



The Regional  
Municipality  
of Durham

Corporate Services  
Department -  
Legislative Services

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Matthew L. Gaskell  
Commissioner of  
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October 31, 2013

Mr. Denis Kelly,  
Regional Clerk  
The Regional Municipality of York  
17250 Yonge Street  
Newmarket, ON L3Y 6Z1



REGION OF YORK  
CLERK'S OFFICE

FILE No. - P18  
J.E. Mahoney

**RE: 2013 SEWER USE BY-LAW (2013-W-94), OUR FILE: C02**

Mr. Kelly, please be advised the Works Committee of Regional Council considered the above matter and at a meeting held on October 9, 2013 Council adopted the following recommendations of the Committee. Sewer Use By-law No. 55-2013 was subsequently passed by Regional Council on October 30, 2013.

- "a) THAT the proposed Sewer Use By-law (Attachment No. 1 to Report No. 2013-W-94) be approved to replace the current By-law 43-2004 as amended;
- b) THAT the Regional Solicitor prepare and/or approve as to form and content the new Sewer Use By-law;
- c) THAT the Regional Chair and Clerk be authorized to execute the new Sewer Use By-law;
- d) THAT copies of the Sewer Use By-law be forwarded to the Regional Municipalities of Peel and York for their information; and
- e) THAT copies of the Sewer Use By-law be provided to the area municipalities in the Regional Municipality of Durham for their information."

As directed, please find enclosed a copy of Sewer Use By-law No. 55-2013 of the Regional Municipality of Durham.

*Deb Bowen*

Deb Bowen, AMCT  
Regional Clerk/Director of Legislative Services

REGION OF YORK  
CLERK'S OFFICE

DB/daj  
Encl.

- c: K.Lockyer, Regional Clerk and Director of Clerks, Region of Peel
- C. Curtis, Commissioner of Works, Region of Durham

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**THE REGIONAL MUNICIPALITY  
OF DURHAM**

**SEWER USE BY-LAW**

**By- Law No. 55-2013**

## PART I - DEFINITIONS

1. In this by-law,

- (a) **"acute hazardous waste chemical"** has the same meaning as in O. Reg. 347 under the Environmental Protection Act;
- (b) **"BOD"** means the 5-day biochemical oxygen demand that is the determination of the molecular oxygen utilized during a 5-day incubation period for the biochemical degradation of organic material (carbonaceous demand), and the oxygen used to oxidize inorganic material such as sulphides and ferrous iron, and the amount of oxygen used to oxidize reduced forms of nitrogen (nitrogenous demand);
- (c) **"biosolids"** means organic solid material recovered from the wastewater 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, the further build-up of which would or might impair the operation of the system;
- (e) **"combustible liquid"** means a liquid that has a flash point at or above 37.8 degrees Celsius and below 93.3 degrees Celsius;
- (f) **"Commissioner"** means the Commissioner of the Works Department of the Region or his or her authorized representative;
- (g) **"composite sample"** means a sample made up of three or more grab samples that have been combined automatically or manually and taken at intervals during the sampling period;
- (h) **"contact cooling water"** means water that is used in a process of removing heat and that has direct contact with any raw material, intermediate product, waste product, or finished product, but does not include blowdown water;
- (i) **"Council"** means the Council of the Region;
- (j) **"discharge"**, when used as a verb, includes add, deposit, leak or emit and, when used as a noun, includes addition, deposit, emission or leak;
- (k) **"environmental compliance approval"** has the same meaning as in O.Reg. 255/11;
- (l) **"EPA"** means the *Environmental Protection Act*, R.S.O. 1990, c.E.19;
- (m) **"foundation"** means the supporting portion of a structure below grade, including footings;
- (n) **"foundation drain"** or weeping tile means any arrangement or type of pipe placed along the perimeter of a building foundation for the collection of groundwater;
- (o) **"foundation drain collector"** means a sewer for the collection and transmission of uncontaminated groundwater from foundation drains, or any type of pipe installed for a similar purpose";
- (p) **"fuel"** has the same meaning as in O. Reg. 347;

