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UPDATE OF SEWER USE BYLAW

The Environmental Services Committee recommends the adoption of the recommendations contained in the following report dated October 28, 2011, from the Regional Solicitor and the Commissioner of Environmental Services.

1. RECOMMENDATIONS

It is recommended that:

1. Council enact the proposed sewer use bylaw, as described in this report and in the form set out in *Attachment 1* (the Sewer Use Bylaw).
2. Council repeal the current sewer use bylaw, Bylaw No. S-0064-2005-009.
3. The Regional Solicitor be directed to submit *Attachment 2* to seek an Order from the Ontario Court of Justice creating set fines for offences under the Sewer Use Bylaw.
4. The Regional Clerk forward a copy of this report and its attachments to the local municipalities for consideration, to encourage and facilitate the harmonization of Regional and local municipal sewer use bylaws.

2. PURPOSE

This report sets forth the rationale for replacing the current sewer use bylaw, Bylaw No. S-0064-2005-009, with the Sewer Use Bylaw. The Sewer Use Bylaw builds upon the existing regulatory framework to accord with updated practices in sewer regulation, adopts new requirements, clarifies language, modifies administrative processes and enhances enforcement tools to better regulate and protect Regional sewage infrastructure. The proposed Sewer Use Bylaw is part of the enhancements described in the “Improving York Region’s Sewer Use Compliance Program to Protect Shared Infrastructure” Report received at Environmental Services Committee on October 12, 2011 and adopted by Regional Council on October 20, 2011 (the Compliance Program Report).

3. BACKGROUND

The current bylaw regulates discharges to the Regional sewage system to protect infrastructure and the environment

Enacted in 2005, the current sewer use bylaw regulates the discharge of sewage and storm water in The Regional Municipality of York. The overarching aim of the current bylaw is to protect water bodies from potential impacts, caused by storm water run-off, and Regional infrastructure, including sewers and sewage treatment plants. The current bylaw is primarily aimed at regulating discharges from institutional, commercial and industrial facilities.

The current bylaw contains provisions that:

- Set concentration limits for various parameters in sewage discharges.
- Prohibit discharges that may have certain adverse impacts or that contain specific contaminants.
- Prohibit the dilution of non-compliant discharges.
- Regulate the discharge of certain categories of water to the sanitary sewer.
- Require dischargers to provide information about the discharge to the Region.
- Enable the Region to enter into surcharge agreements with dischargers for overstrength wastewater and to impose a requirement for a compliance program or for a pollution prevention plan with respect to non-compliant discharges.
- Address sampling and analysis issues.
- Require notification of spills to a sewage works.
- Regulate dental amalgam separators.
- Create offences for contraventions.
- Set penalties for contraventions.

A new sewer use bylaw is necessary to fill regulatory gaps, conform to new norms in sewer regulation and promote clarity, administration and compliance

In 2009, the Canadian Council of Ministers of the Environment (CCME) developed a model sewer use bylaw to aid municipalities addressing sources of contaminants discharged into sewer systems. Upon review of the CCME model bylaw, staff recognized the need for additional controls to protect York Region's sewage infrastructure in a manner consistent with current practices.

As part of agreements related to sewage servicing with the neighbouring Regional Municipalities of Peel and Durham, the Region has obligations in relation to enacting and enforcing sewer use bylaws within its jurisdiction. These obligations include using best efforts to control the quality of effluent discharged into Regional infrastructure, ensuring wastewater quality does not adversely affect the system and to ensure the standards under

the bylaw are comparable to sewer use bylaws in the receiving jurisdiction. Updating the current sewer use bylaw to reflect current industry practices supports these obligations.

Through ongoing enforcement of the current sewer use bylaw, the Environmental Services Sewer Use Compliance Team has identified some areas for improvement in the current bylaw. As well, various Regional initiatives and external regulatory influences developed in the past few years, such as the Lake Simcoe Protection Plan and the CCME Municipal Wastewater Effluent Strategy, have justified a comprehensive review of the current bylaw.

After an evaluation of the current bylaw, opportunities for enhancement were identified, including:

- Importing appropriate provisions adapted from the CCME model sewer use bylaw to institute conformity with the CCME model sewer use bylaw.
- Providing authority to the Commissioner of Environmental Services to act on behalf of the Region under the bylaw and to delegate this power.
- Clarifying wording to address ambiguities.
- Clarifying requirements for construction dewatering activities.
- Regulating the installation and use of food waste grinders.
- Augmenting and refining enforcement powers.
- Strengthening penalties.

The most effective method of implementing these improvements would be to enact a new sewer use bylaw based on the structure and principles of the current bylaw.

4. ANALYSIS AND OPTIONS

A comprehensive review was conducted to develop the Sewer Use Bylaw

A number of Regional departments participated in developing the Sewer Use Bylaw and offered a variety of perspectives. The Sewer Use Bylaw Enforcement Unit (Environmental Services) consulted with other Environmental Services staff including staff in the Environmental Promotion and Protection Branch, Operations Maintenance and Monitoring Branch and Strategy and Business Planning Branch, as well as staff in the Long Range and Strategic Planning Branch (Planning and Development Services), the Legal Services Branch (Corporate Services) and the Court Services Branch (Corporate Services).

The sewer use bylaws of other Ontario municipalities were also reviewed as part of this process to ensure amendments to the current sewer use bylaw accord with the practices of neighbouring jurisdictions, such as the Regions of Peel, Durham and the City of Toronto.

This work was undertaken in conjunction with the review of the Sewer Use Compliance Program to ensure the Sewer Use Bylaw would address the needs of the enhanced program.

The Sewer Use Bylaw is clearer and improves administration and enforcement

The proposed Sewer Use Bylaw is set out in *Attachment 1*. The underlying framework remains largely unchanged, but numerous improvements have been incorporated.

The principal improvements introduced by the Sewer Use Bylaw are summarized by topic area below. A more detailed summary of the significant changes between the proposed Sewer Use Bylaw and the current bylaw is set out in *Attachment 3*.

Improved clarity:

- An introductory paragraph or preamble has been added to provide context for the Sewer Use Bylaw and describe its purpose.
- New definitions have been added and existing definitions have been clarified.
- Discharger responsibility for sampling and ensuring an on-site maintenance access hole is available has been clarified.
- A new section highlights how information collected under the Sewer Use Bylaw will be handled and addresses disclosure requirements under freedom of information and privacy legislation.
- The Sewer Use Bylaw clarifies that both direct and indirect discharges to the sewer system are regulated, permitting the Region to regulate discharges that indirectly enter the Regional sewer system from other sources.
- Activities that contravene the Sewer Use Bylaw have been clarified.

Improved administration and flexibility:

- The Sewer Use Bylaw authorizes the Commissioner of Environmental Services to act on behalf of the Region for the purposes of the Sewer Use Bylaw and to delegate this authority with the approval of the Chief Administrative Officer.
- The Commissioner has been authorized to prescribe and amend the form and content of approvals, agreements and other documents necessary for the administration of the Sewer Use Bylaw.
- Requires dischargers to provide the Region with specified information regarding discharges to the sewer system.
- New dischargers (those who initiate a discharge to the sanitary sewer after the date the bylaw is enacted) are required to inform the Region before the first discharge occurs and provide information on the nature of the intended discharge.
- New requirements for the retention and production of maintenance records have been incorporated.
- A new section has been added to direct how documents under the Sewer Use Bylaw are to be formally served.

- The removal of schedules to the current bylaw that contained the form of Waste Survey Reports and surcharge rates, which permits flexibility to set and amend the form of survey reports and to update surcharge rates without amending the Sewer Use Bylaw. The schedule of fees (including fees for surcharge rates) is now included in Bylaw 2010-15 (Fees and Charges Bylaw) and will be subject to regular review and updating. Fees for hauled wastewater are set out in the Hauled Wastewater Program Policy and Associated Fees and Rates Report before Environmental Services Committee on November 9, 2011.

Improved enforcement abilities:

- A rebuttable presumption clause has been added to aid in prosecutions.
- When there is reason to believe a contravention has occurred, an enforcement officer can issue orders that require a discharger to stop a discharge or take corrective action.
- The maximum fines for offences have been increased and a system to recognize situations of continuing and multiple offences has been created.
- A list of “set fines” has been prepared (see *Attachment 2*). Once approved by the Superior Court of Justice (approximately 6-8 weeks after the Sewer Use Bylaw is enacted), enforcement officers will be able to issue tickets under Part I of the *Provincial Offences Act* carrying set fines for certain contraventions.
- The powers of enforcement officers to enter onto property for purposes related to the Sewer Use Bylaw have been expanded and clarified.

Improved protection of infrastructure and the environment:

- Existing restrictions for discharges to the sanitary sewer have been expanded to, among other things, prohibit the discharge of non-contact cooling water, substances causing a hazard or adverse effect and unauthorized discharges of liquids or materials pumped out of catch-basins.
- Clearer regulation of acceptable discharges to storm sewers and land drainage works, including the new prohibition of the discharge of oil and grease, cooling water, non-contact cooling water, any substance or thing that would contravene provincial or federal environmental legislation, and unauthorized discharges of liquids or materials pumped out of catch-basins.
- Discharges from dewatering activities have been expressly regulated, addressing past confusion in this area.
- Discharges of hauled waste and hauled sewage must comply with new Regional procedures that augment existing requirements.
- As part of a compliance program, a discharger may be required to install a pre-treatment facility.
- Should there be a spill to sewage works, more stringent information requirements have been added.
- New and enhanced requirements have been included to address the installation of food-related oil and grease interceptors, vehicle and equipment service oil and grease interceptors and sediment interceptors at industrial and commercial facilities that also specify standards for maintenance and use.

- The installation and replacement of food waste grinders will be prohibited one year after the Sewer Use Bylaw is enacted concurrent with a prohibition on the use of any food waste grinders installed on or after November 17, 2012.
- A number of new prohibitions related to damage or entry to, and tampering with, sewage works.

Environmental Services staff consulted local municipalities and Industry stakeholders on key proposed bylaw changes

In developing the proposed Sewer Use Bylaw, Environmental Services staff undertook a number of activities to communicate and consult with local municipalities, industry stakeholders and other interested parties.

In April 2010, a consultation session was held among staff representing each local municipality, the Environmental Services Sewer Use Compliance Team and the Legal Services Branch to provide information about the proposed Sewer Use Bylaw and as an opportunity for local municipal representatives to provide input on the proposed Sewer Use Bylaw.

Another workshop with local municipalities was held on September 15, 2011 to discuss possibilities for collaboration on sewer use matters and to provide updates on the Sewer Use Bylaw. There was broad representation from Director, Manager and Operations levels from both the Region and local municipalities and positive feedback was received from a number of the participating local municipalities.

Consultation activities with the regulated industrial community took place in October 2010 and again in September 2011. For both sessions, invitations were sent to all industries regulated by the Sewer Use Compliance Program. Twenty-four attendees participated in the October 2010 session and 30 attendees participated in the September 2011 session.

Prior to these sessions, copies of the draft Sewer Use Bylaw and sewer use program Fact Sheet materials were made available for review. Industries were informed of proposed changes to the Sewer Use Bylaw and could ask questions and seek clarification they required.

In addition to the changes proposed by the Sewer Use Bylaw, industry consultation also included discussion of the effects of industrial discharges on Regional infrastructure; problems created by the discharge of fats, oil and grease; information on pollution prevention plans and compliance programs; and the upcoming increase in surcharge rates. Feedback from industry attendees was positive.

