

CITY OF ST. THOMAS

BY-LAW NO. 82 - 2024

A by-law to prohibit and regulate the discharge of sewage, drainage, storm water and industrial waste into the municipal storm and or sanitary system and open watercourses.

WHEREAS, the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (the "***Municipal Act, 2001***") section 8 provides that a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act, 2001*;

AND WHEREAS the Corporation of the City of St. Thomas is a single tier municipality;

AND WHEREAS sections 10(1) and 10(2) 7 of the *Municipal Act, 2001*, a single tier municipality may pass by-laws respecting any service or thing that it considers necessary or desirable for the public;

AND WHEREAS pursuant to the provisions of the *Municipal Act, 2001* a single tier municipality may pass by-laws under section 10(2) 5 for the economic, social, and environmental well-being of the municipality, and for the health, safety, and well-being of persons pursuant to section 10(2) 6 of the *Municipal Act, 2001*;

AND WHEREAS the Corporation of The City of St. Thomas (the "**City**") deems it expedient to regulate the discharges and connections to the City's wastewater collection, wastewater treatment, and storm water systems;

AND WHEREAS the *Municipal Act, 2001*, Part III grants specific powers to the City with respect to public utilities, including but not limited to the power to enter onto land that supplies the public utility and the power to shut off the public utility;

AND WHEREAS section 87 of the *Municipal Act, 2001* authorizes the City of St. Thomas to enter on land, at reasonable times, to inspect the discharge of any matter into the City's sewage system or into any other sewage system the contents of which ultimately empty into the City's sewage system and authorizes the City to conduct tests and take samples for this purpose;

AND WHEREAS Ontario Regulation 244/02 under the *Municipal Act, 2001*, imposes a public notification requirement where fees and charges are imposed for the use of sewage (wastewater and stormwater) systems, and the City has held a public meeting and provided notice of the public meeting in accordance with the requirements of that Regulation;

AND WHEREAS it is desirable to regulate the discharge of all matter into the City of St. Thomas' storm, sanitary, and combined sewer system;

AND WHEREAS subsections 425 and 429 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws providing that a person who contravenes a municipal by-law is guilty of an offence and provides that the municipality may establish a system of fines for offences under a by-law;

AND WHEREAS subsection 444 of the *Municipal Act, 2001* authorizes a municipality to make an order requiring the person who contravened a by-law, caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity;

NOW THEREFORE the Council of the Corporation of the City of St. Thomas enacts as follows:

1. SCOPE OF BY-LAW

1.1. SHORT TITLE

This By-law and any amendments thereto shall be known as the "Sewer Use By-law".

1.2. INTENT AND SCOPE

The purpose of this By-law is to prohibit and regulate the discharge of sewage, drainage, storm water and industrial waste into the municipal storm and or sanitary system and open watercourses.

1.3. CONTENT OF BY-LAW

All references in the By-law to sections, regulations, exceptions, tables, figures, schedules and maps, refer to those in this By-law unless otherwise indicated.

2. INTERPRETATION

2.1. In this by-law the following words shall mean as follows:

"Acute hazardous waste chemical" means a material that is an acute hazardous waste chemical within the meaning of Ontario Regulation 347, as may be amended or replaced time to time, under the provisions of the *Environmental Protection Act*, R.S.O 1990, c. E.19 (EPA);

"Authorized representative of the owner or operator" means:

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

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

"Blowdown" means the discharge of recirculating non-contact cooling water for the purpose of discharging materials contained in the water, the further buildup of which would cause concentrations in amounts exceeding limits established by best engineering practices;

"Building Code" means the Building Code enacted as a regulation under the *Building Code Act, 1992* as may be amended and replaced from time to time;

"City Engineer" or "Director" means the City Engineer – Director of Environmental Services for the Corporation of *the City of St. Thomas* or a person designated by the Engineer for the purposes of this By-law;

"Combined Sewer" means a sewer intended to function simultaneously as a storm sewer and a sanitary sewer;

"Commercial waste chemical" means a material which is a commercial waste chemical within the meaning of Ontario Regulation 347, as may be amended or replaced from time to time made under the *Environmental Protection Act, R.S.O. 1990, c. E. 19* (the "EPA");

"Compliance Program" means the program meeting the requirements of section 7.1 below of this By-law;

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

"Cyanide (total)" means cyanide as determined by Standard Methods;

"De minimis dose" means a dose of radiation to an individual of .05 millisieverts per year;

"De minimis waste" means any waste radioactive material that will not result in a dose of radiation exceeding the de minimis does regardless of the quantity of the material or how it is used or managed;

"EPA" means the *Environmental Protection Act, R.S.O. 1990, c.E.19*, as may be amended or replaced from time to time;

"Fuels" includes:

(i) any ignitable liquid intended for use as a fuel with a flash point less than 61^o Celsius as determined by one of the methods in Ontario Regulation 347, as may be amended or replaced from time to time, under the provisions of the EPA; and

(ii) gasoline, naphtha, diesel fuel or fuel oil.

"Governmental Authority" means any government, whether federal, provincial, or municipal, and any agency, authority, instrumentality, court, tribunal, board, commission, arbitrator, arbitration tribunal or other tribunal, or any quasi-governmental or other entity, body, organization or agency, insofar as it exercises a legislative, judicial, regulatory, administrative or expropriation power or function of or pertaining to government and includes but is not limited to the Ministry of Environment, Conservation and Parks and the Kettle Creek Conservation Authority.

