

THE CORPORATION OF THE TOWN OF
NEW TECUMSETH

BY-LAW

Number 2018-043

"MUNICIPAL SEWER USE BY-LAW"

A by-law to control and regulate the discharges into the sanitary and storm sewer systems of the Town of New Tecumseth and to Repeal By-Law 2002-151.

WHEREAS municipalities may pass bylaws respecting sanitary and storm sewage systems, pursuant to Section 11 of the *Municipal Act, 2001, S.O. 2001, c.25*

AND WHEREAS section 87 of the *Municipal Act, 2001*, authorizes municipalities to enter onto land, at reasonable times, to inspect the discharge of any matter into the Municipality's sanitary and/or storm sewer systems, and may conduct tests and take samples for the purpose of evaluating compliance with this bylaw.

NOW THEREFORE the Council of The Corporation of the Town of New Tecumseth does hereby enact as follows:

SECTION 1

1 **DEFINITIONS**

1.1 In this by-law:

"accredited laboratory" – any laboratory accredited by an authorized accreditation body in accordance with a standard based on "*CAN-P-1585: Requirements for the Accreditation of Environmental Testing Laboratories*" established by the Standards Council of Canada, as amended, or "*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 chemicals" means acute hazardous waste chemicals within the meaning of O.Reg. 347, as amended from time to time, made under the *Environmental Protection Act*, R.S.O. 1990 c. E. 19 (EPA);

"authorized representative of the owner or operator" means:

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

"best management practices plan" means an integrated plan to control and reduce or eliminate the release of restricted and prohibited waste into the sewage works, through methods including physical controls, pretreatment processes, operational procedures and staff training;

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

"biosolids" means stabilized organic solid material generated from the treatment of municipal wastewater;

“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, further build-up of which would impair the operation of the system;

“building code” means the regulations governing standards for construction and demolition of buildings made under the *Building Code Act, S.O. 1992, c23*, as amended;

“combustible liquids” means a liquid that a flash point not less than 37.8 degrees Celsius and not greater than 93.3 degrees Celsius;

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

“composite sample” means a sample made up of three or more grab samples that have been combined automatically or manually and taken at intervals during the sampling periods;

“cooling water” means water that is used in a process for the purpose of removing heat and that has not, by design, come into contact with any raw material, intermediate product, waste product or finished product, but does not include blowdown water;

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

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

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

“Director” means the Director of Public Works of the Municipality, or his or her authorized representative;

“Discharge Agreement” means a legal agreement made between the Municipality and a Person pursuant to the provisions of the By-law and includes an Overstrength Surcharge Agreement and agreements entered into pursuant to a Compliance Program or a Compliance Program with a Monetary Concession;

“Discharger” means a person, or an agent or employee thereof, in occupation or having the charge, management or control of a site, sewage, storm water, uncontaminated water or any other matter to which this By-law applies;

“domestic wastewater” wastewater produced on a residential premise or sanitary water and wastewater from showers and restroom toilets, washbasins produced on a non-residential property;

“explosive products or substances” means explosive products or substances as defined in the *Transportation of Dangerous Goods Regulation*;

“food waste” means solid waste from the preparation, cooking and dispensing of food;

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

“grab sample” means a single sample of water collected at a particular time and place and represents the composition of the water only at the time and place;

“groundwater” water beneath the earth’s surface accumulating as a result of seepage;

“hailed 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;

“hazardous industrial waste” means hazardous industrial waste within the meaning of O.Reg. 347, as amended from time to time, made under the *Environmental Protection Act*, R.S.O. 1990 c. E. 19 (EPA);

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

“hailed waste” any industrial waste which is transported to and deposited into any location in the sewage works, excluding hailed sewage;

“herbicide” means any pesticide, as regulated under the *Pesticide Act*, used for the destruction or control of any vegetation;

“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-3278-96e1), 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 a Class 2.1 Flammable Gas within the meaning of paragraph 2.14(a) of the *Transportation of Dangerous Goods Act, 1992*, S.C. 1992, as amended, or,
- d) is a Class 5.1 Oxidizing Substance within the meaning of paragraph 2.24(a) of the *Transportation of Dangerous Goods Act, 1992*, S.C. 1992, as amended,
- e) is a Class 5.2 Organic Peroxide within the meaning of paragraph 2.24(b) of the *Transportation of Dangerous Goods Act, 1992*, S.C. 1992, as amended;

“industrial” Of or pertaining to 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, byproduct, or waste product;

“institution” a facility operated for public purposes, such as schools, universities, medical facilities (hospitals, nursing stations, and nursing homes), museums, prisons, government offices and military bases. Some of these facilities produce non-residential discharges to sewers from, for example, laboratories, chemical use, and industrial processes;

“interceptor” a receptacle that is designed and installed to prevent oil, grease, sediment, sand, or other materials from passing into the sewage works;