- (q) "**grab sample**" means a portion of the discharge from or deposit to the sewage works taken at a maintenance access hole or another location established pursuant to Part XVI Section (60);
- (r) "**groundwater**" means water in a saturated zone or stratum beneath the surface of the land or below the surface water body;
- (s) "**hailed sewage**" has the same meaning as in O. Reg. 347;
- (t) "**hailed waste**" means any industrial waste, other than hauled sewage, that is transported to and deposited into the sewage works;
- (u) "**hazardous industrial waste**" has the same meaning as in O. Reg. 347;
- (v) "**hazardous waste chemicals**" has the same meaning as in O. Reg. 347;
- (w) "**ignitable waste**" has the same meaning as in O. Reg. 347;
- (x) "**industrial**" means of or pertaining to manufacturing, commerce, trade, business, or institutions as distinguished from domestic or residential;
- (y) "**industrial user**" means the owner of industrial premises from which there is a discharge of any matter directly or indirectly into a sanitary sewer or storm sewer;
- (z) "**land drainage works**" means works of any sort for the drainage of land in the Region including drainage channels for receiving water in its natural flow on or from any hills or other lands, and works diverting or damming the same to prevent its overflow on to any other lands at a lower level, as well as drainage channels for carrying off water from any land;
- (aa) "**maintenance access hole**" means an access point in a private sewer connection to allow for observation, sampling and flow measurement of the sewage, uncontaminated water or stormwater therein;
- (bb) "**matter**" includes solid, liquid or gas;
- (cc) "**non-contact cooling water**" means water that is used in a process for the purpose of removing heat and that has not, by design, come into contact with any raw material, intermediate product, waste product, or finished product, but does not include blowdown water;
- (dd) "**O. Reg. 347**" means R.R.O. 1990, Regulation 347 (General-Waste Management) made under the EPA;
- (ee) "**owner**" includes the lessee, occupier and/or operator of any premises;
- (ff) "**pathological waste**" has the same meaning as in O. Reg. 347;
- (gg) "**PCBs**" means any monochlorinated or polychlorinated biphenyl or any mixture of them or mixture that contains one or more of them;
- (hh) "**person**" includes an individual, association, partnership, corporation, company, municipality, or an heir, executor, administrator, agent, employee or other legal representative of such person;
- (ii) "**pesticide**" means a pesticide regulated under the *Pesticides Act*, R.S.O. 1990, c.P.11;
- (jj) "**pollution prevention plan**" means a five (5) year plan that identifies operations or activities of an industrial user and specific pollution prevention methods within time constraints, to be implemented within the five (5) year period;

- (kk) "**private drain**" means any drainage or piping, inside or outside a building, that conveys stormwater, and includes downspouts, rain-leaders and catch basins, swimming pools;
- (ll) "**private swimming pool water**" means a swimming pool, salt water swimming pool or hot tub/spa serving a single family residence.
- (mm) "**private sewer connection**" means that part of any drain or system of drains, including drains or subsurface drainage pipe for surface or subsurface drainage of the land in or adjacent to a building, lying within the limits of the private lands and leading directly or indirectly to a Regional sewer connection;
- (nn) "**reactive waste**" has the same meaning as in O. Reg. 347;
- (oo) "**Region**" means The Regional Municipality of Durham acting as a body corporate unless the context requires otherwise;
- (pp) "**Regional sewer connection**" means that part of any drain leading from the private sewer connection connected to a sanitary sewer or Regional storm sewer and located within the limits of the public road allowance or other public lands or public land interests held for sewerage purposes;
- (qq) "**Restrictive Discharge Agreement**" means an agreement entered into with the Region in accordance with Part XIV of this by-law;
- (rr) "**sanitary sewer**" means a sewer of the Region used for the collection and transmission of domestic or industrial sewage or any combination thereof;
- (ss) "**severely toxic waste**" has the same meaning as in O. Reg. 347;
- (tt) "**sewage**" means any liquid waste containing animal, vegetable, mineral or chemical matter in solution or in suspension but does not include stormwater or uncontaminated water;
- (uu) "**sewage works**" means any works of the Region used for the collection, transmission, treatment and disposal of sewage, stormwater or uncontaminated water including a combined sewer, sanitary sewer or storm sewer, or any part of such works, but does include plumbing or other works to which the *Building Code Act, 1992*, S.O. 1992, c.23 applies;
- (vv) "**sewer**" means a pipe, conduit, drain, open channel, or ditch for the collection and transmission of sewage, stormwater and/or uncontaminated water, or any combination thereof;
- (ww) "**spill**" means a direct or indirect discharge into the sewage works, storm sewer or the natural environment which is abnormal in quantity or quality in light of all the circumstances of the discharge;
- (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;
- (yy) "**region storm sewer**" means a sewer for the collection and transmission of uncontaminated water, stormwater, drainage from land or from a watercourse or any combination thereof on a Regional Road;
- (zz) "**stormwater**" means water from rainfall, other natural precipitation, drainage or from the melting of snow or ice;

- (aaa) **"Surcharge Agreement"** means an agreement entered into with the Region in accordance with Part XIV of this by-law;
- (bbb) **"uncontaminated water"** means municipally treated drinking water or any water to which no matter has been added intentionally or unintentionally;
- (ccc) **"waste disposal site leachate"** means the liquid containing dissolved or suspended contaminants which emanates from waste and is produced by water percolating through waste or by liquid in waste;
- (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 may by regulation designated as being capable of releasing atomic energy or as being requisite for the production, use or application of atomic energy; and
- (eee) **"watercourse"** means an open channel, ditch or depression either natural or artificial, in which flow of water occurs either continuously or intermittently;
- (fff) **"WPCP"** means water pollution control plant.