Consultation with the Building Industry and Land Development Association (BILD) was conducted on September 29, 2011 specifically on the proposed prohibition of food waste

grinders with new developments. This information and approach was well received and supported by the meeting attendees.

In addition to consultation sessions and workshops, Environmental Services' staff prepared Fact Sheets that were made available on the Region's website and were distributed at consultation sessions. The Fact Sheets provided information on the current bylaw and highlighted proposed amendments; outlined surcharge agreement fees and pollution prevention; and discussed food waste grinders.

Link to Key Council-Approved Plans

In keeping with the 2011 to 2015 Strategic Plan, the updated practices in sewer regulation, new requirements, modified administrative processes and enhanced enforcement tools will better regulate and protect Regional sewage infrastructure. In conjunction with these initiatives the new Sewer Use Bylaw lays the foundation for harmonization of sewer use bylaws across the Region thereby aligning with the Strategic Plan objective of partnering with local municipalities to facilitate the delivery of environmentally sustainable infrastructure. Further, these changes will also serve to protect the quality of surface waters in accordance with Vision 2026.

5. FINANCIAL IMPLICATIONS

Environmental Services staff anticipate monitoring and enforcement will become self sufficient and revenue neutral

The Compliance Program Report contains a detailed discussion on the costs of the enhanced Sewer Use Program. The replacement of the current bylaw with the proposed Sewer Use Bylaw is one component of the enhancements to the Sewer Use Program. Effective implementation and enforcement of the Sewer Use Bylaw will result in higher enforcement and program costs due to the requirement for additional staff time for administration, record keeping, monitoring and enforcement.

Additional cost recovery would be achieved from the increase in surcharge fees for overstrength wastewater (approved in the Compliance Program Report by Regional Council on October 20, 2011 and to be phased in over the next fourteen months), an increase in the number of facilities being subject to surcharge agreements and fees from applications for discharge permits.

Enactment of the proposed Sewer Use Bylaw would assist in taking a proactive approach and preventing and mitigating the premature degradation of Regional and local municipal wastewater infrastructure.

With appropriate fees in place, Environmental Services staff anticipate that the monitoring and enforcement program is anticipated to achieve full cost recovery, be self sufficient and revenue neutral.

6. LOCAL MUNICIPAL IMPACT

Several local municipalities are in the process of updating their own sewer use bylaws and it is anticipated that all local municipalities will harmonize their sewer use bylaws with the Sewer Use Bylaw over the next one to two years. This harmonization will assist with potential coordination of enforcement activities by the Region and local municipalities as noted in the Compliance Program Report. Harmonization will also simplify sewer use requirements for industry.

The Region has performed extensive consultation with local municipalities over the past two years to obtain consensus and feedback on the proposed Sewer Use Bylaw. In late 2009 and early 2010, the Region met individually with each local municipality to explain drivers for changing the current bylaw, examine highlights of the proposed changes, and provide draft copies of the Sewer Use Bylaw. During these discussions, all municipalities agreed to a ban on food waste grinders and to harmonize their respective sewer use bylaws with the proposed Sewer Use Bylaw. It was understood that most local municipalities would use the Sewer Use Bylaw, once enacted, as a foundation and incorporate amendments specific to each local municipality and to address specific concerns as necessary.

The Region also hosted a workshop in April 2010 with all local municipalities to analyse the proposed Sewer Use Bylaw in more detail. Following the workshop, the Region obtained feedback on the proposed Sewer Use Bylaw and made changes where appropriate. Four workshops were also held from January to May 2011 with a task force made up of representatives from both urban and rural local municipalities. The Region also provided updates on the Sewer Use Bylaw at a number of Water and Wastewater Liaison Committee and Steering Committee meetings.

On September 15, 2011, another workshop was held with local municipal staff to discuss the proposed Sewer Use Bylaw and principles for Regional and local municipal collaboration on sewer use programs. Participants included broad representation from Director, Manager and Operations levels from both the Region and local municipalities to ensure buy-in on the path to a successful collaborative sewer use program. Guiding principals and vision statements were developed by all attendees to use as a starting point for a future collaborative sewer use delivery service. These materials will be summarized for future consideration by the Water and Wastewater Liaison Committee and Steering Committee.

7. CONCLUSION

The proposed Sewer Use Bylaw builds upon the existing regulatory framework to accord with updated practices in sewer regulation, adopts new requirements, clarifies language, modifies administrative processes and enhances enforcement tools to better regulate and protect Regional sewer infrastructure.

For more information on this report, please contact Sean Love, Senior Counsel Environmental Law at Ext. 1455.

The Senior Management Group has reviewed this report.

(The three attachments referred to in this clause are attached to this report.)

THE REGIONAL MUNICIPALITY OF YORK

BILL NO. 56

BY-LAW NO. 2011 – [•]

A by-law to regulate the discharge of sewage, storm water and land drainage

WHEREAS Section 11(3)4 of the *Municipal Act, 2001*, S.O. 2001, c. 25 permits a municipality to pass by-laws respecting matters concerning public utilities;

WHEREAS the Council of The Regional Municipality of York deems it desirable to enact a by-law to,

- a) maintain and protect the integrity of Regional infrastructure;
- b) control the quality of sewage entering sewage works and the resulting treated effluent; and
- c) prevent adverse effects to persons, property and the natural environment from discharges to Regional infrastructure,

NOW THEREFORE the Council of The Regional Municipality of York enacts as follows:

1. DEFINITIONS AND INTERPRETATION

1.1. In this by-law,

- a) “accredited laboratory” means any laboratory accredited by an authorized accreditation body in accordance with a standard based on “*ISO/IEC/EN 17025: General Requirements for Competence of Calibration and Testing Laboratories*” established by the International Organization for Standardization, as amended from time to time, or an equivalent standard that is acceptable to the Region;
- b) “biochemical oxygen demand” or “BOD” means the molecular oxygen utilized in a sample, including sewage, storm water, uncontaminated water, and any other substance to which this by-law applies during a 5-day incubation period for the biochemical degradation of organic material (carbonaceous demand), including the oxygen used to oxidize inorganic material such as sulphides, ferrous iron, and where an inhibiting chemical has been added to prevent ammonia oxidation;
- c) “biosolids” include organic solid material recovered from the sewage treatment process;

- d) “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;
- e) “*Building Code Act*” means the *Building Code Act, 1992*, S.O. 1992, c.23, as amended from time to time;
- f) “business day” means a day from Monday to Friday, other than a holiday as defined in section 87 of the *Legislation Act, 2006*, S.O. 2006, c.21 schedule F;
- g) “Chief Administrative Officer” means the Chief Administrative Officer of The Regional Municipality of York;
- h) “combustible liquid” means any liquid having a flash point at or above 37.8 degrees Celsius and below 93.3 degrees Celsius;
- i) “Commissioner” means the Commissioner of Environmental Services of The Regional Municipality of York and his or her designated representatives;
- j) “composite sample” means two or more grab samples of a discharge to the sewage works taken at intervals during the sampling that have been combined automatically or manually;
- k) “contact cooling water” means water that is used in an industrial process, for the purpose of removing heat, that comes into contact with any raw material, intermediate product, waste product or finished product, but does not include blowdown water;
- l) “dewatering activity” means,
 - (i) taking water from a well or otherwise extracting groundwater;
 - (ii) draining water from a permanent or temporary pond or other surface water body, whether natural or man-made;
 - (iii) releasing water previously stored in a tank, tanker truck, vessel, or other means of water storage;
 - (iv) the permanent or temporary alteration of a natural or pre-existing drainage pattern; or
 - (v) any combination of the above-noted activities,where the water from such activity would be discharged to a sewage works and such activity is related to a construction, land development, renovation, repair, maintenance or demolition activity at a property;

- m) “discharge” when used as a verb, includes add, deposit, emit, release or leak and, when used as a noun, includes addition, deposit, emission, release or leak;
- n) “discharger” means a person who is the owner, is in occupation of, or has charge, management or control of a site that discharges to a sewage works, or sewage, storm water, uncontaminated water or other substance or thing to which this by-law applies;
- o) “emergency” means a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise;
- p) “enforcement officer” means a person who has been appointed as such pursuant to section 2.4 of this by-law;
- q) “*Environmental Protection Act*” means the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended from time to time;
- r) “*Fisheries Act*” means the *Fisheries Act*, R.S.C. 1985, c. F-14, as amended from time to time;
- s) “flammable liquid” means a liquid having a flash point below 37.8 degrees Celsius and a vapour pressure not more than 275.8 kPa (absolute) at 37.8 degrees Celsius as determined by the American Society for Testing and Materials D323-99a, “Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method)”;
- t) “food waste grinder” includes a device for the purposes of macerating or grinding garbage and/or food wastes;
- u) “fuel” includes alcohol, gasoline, naphtha, diesel fuel, fuel oil or any ignitable substance intended for use as a fuel;
- v) “grab sample” means a sample of a discharge into a sewage works;
- w) “groundwater” means subsurface water including water held in soil, in pores, cracks or crevices in rocks or as a free standing body beneath the surface;
- x) “hauler” means a person who transports or causes or permits the transport of hauled waste or hauled sewage and includes an employee of the person;

- y) “hailed sewage” includes sewage which is removed from a cesspool, a septic tank system, a privy vault or privy pit, a chemical toilet, a portable toilet, a sewage holding tank or any sewage infrastructure and is transported for discharge, but does not include hailed waste;
- z) “hailed waste” means liquid industrial waste (as this term is defined by Reg. 347) that is transported for discharge and that must be transported with a manifest in accordance with Reg. 347;
- aa) “hazardous waste” includes a waste that is an acute hazardous waste chemical, hazardous industrial waste, hazardous waste chemical, corrosive waste, ignitable waste, pathological waste, reactive waste, radioactive waste, PCB waste, leachate toxic waste or severely toxic waste, or any combination thereof, each as defined by Reg. 347;
- bb) “industrial” means of or pertaining to industry, manufacturing, commerce, trade, business, or institutions as distinguished from residential;
- cc) “land drainage works” includes a drain constructed by any means which is owned by The Regional Municipality of York and located within the limits of a public road allowance or other public lands or public land interests held for public utility purposes which may or may not connect to a storm sewer, and a drain constructed by any means that connects directly or indirectly to a Regional storm sewer or any other drainage works;
- dd) “leachate” means the liquid produced by water or other liquids percolating through waste or by liquid in the waste;
- ee) “maintenance access hole” means an access point in a private sewer connection to a municipal sewage works that allows for the observation, monitoring, sampling, flow measurement and other related activities of the sewage, storm water, uncontaminated water or other substance therein;
- ff) “*Municipal Act, 2001*” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended from time to time;
- gg) “municipality” includes a local board, as that term is defined in the *Municipal Act, 2001*;
- hh) “natural environment” means the air, land and water, or any combination or part thereof;
- ii) “non-contact cooling water” means water that is used in an industrial process, for the purpose of removing heat, that has not come into contact with any raw material, intermediate product, waste product or finished

product of the industrial process other than heat, but does not include blowdown water;