“land drainage works” mean works of any sort for the drainage of land in the Municipality including drainage channels for receiving water in its natural flow on or from any hills or other lands, and works diverting or damming the same to prevent its overflow onto any other lands at a lower level, as well as drainage channels for carrying off water from any land;

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

“Municipal sewer connection” means that part of any drain leading from the private sewer connection and connected to the municipal sewer and located within the limits of the public road allowance, or other public land interests held for sewage purposes;

"matter" includes any solid, liquid or gas;

"Municipality" means The Corporation of the Town of New Tecumseth or its designated representative;

"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;

"non-domestic wastewater" means all Wastewater except Domestic Wastewater, Storm Water, Uncontaminated Water, and Septic Tank Waste;

“Overstrength” refers to Wastewater released to the sewer that is higher in concentration for one or more constituent concentrations set out in Schedule “A”;

"owner" or "operator" means the owner or operator of any facility or activity subject to the provisions of this by-law;

“pathological waste” means pathological waste within the meaning of O.Reg. 347. as amended from time to time, made under the *Environmental Protection Act*, R.S.O. 1990 c.E.19 (EPA);

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

"person" means and includes any individual, corporation, partnership, company, association, or party and the heirs, executors, administrators, or other legal representative of such person, to whom the context can apply according to law; shall include any group of persons comprising a society or other organizations and shall include the plural wherein the context requires. Wherever the word he or him is used, it shall mean and include the feminine or neuter gender wherever the context so requires;

“pesticides” means a pesticide regulated under the *Pesticides Act*, R.S.O. 1990, c.P.11 (PA);

"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 as determined by one of Method 5530 C or D in Standard Methods;

"pretreatment processes” one or more treatment processes or devices designed to remove sufficient matter from wastewater discharged into the Municipality sewer to enable compliance with effluent limits established in this By-Law. Pretreatment processes prevent or reduce and control the discharge or deposit of matter from the discharger’s premises into the Municipality sewer connection;

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

“prohibited waste” means prohibited waste as defined in Schedule “A” to the By-law;

“reactive waste” a substance that:

- a) is normally unstable and readily undergoes violent changes without detonating; and
- b) reacts violently with water;
- c) forms potentially explosive mixtures with water;
- d) when mixed with water, generates toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment;
- e) is a cyanide or sulphide bearing waste which, when exposed to pH conditions between 2 and 12.5, can generate toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment;
- f) is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement;
- g) is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure;
- h) is an explosive (Class 1) as defined in the regulations under the meaning of *Ontario Regulation 347* made under the EPA;

“sampling port” a valve, tap, or similar device on equipment, a drain pipe or at another suitable location, to allow for sampling, consistent with technical guidelines that the Director may establish from time to time;

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

"sewage" means any liquid waste containing organic, inorganic, animal, vegetable or mineral matter in solution or in suspension, including floating materials, but does not include storm water or uncontaminated water;

"sewage works" means any works for the collection, transmission, treatment and disposal of wastewater, storm water or uncontaminated water, including a sanitary sewer or storm sewer, or any part of such works, but does not include plumbing or other works to which the applicable *Building Code* applies;

"solvent extractable matter of animal, vegetable, mineral or synthetic origin" means grease and oil as determined by one of Methods 5520 B, C, D in *Standard Methods*;

“spill” a direct or indirect discharge into sanitary sewer, storm sewer or the natural environment, from or out of a structure, vehicle, or other container, and that is abnormal in quantity or quality in light of all the circumstances of the discharge as defined under the EPA;

"Standard Methods" 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, Water Environment Federation, and American Water Works Association, latest edition;

"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;

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

"suspended solids" means solid matter in or on a liquid which matter is removable by filtering as determined by *Standard Methods*;

“toxic substance” means any material listed in *Schedule 3 of Ontario Regulation 347* made under the EPA;

“uncontaminated water” means water to which no matter has been added as a consequence of its use, or to modify its use, by any person;

“waste radioactive substances” substances defined in the federal Nuclear Safety and Control Act and the regulations passes there under, as amended from time to time;

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

2. **DISCHARGES TO SANITARY SEWERS AND COMBINED SEWERS**

2.1. No person shall release, or permit the release of any matter into the sanitary sewer system except:

- a) Domestic wastewater that complies with the requirements of this By-law;
- b) Non-domestic wastewater that complies with the requirements of this By-law;
- c) Hauled sewage, including septage, that complies with the requirements of this By-law;

2.2. No person shall release, or permit the release of wastewater indirectly or directly into the sanitary sewer via municipal sewer connection unless authorized to do so by the Municipality.