"Grab sample" is part of the flow being sampled taken at one particular time

and place and is a volume of sewage, stormwater, uncontaminated water, or effluent of at least 100 millilitres that is collected over a period not exceeding fifteen minutes;

"Hauled sewage" means waste removed from a sewage system, including a cesspool, a septic tank system, a privy vault or privy pit, a chemical toilet, a portable toilet, or a sewage holding tank;

"Hazardous industrial waste" means a material which is a hazardous industrial waste within the meaning of Ontario Regulation 347, of the EPA;

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

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

"Industrial" means of or pertaining to industry, manufacturing, commerce, trade, business, or institution as distinguished from domestic or residential;

"Industry" means any owner or operator of industrial or commercial premises from which there is a discharge of any matter directly or indirectly into a City sanitary sewer, combined sewer, or storm sewer;

"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;

"Kjeldahl Nitrogen" means organic nitrogen as determined by Standard Methods;

"Matter" includes any solid, liquid or gas;

"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 lands or public land interests held for sewerage purposes;

"Municipality" or **"City"** means The Corporation of the City of St. Thomas or such person as they may designate from time to time;

"Non-contact cooling water" means water that 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;

"Officer" means a person appointed by Council under this By-law or any other City By-law, to administer or enforce this By-law and includes a person employed by the City whose duties are to enforce this By-law, and also includes for the purposes of exercising any power of entry under this By-law a police officer;

"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*, R.S.O. 1990, c. O. 40, as may be amended or replaced from time to time;

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

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

"PCB" means any monochlorinated or poly-chlorinated biphenyl or any mixture of these or mixture that contains one or more of them;

"PCB waste" means a PCB waste within the meaning of Ontario Regulation 148/86 made under the EPA;

"Person" includes an individual, association, partnership, corporation, municipality, or an agent or employee of such person;

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

"pH" means the logarithm to the base 10 of the reciprocal of the concentration of hydrogen ions in grams 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 Standard Methods;

"Phosphorus" means total phosphorus as determined by Standard Methods;

"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 the private lands and leading to a municipal sewer connection;

"Reactive waste" means a material which is a reactive waste within the meaning of Ontario Regulation 347, amended from time to time, made under the EPA;

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

"Severely toxic material" means any material listed in Schedule 3 of Ontario Regulation 347, as amended from time to time, made under the EPA;

"Sewage" means any liquid waste containing animal, vegetable, mineral or chemical matter in solution or in suspension but does not include storm water or uncontaminated water;

"Sewage works" means any works for the collection, transmission, treatment and disposal of sewage, storm water or uncontaminated water, including a combined

sewer, sanitary sewer or storm sewer, or any part of such works, but does not include plumbing or other works to which the Building Code Act, 1992 applies;

"SIC code" means Standard Industrial Classification Code. Classified by the North American Industry Classification System (NAICS) Canada and the Standard Industrial Classification (SIC);

"Solvent extractable matter of animal or vegetable origin" means grease and oil as determined by Standard Methods;

"Solvent extractable matter of mineral or synthetic origin" means grease and oil as determined by Standard Method;

"Spill" means a direct or indirect discharge into the sewage works, storm sewer or 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 Standard Methods for the Examination of Water and Wastewater published jointly by the American Public Health Association, American Water Works Association and the Water Environment Federation, latest edition;

"Storm sewer" means a sewer for the collection and transmission of uncontaminated water, stormwater, drainage from land or from a watercourse or any combination thereof;

"Stormwater" means water from rainfall or other natural precipitation, drainage or from the melting snow or ice.

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

"Uncontaminated water" means water with a level of quality that is typical of potable water normally supplied by the City or whose quality meets or exceeds the values set out in this By-law and to which no matter has been added because of its use, or to modify its use, by any person;

"Waste disposal site leachate" means liquid containing dissolved or suspended contaminants that emanates from waste and is produced by water percolating through waste or liquid in waste;

"Waste radioactive materials" means any waste material exhibiting the property of spontaneous disintegration of atomic nuclei usually with the emission of penetrating radiation or particles;

"Waste Survey Report" means the report prepared and submitted to the Municipality in accordance with the provisions set out in sections 6.3 and 6.4 below;

"Watercourse" means an open channel, ditch, or depression either natural or artificial, in which flow of water occurs either continuously or intermittently.

3. DISCHARGES TO SANITARY AND COMBINED SEWERS

3.1. No person shall discharge directly or indirectly or deposit or cause or permit the discharge or deposit of any matter into a sanitary sewer, combined sewer, drain, watercourse, municipal sewer connection or private sewer connection, to any sanitary sewer or combined sewer in circumstances where,