- jj) “*Ontario Water Resources Act*” means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended from time to time;
- kk) “PCBs” means any monochlorinated or polychlorinated biphenyl or any mixture of them or mixture that contains one or more of them and includes PCB waste as defined by R.R.O. 1990, Reg. 362 (Waste Management – PCBs) made under the *Environmental Protection Act*, as amended from time to time;
- ll) “person” includes an individual, association, organization, partnership, municipality or other corporation and includes an agent or employee of any of them;
- mm) “pesticide” means a pesticide as defined by and regulated under the *Pesticides Act*, R.S.O. 1990, c. P.11, as amended from time to time;
- nn) “pollution prevention” means the use of processes, practices, materials or products that avoid, reduce or control pollution, which may include recycling, treatment, process changes, control mechanisms, efficient use of resources and material substitution;
- oo) “property” means any land, whether vacant or occupied by a building or structure and includes such building or structure or part of a building or structure, and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected and includes a site;
- pp) “Reg. 347” means R.R.O. 1990, Reg. 347 (General – Waste Management) made under the *Environmental Protection Act*, as amended from time to time;
- qq) “Region” means The Regional Municipality of York, including enforcement officers and its designated representatives;
- rr) “Regional Solicitor” means the Regional Solicitor for The Regional Municipality of York;
- ss) “sanitary sewer” means any part of the sewage works that is intended to collect and convey sewage to a sewage treatment facility;
- tt) “sewage” means any liquid 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 alone;

- uu) “sewage works” means any works owned by The Regional Municipality of York used for the collection, transmission, treatment or disposal of sewage, storm water or uncontaminated water and includes a sanitary sewer, storm sewer and land drainage works;
- vv) “site” means a property where an industrial activity takes place that is capable of discharging to a sewage works;
- ww) “spill” means a discharge of any substance to a sewage works or to the natural environment which is abnormal in quantity or quality in light of all the circumstances of the discharge;
- xx) “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, as amended from time to time;
- yy) “storm sewer” means any part of the sewage works that is intended to collect and convey storm water, uncontaminated water, surface runoff or drainage from land or from a watercourse or any combination thereof;
- zz) “storm water” includes water from rainfall or other precipitation or from the melting of snow or ice;
- aaa) “substance” means any physical matter, whether solid, liquid or gas;
- bbb) “surcharge agreement” means an agreement made under Part 7 of this by-law;
- ccc) “uncontaminated water” includes,
 - (i) potable water supplied by The Regional Municipality of York to its local municipalities; or
 - (ii) any water that is of a similar quality to potable water from a source other than a municipal water distribution system or a dewatering activity,

to which no substance has been added intentionally or unintentionally, by any person other than the municipality; and,

- ddd) “waste radioactive prescribed substances” means uranium, thorium, plutonium, neptunium, deuterium, their respective derivatives and compounds and such other substances as the Canadian Nuclear Safety Commission, or its successor, may designate as being capable of releasing

atomic energy or as being requisite for the production, use or application of atomic energy.

- 1.2. In this by-law, any reference to a discharge to a sewage works or land drainage works or any part thereof shall be deemed to include a discharge into a place or thing that typically, or can be reasonably expected to, or does in fact result in a discharge into such sewage works or land drainage works or part thereof.

2. AUTHORITY

- 2.1. The Commissioner may act on behalf of the Region for the purposes of this by-law.
- 2.2. Subject to section 2.3, the Commissioner may prescribe the form and content of any approval, authorization, permit, form, policy, procedure or other document in relation to the administration of this by-law and may amend or revise the form and content of such approvals, authorizations, permits, forms, policies, procedures or documents from time to time. The Commissioner may issue any approval, authorization or permit under this by-law as well as any amendments thereto or revocations thereof, on behalf of the Region.
- 2.3. The Commissioner may prescribe the form and content of any agreement permitted under this by-law and may amend or revise the form and content of such agreements from time to time provided that the form is satisfactory to the Regional Solicitor. The Commissioner may enter into and execute such agreements, as well as any amendments thereto, on behalf of the Region.
- 2.4. The Commissioner may appoint and revoke the appointment of employees of the Region to act in the capacity of enforcement officers for the purposes of enforcing this by-law.
- 2.5. The Commissioner may delegate his or her authority under this by-law, including actions authorized under this Part, to any other officer or employee of the Region, so long as such delegation is authorized by the Chief Administrative Officer.

3. SANITARY SEWERS

- 3.1. No person shall discharge or cause or permit the discharge of a substance to a sanitary sewer in circumstances where,
 - a) to do so may cause or result in,
 - (i) a health or safety hazard to a person authorized to inspect, operate, maintain, repair or otherwise work on, in or around a sewage works;

- (ii) a hazard or other adverse effect, to any person, animal, property, vegetation or the natural environment;
 - (iii) an offence under the *Ontario Water Resources Act* or the *Environmental Protection Act* or any regulation made thereunder;
 - (iv) biosolids from the sewage works to which sewage discharges, failing to meet the objectives and criteria set out in the Ministry of the Environment publication entitled "Guidelines for the Utilization of Biosolids and Other Wastes on Agricultural Land" dated March 1996, as amended from time to time;
 - (v) dyes or colouring materials to pass through a sewage works which could discolour the sewage works effluent;
 - (vi) interference with the inspection, operation, maintenance or repair of a sewage works or which may impair or interfere with any sewage treatment process;
 - (vii) an offensive odour to emanate from the sewage works that is detectable within the vicinity of the sewage works, and includes, without limiting the generality of the foregoing, sewage containing hydrogen sulphide, carbon disulphide, other reduced sulphur compounds, amines or ammonia in such quantities as may cause an offensive odour;
 - (viii) damage to a sewage works or any part thereof; or
 - (ix) an obstruction or restriction to the flow in the sanitary sewer;
- b) the sewage has or exhibits,
- (i) a pH less than 6.0 or greater than 10.5;
 - (ii) two or more separate liquid layers; or
 - (iii) a temperature greater than 60 degrees Celsius; or
- c) the sewage contains or is likely to contain,
- (i) combustible liquid;
 - (ii) flammable liquid;
 - (iii) fuel;

- (iv) hauled sewage, except where,
 - (A) the discharger is the hauler of the hauled sewage and is an operator of a waste management system operating under and in accordance with a valid certificate of approval or equivalent instrument, approval or order issued or regulation filed under the *Environmental Protection Act* allowing the operation;
 - (B) a copy of the current certificate of approval or equivalent instrument, approval or order issued or regulation filed under the *Environmental Protection Act* and any amendment thereto is provided to the Region or, where the discharger is claiming an exemption pursuant to a regulation, the discharger has demonstrated to the satisfaction of the Region that the conditions of the exemption are being met;
 - (C) the discharger has successfully registered with the Region for the discharge of hauled sewage and the Region has authorized the discharger's access to the sewage works for this purpose;
 - (D) the discharger complies with all terms, conditions and procedures for a discharge in the approvals referenced in (A) and (B) above and in any policies or programs that may be set by the Region from time to time in respect of hauled sewage; and
 - (E) the discharge otherwise complies with this by-law;
- (v) hauled waste, except where,
 - (A) the discharger is the hauler of the hauled waste and is an operator of a waste management system operating under and in accordance with a valid certificate of approval or equivalent instrument, approval or order issued or regulation filed under the *Environmental Protection Act* allowing the operation;
 - (B) a copy of the current certificate of approval or equivalent instrument, approval or order issued or regulation filed under the *Environmental Protection Act* and any amendment thereto is provided to the Region or, where

the discharger is claiming an exemption pursuant to a regulation, the discharger has demonstrated to the satisfaction of the Region that the conditions of the exemption are being met;

- (C) the conditions set out in sections 23(3)(c) and 25(5)(b) of Reg. 347 are met;
- (D) the discharger has successfully registered with the Region for the discharge of hauled waste and the Region has authorized the discharger's access to the sewage works for this purpose;
- (E) the discharger complies with all terms, conditions and procedures for discharge in the approvals referenced in (A) and (B) above and in any policies or programs that may be set by the Region from time to time in respect of hauled waste; and
- (F) the discharge otherwise complies with this by-law;
 - (vi) hazardous waste;
 - (vii) PCBs;
 - (viii) a pesticide;
 - (ix) waste radioactive prescribed substances;
 - (x) leachate, except where,
 - (A) the discharge is proceeding in accordance with a valid certificate of approval or equivalent instrument, approval or order which has been issued to the discharger or regulation filed under the *Environmental Protection Act* or the *Ontario Water Resources Act* which includes a provision for the disposal of leachate to a sewage works;
 - (B) a copy of the current certificate of approval or equivalent instrument, approval or order issued or regulation filed under the *Environmental Protection Act* or the *Ontario Water Resources Act* and any amendment thereto is provided to the Region or, where the discharger is claiming an exemption pursuant to a regulation, the discharger has demonstrated to the satisfaction of the

Region that the conditions of the exemption are being met;

- (C) the discharger has received prior written approval from the Region to discharge the leachate into the sewage works;
- (D) the discharge otherwise complies with this by-law; and
- (E) in circumstances where the leachate is transported by a hauler for discharge, the leachate is deemed to be hauled waste for the purposes of this by-law and the discharge to the sewage works may only occur where the conditions of section 3.1(c)(v) of this by-law have been satisfied.

(xi) a liquid or material resulting from the pump-out or cleaning of a catch-basin, except where any grit or other contaminants have been removed or reduced to levels acceptable to the Region, and the prior written approval for the discharge has been obtained from the Region; or

(xii) any contaminant at a concentration that exceeds any one or more of the limits in Table 1 as set out in Schedule "A" of this by-law, entitled "Limits for Sanitary Sewer Discharge", except where,

- (A) the discharge is proceeding under and carried out in accordance with and only to the extent expressly permitted by all terms and conditions of a surcharge agreement, compliance program or pollution prevention plan which has been previously authorized or approved in writing by the Region, in its sole discretion, prior to the discharge in accordance with the provisions of this by-law; or
- (B) the discharge is hauled sewage or hauled waste and is proceeding under and carried out in accordance with this by-law and, only to the extent expressly permitted by, all terms, conditions and procedures of any policies or programs permitting the discharge of hauled waste, hauled sewage or leachate to the sewage works.

3.2. No person shall discharge or cause or permit a discharge of storm water, non-contact cooling water, water from a dewatering activity, uncontaminated water or any other water from a source other than a municipal water distribution system to a sanitary sewer, except where,

- a) the Region has given prior written approval for the discharge in accordance with section 3.3 of this by-law; or
- b) the discharge is requested as a result of a situation that the Region, in its sole discretion, considers to be an emergency and the Region has provided prior verbal or written approval for the discharge,

and the person is complying with all terms and conditions of the approval.

3.3. The Region, in its sole discretion, may approve a discharge described in section 3.2 on such terms and conditions as it may deem appropriate, including terms and conditions in respect of protecting the sewage works and other infrastructure, compensating the Region for costs related to the operation or repair of the sewage works, treatment or monitoring of the discharge and facilitating administration of the approval. To assess a proposed discharge under section 3.2(a), the Region must be provided with,

- a) written request to the Region for the proposed discharge which includes,
 - (i) the volume of water to be discharged;
 - (ii) the location of the water source;
 - (iii) the address of the property where the water is being used and from which it is being discharged; and
 - (iv) the details of the proposed discharge in a plan of discharge;
- b) a copy of a valid Permit to Take Water in respect of the taking of the water that would be discharged, where such Permit to Take Water is required by the *Ontario Water Resources Act*; and
- c) payment for any application fees for reviewing a request for a discharge under this section that may be imposed by the Region from time to time.