2.3. No person shall discharge directly or indirectly or deposit or cause or permit the discharge or deposit of wastewater into a sanitary sewer, municipal or private sewer connection to any sanitary works in circumstances; where such discharge or deposit may cause or result in:

- a) A health or safety hazard to a person authorized by the Municipality to inspect, operate, maintain, repair or otherwise work on the sewage works;
- b) An offence under the EPA or OWRA, as amended from time to time, or any regulation made there under from time to time;
- c) Biosolids from the sewage works to which either wastewater discharges, directly or indirectly, to fail to meet the objectives and criteria as listed in the EPA as amended;
- d) Interference with the operation or maintenance of sewage works, or which may impair or interfere with any wastewater treatment process;
- e) A hazard to any person, animal, or property;
- f) An offensive odour to emanate from sewage works, and without limiting the generality of the foregoing, wastewater containing hydrogen sulphide, carbon disulphide, other reduced sulphur compounds, amines or ammonia in such quantity as may cause an offensive odour;
- g) Damage to sewage works;
- h) An obstruction or restriction to the flow in sewage works;
- i) Storm water, water from drainage roofs or land, water from a watercourse or uncontaminated water from such sources as cooling or condensing systems from entering into the sanitary sewer system;
- j) Water other than storm water that has originated from a source separate from the water distribution system of the Municipality to enter the sanitary sewer system;
- k) The wastewater has two or more separate liquid layers.

- 2.4. No person shall discharge directly or indirectly or deposit or cause or permit the discharge or deposit of wastewater into a sanitary sewer, municipal or private sewer connection to any sanitary sewer systems in the following circumstances;
- a) The wastewater contains:
- (i) hazardous substances;
 - (ii) combustible liquid;
 - (iii) dyes or colouring materials which may or could pass through a sewage works and discolour the sewage works effluent;
 - (iv) fuel;
 - (v) ignitable waste;
 - (vi) pathological waste;
 - (vii) PCBs;
 - (viii) pesticides which are not otherwise regulated in this By-law;
 - (ix) herbicides;
 - (x) reactive waste;
 - (xi) explosive products or substances;
 - (xii) hauled sewage;
 - (xiii) leachate;
 - (xiv) toxic
 - (xv) solid or viscous substances in quantities or of such size to be capable of causing obstruction to the flow in a sewer, including but 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.
- 2.5. No person shall release, or permit the release of, any restricted substance listed in Schedule "A" which exceeds the respective concentrations listed in Schedule "A", Table 1 of this By-law into the sewage works.
- 2.6. The discharge to the sanitary sewer of water originating from a source separate from the water distribution system is prohibited except where the discharger:
- a) Provides the Municipality with a copy of a valid Permit to Take Water in respect of the taking of the water that is being discharged or deposited, where such a Permit to Take Water is required by the *Ontario Water Resources Act*, R.S.O. 1990, c.O.14, as amended; and
 - b) Has written discharge agreement approved from the Director, prior to any discharge, and the discharger is complying with the terms and conditions of the approval.
- 2.7. No person shall discharge or cause or permit the discharge of sewage into land drainage works or connections to any sanitary sewer in circumstances if the sewage contains PCB's without prior approval from the Director and only where:
- a) A Certificate of Approval or Environmental Compliance Approval for a mobile site or PCB mobile waste disposal system has been issued under the *EPA* and a copy of the most recent certificate or provisional certificate and any amendment has been provided to the Municipality; or
 - b) The person is claiming exemption under *Ontario Regulation 347* and it has been demonstrated to the Municipality that the conditions of the exemption have been met.
- 2.8. Section 2 does not apply to prevent the discharge of leachate when:
- a) The leachate is being discharged pursuant to a Certificate of Approval, Environmental Compliance Approval or Order relating to the premises under the *EPA* or the *OWRA* which expressly allows the discharge;
 - b) The owner or operator of the premises has written approval from the Director which expressly authorizes the discharge from the premises in accordance with guidelines adopted by the Municipality from time to time; and
 - c) A copy of the Certificate of Approval or written authorization referred to in clause

(a) has been provided to the Municipality.

2.9. Section 2 does not apply to prevent the discharge of hauled sewage when:

- a) The Carrier of the hauled sewage is a waste transportation system under a license issued under Part VII of the *EPA*;
- b) The Carrier has written approval from the Municipality which includes a specified time and location for the discharge; and
- c) The discharge occurred at the approved time and location and in accordance with program requirements adopted by the Municipality.

2.10. Connections to the sanitary sewer system are prohibited from storm water, water from drainage roofs or building foundations including sump pumps, land from watercourse or uncontaminated water. All connections must be installed in accordance with the *Building Code*.