- (a) to do so may result in,
 - (i) a health or safety hazard to a sewage works employee, or harm to a sewage works;
 - (ii) sewage works effluent to contravene any requirement by or under the *Ontario Water Resources Act*, R.S.O. 1990, c. O. 40 (the "**OWRA**") or the EPA, as amended or replaced from time to time or any regulation made thereunder from time to time;
 - (iii) sludge from sewage works to fail to meet the criteria relating to contaminants for spreading the sludge on agricultural lands under the *Nutrient Management Act*, 2002 (O.Reg. 267/03) and the *Fertilizers Act* (R.S.C., 1985, c. F-10), as amended from time to time, unless the person has been advised in writing by the operator of the sewage treatment works that the sludge from the sewage treatment works will never be used on agricultural lands;
 - (iv) interference with the proper operation of a sewage works;
 - (v) interference with any sewage treatment process;
 - (vi) a hazard to any person, animal, property, or vegetation;
 - (vii) an offensive odour to emanate from sewage works, and without limiting the generality of the foregoing, sewage containing hydrogen sulphide, carbon disulphide, other reduced sulphur compounds, amines or ammonia in such quantity as may cause an offensive odour;
 - (viii) damage to sewage works;
 - (ix) an obstruction or restriction to the flow in the sewage works.
- (b) The sewage has one or more of the following characteristics:
 - (i) Solid or viscous substances in quantities or of such size as to be capable of causing obstruction to the flow in a sewer, including but not limited to ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, animal guts or tissues, paunch manure, and whole blood;
 - (ii) Sewage that may cause an offensive odour to emanate from a sewage works, and without limiting the generality of the foregoing, sewage containing hydrogen sulphide, carbon disulphide, other reduced sulphur

compounds, amine or ammonia in such quantity that may cause an offensive odour;

(iii) stormwater, water from drainage of roofs or land, water from a watercourse or uncontaminated water or water from weeping tile and foundation drains, except where:

(a) in the case of discharge into a combined sewer;

(iv) Water other than stormwater that has originated from a source separate from the water distribution of the municipality;

(v) Sewage or uncontaminated water at a temperature greater than 65 degrees Celsius;

(vi) Sewage that:

(a) has a pH less than 5.5 or greater than 9.5;

(b) contains more than 15 milligrams/L of solvent extractable matter of mineral or synthetic origin;

(c) contains more than 150 milligrams/L of solvent extractable matter of animal or vegetable origin;

(d) where the biochemical oxygen demand exceeds 300 milligrams/L;

(e) contains more than 350 milligrams/L of suspended solids;

(f) contains more than 10 milligrams/L of phosphorus;

(g) contains more than 100 milligrams/L of Kjeldahl nitrogen;

(h) contains more than 1 milligram/L of phenolic compounds;

(i) consists of two or more separate liquid layers;

(j) contains dyes or colouring materials, which pass through a sewage works and discolour the sewage works effluent.

(k) contains any of the following in excess of the following concentrations:

Concentration	Material
1500 milligrams/L	Chlorides as Cl
	Sulphates as SO ₄
50 milligrams/L	Aluminum as Al
	Iron as Fe
10 milligrams/L	Fluorides as F

Concentration	Material
5 milligrams/L	Antimony as Sb
	Bismuth as Bi
	Chromium as Cr
	Cobalt as Co
	Lead as Pb
	Manganese as Mn
	Molybdenum as Mo
	Selenium as Se
	Silver as Ag
	Tin as Sn
	Titanium as Ti
	Vanadium as V
3 milligrams/L	Copper as Cu
	Nickel as Ni
	Zinc as Zn
2 milligrams/L	Cyanide, Total as CN
1 milligrams/L	Arsenic as As
	Cadmium as Cd
0.1 milligrams/L	Mercury as Hg

(l) consists of materials or sewage containing any, or containing a combination, of the following in any amount:

Fuels
PCBs
Pesticides
Severely Toxic Materials
Waste Radioactive Materials

(m) consists of materials or sewage containing any, or containing a combination, of the following in any amount:

Hauled Sewage
Waste Disposal Site Leachate

(n) consists of the following hazardous wastes, or containing a combination of, the following in any amount:

Acute Hazardous Waste Chemicals
Hazardous Industrial Wastes
Hazardous Waste Chemicals
Ignitable Wastes
Pathological Wastes
PCB Wastes
Reactive Wastes

3.2. No person shall discharge directly or indirectly or deposit or cause or permit the discharge or deposit of sewage into a sanitary sewer, combined sewer, storm sewer, municipal or private sewer connection to any sanitary sewer, combined sewer or storm sewer in circumstances where water has been added to the discharge for the purposes of

dilution to achieve compliance with the provisions of this By-law.

- 3.3. At no time shall sections 3.1 (b)(ii) and 3.1 (b)(vi)(n) apply to prevent the discharge of human waste.
- 3.4. At no time shall section 3.1 (b)(iv) apply to prevent the discharge of:
- (a) Water taken in an amount greater than 50,000 litres per day from a separate source when the owner or operator of the premises has a Permit to Take Water issued by the Provincial Authority and a copy of such permit has been provided to the municipality, or
 - (b) Water taken in an amount less than 50,000 litres per day from a separate source when the owner or operator of the premises has provided the municipality with the following information:
 - (i) Address of premises where the water is being used;
 - (ii) Location of the water source; and
 - (iii) Amount of water being taken.
- 3.5. At no time shall section 3.1 (b)(vi)(l) apply to prevent the discharge of waste radioactive materials where such materials are being discharged in accordance with a licence from the Atomic Energy Control Board and a copy of the licence has been provided to the Municipality or to the discharge of de minimis waste.
- 3.6. At no time shall section 3.1 (b)(vi)(l) apply to prevent the discharge of PCBs when,
- (a) the owner or operator of the premises has a Certificate of Approval or Environmental Compliance Approval relating to the premises from the applicable regulatory body that expressly allows for the discharge or written approval from the Director of the Ministry of Environment, Conservation and Parks that expressly authorizes the discharge from the premises;
 - (b) the owner or operator of the premises has written approval from the City that expressly authorizes the discharge from the premises;
 - (c) the discharge contains a concentration of less than 5 micrograms/L of PCBs; and
 - (d) a copy of the Environmental Compliance Approval or written approval referred to in section 3.6(a) and 3.6(b) has been provided to the Municipality.
- 3.7. At no time shall section 3.1 (b)(vi)(m) apply to prevent or prohibit the discharge of waste disposal site leachate when,
- (a) the waste disposal site leachate is being discharged pursuant to a Certificate of Approval or Environmental Compliance Approval or an Order relating to the premises under the EPA or the OWRA that expressly allows for and permits the discharge;