3.4. For the purposes of this Part, the Region may require a person to provide the Region with plans, specifications, reports, studies, data, analytical results, documentation or other information to the satisfaction of the Region that would enable the Region to assess whether or not an actual or potential discharge may or could contravene Part 3 of this by-law.

4. PROHIBITION OF DILUTION

4.1. 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 3 or Part 5 of this by-law.

5. STORM SEWERS

- 5.1. No person shall discharge or cause or permit the discharge of a substance to a storm sewer or to land drainage works in circumstances where,
- a) the discharge is not storm water or uncontaminated water discharged in accordance with this by-law;
 - b) to do so may cause or result in,
 - (i) interference with the proper operation of a storm sewer or land drainage works;
 - (ii) an obstruction or restriction to a storm sewer or land drainage works or the flow therein;
 - (iii) damage to the storm sewer or land drainage works;
 - (iv) a hazard or other adverse effect to any person, animal, property, vegetation or the natural environment;
 - (v) impairment of the quality of any water including water in any well, aquifer, lake, river, pond, spring, stream, reservoir or other watercourse; or
 - (vi) an offence under the *Ontario Water Resources Act*, the *Environmental Protection Act* or the *Fisheries Act* with respect to the storm sewer or land drainage works and/or the direct or indirect discharge from the storm sewer or land drainage works into any watercourse;
 - c) the water has or exhibits,
 - (i) two or more separate liquid layers;
 - (ii) a visible film, sheen or discoloration;
 - (iii) a temperature greater than 40 degrees Celsius; or
 - (iv) a pH less than 6.0 or greater than 9.0; or
 - d) the water contains, or is likely to contain,

- (i) blowdown water;
- (ii) non-contact cooling water;
- (iii) contact cooling water;
- (iv) water from a dewatering activity;
- (v) combustible liquid;
- (vi) flammable liquid;
- (vii) floating debris;
- (viii) fuel;
- (ix) oil and/or grease;
- (x) hauled sewage;
- (xi) hauled waste;
- (xii) hazardous waste;
- (xiii) PCBs;
- (xiv) pesticides;
- (xv) sewage;
- (xvi) waste radioactive prescribed substances;
- (xvii) leachate;
- (xviii) a substance from raw materials, intermediate or final materials, used or produced in, through or from an industrial process;
- (xix) a substance used in the operation or maintenance of a site;
- (xx) any contaminant at a concentration that exceeds any one or more of the limits in Table 2 as set out in Schedule "A" of this by-law, entitled "Limits for Storm Sewer Discharge"; or
- (xxi) a liquid or material resulting from the pump-out or cleaning of a catch-basin, except where any grit or other contaminants have been removed or reduced to levels acceptable to the Region, and

the prior written approval for the discharge has been obtained from the Region.

- 5.2. Notwithstanding sections 5.1(a), 5.1(d)(ii) and (iv) of this by-law the Region, in its sole discretion, may provide a written approval for a discharge of,
- a) water from a dewatering activity; or
 - b) non-contact cooling water,
- to a storm sewer or land drainage works on such terms and conditions as it may deem appropriate including but not limited to terms and conditions in respect of protecting the sewage works, other infrastructure and the natural environment, standards for parameters in the discharge, volume of the discharge and facilitating administration of the approval.
- 5.3. Where the Region has given prior written approval for a discharge in accordance with section 5.2, a person may discharge non-contact cooling water or water from a dewatering activity to a storm sewer or land drainage works only to the extent permitted by and where the person is complying with all terms and conditions of the prior written approval.
- 5.4. For the purposes of this Part, the Region may require the person to provide the Region with plans, specifications, reports, studies, data, analytical results, documentation or other information to the satisfaction of the Region that would enable the Region to assess whether or not the actual or potential discharge could contravene Part 5 of this by-law.

6. NOTIFICATION AND REPORTING REQUIREMENTS

- 6.1. A discharger shall complete a Discharger Information Report form provided by the Region and submit it to the Region within 30 calendar days of written notification by the Region that such report is required.
- 6.2. Where a discharger or potential discharger will be discharging sewage or causing or permitting the discharge of sewage to a sanitary sewer from a site from which the discharger was not discharging or causing or permitting a discharge of sewage before the date this by-law was enacted the discharger or potential discharger shall notify the Region in accordance with each of the following requirements:
1. Notification shall be received by the Region a minimum of 30 calendar days prior to the commencement of the discharger's operations.
 2. Notification shall be in the form of a completed Discharger Information Report.

3. The discharger shall provide any additional information related to the discharge as the Region may indicate in writing it requires within 15 calendar days of receiving such written notification.

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

7. SURCHARGE AGREEMENT

- 7.1. The Region, in its sole discretion, may enter into a surcharge agreement in accordance with this Part with a discharger to permit the discharge of sewage into a sanitary sewer that would otherwise be prohibited by this by-law, to the extent permitted by the surcharge agreement.
- 7.2. A surcharge agreement referred to in section 7.1 may only be made with respect to the following parameters in sewage: biochemical oxygen demand (BOD5), total kjeldahl nitrogen, total phosphorus, phenolic compounds (4AAP), total suspended solids, oil and grease - animal/vegetable (solvent extractables), or any combination thereof.
- 7.3. The Region may include whatever terms and conditions it deems appropriate in a surcharge agreement, including but not limited to terms and conditions in respect of protecting the sewage works and other infrastructure, verifying the average concentration of any parameter permitted by section 7.2, verifying volumes of a discharge, to refine a surcharge fee based on a flow differential, facilitating the administration of the surcharge agreement and compensation to the Region for the additional costs related to a surcharge agreement and associated discharges, including costs related to administering the agreement and costs related to additional inspection, monitoring, sampling and analysis and treatment of the discharge and related to operation and repair of the sewage works.
- 7.4. Without restricting the generality of the foregoing, the surcharge fees payable by a discharger under a surcharge agreement shall be calculated by the following formula for each parameter subject to the surcharge agreement:

$$S_p = (C_p - L_p) \times V \times R_p \div 1000$$

where,

S_p = the surcharge fee payable for a parameter during a given time period [\$]

C_p	=	the average concentration of the parameter in discharges during the time period [mg/L]
L_p	=	the concentration limit of the parameter listed in Table 1 of Schedule "A" [mg/L]
V	=	the volume of discharge during the time period [m ³]
R_p	=	the applicable surcharge rate for the parameter [\$/kg]
1000	=	a conversion factor

- 7.5. Notwithstanding section 6.3, where a discharger has entered into a surcharge agreement, any change in the information provided to the Region in the Discharger Information Report shall be submitted to the Region a minimum of 30 calendar days prior to the change to allow sufficient assessment of the impact of the change on the surcharge agreement.
- 7.6. A surcharge agreement shall not be assignable or transferrable by the discharger without the express written approval of the Region.
- 7.7. Any surcharge agreement that was executed by the Region before the day this by-law is enacted and has not expired will continue to remain in force unless the agreement is terminated by the Region in accordance with section 7.8 of this by-law or by the discharger in accordance with the appropriate provisions of the surcharge agreement.
- 7.8. The Region may terminate a surcharge agreement by giving written notice to the discharger,
- at any time and for any reason whatsoever regardless of the state of compliance with the surcharge agreement upon a minimum of 90 calendar days written notice to the discharger;
 - at any time where, in the opinion of the Region, there is an immediate threat or danger to any person, animal, the natural environment, property or vegetation, in which case the termination shall be effective immediately upon receipt of the written notice of termination;
 - at any time where, in the opinion of the Region, a discharge in accordance with the agreement causes or may cause an adverse effect to the sewage works, in which case the termination shall be effective immediately upon receipt of written notice of termination; or
 - as may be further provided for in a surcharge agreement.

8. COMPLIANCE PROGRAM

- 8.1. A discharger may submit to the Region, or submit and resubmit where required by the Region, a proposed compliance program to prevent, reduce or control a discharge of sewage which does not comply with the requirements of this by-law from the discharger's site into a sewage works.
- 8.2. Upon receipt and review of a proposed compliance program pursuant to section 8.1 the Region, at its sole discretion, may issue a compliance program approval with such terms and conditions the Region deems to be appropriate for any discharge which would otherwise not comply with this by-law. A non-compliant discharge authorized under an approval is only authorized in the amount and to the extent set out in the approval, during the planning, design, construction and installation of facilities or works necessary to implement the approved compliance program.
- 8.3. The compliance program shall include, but is not limited to, the following conditions or requirements:
 1. The term of the compliance program shall be for a specified length of time during which time the discharger shall implement the corrective or remedial actions set out in the compliance program to eliminate non-compliance.
 2. Corrective or remedial actions to be implemented by the discharger to prevent, reduce or control a discharge shall be specific, including the dates of commencement and completion of such actions, and the materials or other characteristics of the subject to which it relates.
 3. The final action completion date shall not be later than the final compliance date in the compliance program.
 4. A progress reporting requirement to the Region within a specified period of time of the scheduled completion date of each action listed in the compliance program.
- 8.4. The Region may terminate the compliance program by giving written notice to the discharger,
 - a) at any time and for any reason whatsoever regardless of the state of compliance with the approved compliance program upon a minimum of 30 calendar days written notice to the discharger;
 - b) at any time where, in the opinion of the Region, there is an immediate threat or danger to any person, animal, the natural environment, property,

vegetation, in which case the termination shall be effective immediately upon receipt of the written notice of termination;

- c) at any time where, in the opinion of the Region, a discharge in accordance with the approved compliance program causes or may cause an adverse effect to the sewage works, in which case the termination shall be effective immediately upon receipt of the written notice of termination; or
- d) at any time where, in the opinion of the Region, the discharger fails or neglects to implement or pursue implementation of the actions required under the approved compliance program or otherwise fails to comply with the terms and conditions of an approval, in which case the termination shall be effective immediately upon receipt of the written notice of termination.

8.5. Where required by the Region pursuant to an approved compliance program, the discharger shall install at the site, and prior to the sampling point, a wastewater pretreatment facility at the discharger's expense and shall ensure,

- a) the design, installation, operation and maintenance of the pretreatment facility achieves the treatment objectives established by the approved compliance program and is in accordance with the manufacturer's guidance and recommendations;
- b) any waste products from the pretreatment facility are disposed of in a manner which is safe and in accordance with all applicable laws; and
- c) all documentation pertaining to the pretreatment facility and waste disposal shall be made available to an enforcement officer, and upon request, copies are provided in the requested manner and format at no charge to the Region. This documentation shall be kept on site for,
 - (i) a minimum of two years, in the case of operational and maintenance documents or records, documents relating to waste disposal, records of sampling and analysis results; and
 - (ii) permanently, in the case of all up to date plans, drawings or operational manuals relating to the facility and documents pertaining to any modifications made to the facility.

8.6. A discharger who is the subject of an approved compliance program in accordance with this Part shall not be prosecuted for a contravention under Part 3 of this by-law for the discharge of sewage to the extent set out in the approved compliance program during the term of the approved compliance program, provided that such discharge is in compliance with the approved compliance program.