3. **DISCHARGES TO STORM SEWERS**

3.1 No person shall discharge directly or indirectly, or permit the discharge or deposit of, any matter listed below and in Table 2 of Schedule "A" into, land drainage works, private sewer connections or connections to any storm sewer. Matter of any type or at any temperature or in any quantity which may or could:

- a) Interfere with the proper operation of a storm sewer;
- b) Obstruct, damage, or restrict a storm sewer or the flow therein;
- c) Result in a hazard or other adverse impact to any person, animal, property or vegetation or the natural environment;
- d) Impair the quality of the water in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse; or
- e) Result in the contravention of an approval, requirement, direction or other Order under the *OWRA, EPA or Fisheries Act* with respect to the storm sewer or its discharge, or have one or more of the following characteristics:
 - (i) Water containing dyes or colouring material which discolours the water;
 - (ii) Water containing solvent extractable matter of animal or vegetable origin or of mineral or synthetic origin which causes a visible film, sheen or discolouration on the water surface;
 - (iii) Two or more separate layers;
- f) The following matter in any amount:
 - (i) Wastewater;
 - (ii) Non-Contact Cooling water;
 - (iii) Contact Cooling water;
 - (iv) Blowdown water;
 - (v) Salt water pool water;
 - (vi) Water from dewatering activities
- g) Contains one or more of the following:
 - (i) Combustible Liquids;
 - (ii) Floating debris;
 - (iii) Fuels;
 - (iv) Hauled Sewage;
 - (v) Hazardous Substances;
 - (vi) Ignitable Wastes;
 - (vii) Leachate;
 - (viii) Oils and Grease;
 - (ix) Paints;
 - (x) Pathological Wastes;
 - (xi) PCB's

- (xii) PCB Wastes;
- (xiii) Pesticides or Herbicides;
- (xiv) Reactive Wastes;
- (xv) Toxic Materials;
- (xvi) Volatile Organic Compounds;
- (xvii) Waste Radioactive Materials.

- 3.2 Sub clause 3.1 f) (ii) (vi) does not apply to prevent the discharge of non-contact cooling water and water from dewatering activities when the non-contact cooling water and/or water from the dewatering activities is being discharged with the written approval of the Director which expressly authorizes the discharge from the premises and/or is being discharged pursuant to a Certificate of Approval, Permit to Take Water, Environmental Compliance Approval, or Ministry of the Environment Order relating to the premises under the *Environmental Protection Act* or the *Ontario Water Resources Act*, which expressly allows the discharge; and a copy of the Certificate of Approval, Permit to Take Water, Environmental Compliance Approval, or Ministry of the Environment Order has been provided to the Municipality.

4. **PROHIBITION OF DILUTION**

No person shall discharge or cause or permit the discharge of a substance into a sewage works in circumstances where water has been added to the discharge for the purposes of dilution such that after dilution the discharge does not contravene Part 2 or Part 3 of this bylaw.

5. **COMPLIANCE PROGRAMS**

- 5.1. An industry may submit to the Municipality a proposed compliance program setting out activities to be undertaken by the industry that would result in compliance with this By-law.
- 5.2. Proposed compliance programs must be submitted by the Industry to the Municipality within 20 days from the date of the violation notice requesting submission.
- 5.3. At its sole discretion, the Municipality may establish a compliance program that will permit an industrial user to discharge non-complying sewage upon such terms and conditions deemed appropriate by the Municipality. The Industry shall be entitled to make non-complying discharges in the amount and only to the extent set out in the Municipality's approval during the planning, design and construction or installation of facilities or works needed to implement the approved compliance program.
- 5.4. Compliance programs shall contain but not be limited to the following information: a specified length of time during which pre-treatment facilities or other measures are to be installed or implemented and shall be specific as to the remedial actions to be implemented by the Industry, the dates of commencement and completion of the activity and the materials or other characteristics of the matter to which it relates. The final activity completion date shall not be later than the final compliance date in the compliance program.
- 5.5. The Municipality will approve compliance programs and a person to whom a compliance program has been issued shall not be prosecuted under this By-law for the condition identified in the approved compliance program as long as the compliance program is being fully complied with.
- 5.6. The Industry for which a compliance program has been approved shall submit a compliance program progress report to the Municipality within fourteen (14) days after the scheduled completion date of each activity listed in the compliance program.
- 5.7. The Municipality may terminate any approved compliance program entered into pursuant to Section 5 by written notice at any time to the Industry in the event that the industry fails or neglects to carry out or diligently pursue the activities required of it under its approved compliance program.

6. **AGREEMENTS**

- 6.1 The discharge or deposit of wastewater by a person that would otherwise be prohibited by the By-law may be permitted to an extent fixed by a Discharge Agreement:
- a) A **Discharge Agreement**, including conditions for payment of additional costs of operation, repair and maintenance of the sewage works, and on other terms and conditions as may be deemed appropriate by the Municipality; and/or for the treatment of potable water that has not been supplied by the Municipality.
- 6.2 A Discharge Agreement may be entered with respect to the discharge of wastewater or groundwater and or surface water, which contains water that has originated from a source other than the Municipality water supply system.
- 6.3 Discharge Agreements shall contain terms and conditions designated by the Municipality and approved by the Director. The Director shall be authorized to execute Discharge Agreements on behalf of the Municipality.
- 6.4 Discharge Agreement fees charged for these agreements shall be as set from time to time by the Municipality.
- 6.5 The Discharge Agreement may have terms and conditions that restrict the concentrations or loading of any parameters in the discharge.
- 6.6 During the period of the executed agreement in Section 6.1, the discharger shall comply with all other aspects of the By-law that are contained within the agreement.
- 6.7 The Director may terminate, at any time, any agreement under Section 6.1 where but not limited to:
- a) The Director has determined there to be an emergency situation of immediate threat or danger to any person, property, plant or animal life, water or sewage works;
- b) The discharger contravenes other provisions of this bylaw;
- c) The discharger fails to abide by the terms and conditions of the agreement.