- (b) the owner or operator of the premises has written approval from the Municipality that expressly authorizes the discharge from the premises; and discharge from the premises; and
 - (c) a copy of the Environmental Compliance Approval or Certificate of Approval or written authorization referred to in section 3.7 (a) has been provided to the Municipality.
- 3.8. At no time shall section 3.1 (b)(vi)(m) apply to prevent the discharge of hauled sewage when,
 - (a) the carrier of the hauled sewage is a waste transportation system operating under a license issued under the EPA;
 - (b) the carrier has written approval from the Municipality that includes a specified time and location for the discharge; and
 - (c) the discharge occurs at the approved time and location.
- 3.9. At no time shall section 3.1 (b)(vi)(n) apply to prevent the discharge of pathological waste that has been decontaminated prior to discharge when,
 - (a) the owner or operator of the premises has an Environmental Compliance Approval or Certificate of Approval from the Ministry of Environment, Conservation and Parks that expressly allows the discharge or written approval from the Director of the Ministry of Environment, Conservation and Parks that expressly authorizes the discharge from the premises;
 - (b) the owner or operator of the premises has written approval from the Municipality that expressly authorizes the discharge from the premises, and
 - (c) a copy of the certificate of approval or written authorization referred to in section 3.9(a) has been provided to the Municipality.

4. DILUTION NOT PERMITTED

- 4.1. Where a discharge fails to comply with any requirement of Section 3 of this by-law the dilution of the discharge with water, or with any other material from any source that is added to sewage for the purpose of dilution, shall not be a means of bringing the discharge into compliance with the provisions of this by-law.

5. DISCHARGES TO STORM SEWERS

- 5.1. No person shall at any time discharge, deposit, or cause or permit the discharge or deposit of matter of any type or at any temperature of any quantity into a storm sewer, watercourse, drain, municipal sewer connection or private sewer connection to any storm sewer that may or could;
 - (a) interfere with the proper operation of a storm sewer;

- (b) obstruct a storm sewer or the flow therein;
- (c) damage a storm sewer;
- (d) result in a hazard or other adverse impact or effect, to any person, animal, property, or vegetation;
- (e) impair the quality of the water in any well, lake, silver, pond, spring, stream, reservoir or other water or watercourse; or
- (f) contravene or result in the contravention of an approval, or provisional Certificate of Approval, Environmental Compliance Approval, requirement, direction, or other order issued under the provisions of the OWRA or the EPA with respect to the storm sewer or its discharge;
- (g) have one or more of the following characteristics:
 - (i) water at a temperature greater than 40 degrees Celsius;
 - (ii) water having a pH less than 6.0 or greater than 9.0;
 - (iii) water containing more than 15 milligrams/L of suspended solids;
 - (iv) water containing dyes or colouring material that discolours the water;
 - (v) visible film, sheen, or discolouration;
- (h) contains one or more of the following or exceed following concentrations;

Concentration	Material
200 micrograms/L	Chromium as Cr
50 micrograms/L	Zinc as Zn
	Lead as Pb
	Nickel as Ni
10 micrograms/L	Copper as Cu
1 microgram/L	Cadmium as Cd
	Mercury as Hg
200 per 100 millilitre	Fecal coliforms

- (i) the following materials in any amount:
 - Sewage
 - Once-through cooling water
 - Blowdown
- (ii) the following materials in any amount:
 - Automotive or Machine Oils and Greases Fuels
 - Paints and Organic Solvents
 - PCBs

Pesticides
Severely Toxic Materials
Waste Disposal Site Leachate
Waste Radioactive Materials

(iii) the following hazardous wastes in any amount:

Acute Hazardous Waste Chemicals
Hazardous Industrial Waste
Hazardous Waste Chemicals
Ignitable Wastes
Pathological Wastes
PCB Wastes
Reactive Wastes
Radioactive Wastes

5.2. section 5.1 does not apply to prevent the discharge of once-through cooling water or blowdown when,

- (a) the once-through cooling water or blowdown is being discharged pursuant to a certificate of approval or order relating to the premises under the EPA or the OWRA that expressly allows the discharge.
- (b) the owner or operator of the premises has written approval from the Municipality that expressly authorizes the discharge from the premises; and
- (c) a copy of the certificate of approval or order referred to in section 5.2(a) has been provided to the Municipality.

5.3. The provisions of section 5.1 apply only to:

- (a) the discharge of stormwater runoff from industrial process areas to a storm sewer, and
- (b) to any stormwater discharge to a storm sewer to which the matter specifically prohibited by section 5.1 has been added for the purpose of disposing of the matter.

5.4. The provision of sections 5.1 (g) and (h) do not apply to prevent the discharge of stormwater runoff from industrial process areas to a storm sewer when,

- (a) the owner or operator of the premises has a certificate of approval or order relating to the premises under the EPA or the OWRA that expressly allows the discharge, and a copy of the Certificate of Approval, Environmental Compliance Approval or order has been provided to the Municipality; or
- (b) the owner or operator of the premises has written approval from the Municipality for a Best Management Practices Plan (BMP) that has been prepared in accordance with the provisions set out in Schedule A and acceptable to the Municipality, acting reasonably.