9. SAMPLING AND ANALYTICAL REQUIREMENTS

- 9.1. A discharger, at the discharger's expense, shall install or ensure there is installed a maintenance access hole for each direct or indirect connection from its site to a sewage works for the purpose of observation, sampling and measurement of the flow of discharges therein in accordance with the requirements of this Part.
- 9.2. Notwithstanding section 9.1, where the installation of a maintenance access hole is not possible or is not acceptable to the Region, an alternative device or facility may be substituted with the prior written approval of the Region.
- 9.3. A discharger, at the discharger's expense, shall maintain in good repair each maintenance access hole, alternative device or facility for the purposes of section 9.1 and, when necessary, shall replace a maintenance access hole, alternative device or facility.
- 9.4. The maintenance access hole, alternative device or facility shall be,
 - a) located on the site of the discharger, unless the Region provides written approval for a different location;
 - b) designed and constructed in accordance with good engineering practice, in a manner acceptable to the Region; and
 - c) accessible at any time to the Region for the purpose of observation, sampling and measurement of the flow of discharges therein.
- 9.5. The Region, by written notice, may require a discharger, at the discharger's expense, to monitor, sample and/or analyze, in accordance with the procedures and methods set out in Standard Methods and through an accredited laboratory, one or more discharges from a site and submit the analysis, results and/or the samples to the Region by the date set out in the notice.
- 9.6. The Region may establish non-compliance with this by-law on the basis of a grab sample or a composite sample of a discharge, which may contain additives for its preservation, that may be collected manually or by using an automatic sampling device, and analyzed in accordance with the procedures and methods set out in Standard Methods.
- 9.7. For each of the metals whose concentration is limited in Table 1 or Table 2 of Schedule "A", the analysis shall be for the quantity of total metal, which includes all metal both dissolved and particulate.

10. SPILLS

- 10.1. In the event of a spill to a sewage works, the person with charge, management or control of the substance spilled or the person who caused or permitted the spill shall immediately notify the Region, provide any information with respect to the spill which the Region advises it requires and complete any work the Region may require to mitigate the spill.
- 10.2. Notwithstanding section 10.1, the person who gave notice under that section shall do everything possible to stop and contain the spill, protect the health and safety of the public and adjacent occupants, minimize damage to property, protect the natural environment, mitigate actual and potential impacts, clean-up the spill and remediate and restore the affected area to its condition prior to the spill event.
- 10.3. Within 5 calendar days after the first occurrence of the spill, the person who gave notice under section 10.1 shall provide a written report on the spill to the Region containing information to the best of the person's knowledge including,
 - a) location where the spill occurred;
 - b) name and phone number of person who reported the spill and location where such person can be contacted;
 - c) date and time of spill;
 - d) substance that was spilled;
 - e) physical and chemical characteristics of the spilled substance;
 - f) volume of the substance spilled;
 - g) duration of spill event;
 - h) any relevant information regarding the cause of the spill or the circumstances surrounding the spill event;
 - i) work completed, in progress and/or to be undertaken to mitigate the spill;
 - j) preventative actions being taken to ensure the situation does not occur again; and
 - k) any other information the Region may indicate it requires in relation to the spill.

- 10.4. If a person to whom this Part applies is not able to provide or otherwise does not provide all of the information required by sections 10.1 and 10.3, the person shall take all reasonable steps to ascertain the missing information and provide it immediately to the Region.
- 10.5. If a person to whom this Part applies becomes aware that any information provided to the Region pursuant to sections 10.1 and 10.3 was inaccurate or is no longer accurate, the person shall immediately notify the Region of the inaccuracy and provide corrected information.
- 10.6. The spill reporting requirements set out in this Part are in addition to and do not replace any other reporting obligations imposed upon a person by federal or provincial legislation.

11. POLLUTION PREVENTION PLAN

- 11.1. The Region may, by written notice, require a discharger to develop a pollution prevention plan for the discharge of one or more of any of the parameters listed in Table 1 as set out in Schedule “A” of this by-law or any other parameter that may be designated by the Region with respect to the site from which the discharge occurs, where,
- a) the discharger is or has been out of compliance with Part 3 (Sanitary Sewers);
 - b) the discharger is or has been out of compliance with Part 5 (Storm Sewers);
 - c) the discharger is or has been in an approved compliance program with the Region; or
 - d) the discharger is or has been responsible for one or more spill(s) to a sewage works.
- 11.2. A pollution prevention plan shall comply with any guidelines that the Region may establish from time to time.
- 11.3. A pollution prevention plan shall be completed by the discharger and submitted to the Region for approval within 6 months of notification by the Region that a pollution prevention plan is required.
- 11.4. The discharger shall keep a copy of the most current approved pollution prevention plan at the site in respect of which it was prepared and shall make the approved pollution prevention plan available for review by an enforcement officer and, upon request, shall provide a copy of the approved pollution prevention plan in the requested manner and format at no charge to the Region.

- 11.5. The Region may exempt a discharger from the requirements to develop a pollution prevention plan where the discharger has implemented and maintains a currently registered ISO 14001 Program which is accredited by the Standard Council of Canada or the Registrar Accreditation Board and which is currently accredited by a third party auditor. If such an exemption is made, the discharger shall keep a copy of the registered ISO 14001 Program at the site and shall make it available for review by an enforcement officer and, upon request, shall provide a copy in the requested manner and format, at no charge to the Region.

12. CONFIDENTIAL INFORMATION

- 12.1. All information submitted to and collected by the Region under the authority of this by-law, including but not limited to information in or obtained through Discharger Information Reports, pollution prevention plans, compliance programs, surcharge agreements, applications, inspection, monitoring or sampling activities will, except where 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, 2001*, S.O. 2001, c. 25 ("MFIPPA").
- 12.2. In the event that any person is submitting information, in any form, to the Region as required under this by-law where such information is confidential or proprietary or otherwise may be exempt from disclosure under MFIPPA the person submitting the information shall so identify that information upon its submission to the Region and shall provide sufficient details as to the reason for its purported exemption from disclosure.

13. DENTAL WASTE AMALGAM SEPARATORS

- 13.1. Every person who owns or operates a dental practice shall comply with the *Dentistry Act, 1991*, S.O. 1991, c. 24, and the regulations made thereunder, as amended from time to time, for the management and disposal of amalgam waste.
- 13.2. A maintenance schedule and record of maintenance shall be made available for review by the enforcement officer and, upon request, a copy shall be provided to an enforcement officer in the manner and format requested, at no charge to the Region, for each dental amalgam separator installed.
- 13.3. A record of inspection and any documentation evidencing the installation of a dental amalgam separator shall be provided to an enforcement officer upon request and, upon request, a copy of the documentation shall be provided in the requested manner and format at no charge to the Region.

14. FOOD RELATED OIL AND GREASE INTERCEPTORS

- 14.1. Every discharger whose site is, or contains, a restaurant or other industrial premises where food is cooked, processed or prepared shall take all necessary measures to ensure that oil and grease are prevented from discharging to,
- a) a sanitary sewer in excess of the limits in Table 1 as set out in Schedule “A” of this by-law; or
 - b) a storm sewer or land drainage works.
- 14.2. A discharger to whom this Part applies shall install, operate, and properly maintain, in accordance with the requirements of this Part, an oil and grease interceptor in any piping system at its site that connects directly or indirectly to a sewage works.
- 14.3. The installation and operation of each oil and grease interceptor shall be,
- a) in compliance with the most current requirements of the *Building Code Act* and its regulations; and
 - b) in accordance with the requirements of the Canadian Standards Association national standard CAN/CSA B481, as amended from time to time.
- 14.4. The discharger shall ensure all oil and grease interceptors are maintained in good working order, including the requirements that every oil and grease interceptor shall,
- a) be tested and maintained in accordance with the requirements of CAN/CSA B481, as amended from time to time;
 - b) have the maintenance requirements posted at the site in a conspicuous location in proximity to the oil and grease interceptor; and
 - c) be cleaned before the thickness of the organic material and solids residuals becomes greater than twenty-five percent of the available volume, with a cleaning frequency of at least once every four weeks.
- 14.5. The discharger must provide the maintenance schedule and record of maintenance for each oil and grease interceptor to an enforcement upon request and, upon request, a copy shall be provided to an enforcement officer in the manner and format requested at no charge to the Region, and must keep documentation of proof of interceptor clean-out and oil and grease disposal at the site for a minimum of two years.

- 14.6. Where a discharger fails to adequately maintain the oil and grease interceptor to the satisfaction of the Region, the Region may require an alarmed monitoring device or such other device to be installed at the site, which the discharger shall then install at its expense, in accordance with specifications of CAN/CSA B481, as amended from time to time.
- 14.7. No discharger shall discharge or cause or permit the discharge of emulsifier to a sewage works to which this Part applies.
- 14.8. No discharger shall use or cause or permit the use of enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of oil and grease through an interceptor to which this Part applies.

15. VEHICLE AND EQUIPMENT SERVICE OIL AND GREASE INTERCEPTORS

- 15.1. Every discharger whose site is a vehicle or equipment service station, repair shop, garage or other industrial premises where motor vehicles are repaired, lubricated, washed or maintained shall take all necessary measures to ensure that oil and grease are prevented from discharging to,
 - a) a sanitary sewer in excess of the limits in Table 1 as set out in Schedule “A” of this by-law; or
 - b) a storm sewer or to land drainage works.
- 15.2. A discharger to whom this Part applies shall install, operate and properly maintain, in accordance with the requirements of this Part, an oil and grease interceptor in any piping system at its site that connects directly or indirectly to a sewage works.
- 15.3. Each oil and grease interceptor required to be installed under this Part shall be installed in compliance with the most current requirements of the *Building Code Act* and its regulations.
- 15.4. The discharger shall ensure all oil and grease interceptors are maintained in good working order, including the requirements that every oil and grease interceptor shall,
 - a) be maintained as recommended by the Canadian Petroleum Products Institute and in accordance with the manufacturer’s guidance and recommendations;
 - b) be inspected regularly to ensure performance is maintained and to ensure the surface oil, grease and sediment levels do not exceed the recommended level; and

- c) have the maintenance requirements posted at the site in a conspicuous location in proximity to the oil and grease interceptor.
- 15.5. The discharger must provide the maintenance schedule and record of maintenance for each oil and grease interceptor to an enforcement officer upon request and, upon request, a copy shall be provided to an enforcement officer in the manner and format requested at no charge to the Region, and must keep documentation of proof of interceptor clean-out and oil and grease disposal at the site for a minimum of two years.
- 15.6. Where a discharger fails to adequately maintain the oil and grease interceptor to the satisfaction of the Region, the Region may require an alarmed monitoring device or such other device be installed at the expense of the discharger.
- 15.7. No discharger shall discharge or cause or permit the discharge of emulsifier to a sewage works to which this Part applies.
- 15.8. No discharger shall use or cause or permit the use of enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of oil and grease through an interceptor to which this Part applies.

16. SEDIMENT INTERCEPTORS

- 16.1. Where sediment may be discharged to a sewage works from the site of a discharger, including but not limited to sites using a ramp drain or area drain and vehicle wash establishments, the discharger shall take all necessary measures to ensure that such sediment is prevented from discharging to a drain or a sewage works in excess of the limits in Table 1 as set out in Schedule “A” of this by-law.
- 16.2. A discharger shall ensure any catch-basin installed on its site for the purpose of collecting storm water and carrying it into a storm sewer or land drainage works is equipped with a sediment interceptor and the installation of each catch-basin shall comply with the Region’s standard construction specifications and drawings.
- 16.3. A discharger shall ensure that all sediment interceptors are maintained in good working order, including the requirements that every sediment interceptor shall be,
 - a) maintained in accordance with the manufacturer’s guidance and recommendations; and
 - b) inspected regularly to ensure performance is maintained to the manufacturer’s specifications.

