is liable to a fine of not more than \$100,000.00.
- 14.3 Despite sections 14.1 and 14.2, every person or corporation who contravenes any of the sections of this by-law which constitutes a continuing offence shall be liable to a fine of not more than \$10,000.00 for each day or part day that the offence continues and the total of all of the daily fines for the offences shall not be limited to \$100,000.00.

PART 15 – LIMITATION

- 15.1 Nothing in this by-law shall be so construed as to permit anything, which by the provisions of any applicable laws, regulations or by-laws is otherwise prohibited.
- 15.2 This by-law shall not apply to discharges, activities or works undertaken by the County.

PART 16 – SEVERABILITY

- 16.1 If any provision or the application of this by-law to any person or circumstance is held to be invalid or unenforceable, by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of the by-law which can be given effect without the invalid provision or application, and to this end the provisions of this by-law are severable.

PART 17 – MISCELLANEOUS

Short title

- 17.1 This By-law may be referred to as the “County Sewer Use By-law”.

Repeal

- 17.2 That By-law No. 2719-87 is hereby repealed.
- 17.3 That By-law No. 5715-2015 is hereby repealed.
- 17.4 That By-law No. 6120-2019 is hereby repealed
- 17.5 That this By-law shall come into force and effect on the date of passing.

READ a first and second time this xx day of _____.

READ a third time and finally passed this xx day of _____.

LARRY G. MARTIN, WARDEN

CHLOE SENIOR, CLERK

DRAFT

Schedule "A"
Conventional and Physical Parameter Limits – Sanitary Sewers

Parameter*	Limit (milligrams/Litre) unless indicated otherwise
Biochemical Oxygen Demand (BOD)	300
Phosphorous	10
pH	6.0 – 9.5 unit less
Temperature	>65 degrees Celsius
Total Suspended Solids	350
Total Kjeldahl Nitrogen	100
Hazardous industrial wastes	zero
Human carcinogens	zero
Pathogenic materials	zero
Explosive matter	Zero
Gasoline	Zero
Naphtha	Zero
Fuel oil	Zero
Solvents	Zero
Phosphorus, expressed as P	10 mg/L
Radioactive materials	zero

* as defined by a reference method of an accredited laboratory

Schedule "B"
Organic Parameters – Sanitary Sewers

Parameter*	Limit (milligrams/Litre) unless indicated otherwise
Amines	Zero unless result of decomposition human waste
Ammonia	50 unless result of decomposition human waste
Benzene	zero
Carbon Disulphide	Zero unless result of decomposition human waste
Chloroform	0.04
Dichlorobenzene (1,2-)	0.05
Dichlorobenzene (1,4)	0.08
Ethylbenzene	0.06
Hexachlorobenzene	0.0001
Hydrogen Sulphide	Zero unless result of decomposition human waste
Methylene chloride (dichloromethane)	0.09
Oil and grease - animal and vegetable	100
Oil and grease - mineral and synthetic/ hydrocarbon	0
Phenolic compounds	1 mg/L
Reduced Sulphur compounds	Zero unless result of decomposition human waste

* as defined by a reference method of an accredited laboratory

Schedule "C"
Inorganic Parameters – Sanitary Sewers

Parameter*	Limit (milligrams/Litre) unless indicated otherwise
Aluminum, expressed as Al	50
Antimony, expressed as Sb	5
Arsenic, expressed as As	1
Bismuth, expressed as Bi	5
Cadmium, expressed as Cd	1
Chlorides, expressed as Cl-	1500
Chromium, expressed as Cr	5
Cobalt, expressed as Co	5
Copper, expressed as Cu	2
Cyanide, expressed as HCN	2
Fluorides, expressed as F-	10
Iron, expressed as Fe	50
Lead, expressed as Pb	5
Manganese, expressed as Mn	5
Mercury, expressed as Hg	0.1
Molybdenum, expressed as Mo	5
Nickel, expressed as Ni	2
Selenium, expressed as Se	5
Silver, expressed as Ag	5
Sulphide (as H ₂ S)	1.0
Sulphates, expressed as SO ₄	1500
Tin, expressed as Sn	5
Titanium, expressed as Ti	5
Vanadium, expressed as V	5
Zinc, expressed as Zn	2

* as defined by a reference method of an accredited laboratory

Schedule "D"
Pesticides – Sanitary Sewers

Parameter*	Limit (milligrams/Litre) unless indicated otherwise
Aldrin/Dieldrin**	0.0002
Chlordane**	0.1
DDT**	0.0001
3,3-Dichlorobenzidine**	0.002
Hexachlorocyclohexane**	0.1
Mirex**	0.1

* as defined by a reference method of an accredited laboratory

**for the purposes of section 4.2, parameters as marked are pesticides

Schedule "E"

Conventional and Physical Parameter Limits – Storm Sewers

Parameter*	Limit (milligrams/Litre) unless indicated otherwise
Biochemical Oxygen Demand	25
Chemical Oxygen Demand	50
Total Suspended Solids	15
Phosphorus	0.4
pH	6.0 -9.0 (unit less)
Temperature	40 Degrees
E.coli	200

* as defined by a reference method of an accredited laboratory

Schedule "F"

Inorganic Parameter Limits – Storm Sewers

Parameter*	Limit (milligrams/Litre) unless indicated otherwise
Aluminum	1.0
Arsenic	0.2
Cadmium	0.001
Chlorides	1500
Chlorine as Cl2	1.0
Chromium	0.2
Copper	0.04
Cyanide	0.1
Fluorides	2.0
Iron	1.0
Lead	0.05
Mercury	0.001
Nickel	0.05
Selenium	0.2
Silver	0.12
Sulphates as SO4	1500
Tin	1.0
Zinc	0.05

* as defined by a reference method of an accredited laboratory