## **PART II – SANITARY SEWER REQUIREMENTS**

2. No person shall discharge or cause or permit the discharge of sewage into land drainage works or connections to any sanitary sewer in circumstances where to do so causes or results in,
  - (a) a health or safety hazard to a person authorized by the Commissioner to inspect, operate, maintain, repair or otherwise work on sewage works;
  - (b) biosolids from the sewage works to which either sewage discharges, directly or indirectly, failing to meet the objectives and criteria as listed in the Ministry of the Environment publication entitled Nutrient Management Act Ontario Regulation 267/03 amended to O.Reg 266/11;
  - (c) impairment or interference with the operation or maintenance of a sewage works or any treatment process;
  - (d) hazard to any person, animal, property or vegetation;
  - (e) an offensive odour to emanate from the sanitary sewer, and without limiting the generality of the foregoing, sewage containing hydrogen sulphide, carbon disulphide, other reduced sulphur compounds, amines or ammonia in such quantity as may cause an offensive odour;
  - (f) damage to sewage works infrastructure; or
  - (g) an obstruction or restriction to the flow in the sanitary sewer including, without limiting the generality of the foregoing, sewage containing solid or viscous substances in quantities or of such size as to be capable of causing obstruction to the flow in a sewer such as ash, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, feminine hygiene products, wood, garbage, animal entrails or tissues, paper products, and paunch manure.
3. No person shall discharge or cause or permit the discharge of sewage into land drainage works or connections to any sanitary sewer if the sewage has one or more of the following characteristics,
  - (a) pH less than 6.0 or greater than 10.5;

- (b) two or more separate liquid layers;
  - (c) a temperature greater than 60 degrees Celsius; or
  - (d) total mercury greater than 0.01 mg/L.
4. No person shall discharge or cause or permit the discharge of sewage into land drainage works or connections to any sanitary sewer if the sewage contains,
- (a) acute hazardous waste chemicals;
  - (b) combustible liquid;
  - (c) dyes or colouring materials which may or could pass through a sewage works and discolour the sewage works effluent;
  - (d) fuel;
  - (e) hazardous industrial waste;
  - (f) hazardous waste chemicals;
  - (g) ignitable waste;
  - (h) pathological waste;
  - (i) pesticides, fungicides, herbicides;
  - (j) reactive waste;
  - (k) severely toxic waste.
  - (l) oil and grease
  - (m) oil based paints
5. No person shall discharge or cause or permit the discharge of hauled waste into land drainage works or connections to any sanitary sewer unless,
- (a) the carrier of the hauled sewage is a waste management system operating under a environmental compliance approval or provisional environmental compliance approval issued under the EPA or is exempt from the requirement to have a certificate or provisional certificate of approval;
  - (b) a copy of the most recent environmental compliance approval or provisional environmental compliance approval and any amendment is provided to the Region;
  - (c) the hauled waste meets the conditions set out in clause 23 (3) (c) of O.Reg. 347; and
  - (d) the carrier meets all conditions established by The Regional Municipality of Durham's Hauled Wastewater Policy.
6. No person shall discharge or cause or permit the discharge of sewage into land drainage works or connections to any sanitary sewer in any circumstances if the sewage contains PCB's without prior written approval from the Region and only where,
- (a) a environmental compliance approval for a mobile site or PCB mobile waste disposal system has been issued under the EPA and a copy of the most recent environmental compliance approval or provisional

environmental compliance approval and any amendment has been provided to the Region; or