7. **ADDITIONAL CONNECTION REQUIREMENTS**

7.1. **FOOD RELATED OIL AND GREASE INTERCEPTORS**

- a) Every owner or operator of a restaurant or other industrial, commercial or institutional premises where food is cooked, processed or prepared, for which premises is connected directly or indirectly to a sewer shall;
- (i) Ensure that oil or grease are prevented from entering the storm or sanitary sewer in excess of the provisions of this By-law;
- (ii) Ensure that oil or grease interceptors do not discharge to storm sewers
- (iii) Install, operate, and properly maintain an oil and grease interceptor in any pipe system at its premises that connects directly or indirectly to a sewer;
- (iv) Ensure that the oil and grease interceptors are installed in compliance with the requirements of the *Building Code*;
- (v) Ensure that all interceptors are maintained according to the manufacturer's recommendations;
- (vi) Clean traps before the thickness of the organic material and solids residuals is greater than twenty-five percent of the available volume; cleaning frequency shall be at least once annually. Maintenance requirements shall be posted in the workplace in proximity to the grease interceptor;
- (vii) Ensure that a maintenance and record of maintenance is submitted to the Municipality upon request for each interceptor installed;
- (viii) Maintain the document of proof for interceptor clean-out and oil and grease disposal for a minimum of two years and shall retain the most current document of proof for inspections purposes.

7.2. VEHICLE AND EQUIPMENT SERVICE OIL AND GREASE INTERCEPTORS

- a) Every owner or operator of a motor vehicle or equipment service station, repair shop, garage or of an industrial, commercial, institutional premises, or any other establishment where motor vehicles are repaired, lubricated or maintained, car washes, and where the sanitary discharge is directly or indirectly connected to a sewer shall;
 - (i) Install an oil and grease interceptor designed to prevent motor oil and lubricating grease from passing into the drainage piping which is connected directly or indirectly to a sewer in excess of the limits in this By-law;
 - (ii) Install, operate and properly maintain an oil and grease interceptor in any piping system at its premises that connects directly or indirectly to a sewer;
 - (iii) Ensure that the oil and grease interceptors are installed in compliance with the requirements of the *Building Code* and ensure that oil and grease interceptors are maintained in good working order and according to the manufacturer's recommendations;
 - (iv) Inspect oil and grease interceptors regularly to ensure performance is maintained to the manufacturer's specifications for performance and to ensure the surface oil and sediment levels do not exceed the recommended level;
 - (v) Ensure that the oil and grease interceptor is cleaned at least once annually;
 - (vi) Ensure a maintenance and record of maintenance is submitted to the Municipality upon request for each oil and grease interceptor installed;
 - (vii) Keep the document of proof for the interceptor clean-out and oil and grease disposal for a minimum of two years and shall retain the most current document of proof for inspection purposes.
- b) In the case of failure to adequately maintain the oil and grease interceptor to the satisfaction of the Municipality, the Municipality may require an alarmed monitoring device to be installed, at the expense of the owner.
- c) No person shall use solvents, hot water or other agents to facilitate the passage of oil and grease through an interceptor to which this Section applies.

7.3. SEDIMENT INTERCEPTOR

- a) Every 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 car and vehicle wash establishments, shall:
 - (i) Ensure that such sediment is prevented from entering the drain or sewer in excess of the limits in this By-law;
 - (ii) Ensure that catchbasins installed on private property for the purposes of collecting storm water and carrying it into the storm sewers shall be equipped with an interceptor;
 - (iii) Ensure that all sediment interceptors are maintained in good working order and according to manufacturer's recommendations;
 - (iv) Ensure that all sediment interceptors are tested regularly to ensure performance is maintained to the manufacturer's specifications for performance;
 - (v) Ensure that annual maintenance and inspection records are provided to the Municipality upon requests;
 - (vi) Maintain all documentation of the interceptor clean-out and sediment disposal for a minimum of two years and shall retain the most current document of proof for inspections purposes;
 - (vii) Submit documentation to the Municipality upon request for each sediment interceptor installed.