6. REPORTS

- 6.1. Notwithstanding sections 3, 4 and 5 above, the owner or operator of any industrial premises or class of industrial premises listed in Schedule B shall not discharge, deposit, cause or permit the discharge or deposit of sewage into any storm sewer, watercourse, drain, municipal sewer connection, private sewer connection and/or combined sewer.
- 6.2. This section 6 does not apply with respect to any industrial premises having a current Waste Survey Report prepared in accordance with sections 6.3 and 6.4 to the satisfaction of the Municipality, acting reasonably and which has been filed with the Municipality.
- 6.3. The Waste Survey Report shall contain the following information and shall be signed by an authorized representative of the owner or operator:
- (a) name and address of the premises, and names of its owner and operator;
 - (b) description of process operations, including waste discharge rates and contaminant concentrations, hours of operation, and Canadian or U.S. Standard Industrial Classification codes;
 - (c) a schematic process diagram indicating waste discharge points and wastes descriptions;
 - (d) the generator registration number, if any, assigned with respect to the premises under Ontario Regulation 347 amended from time to time, made under the EPA; and
 - (e) the waste class, hazardous waste number, primary and secondary characteristics and analytical data and the name of the laboratory, if any, furnished to the Ontario Ministry of the Environment, Conservation and Parks under the provisions of Ontario Regulation 347 amended from time-to-time EPA relating to any material discharged into or in land drainage works, private branch drains or connections to any sanitary, combined or storm sewer.
- 6.4. The Waste Survey report shall be in the form attached as Schedule C.
- 6.5. Where a change occurs in the information required under section 6.3(a) contained in a Waste Survey Report, the owner or operator of the premises shall submit the new and/or revised information within 30 days of the change.
- 6.6. Where a change occurs in any information required under section 6.3 (b),(c),(d), and/or (e) described in a Waste Survey Report, the owner or operator of the premises shall not discharge or deposit or cause or permit the discharge or deposit of sewage into or in storm sewer, watercourse, drain, municipal sewer connection, private sewer connection, or combined sewer or storm sewer, sixty (60) days after the change occurs unless a new Waste Survey Report has been submitted for review and acceptance by the Municipality clearly setting out any change(s) in the Waste Survey Report.

7. COMPLIANCE PROGRAM

- 7.1. A Compliance Program may be issued by the Municipality as set out in sections 7 (a) to (e)

and (h) below for the discharge of a non-complying or non-compliant effluent during the period of the testing, planning, design, construction, or installation of facilities to eliminate and/or resolve any issues associated with the non-compliance:

- (a) The owner or operator of industrial premises may submit to the Municipality a program to prevent and/or to reduce and/or control the discharge or deposit of sewage into or on, or in a sewer, watercourse, drain, municipal sewer connection, private sewer connection, or combined sewer or storm sewer from the premises;
- (b) The owner or operator of industrial premises may submit to the Municipality a program to prevent and/or to reduce and/or to control the discharge or deposit of uncontaminated water or stormwater or eliminate the discharge or deposit of sewage into or on, or in a sewer, watercourse, drain, municipal sewer connection, private sewer connection, or combined sewer or storm sewer to any storm sewer from the premises;
- (c) The Municipality may issue an approval for a Compliance Program to the person who submitted the program;
- (d) Every Compliance Program shall be for a specified length of time during which the facilities are to be installed and shall be specific as to the remedial actions to be implemented, the dates of commencement and completion, and the materials or other characteristics of the sewage, uncontaminated water, or stormwater to which it relates. The final activity completion date shall not be later than the final compliance date in the compliance program;
- (e) The Compliance Program shall be in the form attached as Schedule D and, subject to the review and approval of the City Engineer;
- (f) A person to whom a Compliance Program has been issued shall submit a Waste Survey Report within fourteen (14) days following the scheduled completion date for each activity listed in the compliance program;
- (g) The Compliance Program progress report shall be in the form attached as Schedule E to this By-law;
- (h) Where the operating authority for the sewage treatment plant, land drainage works, or storm sewer which is receiving sewage, uncontaminated water or stormwater from the premises identified in the Compliance Program is not the Municipality, the Compliance Program does not become effective unless the operating authority has reviewed and approved, and the Municipality has accepted the Compliance Program;
- (i) A person to whom a Compliance Program has been issued shall not be prosecuted under sections 3.0 or 5.0 of this By-law for the discharge or deposit of sewage, uncontaminated water, or stormwater in accordance with the Compliance Program during the period within which the Compliance Program is applicable and so long as the Compliance Program is being fully complied with.

- 7.2. The Municipality may authorize and enter into a sewage surcharge agreement with an Owner and/or Operator(the "**Sewage Surcharge Agreement**"), to permit the exceedances for any one or more of the following parameters referred to in section 3.1(b) for any of the following parameters where sewage is discharged to a sanitary sewer or combined sewer:

Biochemical Oxygen Demand;
Phenolics;
Solvent Extractables - animal or vegetable in origin;
Kjeldahl Nitrogen, Total;
Phosphorus, Total;
Suspended Solids, Total.