- (b) the person is claiming exemption under O. Reg. 347 and it has been demonstrated to the Region that the conditions of the exemption have been met.
7. No person shall discharge or cause or permit the discharge of waste radioactive prescribed substances into land drainage works or connections to any sanitary sewer unless,
    - (a) the waste radioactive prescribed substances are being discharged under a valid and current license issued by the Canadian Nuclear Safety Commission or its successor; and
    - (b) a copy of the license has been provided to the Region, and
    - (c) the discharge has been authorized in writing by the Commissioner.
  8. No person shall discharge or cause or permit the discharge of sewage into land drainage works or connections to any sanitary sewer in circumstances where the sewage contains waste disposal site leachate unless,
    - (a) the person has written approval from the Region which authorized the discharge or deposit of the waste disposal site leachate to the sewage works; and
    - (b) in the case where a environmental compliance approval or order has been issued which includes a provision for the disposal of waste disposal site leachate to the sewage works, a copy of the environmental compliance approval or order is provided to the Region or where the person is claiming an exemption, the person has demonstrated to the Region that the conditions of the exemption are being met.
  9. No person shall discharge or cause or permit the discharge of stormwater, groundwater, foundation drainage, non-contact cooling water, drainage from private drains or uncontaminated water into land drainage works or connections to any sanitary sewer unless expressly authorized in writing by the Commissioner.
  10. No person shall discharge or cause or permit the discharge of sewage into land drainage works or connections to any sanitary sewer if the sewage contains a concentration, expressed in milligrams per litre, in excess of any one or more of the limits in "Table 1 - Limits for Sanitary Sewer Discharge" to this by-law unless,
    - (a) the person has entered into a Surcharge Agreement;
    - (b) the discharge has been authorized in writing by the Commissioner; or
    - (c) a compliance program has been established; and
    - (d) any fees required to be paid to the Region are paid within 90 days of the date of the invoice from the Region.
  11. No person shall discharge or cause or permit the discharge of water originating from a source other than the Regional water supply to any sanitary sewer unless,
    - (a) the discharge is expressly authorized in writing by the Commissioner; and
    - (b) any fees required to be paid to the Region are paid within 90 days of the date of the invoice from the Region.



12. Notwithstanding the permissible limits set out in Table 1, no person shall discharge or cause or permit the discharge of sewage into land drainage works or connections to any sanitary sewer where, in the opinion of the Commissioner, the concentrations of any parameters in the discharge may result in the Region's failure to comply with any federal or provincial act, regulation or guideline regarding the discharge of any matter from the receiving sewage treatment plant.

### **PART III – FOUNDATION DRAIN CONNECTIONS**

13. A new foundation that requires a building permit for construction shall not be permitted to discharge its foundation drains to a sanitary sewer unless it can be demonstrated to the satisfaction of the Commissioner, in his or her opinion and discretion that,
  - (a) a foundation drain connection to the sanitary sewer is the most feasible solution for managing the foundation drain discharge; and
  - (b) an analysis of the soil and/or a survey of the water table by a professional consultant indicates that the ground conditions and/or water table will not result in excessive flows from the foundation drain to a sanitary sewer.
14. A new foundation being added to an existing foundation must isolate its foundation drain from any existing foundation drain connection to a sanitary sewer in order to prevent discharge from the new foundation drain to the sanitary sewer unless expressly authorized in writing by the Commissioner.
15. Upon removal of an existing foundation, any foundation drain that existed along the removed foundation and discharged to a sanitary sewer will no longer be permitted to drain to a sanitary sewer.
16. The Region may require the disconnection of any existing foundation drain from a sanitary sewer if,
  - (a) the foundation drain discharge adversely affects the operation of the sanitary sewer system; or
  - (b) a storm sewer or foundation drain collector can accommodate the foundation drain discharge.

### **PART IV - INTERCEPTORS FOR FATS, OIL AND GREASE**

17. Every owner or operator of a restaurant or other industrial, commercial or institutional premises where food is cooked, processed or prepared, for which the premises is connected directly or indirectly to a sanitary or combined sewer, shall take all necessary measures to ensure that oil and grease are prevented from entering the sanitary or combined sewer in excess of the provisions of this bylaw.
18. The owner or operator of the premises as set out in this Subsection shall install, operate, and properly maintain an oil and grease interceptor in any piping system at its premises that connects directly or indirectly to a sewer. The oil and grease interceptors shall be installed in compliance with the most current requirements of the applicable Building Code. The installation of the oil and grease interceptor shall meet the requirements of the Canadian Standards Association national standard CAN/CSA B-481.2, as amended.
19. All oil and grease interceptors shall be maintained according to the manufacturer's recommendations. The testing, maintenance and performance of the interceptor shall meet the requirements of CAN/CSA B-481. Traps should be cleaned before the thickness of the organic material and solids residual are greater than twenty-five percent of the available volume; cleaning frequency

should not be more than every four weeks. Maintenance requirements should be posted in the workplace in proximity to the grease interceptor.

20. A maintenance schedule and record of maintenance shall be available to the By-law Enforcement Officer upon request for each interceptor installed.
21. The owner or operator of the restaurant or other industrial, commercial or institutional premises as set out in Part IV (17) shall, for one (1) year, keep the document of proof for interceptor clean-out and oil and grease disposal.
22. Emulsifiers shall not be discharged into interceptors. No person shall use enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of oil and grease through a grease interceptor.
23. In the case of failure to adequately maintain the grease interceptor to the satisfaction of the By-law Enforcement Officer, the By-law Enforcement Officer may require an alarmed monitoring device to be installed, at the expense of the owner, in accordance with specifications of CAN/CSA B-481.