- 16.4. The discharger must provide the maintenance schedule and record of maintenance for each sediment interceptor to an enforcement officer upon request and, upon request, a copy shall be provided to an enforcement officer in the manner and format requested at no charge to the Region, and must keep documentation of interceptor clean-out and sediment disposal at the site for a minimum of two years.

17. FOOD WASTE GRINDERS

- 17.1. No person shall install or replace any food waste grinding device at a property from which the effluent could discharge into a sewage works, unless the food waste grinding device was installed or replaced before November 17, 2012.
- 17.2. No person shall operate or otherwise use a food waste grinder from which the effluent could discharge into a sewage works, except where the food waste grinder was in place prior to November 17, 2012.

18. PROTECTION OF SEWAGE WORKS

- 18.1. No person shall alter, damage, tamper with, move, remove, destroy or deface, or cause or permit the altering, damaging, tampering with, moving, removal, destroying or defacing, of any permanent or temporary equipment,
- a) installed in any part of a sewage works; or
 - b) installed in or around any maintenance access hole, device or facility with a connection into the maintenance access hole, device or facility without the prior written permission of the Region.
- 18.2. Any person discharging or causing or permitting the discharge of a substance to the sewage works shall be responsible for ensuring that the discharge complies 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 the discharge, including the cost of repairing or replacing any part of the sewage works damaged thereby and for any damage or injury to any person or property caused by such discharge.
- 18.3. No person shall enter the sewage works unless specifically authorized by the Region in writing.
- 18.4. No person shall remove or tamper with, or cause or permit the removal of or tampering with, any maintenance access hole cover or other opening into the sewage works unless specifically authorized by the Region in writing.

19. REBUTTABLE PRESUMPTION

- 19.1. In a prosecution by the Region for a contravention of this by-law, unless rebutted by evidence to the contrary on a balance of probabilities, a person who owns, is in occupation of or who has charge management or control of a property from which a discharge occurs or who has charge, management or control of sewage, storm water, uncontaminated water or other substance regulated by this by-law shall be presumed to have discharged or caused or permitted a discharge.

20. SERVICE

- 20.1 Where a notice, document, record or other information is required to be provided or given under this by-law any document given or served under this by-law is sufficiently given or served by a party when,
- a) delivered personally or by courier;
 - b) sent by ordinary, prepaid mail addressed to the last known address for the person appearing on the records of the Region or the local municipality, as the case may be; or
 - c) sent by e-mail or fax.
- 20.2. An order issued under Part 21 may be served personally or served by sending it by ordinary, prepaid mail to the last known address of,
- a) the person to whom the order is issued; or
 - b) where the identity of the person cannot be ascertained, to the property of the discharger.
- 20.3. If the person to whom the notice, order, document, record or other information is required to be provided or given under this by-law is a corporation, service under section 20.1 or 20.2 shall be effected,
- (a) in the case of a municipal corporation by,
 - (i) delivering the notice, order, document, record or other information personally to the mayor, warden, reeve or other chief officer of the corporation or to the clerk of the municipal corporation, or
 - (ii) mailing the notice, order, document, record or other information by registered mail to the municipal corporation at an address held out by it to be its address;
 - (b) in the case of any corporation, other than a municipal corporation, incorporated or continued by or under applicable legislation by,

- (i) delivering the notice, order, document, record or other information personally to the manager, secretary or other senior officer of the corporation or person apparently in charge of a branch office of the corporation, or
 - (ii) mailing the notice, order, document, record or other information by registered mail to the corporation at an address held out by it to be its address;
- (c) in the case of corporation not incorporated or continued by or under applicable legislation by,
 - (i) a method provided under section 20.3(b),
 - (ii) delivering the notice, order, document, record or other information personally to the corporation's resident agent or agent for service or to any other representative of the corporation in Ontario, or
 - (iii) mailing the notice, order, document, record or other information by registered mail to a person referred to in clause (ii) or to an address outside Ontario, including outside Canada, held out by the corporation to be its address.

20.4. Service under sections 20.1, 20.2 and 20.3 is deemed to be effected as follows:

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

20.5. Despite section 20.4, deemed service may be rebutted by the person deemed served by proving, on a balance of probabilities, that the person did not receive the notice, document, record or other information until a date other than the deemed service date or not at all due to a cause beyond the person's control.

21. ENFORCEMENT OFFICER ORDERS

21.1. Where an enforcement officer has reason to believe that a contravention of this by-law has occurred, the enforcement officer may issue and serve an order requiring the person who has contravened the by-law or who has caused or permitted the contravention or the owner or occupier of the property on which contravention of the by-law occurred to discontinue the contravening activity.

- 21.2. Where an enforcement officer has reason to believe that a contravention of this by-law has occurred, the enforcement officer may make an order requiring the person who has contravened the by-law or who has caused or permitted the contravention or the owner or occupier of the property on which contravention of the by-law occurred to do work to correct the contravention.
- 21.3. Where a person is issued an order described under section 21.1 or 21.2 and in the opinion of the Region fails to do a matter or thing required by the order by the date specified in the order, the Region may cause the matter or thing set out in the order to be done at the person's expense.
- 21.4. For the purpose of doing any matter or thing under section 21.3, employees of the Region and any contractor, consultant or other person authorized by the Region may enter upon the property referred to in the order at any reasonable time.
- 21.5. In accordance with section 446 of the *Municipal Act, 2001* the Region may recover the cost of doing a matter or thing under section 21.3 from the person directed or required by order to do the matter or thing by action or by requesting the costs be added to the tax roll of the applicable local municipality and that such costs be collected in the same manner as property taxes.
- 21.6. In addition to the methods of service in Part 20 the enforcement officer may place a placard containing the terms of the order in a conspicuous place at the property and the placing of the placard shall be deemed to be sufficient service of the order on the person or persons to whom it is directed.
- 21.7. The power of an enforcement officer to issue an order under this Part includes the power to amend or revoke such orders.

22. OFFENCES

- 22.1. Every person who contravenes any provision of this by-law is guilty of an offence.
- 22.2. Every person who fails to comply with an order issued under Part 21 of this by-law is guilty of an offence.

23. PENALTIES

- 23.1. If an order has been issued under Part 21 of this by-law, and the order has not been complied with, the contravention of the order shall be deemed to be a continuing offence for each day or part of a day that the order is not complied with.

- 23.2. Every person convicted of an offence under this by-law is liable,
- a) on a first conviction, to a fine in an amount of not more than \$25,000;
 - b) on any subsequent conviction, to a fine of not more than \$50,000;
 - c) upon conviction for a continuing offence, to a fine of not more than \$10,000 for each day or part of a day that the offence continues, however the total of the daily fines is not limited to \$50,000; and
 - d) upon conviction for a multiple offence, for each offence included in the multiple offence, to a fine of not more than \$10,000, however the total of all fines for each included offence is not limited to \$50,000.
- 23.3. If the person convicted of an offence under this by-law is a corporation, then the corporation is liable,
- a) on a first conviction to a fine in an amount of not more than \$50,000;
 - b) on any subsequent conviction to a fine of not more than \$100,000;
 - c) upon conviction for a continuing offence, to a fine of not more than \$10,000 for each day or part of a day that the offence continues, however the total of the daily fines is not limited to \$100,000; and
 - d) upon conviction for a multiple offence, for each offence included in the multiple offence, to a fine of not more than \$10,000, however the total of all fines for each included offence is not limited to \$100,000.
- 23.4. In this by-law, “multiple offence” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this by-law.
- 23.5. In this by-law, “subsequent conviction” means a conviction for an offence where the offence occurs after the date of conviction for an earlier offence under this by-law, By-law S-0064-2005-009 or By-law S-057-92-155.

24. POWER OF ENTRY, INSPECTION AND ENFORCEMENT

- 24.1. The Region may enter upon any part of a property at any reasonable time, to inspect the discharge of any substance into the sewage works and may conduct tests and take samples of the discharge.
- 24.2. The Region's power of entry described in section 24.1 may be exercised by an employee, officer or agent of the Region, including an enforcement officer.

- 24.3. Enforcement officers may enter upon any part of a property at any reasonable time, to carry out inspections in order to determine compliance with and/or enforce,
- a) this by-law;
 - b) a surcharge agreement, compliance program or pollution prevention plan approved or authorized under this by-law;
 - c) an order issued under this by-law;
 - d) any other approval issued by the Region under Part 3 or Part 5 of this by-law to permit the discharge of a substance that would otherwise be prohibited by this by-law; or
 - e) an order made under section 431 of the *Municipal Act, 2001*.
- 24.4. An enforcement officer may enter any part of a property at any reasonable time to undertake an inspection pursuant to an order issued under section 438 of the *Municipal Act, 2001*.
- 24.5. When entering a property in accordance with Part 21 or sections 24.1 or 24.3 of this by-law the person exercising the power of entry,
- a) shall provide identification to any person requesting identification during the course of the inspection;
 - b) may be accompanied by a person or persons under his or her direction; and
 - c) shall not enter or remain in any room or place actually used as a dwelling unless one of the conditions set out in section 437 of the *Municipal Act, 2001* are met.
- 24.6. When entering a property in accordance with Part 21 or sections 24.1, 24.3 or 24.4 of this by-law the exercise of such powers shall be limited to reasonable times, unless an emergency situation requires otherwise.
- 24.7. For the purposes of an inspection to determine compliance with this by-law or any order issued under this by-law or to otherwise enforce this by-law an enforcement officer may,
- a) access or require any person being inspected to provide access to any drain pipe, maintenance access hole, catch-basin or other discharge point connecting, directly or indirectly, to the sewage works, whether owned

privately or by a municipality, including by making or requiring necessary excavations;

- b) require that any thing be operated, used or set in motion under conditions specified by an enforcement officer;
- c) sample, collect, test or measure any substance, thing, parameter or discharge, and install, test, use, read and maintain any equipment or device for such purpose;
- d) make and record observations, such as by taking photographs, notes, video recordings and sound recordings;
- e) require any person to respond to reasonable inquiries concerning a matter related to the inspection, orally or in writing;
- f) require any person to produce for inspection any documents or things relevant to the inspection;
- g) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts; and
- h) do such other things that are reasonably necessary for an enforcement officer to effectively carry out the inspection.

24.8. A demand by an enforcement officer to respond to reasonable inquiries under section 24.6(e) or to produce documents under section 24.6(f) may be made by telephone, letter or e-mail and such demand shall be deemed to be made in the course of an inspection.

24.9. The Region shall restore the property to its original condition in so far as is practicable and shall provide compensation for any damages caused by the entry or by anything done on the land, except where the entry is pursuant to section 21.4 of this by-law.

24.10. No person shall refuse or neglect to give, produce or deliver any access, information, document or other thing that is requested by an enforcement officer carrying out an inspection.

24.11. No person shall hinder or obstruct or attempt to hinder or obstruct the Region, its enforcement officers, employees or agents from carrying out any powers or duties under this by-law.

25. LIMITATION

25.1. 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.