7.4. DENTAL WASTE AMALGAM SEPARATORS

- a) Every dental practice shall comply with the *Dentistry Act, 1991, S.O. 1991, c.24* and the regulations made there under, as amended from time to time, for the management and disposal of amalgam waste.
- b) A maintenance and record of maintenance shall be submitted to the Municipality upon request for each dental amalgam separator installed.

- c) A record of inspection and any documentation related to the installation of a dental amalgam separator shall be submitted to the Municipality upon request for each dental amalgam separator installed.

7.5. PRETREATMENT FACILITIES

- a) Where required by the Municipality, the owner or operator shall:
 - (i) Install on the premises, and prior to the sampling point, a wastewater pretreatment facility;
 - (ii) Ensure the design, operation and maintenance of the pretreatment facility achieves the treatment objectives and is in accordance with the manufacturer's recommendations;
 - (iii) Ensure that any waste products from the pretreatment facility are disposed of in accordance with applicable legislation;
 - (iv) Ensure interceptors used for the purpose of pretreatment are cleaned at least one annually;
 - (v) Submit the maintenance records and waste disposal records to the Municipality upon request;
 - (vi) Keep documentation pertaining to the pretreatment facility and waste disposal for a minimum of two years and shall retain the most current document of proof for inspection purposes.

8. HAULED SEWAGE

8.1. No person shall discharge hauled sewage to the sanitary sewer unless:

- a) The carrier of the hauled sewage operating as a waste management system has a Certificate of Approval or a Provisional Certificate of Approval or is exempt from the requirement to have a Certificate or Environmental Compliance Approval or Provisional Certificate of Approval under the *EPA*;
- b) A copy of the most recent Certificate of Approval or Environmental Compliance Approval, or Provisional Certificate and any amendment is provided to the Municipality; and
- c) The carrier meets all conditions for discharge that are or may be set from time to time with respect to the haulage of sewage by the Municipality.

8.2. No person shall discharge or permit the discharge of hauled sewage:

- a) At a location other than a hauled sewage discharge location approved by the Municipality;
- b) Without a permit approved by the Municipality, and the haulage sewage forms completed and signed by the carrier and deposited in an approved location at the time of discharge; and
- c) Without the use of a discharge hose placed securely in the discharge portal at the approved location.

9. HAULED WASTE

9.1. No person shall discharge hauled waste to the sanitary sewer unless:

- a) The carrier of the hauled waste operating as a waste management system has a Certificate of Approval or Environmental Compliance Approval or Provisional Certificate of Approval issued under the *EPA* or is exempt from the requirement to have a Certificate of Provisional Certificate of Approval or Environmental Compliance Approval;
- b) A copy of the most recent Certificate or Provisional Certificate or Environmental Compliance Approval and any amendment of approval is provided to the Municipality;
- c) Hauled waste meets the conditions set out in the *EPA*, as amended from time to time; and

- d) The carrier meets all conditions for discharge that are or may be set from time to time with respect hauled waste by the Municipality.

9.2. No person shall discharge or permit the discharge of leachate unless:

- a) The leachate is being discharged pursuant to a Certificate of Approval or Environmental Compliance Approval or order relating to the premises under the *EPA* or the *OWRA* which expressly allows the discharge;
- b) The owner or operator of the premises has written approval from the Municipality which expressly authorizes the discharge from the premises; and
- c) A copy of the Certificate of Approval or Environmental Compliance Approval or written authorization referred to in clause (a) has been provided to the Municipality.

9.3. No person shall discharge or allow or cause hauled waste to be discharged into a sewer, except at sites designated by the Municipality.

10. **SAMPLING AND ANALYICAL REQUIREMENTS**

10.1. Where sampling is required for purposes of determining the concentration of constituents in the wastewater, storm water or uncontaminated water, the sample may:

- a) Be collected manually or by using an automatic sampling device; and
- b) Contain additives for its preservation.

10.2. Compliance or non-compliance with this By-law may be determined by the analysis of one grab sample or one composite sample.

10.3. For the purpose of determining compliance with Schedule "A" or Section 2, samples shall be obtained at the point of discharge closest to the property boundary or final point of discharge wherever possible and/or from discrete wastewater streams within premises as identified, at the discretion of the Municipality.

10.4. All tests, measurements, analyses and examinations of wastewater, its characteristics or contents pursuant to this By-law shall be carried out in accordance with *Standard Methods, Ministry of the Environment "Protocol for the Sampling and Analysis of Industrial/Municipal Wastewater"*, and/or performed by a laboratory accredited for analysis of the particular substance(s) using a method which is within the laboratory's scope of accreditation.

11. **DISCHARGER SELF-MONITORING**

11.1. The discharger shall complete any monitoring or sampling of any discharge to a sanitary sewer required by the Municipality, and provide the results to the Municipality in the form specified by the Municipality.