#### **PART V – VEHICLE AND EQUIPMENT SERVICE OIL AND GREASE INTERCEPTORS**

24. Every owner or operator of a vehicle or equipment service station, repair shop or garage or of an industrial, commercial or institutional premises or any other establishment where motor vehicles are repaired, lubricated or maintained and where the sanitary discharge is directly or indirectly connected to a sewer shall install an oil and grease interceptor designed to prevent motor oil and lubricating grease from passing into the sanitary or combined sewer in excess of the limits in this bylaw.
25. The owner or operator of the premises as set out in Part V (24) shall install, operate, and properly maintain an oil and grease interceptor in any piping system at its premises that connects directly or indirectly to a sewer. The oil and grease interceptors shall be installed in compliance with the most current requirements of the applicable Building Code and be maintained as recommended by the Canadian Petroleum Products Institute (CPPI).
26. All oil and grease interceptors and separators shall be maintained in good working order and according to the manufacturer's recommendations and shall be inspected a minimum of once per week to ensure performance is maintained to the manufacturer's specifications for performance and inspected to ensure the surface oil and sediment levels do not exceed the recommended level.
27. A maintenance schedule and record of maintenance shall be submitted to The By-law Enforcement Officer upon request for each oil and grease interceptor installed.
28. The owner or operator of the premises as set out in Part V (24) shall, for one (1) year, keep the document of proof for interceptor clean-out and oil and grease disposal.
29. Emulsifiers shall not be discharged to the sewer system into interceptors. No person shall use enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of oil and grease through an oil and grease interceptor.
30. In the case of failure to adequately maintain the oil and grease interceptor to the satisfaction of The By-law Enforcement Officer. The By-law Enforcement Officer may require an alarmed monitoring device to be installed, at the expense of the owner.

## **PART VI – SEDIMENT INTERCEPTORS**

31. Every owner or operator of the premises from which sediment may directly or indirectly enter a sewer, including but not limited to premises using a ramp drain or area drain and vehicle wash establishments, shall install a sediment (sand and grit) interceptor designed to prevent sediment from entering the drain or sewer in excess of the limits in this bylaw.
32. Catch basins installed on private property for the purposes of collecting storm water and carrying it into the storm sewers shall be equipped with an interceptor and the installation of these catch basins on private property shall comply with the Municipality's Standard Construction Specifications and Drawings, as they may be amended from time to time.
33. All sediment interceptors shall be maintained in good working order and according to manufacturer's recommendations and shall be inspected daily to ensure performance is maintained to the manufacturer's specifications for performance.
34. The owner or operator of premises as set out in Part VI (31) shall, for one (1) year, keep documentation of interceptor clean-out and sediment disposal.
35. A maintenance schedule and record of maintenance shall be submitted to The By-law Enforcement Officer upon request for each sediment interceptor installed.

## **PART VII - HAULED WASTEWATER**

36. No person shall discharge hauled wastewater to the WPCP works unless,
  - (a) the carrier of the hauled wastewater operating as a waste management system has a environmental compliance approval under the EPA for waste management systems for domestic hauled sewage (septage);
  - (b) a copy of the most recent environmental compliance approval or provisional environmental compliance approval and any amendment is provided to the Region; and
  - (c) the carrier meets all conditions for discharge set out in The Regional Municipality of Durham's Hauled Wastewater Policy (December 2011).

## **PART VIII– DENTAL WASTE AMALGAM SEPARATORS**

37. Any dental practice within the Region must comply with the Dentistry Act, 1991, S.O. 1991, c. 24, and the regulations there under, as amended from time to time, for the disposal of amalgam waste.

## **PART IX - PROHIBITION OF DILUTION**

38. No person shall discharge or cause or permit the discharge of sewage into a sanitary sewer, combined sewer, storm sewer, municipal or private sewer connection to any sanitary sewer, combined sewer or storm sewer in circumstances where water has been added to the discharge for the purposes of dilution to achieve compliance with this by-law.

## **PART X - STORM SEWER REQUIREMENTS**

39. No person shall discharge or cause or permit the discharge into a storm sewer, watercourse, municipal or private sewer connection to any storm sewer any matter that,

- (a) interferes with proper operation of a storm sewer;
- (b) obstructs or restricts a storm sewer or the flow therein;
- (c) damages a storm sewer; or
- (d) results in any hazard or other adverse impact, to any person, animal, property, or vegetation.