25.2. This by-law shall not apply to discharges, activities or matters undertaken by the Region.

26. SEVERABILITY

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

27. SCHEDULES

27.1 Schedule "A" forms part of this by-law.

28. REPEAL

28.1 By-law S-0064-2005-009 and all amendments thereto are hereby repealed.

ENACTED AND PASSED this _____ day of _____

Regional Clerk

Regional Chair

SCHEDULE “A”

Table 1 - Limits for Sanitary Sewer Discharge

Type of Parameter	Parameter	Limit
Conventional	Biochemical Oxygen Demand (BOD)	300 mg/L
	Total Kjeldahl Nitrogen	100 mg/L
	Oil & Grease – Mineral & Synthetic	15 mg/L
	Oil & Grease – Animal and Vegetable	150 mg/L
	Phenolics (4AAP)	1 mg/L
	Phosphorous (Total)	10 mg/L
	Suspended Solids (Total)	350 mg/L
Other	Cyanide (Total)	2 mg/L
	Fluoride	10 mg/L
	Sulphate	1500 mg/L
Metals	Aluminum (Total)	50 mg/L
	Antimony (Total)	5 mg/L
	Arsenic (Total)	1 mg/L
	Cadmium (Total)	0.7 mg/L
	Chromium (Total)	2 mg/L
	Cobalt (Total)	5 mg/L
	Copper (Total)	3 mg/L
	Lead (Total)	1 mg/L
	Manganese (Total)	5 mg/L
	Mercury (Total)	0.01 mg/L
	Molybdenum (Total)	5 mg/L
	Nickel (Total)	2 mg/L
	Selenium (Total)	1 mg/L
	Silver (Total)	5 mg/L
	Tin (Total)	5 mg/L
	Titanium (Total)	5 mg/L
	Zinc (Total)	2 mg/L
Organics	Benzene	10 ug/L
	Chloroform	40 ug/L
	1,2 –dichlorobenzene	50 ug/L
	1,4 –dichlorobenzene	80 ug/L
	Cis-1,2 –dichloroethylene	4,000 ug/L

	Trans- 1,3 – dichloropropylene	140 ug/L
	Ethylbenzene	160 ug/L
	Methylene chloride	2,000 ug/L
	1,1,2,2 –tetrachloroethane	1,400 ug/L
	Tetrachloroethylene	1,000 ug/L
	Toluene	270 ug/L
	Trichloroethylene	400 ug/L
	Xylenes (Total)	1,400 ug/L
	Di-n-butyl phthalate	80 ug/L
	Bis (2-ethylhexyl) phthalate	12 ug/L
	PCBs	1 ug/L
	Methyl Ethyl Ketone	8000 ug/L
	Styrene	200 ug/L
	Nonylphenols	20 ug/L
	Nonylphenol ethoxylates	200 ug/L

Table 2 - Limits for Storm Sewer Discharge

Type of Parameter	Parameter	Limit
Conventional	Biochemical Oxygen Demand (BOD)	15 mg/L
	Total Kjeldahl Nitrogen	1 mg/L
	Phenolics (4AAP)	0.008 mg/L
	Phosphorous (Total)	0.400 mg/L
	Suspended Solids (Total)	15 mg/L
	Cyanide (Total)	0.020 mg/L
Metals	Arsenic (Total)	0.020 mg/L
	Cadmium (Total)	0.008 mg/L
	Chromium (Total)	0.080 mg/L
	Copper (Total)	0.050 mg/L
	Lead (Total)	0.120 mg/L
	Manganese (Total)	0.150 mg/L
	Mercury (Total)	0.0004 mg/L
	Nickel (Total)	0.080 mg/L
	Selenium (Total)	0.020 mg/L
	Silver (Total)	0.120 mg/L
	Zinc (Total)	0.040 mg/L
Organics	Benzene	2.0 ug/L
	Chloroform	2.0 ug/L
	1,2 –dichlorobenzene	5.6 ug/L
	1,4 –dichlorobenzene	6.8 ug/L
	Cis-1,2 –dichloroethylene	5.6 ug/L
	Trans- 1,3 – dichloropropylene	5.6 ug/L
	Ethylbenzene	2.0 ug/L
	Methylene chloride	5.2 ug/L
	1,1,2,2 –tetrachloroethane	17.0 ug/L
	Tetrachloroethylene	4.4 ug/L
	Toluene	2.0 ug/L

	Trichloroethylene	8.0 ug/L
	Xylenes (Total)	4.4 ug/L
	Di-n-butyl phthalate	15.0 ug/L
	Bis (2-ethylhexyl) phthalate	8.8 ug/L
	PCBs	0.4 ug/L

SET FINES UNDER PART I OF THE *PROVINCIAL OFFENCES ACT*

for The Regional Municipality of York ByLaw No. 2011-11

A Bylaw to Regulate the Discharge of Sewage, Storm Water and Land Drainage

Item	Short Form Wording	Offence-creating provision	Set Fine \$
1.	Discharge or cause or permit discharge of sewage – may discolour effluent	3.1(a)(v)	400
2.	Discharge or cause or permit discharge of sewage – interference with inspection	3.1(a)(vi)	600
3.	Discharge or cause or permit discharge of sewage – interference with operation	3.1(a)(vi)	600
4.	Discharge or cause or permit discharge of sewage – interference with maintenance or repair	3.1(a)(vi)	600
5.	Discharge or cause or permit discharge of sewage – impair or interfere with sewage treatment process	3.1(a)(vi)	600
6.	Discharge or cause or permit discharge of sewage where offensive odour emanates	3.1(a)(vii)	600
7.	Discharge or cause or permit discharge of sewage that damages the sewage works	3.1(a)(viii)	600
8.	Discharge or cause or permit discharge of sewage causing obstruction or restriction to the flow	3.1(a)(ix)	350
9.	Discharge or cause or permit discharge of storm water or uncontaminated water with two or more separate liquid layers	3.1(b)(ii)	100
10.	Discharge or cause or permit discharge of sewage - temperature greater than 60°C	3.1(b)(iii)	100
11.	Discharge or cause or permit discharge of water to sanitary sewer – not exempted under bylaw	3.2	400
12.	Discharge or cause or permit discharge not storm water or uncontaminated water	5.1(a)	400

Item	Short Form Wording	Offence-creating provision	Set Fine \$
13.	Discharge or cause or permit discharge of storm water or uncontaminated water causing interference with proper operation	5.1(b)(i)	300
14.	Discharge or cause or permit discharge of storm water or uncontaminated water causing obstruction or restriction to the flow	5.1(b)(ii)	300
15.	Discharge or cause or permit discharge of storm water or uncontaminated water - damage	5.1(b)(iii)	400
16.	Discharge or cause or permit discharge with two or more separate liquid layers	5.1(c)(i)	400
17.	Discharge or cause or permit discharge with a visible film, sheen or discoloration	5.1(c)(ii)	400
18.	Discharge or cause or permit discharge with a temperature greater than 40°C	5.1(c)(iii)	400
19.	Discharge or cause or permit discharge of storm water or uncontaminated water – floating debris	5.1(d)(vii)	300
20.	Failure to submit a complete Discharger Information Report within 30 days	6.1	100
21.	Failure to notify the Region of new discharge within 30 days	6.2.1	100
22.	Failure to provide additional information in relation to new discharge of sewage within 15 days	6.2.3	100
23.	Failure to provide written notice of change in information requested in Discharger Information Report within 30 days of change	6.3	100
24.	Failure to install a wastewater pretreatment facility	8.5	300
25.	Failure to provide pretreatment facility documentation	8.5(c)	100
26.	Failure to install, ensure there is installed, a maintenance access hole for each connection to the sewage works	9.1	300
27.	Failure to maintain in good repair or replace a maintenance access hole or alternative device or facility	9.3	300

Item	Short Form Wording	Offence-creating provision	Set Fine \$
28.	Failure to have a maintenance access hole or alternative device or facility accessible to the Region	9.4(c)	200
29.	Failure to submit samples or analysis results to the Region	9.5	200
30.	Failure to notify the Region of a spill	10.1	400
31.	Failure to complete work required to mitigate a spill	10.1	600
32.	Failure to stop and contain a spill	10.2	600
33.	Failure to clean-up a spill and remediate and restore affected area	10.2	600
34.	Failure to provide a complete written spill report to the Region within 5 days of spill	10.3	300
35.	Failure to provide missing information in spill report to Region	10.4	100
36.	Failure to provide corrected information in spill report to Region	10.5	100
37.	Failure to submit pollution prevention plan within 6 months of notification	11.3	200
38.	Failure to keep a copy of pollution prevention plan at site and make it available for review	11.4	200
39.	Failure to submit a maintenance schedule or record of maintenance for a dental amalgam separator	13.2	100
40.	Failure to submit record of inspection or evidence of installation for any dental amalgam separator	13.3	100
41.	Failure to ensure that food related oil and grease are prevented from discharging to the sanitary sewer - above limits	14.1(a)	300
42.	Failure to ensure that food related oil and grease are prevented from discharging to a storm sewer or land drainage works	14.1(b)	300
43.	Failure to install, operate or maintain a food related oil and grease interceptor	14.2	100

Item	Short Form Wording	Offence-creating provision	Set Fine \$
44.	Failure to conspicuously post interceptor maintenance requirements	14.4(b)	100
45.	Failure to provide interceptor maintenance schedule	14.5	100
46.	Failure to provide record of interceptor maintenance	14.5	100
47.	Failure to keep documentation of proof of interceptor clean-out for two years	14.5	100
48.	Failure to install an alarmed monitoring device at direction of Region	14.6	100
49.	Discharge of emulsifiers to sewage works	14.7	100
50.	Use of enzymes to facilitate the passage of oil and grease through an interceptor	14.8	100
51.	Use of bacteria to facilitate the passage of oil and grease through an interceptor	14.8	100
52.	Use of solvents to facilitate the passage of oil and grease through an interceptor	14.8	100
53.	Use of hot water to facilitate the passage of oil and grease through an interceptor	14.8	100
54.	Use of other agents to facilitate the passage of oil and grease through an interceptor	14.8	100
55.	Failure to ensure that vehicle and equipment service oil and grease are prevented from discharging to the sanitary sewer – above limits	15.1(a)	300
56.	Failure to ensure that vehicle and equipment service oil and grease are prevented from discharging to storm sewer or land drainage works	15.1(b)	300
57.	Failure to install, operate or maintain an oil and grease interceptor	15.2	100
58.	Failure to conspicuously post interceptor maintenance requirements	15.4(c)	100
59.	Failure to provide interceptor maintenance schedule	15.5	100
60.	Failure to provide record of interceptor maintenance	15.5	100

Item	Short Form Wording	Offence-creating provision	Set Fine \$
61.	Failure to keep documentation of proof of interceptor clean-out for two years	15.5	100
62.	Failure to install an alarmed monitoring device at direction of Region	15.6	100
63.	Discharge of emulsifiers to sewage works	15.7	100
64.	Use of enzymes to facilitate the passage of oil and grease through an interceptor	15.8	100
65.	Use of bacteria to facilitate the passage of oil and grease through an interceptor	15.8	100
66.	Use of solvents to facilitate the passage of oil and grease through an interceptor	15.8	100
67.	Use of hot water to facilitate the passage of oil and grease through an interceptor	15.8	100
68.	Use of other agents to facilitate the passage of oil and grease through an interceptor	15.8	100
69.	Failure to equip catch-basin with a sediment interceptor	16.2	100
70.	Failure to maintain sediment interceptors in accordance with manufacturer's recommendations	16.3(a)	100
71.	Failure to provide interceptor maintenance schedule	16.4	100
72.	Failure to provide record of interceptor maintenance	16.4	100
73.	Failure to keep documentation of proof of sediment interceptor clean-out for 2 years	16.4	100
74.	Alter or cause or permit the altering – equipment installed in sewage works	18.1(a)	750
75.	Damage or cause or permit the damage – equipment installed in sewage works	18.1(a)	750
76.	Tamper with or cause or permit the tampering with – equipment installed in sewage works	18.1(a)	750
77.	Remove or cause or permit the removal – equipment installed in sewage works	18.1(a)	750
78.	Move or cause or permit the moving – equipment installed in sewage works	18.1(a)	750