11.2. The obligations set out in or arising out of Subsection 11.1 shall be completed at the expense of the discharger.

12. **SPILLS**

12.1. In the event of a spill to a sanitary sewer and/or storm sewer and/or land drainage works, the person responsible or the person having the charge, management and control of the spill shall immediately notify and provide any requested information with regard to the spill to:

- a) 911 and/or Ministry of the Environment Spills Action Center (1-800-268-6060); and
- b) The Municipality

- 12.2. The person shall provide a detailed report on the spill to the Municipality, within five (5) working days after the spill, containing the following information to the best of his or her knowledge:
- (i) Name of the company and location of spill;
 - (ii) Name and telephone number of the person who reported the spill and the location and time where they can be contacted;
 - (iii) Date and time of the spill;
 - (iv) Material spilled;
 - (v) Characteristics and composition of material spilled;
 - (vi) Volume of material spilled;
 - (vii) Duration of spill event;
 - (viii) Work completed and any work still in progress in the mitigation of the spill;
 - (ix) Preventative actions being taken to ensure a similar spill does not occur again; and
 - (x) Copies of applicable spill prevention and spill response plans.
- 12.3. The person responsible for the spill and the person having the charge, management and control of the spill shall do everything reasonably possible to contain the spill, protect the health and safety of citizens, minimize damage to property, protect the environment, clean up the spill and contaminated residue and restore the affected area to its condition prior to the spill.
- 12.4. Nothing in this By-law relieves any persons from complying with any notification or reporting provisions of:
- a) Other government agencies, including federal and provincial agencies for the material and circumstances of the spill; or
 - b) Any other By-law of the Municipality.
- 12.5. The Municipality may invoice the person responsible for the spill to recover costs of time, materials and services arising as a result of the spill. The person responsible for the spill shall pay the costs invoiced.
- 12.6. The Municipality may require the person responsible for the spill to prepare and submit a spill contingency plan to the Municipality to indicate how risk of future incidents will be reduced and how future incidents will be addressed.
13. **WASTE SURVEY REPORT**
- 13.1. At the request of the Municipality, an industry and/or institution shall complete and submit a Waste Survey Report for review by the Municipality. The industry and/or institution shall return such reports to the Municipality within 30 days of receipt.
- 13.2. Blank Waste Survey Reports are available at the Town of New Tecumseth Website (www.newtecumseth.ca)
- 13.3. Where a change occurs in the information required in a Waste Survey Report the owner or operator of the premises shall submit the new information within 30 days of the change. The owner or operator of the premises shall not discharge or deposit or cause or permit the discharge or deposit of wastewater into, or in land drainage works, private branch drains or connections to any sanitary sewer or storm sewer after 30 days after the change occurs unless a new Waste Survey Report has been submitted setting out the change.
14. **PROTECTION FROM DAMAGE TO THE SEWAGE WORKS**
- 14.1. Unless specifically authorized by the Municipality, no person shall enter any sewage works.
- 14.2. No person shall uncover, make any connection with, break, alter, destroy, damage, deface or tamper or cause or permit the breaking, damaging, destroying, defacing or tampering with:
- a) Any part of a sewage works; or

- b) Any permanent or temporary device installed in a sewage works for the purposes of flow measuring, sampling and testing of wastewater, uncontaminated water or stormwater.

14.3. Any person discharging wastewater, uncontaminated water, or stormwater to sewage works shall be responsible for ensuring that such discharge conforms at all times with the provisions of this By-law, and shall be liable for any damage or expense arising out of the failure to properly check and control such discharge, including the cost of investigation, repair and replacing any part of any sewage works damaged thereby.

15. **MONITORING ACCESS POINTS**

15.1. The owner or operator of an industry or institutional premises or multi-storey residential buildings with one or more connections to a sewage works shall install and maintain in good repair in each connection a suitable monitoring access point to allow observation, sampling and flow measurement of the wastewater, uncontaminated water or storm water therein, provided that, where installation of a monitoring access point is not possible, an alternative device may be substituted with the prior written approval of the Municipality.

15.2. The monitoring access point or alternative device such as a sampling port shall be located on the property of the owner or operator of the premises, as close to the property line as possible, unless the Municipality has given prior written approval for a different location.

15.3. Each monitoring access point or alternative device installed shall be designed and constructed in accordance with good engineering practice and the requirements of the Municipality, and shall be constructed and maintained by the owner or operator of the premises at his or her expense.

15.4. The owner or operator of an industry or institutional premises or a multi-storey residential building shall at all times ensure that every monitoring access point or alternative device installed as require by this By-law is accessible to the Municipality for the purposes of observing, sampling and obtaining flow measurement of the wastewater, uncontaminated water or storm water therein.

16. **DISCONNECTION OF SEWER**

16.1. Where wastewater which is hazardous or creates an immediate danger to any person; endangers or interferes with the operation of the sewage works; or causes or is capable of causing an adverse effect, is discharged to the sewage works, the Municipality may, in addition to any other remedy available, disconnect, plug or seal off the sewer line discharging the unacceptable wastewater into the wastewater collection system or take such action as necessary to prevent such wastewater from entering the Municipal sewer system.