40. No person shall discharge or cause or permit the discharge into a storm sewer, watercourse, municipal or private sewer connection to any storm sewer any matter that has one or more of the following characteristics:

- (a) visible film, sheen or discolouration;
- (b) two or more separate layers;
- (c) a pH less than 6.0 or greater than 9.0;
- (d) a temperature greater than 40 degrees Celsius; or
- (e) total mercury greater than 0.0004 mg/L.

41. No person shall discharge or cause or permit the discharge into a storm sewer, watercourse, municipal or private sewer connection to any storm sewer any matter that contains,

- (a) acute hazardous waste chemicals;
- (b) blowdown water;
- (c) combustible liquids;
- (d) floating debris;
- (e) fuel;
- (f) hauled sewage;
- (g) hauled waste;
- (h) hazardous industrial waste;
- (i) hazardous waste chemicals;
- (j) ignitable waste;
- (k) pathological waste, fungicides, herbicides;
- (l) PCBs;
- (m) pesticides;
- (n) reactive waste;
- (o) severely toxic waste;
- (p) sewage;
- (q) waste radioactive prescribed substances;
- (r) waste disposal site leachate;

- (s) *E.coli* colonies in excess of 200 Colony Forming Units per 100 ml;
- (t) contact cooling water; or
- (u) a concentration, expressed in milligrams per litre, in excess of any one or more of the limits in "Table 2 - Limits for Storm Sewer Discharge" of this by-law.

## **PART XI- CONSTRUCTION- CONTROL OF WATER FROM DEWATERING OPERATIONS**

42. All construction sites within the Region must comply with the Construction Specifications for Control of Water from Dewatering Operations, OPSS 518 November 2006 as amended from time to time.

## **PART XII - PRIVATE SWIMMING POOL WATER**

43. No person shall discharge wastewater from a private residential swimming pool,

- (a) into a Regional storm sewer system, unless authorized by the Commissioner;
- (b) in a manner that may cause or causes the wastewater to flow onto an adjoining property; or
- (c) over a valley, ravine wall or slope in a manner that may cause or causes the erosion or instability of the valley or ravine wall or slope.

44. Unless otherwise permitted, a person is permitted to discharge wastewater from a private residential swimming pool or hot tub/spa or wading pool either,

- (a) by way of a private temporary connection to the sanitary sewer; or
- (b) by way of a controlled discharge to the owner's property such that the discharge is at all times contained within the owner's property until it evaporates or infiltrates into the ground.

45. A person is permitted to discharge wastewater from a private residential swimming pool or hot tub/spa or wading pool to a Regional storm sewer provided that all of the following conditions are met,

- (a) there are no algaecides in the private residential swimming pool or hot tub/spa or wading pool water; and
- (b) the private residential swimming pool or hot tub/spa or wading pool water is held in the pool for one week after the last dosage of chlorine and the chlorine concentration in the discharge is at or below 0.01 mg/L; and
- (c) the private residential swimming pool or hot tub/spa or wading pool water is treated with sodium sulfite to achieve the 0.01 (mg/L) total chlorine limit; and
- (d) the copper concentration of the private residential swimming pool or hot tub/spa or wading pool water is at or below 0.05 mg/L; and
- (e) the owner of the private residential swimming pool or hot tub/spa or wading pool, directly, or through a tenant, operator or service contractor, complies with Part X – Storm Sewer Requirements.

46. A person may discharge wastewater from a private residential salt water swimming pool or hot tub/spa by,
- (a) a permanent connection to the sanitary drain on the owner's property;
  - (b) by way of a temporary connection to the sanitary drain on the owner's property; or
  - (c) by way of a controlled discharge to the owner's property such that the discharge is at all times contained within the owner's property until it evaporates or infiltrates into the ground provided that it does not migrate onto adjacent lands.
47. Rainwater resting on a tarp which covers a swimming pool or hot tub/spa or wading pool may be discharged to a storm sewer, subject Part X of this by-law;
48. Any water or wastewater, including rainwater resting on a tarp which covers a swimming pool, shall not be discharged to or near a ravine slope or valley as stated in Part XII Section 45 (c), in a manner that may cause or causes the erosion or instability of the ravine wall or slope or causes injury or destruction of trees and vegetation.
49. The backwash water from the swimming pool filter shall be discharged to the sanitary sewer or owner's property in a manner that does not flow on to the street or a neighboring property.