Item	Short Form Wording	Offence-creating provision	Set Fine \$
79.	Deface or cause or permit the defacement – equipment installed in sewage works	18.1(a)	750
80.	Alter or cause or permit the altering – equipment installed or around in a maintenance access hole or an alternative device or facility	18.1(b)	750
81.	Damage or cause or permit the damage – equipment installed in or around a maintenance access hole or an alternative device or facility	18.1(b)	750
82.	Tamper or cause or permit the tampering with – equipment installed in or around a maintenance access hole or an alternative device or facility	18.1(b)	750
83.	Remove or cause or permit the removal – equipment installed in or around a maintenance access hole an alternative device or facility	18.1(b)	750
84.	Move or cause or permit the moving – equipment installed in or around a maintenance access hole or an alternative device or facility	18.1(b)	750
85.	Deface or cause or permit the defacement – equipment installed in or around a maintenance access hole or an alternative device or facility	18.1(b)	750
86.	Unauthorized entry to sewage works	18.3	750
87.	Remove any manhole cover or other opening into a sewage works - unauthorized	18.4	750
88.	Tamper with any manhole cover or other opening into a sewage works - unauthorized	18.4	750
89.	Hindering or attempting to hinder an enforcement officer from carrying out any of his or her powers or duties under the ByLaw	24.11	750
90.	Obstructing or attempting to obstruct an enforcement officer from carrying out any of his or her powers or duties under the ByLaw	24.11	750

NOTE: the general penalty provisions for the offences listed above are Parts 22 and 23 of bylaw No. [ntd insert number], a certified copy of which has been filed.

SUMMARY OF DIFFERENCES BETWEEN THE PROPOSED SEWER USE BYLAW AND THE CURRENT BYLAW

Bylaw Reference	Summary of Difference
Preamble	A new introductory paragraph outlines the purpose of the bylaw.
Part 1 (Definitions and Interpretation)	Obsolete definitions removed; new definitions added where needed; several existing definitions were re-worded to improve clarity and, in some cases, broaden the scope of their application. Deems a reference to “a discharge to a sewage works” to apply to both direct and indirect discharges for the purposes of the bylaw.
Part 2 (Authority)	Establishes the authority for the Commissioner of Environmental Services to act on the Region’s behalf for the purposes of the bylaw, including: • prescribing the form and content of documents and procedures in relation to administration of the bylaw • prescribing the form and content of agreements under the bylaw, subject to review by the Regional Solicitor • appointing and revoking the appointment for enforcement officers Permits this authority to be delegated, where delegation is approved by the Chief Administrative Officer.
Part 3 (Sanitary Sewers) Section 3.1	Prohibits discharge of specific substances. New prohibitions for discharges that may result in, • a hazard or adverse effect to the natural environment • interference with an inspection • impaired sewage treatment Augments the regulation of discharges of hauled sewage, hauled waste and leachate to require haulers to have registered with and the Region authorized access to sewage works for the purposes of discharge and requires a hauler to comply with any Regional procedures or policies that may apply to hauled wastewater. Provisions removed that previously permitted discharge of PCBs and radioactive waste in certain circumstances.

Bylaw Reference	Summary of Difference
Section 3.2	Removes the prohibitions on individual substances that are already included in the definition of hazardous waste. Prohibits the discharge of catch-basin pump-out liquids or material, unless Regional approval has been obtained. Clarifies the prohibition on discharging sewage causing an offensive odour at the works to indicate what types of odour would be considered to be offensive. Adds a discharge that is proceeding under a Regional program permitting the discharge of hauled wastewater to the circumstances in which a discharger may be permitted to discharge contaminants at concentrations that exceed bylaw Table 1.
Section 3.3	Clarifies the regulation of discharges of storm water and other uncontaminated water (besides that from a municipal source) to a sanitary sewer. Non-contact cooling water has been added to the list and water from a dewatering activity has been specifically referenced as types of water subject to Regional approval before discharge may occur. Clarifies the information required for the Region to assess and approve a discharge of water prohibited in Section 3.2, and allows the Region to include terms and conditions in any approval.
Section 3.4	Allows the Region to require a sanitary discharger to provide specified information on a discharge to allow for the assessment of potential impacts.
Part 5 (Storm Sewers)	Storm sewers section now specifically includes land drainage works.
Section 5.1	Clarifies that permitted discharges to the storm sewer or land drainage works are storm water or uncontaminated water unless otherwise permitted by the bylaw. New prohibitions have been added, including the discharge of cooling water, oil and grease, construction dewatering water, substances that would constitute an offence under provincial or federal legislation, and catch-basin pump-out liquids or material (unless Regional approval has been obtained). Removes the section which allowed discharges to the storm sewer to exceed the parameter limits in the bylaw in certain circumstances.

Bylaw Reference	Summary of Difference
Sections 5.2 and 5.3	Allows a discharge of water from a dewatering activity or non-contact cooling water, to the storm sewer/land drainage works where previously approved by the Region and allows the Region to impose terms and conditions on such a discharge.
Section 5.4	Allows the Region to require a storm water discharger to provide specified information on a discharge to allow for the assessment of potential impacts.
Part 6 (Notification and Reporting Requirements) Section 6.1	Modifies the term “Waste Survey Report” to “Discharger Information Report” to promote compliance. Allows the Region the flexibility to set and amend the form of a Report rather than a format set out in the bylaw.
Section 6.2	Requires a new discharger (who initiates a discharge after the date the bylaw is enacted) to notify the Region before the first discharge to the sanitary sewer and provide the Region with a Discharger Information Report describing the nature of the intended discharge.
Part 7 (Surcharge Agreement) Section 7.3	Clarifies the types of terms and conditions that may be included in a Surcharge Agreement.
Section 7.4	Sets out the formula used for the calculation of surcharge fees in the Surcharge Agreement Part rather than the schedule.
Section 7.6	Prohibits the assignment or transfer of a surcharge agreement by a discharger without the prior consent of the Region.
Section 7.7	Allows existing surcharge agreements to remain in effect.
Section 7.8	Broadens the Region’s rights to terminate a surcharge agreement in certain circumstances and creates wording consistency with termination provisions in Part 8.
Part 8 (Compliance Program) Section 8.1	Allows resubmission of a compliance program when required by the Region and clarifies wording in the section.
Section 8.4	Broadens the ability of the Region to terminate a compliance program
Section 8.5	Permits the Region to require a pretreatment facility to be installed as part of a compliance program (adapted from the CCME model bylaw).

Bylaw Reference	Summary of Difference
Part 9 (Sampling and Analytical Requirements)	Power of entry provision has been moved from a section in this Part to a broadened, stand-alone Part (Part 24).
Sections 9.1 and 9.3	Clarifies that the installation, maintenance and replacement of a maintenance access hole and monitoring and sampling required by the Region must be done at the discharger's expense.
Section 9.5	Clarifies types of sampling and analysis that the Region may require.
Part 10 (Spills)	Broadens the requirements for a person to stop, contain and respond should a spill to a sewage works occur. Requires a person to provide corrected and updated information regarding a spill to a sewage works.
Part 11 (Pollution Prevention Plan)	Shortens the time for submission of a pollution prevention plan from 18 months to 6 months of being required to do so by the Region.
Section 11.3	
Section 11.4	Requires that a pollution prevention plan be kept on site and a copy provided to the Region upon request.
Part 12 (Confidential Information)	Specifies that information submitted to the Region is subject to the disclosure requirements of the <i>Municipal Freedom of Information and Protection of Privacy Act</i> and informs the discharger of the requirement to advise the Region if the information provided is confidential, proprietary or otherwise exempt from disclosure.
Part 13 (Dental Waste Amalgam Separators)	Adds requirements for dental practices with dental amalgam separators to maintain and keep records for these devices
Part 14 (Food Related Oil and Grease Interceptors)	Incorporates food-related oil and grease interceptor requirements from the CCME model bylaw
Part 15 (Vehicle and Equipment Service Oil and Grease Interceptors)	Incorporates vehicle maintenance oil and grease interceptor requirements from the CCME model bylaw

Bylaw Reference	Summary of Difference
Part 16 (Sediment Interceptors)	Incorporates sediment interceptor requirements from the CCME model bylaw.
Part 17 (Food Waste Grinders)	Prohibits the installation and replacement of food waste grinders one year after the bylaw is enacted, concurrent with a prohibition on the use of any food waste grinders installed on or after November 17, 2012 (providing a 1 year phase in period of the prohibition).
Part 18 (Protection of Sewage Works)	Prohibits damaging or tampering with equipment installed in the sewage works or a maintenance access location.
Section 18.1	
Section 18.2	Assigns liability for any damage caused by discharges to the person responsible for the discharge.
Section 18.3	Prohibits unauthorized entry to a sewage works.
Section 18.4	Prohibits unauthorized removal of or tampering with maintenance access hole covers.
Part 19 (Rebuttable Presumption)	Creates a “rebuttable presumption” that a discharger caused or permitted any non-compliant discharge from the discharger’s site or where the discharger has charge, management or control of a substance regulated by the bylaw.
Part 20 (Service)	Service provisions set out acceptable forms of delivery of documents required under the bylaw and specifies when such documents are deemed to be delivered.
Part 21 (Enforcement Officer Orders)	Empowers enforcement officer to issue orders requiring dischargers to discontinue an activity that contravenes the bylaw or requiring certain work to be done. Allows the Region to do work required by an order where the person to whom the order is issued fails to comply. The cost of doing this work may be charged back to the person ordered via the local municipal tax roll.

Bylaw Reference	Summary of Difference
Part 22 (Offences)	Clarifies the offence provisions by setting out a contravention of the bylaw or failing to comply with an order issued under the bylaw are considered to be an offences.
Part 23 (Penalties)	Increases fines for convictions under the bylaw and provides different penalties for continuing offences and for multiple offences.
Part 24 (Power of Entry, Inspection and Enforcement)	Describes the Region's power to enter property.
Section 24.1	
Section 24.2	Allows the Region's power of entry to be exercised by an employee, officer or agent, including an enforcement officer.
Sections 24.3 and 24.4	Establishes the extent of the power of entry specific to enforcement officers.
Section 24.5 and 24.6	Refines the scope of the power of entry.
Sections 24.7 and 24.8	Describes the activities an enforcement officer may perform for the purposes of an inspection to determine compliance.
Section 24.9	Requires the Region to restore a property and compensate for damages caused by entry unless in relation to work done under order.
Sections 24.10 and 24.11	Requires persons to provide information or access to an enforcement officer in the course of an inspection and prohibits the hindering or obstructing of an enforcement officer.
Part 25 (Limitation)	Clarifies the bylaw shall not be interpreted to permit something prohibited by other legislation, regulation or bylaw.
Part 26 (Severability)	Allows provisions of the bylaw to be severable.
Schedules	Obsolete schedules and tables have been removed (e.g., schedules regarding contents of Waste Survey Reports).

Bylaw Reference	Summary of Difference
Set Fines	Once approved by the Superior Court of Justice (approximately 6-8 weeks after the Sewer Use Bylaw is enacted), enforcement officers will be able to issue tickets carrying set fines for specified offences.

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