16.2. The wastewater may be prevented from being discharged into the sanitary sewer until evidence satisfactory to the Municipality has been produced to assure that no further discharge of hazardous wastewater will be made to the sewage works.

17. **ACCESS TO INFORMATION**

17.1. All information submitted to and collected by the Municipality that is contained in plan summaries, reports, surveys, monitoring and inspection and sampling activities will, except as otherwise provided in this section, be available for disclosure to the public in accordance with the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M-56*.

17.2. In event that any person submitting information to the Municipality, as required under this article, where such information is confidential or proprietary or otherwise, may be exempt from disclosure under the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M-56*, the person submitting the information shall so identify the information upon its submission to the Municipality and where such information is confidential or proprietary or otherwise, may be exempt from disclosure.

17.3. The Municipality shall have access to information contained in the Certificate of Approval or Environmental Compliance Approval of any wastewater dischargers to the Municipal sewer system.

18. **OFFENCES**

18.1. Every person other than a corporation who contravenes any provision of this by-law is guilty of an offence and liable on conviction for every day or part thereof upon which such offence occurs or continues to a fine of not more than \$10,000, exclusive of costs and the provisions of the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended, shall apply to said fine

18.2. Every corporation which contravenes any provision of this By-law is guilty of an offence and liable on conviction for every day or part thereof upon which such offence occurs or continues to a fine of not more than \$50,000, exclusive of costs under the Municipal Act 2001, S. 429 (1) (3), as amended.

18.3. In this By-law, subsequent offence means a conviction for an offence, which occurs after the date of conviction for an earlier offence under this By-law or any predecessor By-laws.

19. **LIMITATIONS**

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

20. **EXCEPTIONS**

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

21. **SCHEDULES**

21.1. All the provisions of this By-law shall come into effect on the date that it is passed by Council, with the exception of the new limits in Schedule "A".

21.2. Every person shall be required to meet the new limits as set out in Schedule "A" commencing one year after the date that this By-law is passed by Council. Prior to such date the limits in *Municipal Sewers Discharge By-law 2002-151* shall continue to apply as if such limits were contained in this By-law.

21.3. That *Municipal Sewers Discharge By-law 2002-151* be repealed.

21.4. That this By-law shall come into force and effect upon the day of passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 9th DAY OF APRIL, 2018.

MAYOR

CLERK

SCHEDULE A**Table 1 - LIMITS FOR SANITARY SEWER DISCHARGES**

| PARAMETER | MAXIMUM CONCENTRATION LIMIT (mg/l, except as noted) |
|------------------------------------|--|
| Temperature | 60°C |
| pH | 6.0 – 9.5 |
| Biochemical Oxygen Demand (BOD) | 300 |
| Suspended Solids | 300 |
| Total Kjeldahl Nitrogen | 50 |
| Oil & Grease – Mineral & Synthetic | 15 |
| Oil & Grease – Animal & Vegetable | 150 |
| Phosphorous | 10 |
| Phenolic Compounds | 0.1 |
| Aluminum | 50 |
| Antimony | 5 |
| Arsenic | 1 |
| Cadmium | 0.7 |
| Chlorides | 1500 |
| Chromium | 2 |
| Cobalt | 5 |
| Copper | 2 |
| Cyanide | 1.2 |
| Lead | 0.7 |
| Manganese | 5 |
| Mercury | 0.01 |
| Molybdenum | 5 |
| Nickel | 2 |
| Selenium | 0.8 |
| Silver | 0.4 |
| Sulphates | 1500 |
| Tin | 5 |
| Zinc | 2 |
| PCB's | 0.004 |
| Benzene | 0.01 |
| Chloroform | 0.04 |
| 1,2-dichlorobenzene | 0.05 |
| 1,4-dichlorobenzene | 0.08 |
| Ethyl benzene | 0.06 |
| Methylene chloride | 0.09 |
| 1,1,2,2-tetrachloroethane | 0.06 |
| Tetrachloroethyne | 0.06 |
| Toluene | 0.02 |
| Trichloroethylene | 0.05 |
| Xylenes (total) | 0.3 |
| Hexachlorobenzene | 0.0001 |

SCHEDULE B**Table 2 - LIMITS FOR STORM SEWER DISCHARGES**

| PARAMETER | MAXIMUM CONCENTRATION LIMIT (mg/l, except as noted) |
|---------------------------------|--|
| Temperature | 30°C |
| pH | 6.0 – 9.5 |
| Biochemical Oxygen Demand (BOD) | 15 |
| Suspended Solids | 15 |
| Chromium | 0.08 |
| Zinc | 0.04 |
| Lead | 0.05 |
| Nickel | 0.05 |
| Copper | 0.01 |
| Cadmium | 0.001 |