### **PART XIII – AGREEMENTS**

50. (a) Subject to subsections (2) and (3), the discharge of sewage that would otherwise be prohibited by Part II, Section 10 of this by-law may be permitted into or in any connection to any sanitary sewer to an extent fixed by an agreement with the Region upon such terms and conditions deemed necessary by the Region, including conditions with respect to payment of additional sewage service rates to compensate the Region or any other person engaged in the operation, repair, replacement or maintenance of the sewage works for any additional cost of operation, repair, replacement or maintenance of the sewage works.
- (b) A Surcharge Agreement may only be entered into for the discharge of the following parameters in sewage:
- 1. biochemical oxygen demand;
  - 2. solvent extractable matter of animal or vegetable origin;
  - 3. total phosphorus;
  - 4. total suspended solids;
  - 5. total kjeldahl nitrogen;
  - 6. sulphates.
- (c) The Region may require a Restrictive Discharge Agreement when restriction of loadings into the Regional Water Pollution Control Plants is required at the Region's sole discretion.
51. A person who has entered into a Surcharge Agreement shall not be prosecuted for an offence under Part II, Section 10 of this by-law for the discharge of any parameter specified in the Surcharge Agreement provided (a) such discharge occurs during a period when the Surcharge Agreement is in force and effect and

(b) the person is in compliance with all of the provisions of the Surcharge Agreement.

52. A person who has entered into a Restrictive Discharge Agreement shall not be prosecuted for an offence under Part II of this by-law for the discharge of any matter specified in the Restrictive Discharge Agreement provided (a) such discharge occurs during a period when the Restrictive Discharge Agreement is in force and effect and (b) such person is in compliance with all of the provisions of the Restrictive Discharge Agreement.

#### **PART XIV – COMPLIANCE PROGRAM**

53. At its sole discretion, the Region may establish a Compliance Program that will permit an industrial user to discharge non-complying sewage upon such terms and conditions deemed appropriate by the Commissioner.
54. Every Compliance Program shall specify the length of time necessary to plan, design, construct or install facilities to eliminate the non-compliance, and shall be specific as to the corrective actions to be implemented by the industrial user to bring the discharge into compliance, the dates of commencement and completion of these actions, and the materials or other characteristics of the matter to which it relates.
55. An industrial user for which a Compliance Program has been established shall submit a compliance program progress report to the Region within 14 days after the scheduled completion date of each activity listed in the Compliance Program.
56. An industrial user for which a Compliance Program has been established shall not be prosecuted under Part II of this by-law for the discharge of any matter specified in the compliance program provided such discharge occurs during a period when the Compliance Program is in force and effect and the industrial user complies with all aspects of the Compliance Program.

#### **PART XV– SAMPLING AND ANALYTICAL REQUIREMENTS**

57. The sampling and analysis required by this by-law shall be in accordance with the procedures as described in *Standard Methods*, the United States Environmental Protection Agency methods, Ministry of the Environment "Protocol for the Sampling and Analysis of Industrial/Municipal Wastewater", or any accredited procedure followed by the Region.
58. Compliance or non-compliance with this by-law may be determined by the analysis of a grab sample or a composite sample.
59. Wherever possible, samples shall be obtained at the point of control closest to the property boundary.
60. Wherever possible, samples shall be taken from a maintenance access hole. Where there is no maintenance access hole, the Region may provide, by written notice, the use of an alternate device or facility for the purpose of obtaining a representative sample of the discharge into the sewage works.
61. For each of the metals whose concentration is limited in "Table 1 – Limits for Sanitary Sewer Discharge", the analysis shall be for the quantity of total metal, which includes all metal both dissolved and particulate.

#### **PART XVI - SPILLS**

62. In the event of a spill to a sanitary sewer or storm sewer, the owner or the person having charge, management or control of the spill shall,

- (a) abide by Ministry of the Environment, EPA R.S.O. 1990 Chapter E.19 Part X, Spills.
  - (b) do everything reasonably possible to contain the spill, protect the health and safety of citizens, minimize damage to property, and protect the environment;
  - (c) notify the Region within two (2) hours of spill and complete any work the Region may require to mitigate the spill;
  - (d) clean up the spill and contaminated residue and restore the affected area to appropriate standards; and
  - (e) at the request of the Region, provide a report, within five (5) days of the spill, containing all of the following information:
    - 1. location where spill occurred;
    - 2. name and phone number of person who reported the spill and where they can be contacted;
    - 3. date and time of spill;
    - 4. materials spilled;
    - 5. characteristics of materials spilled;
    - 6. volume of materials spilled;
    - 7. duration of spill event;
    - 8. work completed and/or still in progress in the mitigation of the spill; and
    - 9. preventive actions being taken to ensure the spill does not occur again.
63. The Region has the right to compensation from the owner or the person having charge, management or control of the spill for all reasonable costs and expenses incurred.
64. The Region has the right to request all industrial, commercial and institutional establishments to prepare, implement and maintain a spill prevention and spill response plan for all possible contaminants on site that may gain access into the land drainage works or sanitary sewer connection.