- (a) The Sewage Surcharge Agreement may contain terms and conditions including terms and conditions related to the calculation and payment for the discharge to the sanitary sewer or combined sewer;
- (b) During the term of the Sewage Surcharge Agreement, the discharger is exempt from meeting the limits set out in Section 3.1, for the parameter(s) included in the agreement, if all conditions stipulated by the Municipality in the Sewage Surcharge Agreement are met at all times;
- (c) Notwithstanding the conditions in Section 6.5, where an owner or operator has entered into a Sewage Surcharge Agreement, any change or alteration in the information required by this By-law must be submitted to the Municipality prior to the change for review and approval prior to any change or alteration taking place.
- (d) The Municipality may terminate the Sewage Surcharge Agreement at any time in the Municipality's sole and absolute discretion if the sewage discharge(s) fail to comply with any requirements or conditions or parameters or any other provisions of the Sewage Surcharge Agreement.

8. SAMPLING AND ANALYSIS

- 8.1. Where a sample is required for the purpose of determining the characteristics or contents of the sewage, uncontaminated water, or stormwater:
- (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 and shall be collected in accordance with the provisions of this By-law and best practices in the industry and Standard Methods;
 - (b) except as otherwise specifically provided in this by-law, all tests, measurements, analyses and examinations of sewage, uncontaminated water, and stormwater, shall be conducted in accordance with Standard Methods; and
 - (c) for each one of the following metals: aluminum, antimony, arsenic, bismuth,

cadmium, chromium, cobalt, copper, iron, lead, manganese, mercury, molybdenum, nickel, selenium, silver, tin, titanium, vanadium and zinc whose concentration is limited in sections 3.1 (b)(vi)(k) and 5.1 (h), the analysis shall be for the quantity of total metal, which includes all metal both dissolved and particulate.

9. SPILLS

- 9.1. Every person who discharges or deposits or causes or permits the discharge or deposit of sewage into or any storm sewer, watercourse, drain, municipal sewer connection, private sewer connection, or combined sewer shall, if such discharge or deposit is not in the ordinary course of events and/or may cause or is likely to cause an adverse effect shall forthwith notify the Municipality and/or the Governmental Authority responsible for operating the sewage works receiving the discharge or deposit.
- 9.2. Every person who discharges or deposits or causes or permits the discharge or deposit of uncontaminated water or soft water into or in land drainage works, private branch drains or connections to any storm sewer shall, if such discharge or deposit is not in the ordinary course of events forthwith notify the municipality or agency responsible for managing the land drainage works or storm sewer.
- 9.3. Every person who discharges or deposits or causes or permits the discharge or deposit of any of the items listed in sections 3.1 (b)(vi)(l) and 3.1 (b)(vi)(n) into or in storm sewer, watercourse, drain, municipal sewer connection, private sewer connection, or combined sewer shall forthwith notify the municipality or the agency responsible for operating the sewage works receiving the discharge or deposit.
- 9.4. Every person who discharges or deposits or causes or permits the discharge or deposit of any of the items listed in sections 5.1(h)(ii) and 5.1(h)(iii) into or in storm sewer, watercourse, drain, municipal sewer connection, private sewer connection, or combined sewer shall forthwith notify the municipality or Governmental Authority responsible for managing the land drainage works or storm sewer.
- 9.5. For any of the discharges in sections 9.1, 9.2, 9.3 and 9.4 for which the person is required to forthwith notify the Municipality or Governmental Authority, the notification shall include the following information:
 - (a) name of the company and the address of location of spill;
 - (b) name of person reporting the spill and telephone number where that person can be reached;
 - (c) time of the spill;
 - (d) type and volume of material discharged and any associated hazards; and
 - (e) corrective actions being taken to control the spill;
- 9.6. Within a period of five (5) days following a discharge to which section 9.5 applies, the person shall submit to the Municipality or Governmental Authority a detailed written report.

10. GENERAL

- 10.1. The owner or operator of industrial premises with one or more connections to a sewage works shall install and maintain in good repair in each connection a suitable manhole to allow observation and sampling of the sewage and measurement of the flow of sewage therein, provided that where installation of a manhole is not possible, an alternative device or facility may be substituted with the written approval of the Director of Environmental services of the Municipality.
- 10.2. The manhole or alternate device shall be located on the property of the owner or operator of the premises unless the Director of Environmental Services of the Municipality or their designate has given written approval for a different location.
- 10.3. Every manhole, device or facility installed as required by the Municipality shall be designed and constructed in accordance with good engineering best practices and the requirements of the Municipality and shall be constructed and maintained by the owner or operator of the premises at his expense.
- 10.4. The owner or operator of industrial premises shall at all times ensure that every manhole, device, or facility installed as required by section 10.2 is at all times accessible for purposes of observing and sampling the sewage and measuring the flow of sewage therein.
- 10.5. The Municipality may require the owner or operator of industrial premises to install and maintain devices to monitor sewage discharges and to submit regular reports regarding the discharges to the Municipality.
- 10.6. For the purpose of the administration of this by-law, a person appointed by council for the purpose may, upon production of his identification, enter any industrial premises, to observe, to measure the flow of sewage to any sewer and to collect any samples required.
- 10.7. No person shall break, damage, destroy, 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 purpose of measuring, sampling, and testing of sewage.
- 10.8. The Compliance Program contemplated by section 7 may be terminated by the Municipality in its sole and absolute discretion on thirty (30) days written notice if the discharge of sewage covered by such agreement or compliance program is causing contravention of sections 3.0 and 5.0 of the By-law.
- 10.9. The Compliance Program contemplated by section 7 may be terminated by the Municipality by written notice at any time where there is an emergency of immediate threat or danger to any person, property, plant or animal life, or waters.

11. ADMINISTRATION AND ENFORCEMENT

- 11.1. The City Engineer is authorized to administer and enforce this By-law including but not

limited to:

- (a) arranging for:
 - (i) the assistance or work of City staff, City agents or the assistance of police officers;
 - (ii) the making of orders or other requirements and the imposition of conditions as authorized under this By-law;
 - (iii) the obtaining of court orders or warrants as may be required;
 - (iv) the commencement of such actions on behalf of the City to recover costs or restrain contravention of this By-law as deemed necessary; and
- (b) prescribing the format and content of any forms or other documents required under this By-law.

11.2. The City Engineer may assign Officers to enforce this By-law and Officers so assigned or appointed by Council to enforce this By-law shall have the authority to:

- (a) carry out inspections;
- (b) make orders or other requirements as authorized under this By-law; and
- (c) give immediate effect to any orders or other requirements made under this By-law.

11.3. The City's Engineer, the City's Manager of Development and Compliance, and all designated City employees in the Environmental Services Department designated for enforcement activities are appointed as Officers for the purposes of the administration and enforcement of this By-law and the applicable sections of the *Municipal Act, 2001* and are deemed to be "Officers" for the purposes of this By-law.

11.4. The City Engineer may assign duties or delegate tasks under this By-law to be carried out in the City Engineer's absence or otherwise and without limiting the City Engineer's authority to assign such duties or delegate tasks, the City Engineer is authorized to issue, suspend, or revoke any permit and/or authorization and/or approval under this By-law.

11.5. Any and all information submitted under this By-law, including all information submitted for any permit, authorization and/or approval issued under this By-law may be made available to any member of the public subject to the *Municipal Freedom of Information and Protection of Privacy Act*, if requested.

12. ENTRY AND INSPECTION

12.1. The City Engineer or an Officer may enter on land at any reasonable time to inspect the discharge of any matter into a sewer works or into a connection to a sewer works and may conduct tests and take samples for this purpose.

12.2. The City Engineer or an Officer may enter on land at any reasonable time and in

accordance with the conditions set out in sections 435 and 437 of the *Municipal Act, 2001* for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- (a) this By-law;
- (b) an order or other requirement made under this By-law;
- (c) a condition of a permit / authorization / approval issued under this By-law; or
- (d) an order made under section 431 of the *Municipal Act, 2001*.

12.3. The City Engineer or an Officer, for the purposes of the inspection under section 12.2 and in accordance with the conditions set out in section 436 of the *Municipal Act, 2001*, may:

- (a) require the production for inspection of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) require information in writing or otherwise as required by an Officer from any person concerning a matter related to the inspection;
- (d) 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.

12.4. The City Engineer or an Officer may undertake an inspection pursuant to an order issued by a provincial judge or justice of the peace under section 438 of the *Municipal Act, 2001*, in accordance with the conditions set out in that section, where they have been prevented or is likely to be prevented from carrying out an inspection under section 12.2

13. ORDERS AND OTHER DOCUMENTS INCLUDING DELIVERY

13.1. If an Officer is satisfied that a contravention of this By-law has occurred, they may make an order requiring the owner or occupier of a premises on which the contravention occurred to discontinue the contravening activity.

13.2. An order under section 13.1 shall set out:

- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the premises on which the contravention occurred; and
- (b) the date or dates by which there must be compliance with the order, which may be of immediate effect should the Officer determine that the circumstances warrant.

13.3. If an Officer is satisfied that a contravention of this By-law has occurred, they may make an order requiring the person who has contravened this By-law or who caused or

permitted the contravention or the owner or occupier of a premises on which the contravention occurred to do work to correct the contravention.

13.4. An order under section 13.3 shall set out:

- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the premises on which the contravention occurred;
- (b) the work to be completed which may include but is not limited to requiring:
 - i. prior to performing any work, all necessary permits or other approvals be applied for and obtained;
 - ii. examinations or tests be conducted or samples be taken for the purpose of determining the cause of the contravention and the remedial measures that are necessary to correct the contravention, and that such examinations, tests or samples be supplied to the Officer together with any accompanying reports required in the order;
 - iii. appropriate treatment or plan for a discharge that does not comply with this By-law be provided;
- (c) the date or dates by which the work must be completed; and
- (d) notice that if the order is not complied with, then the work may be done at the expense of the owner or occupier of the premises on which the contravention occurred.

13.5. Delivery of an order to discontinue a contravening activity made under section 13.1 or an order to do work made under section 13.3 or of any other document under this By-law may be given personally or by registered mail to the last known address of:

- (a) in the case of order to discontinue a contravening activity made under section 13.1 or an order to do work made under section 13.3, the owner or occupier of a premises where the contravention occurred;
- (b) such other persons affected by the order or other document as an Officer determines; and delivery by registered mail shall be deemed to have taken place five business days after the date of mailing.

13.6. In the case of an order to discontinue a contravening activity made under section 13.1 or an order to do work made under section 13.3, in addition to delivery given in accordance with section 13.5, delivery may be given by an Officer placing a placard containing the order or other document in a conspicuous place on the premises where the contravention occurred.

13.7. Where delivery cannot be given in accordance with section 13.5, sufficient delivery is deemed to have taken place when given in accordance with section 13.6.

13.8. Where a time frame is set out in an order or other document for carrying out any action,

an Officer may extend the time for compliance beyond the established time frame provided such extension is required and is acceptable to the Officer.

14. CITY CARRYING OUT WORK

- 14.1. Where an Owner or Occupier of a premises does not comply with a direction or a requirement, including an order under this By-law to do a matter or thing, the City Engineer, with such assistance by others as may be required, may carry out such direction, requirement or order at the person's expense.
- 14.2. Where the costs of doing a matter or thing under section 14.1 are estimated to be:
 - (a) up to but not including \$100,000, the City Engineer may proceed without further approval and in accordance with the City's Procurement Policy By-law; or
 - (b) \$100,000 or greater, the City Engineer may proceed with approval of an authorized person or of Council and in accordance with the City's Procurement Policy By-law.
- 14.3. The City may recover the costs of doing a matter or thing under section 14.1 by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes and such costs shall include an annual interest rate of 15 per cent commencing on the day the City incurs the costs and ending on the day the costs, including the interest, are paid in full.
- 14.4. The amount of the City's costs, including interest to the date payment is made in full, constitutes a lien upon the land, upon the registration of a notice of lien upon the land.
- 14.5. The City Engineer may permit exceptions to the provisions of this By-law where the City Engineer is satisfied that such an exception does not create an unreasonable risk of harm to a sewer works or to any person, animal, property, watercourse or vegetation.

15. PENALTIES

- 15.1. Every person other than a corporation who contravenes any provision of this By-law is, upon conviction, guilty of an offence and is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$10,000 for a first offence and not more than \$25,000 for a subsequent offence.
- 15.2. Every corporation that contravenes any provision of this By-law is, upon conviction, guilty of an offence and is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$50,000 for a first offence and not more than \$100,000 for a subsequent offence.
- 15.3. In this By-law, subsequent conviction means a conviction for an offence, which offence occurs after the date of conviction for an earlier offence under this By-law or any of its predecessors.
- 15.4. Any person who contravenes an order made under this By-law, or an officer or director of a corporation who knowingly concurs in such a contravention by the corporation, is guilty of a continuing offence and upon conviction is liable to a daily fine or penalty of a

maximum of \$10,000 for each day or part of a day that the offence continues, and despite section 15.1 and section 15.2, the total of all the daily fines imposed for an offence is not limited by the fine amounts listed in those sections.

- 15.5. Where a person has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed by this By-law, make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 15.6. Where any person contravenes any provision of this By-law, such person shall be responsible for all costs incurred by the City related to the contravention.

16. MUNICIPAL COSTS

- 16.1. Any and all costs incurred by the Municipality to perform work required by this by-law shall be charged to the Owner of the property where such work is performed and shall be collected according to law, and until paid, such cost shall remain a lien on such property, and may also be collected in the like manner as taxes. The Municipality shall not be held responsible for the cost of restoration.

17. REPEAL

- 17.1. By-law No. 205-91 and all amendments thereto, are hereby repealed.

18. EFFECTIVE DATE

- 18.1. This by-law shall come into force and take effect on the 17th day of June, 2024.

READ a First and Second time this the 17th day of June, 2024.

READ a Third Time and Finally passed this the 17th day of June, 2024.

Original signed by "Maria Konefal"
City Clerk

Original signed by "Joe Preston"
Mayor

SCHEDULE "A" TO BY-LAW 82-2024 BEST MANAGEMENT PRACTICES (BMP) PLAN

A Best Management Practices Plan is a plan agreed to and accepted by the Municipality with guidance from the Governmental Authority and is developed for activities which are associated with or ancillary to industrial manufacturing or treatment processes. The ancillary sources addressed in BMP plan are material storage areas; loading and unloading areas; plant site runoff; in-plant transfer, process, and material handling areas; and sludge and hazardous waste disposal areas. In general, the BMP Plan will include practices used by industry for pollution control from these sources, safety programs, fire protection, protection against loss of valuable raw materials or products, among any others.

The following elements shall be included in a BMP Plan:

General:

- (a) Name and location of facility;
- (b) Statement of BMP policy and objectives;
- (c) Review by plant manager.

Specific:

- (a) Establishment of BMP Committee;
- (b) Risk Identification and Assessment;
- (c) Reporting of BMP Incidents;
- (d) Materials Compatibility;
- (e) Good Housekeeping;
- (f) Preventive Maintenance;
- (g) Inspection and Records;
- (h) Security;
- (i) Employee Training.

**SCHEDULE "B" TO BY-LAW 82-2024
INDUSTRIAL SECTORS**

Refer to:

- (a) Standard Industrial Classifications (SIC);
- (b) North American Industry Classification System (NAICS) Canada.

**SCHEDULE “C” - TO BY-LAW 82-2024
WASTE SURVEY REPORT**

The Waste Survey Report form is available from the Municipality and shall be completed by any industry prior to discharging to the municipal sanitary sewer system and accepted by the Municipality.

**SCHEDULE "D" TO BY-LAW 82-2024
LETTER OF COMPLIANCE PROGRAM**

- (a) The letter of Compliance Program provided by the Municipality includes:
- (i) Sampling Schedule;
 - (ii) Sampling frequency;
 - (iii) Total Number of required samples;
 - (iv) "Routine" sample parameters;
 - (v) "Full" sample parameters;
 - (vi) Corrective action form;
 - (vii) Location of Sampling.

**SCHEDULE "E" TO BY-LAW 82-2024
COMPLIANCE PROGRAM PROGRESS REPORT**

A person to whom a Compliance Program has been issued shall submit a Compliance Program progress report within fourteen (14) days after the scheduled completion date for each activity listed in the Compliance Program.