## **PART XVII – POLLUTION PREVENTION PLANS**

65. The Region may require an industrial user to develop a pollution prevention plan for the discharge of any parameter designated by the Region where the industrial user has,
- (a) failed to comply with Part II – Sanitary Sewer Requirements;
  - (b) failed to comply with Part XI – Storm Sewer Requirements;
  - (c) failed to comply with a compliance program; or
  - (d) been responsible for one or more spills to a sewage or land drainage works.
66. Pollution prevention plans shall comply with any guidelines established by the Region.
67. The pollution prevention plan shall be completed by the industrial user and available for review by the Region at the site of the industrial user within eighteen (18) months of notification by the Region.
68. The Region may exempt an industrial user from developing a pollution prevention plan where the industrial user has in place an ISO 14001 Program



which is currently registered by a third party auditor accredited by The Standard Council of Canada or The Registrar Accreditation Board.

## **PART XVIII - WASTE SURVEYS**

69. At the request of the Region, an industrial user shall complete and submit a "Waste Survey Report" for review by the Region's Sewer Use By-law Office, Technical Support, and Works Department. The industrial user shall prepare and forward such reports to the Region within 90 days of receipt.

## **PART XIX - GENERAL**

### **Maintenance Access Holes**

70. Industrial users and owners of any multi-residential complex with one or more connections to a sewage works shall install and maintain in good repair in each connection a suitable maintenance access hole. Where the installation of a maintenance access hole is not possible, an alternative device or facility may be substituted with the written approval of the Commissioner.
71. The maintenance access hole, alternative device or facility shall be located on the property of the owner, as close to the property line as possible, unless the Region has given written approval for a different location.
72. Each maintenance access hole, alternative device or facility shall be designed, constructed and maintained by the owner, at the owner's expense, in accordance with good engineering practice and the requirements of the Region.
73. Industrial users and owners of any multi-residential complex with one or more connections to a sewage works shall at all times ensure that every maintenance access hole, alternative device or facility installed as required by this section is accessible to the Region.

### **Enforcement**

74. The Commissioner shall, from time to time, appoint By-law Enforcement Officers for the purpose of administering and enforcing this by-law.
75. No person shall prevent, hinder, obstruct or interfere in any way with the Region or any of its By-law Enforcement Officer from,
- (a) entering in or upon any land or premises, except land or premises being used as a dwelling house, at any reasonable time without a warrant;
  - (b) making such examinations, investigations, inquiries and tests;
  - (c) taking such samples; or
  - (d) inspecting or observing any plant, machinery, equipment, work, activity or documents, for the purpose of determining whether there is compliance with this by-law.

### **Protection from Damage**

76. No person shall uncover, make any connection with, break, alter, destroy, damage, deface or tamper or cause or permit the breaking, damaging, destroying, defacing or tampering with,
- (a) any part of a sewage works; or

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

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

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

### **Unauthorized Entry to Sewage Works**

- 78. Unless specifically authorized by the Region, no person shall enter any sewage works.

## **PART XX – OFFENCES**

- 79. Every person, other than a corporation, who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable for every day or part thereof upon which such offence occurs or continues to occur, to a fine of not more than \$10,000.00 for the first offence and not more than \$25,000.00 for any subsequent offence.
- 80. Every corporation that contravenes any provision of this by-law is guilty of an offence and upon conviction is liable for every day or part thereof upon which such offence occurs or continues to occur, to a fine of not more than \$50,000.00 for the first offence and not more than \$100,000.00 for any subsequent offence.
- 81. In this by-law, subsequent offence means a conviction for an offence, which occurs after the date of conviction for an earlier offence under this by-law or the Region's former Sewer Use By-law No. 43-2004 and 164-89.
- 82. Part I Provincial Offences Act offences and fines may apply to specific contraventions of the by-law as indicated in Appendix 1 to the By-law.
- 83. Any connections to the sanitary sewer in contravention of this By-law shall be disconnected by the owner of the property immediately.
- 84. Where in this By-law any person is required to do any matter or thing, in default of it being done by a person so directed or required to do it, the matter or thing may be done by the Region, at the cost and expense of the owner of the property, and such costs and expenses may be added to the tax roll for the property, and such cost shall represent a lien against the land.

## **PART XXI - CONFIDENTIAL INFORMATION:**

- 85. All information submitted to and collected by the Region under this by-law is subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act, 2001, S.). 2001 I c. 25 ("MFIPPA").
- 86. 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.

#### **PART XXII – EFFECTIVE DATE**

87. All of the provisions of this by-law shall come into effect on the date that it is passed by Council.

#### **PART XXIII - REPEAL**

88. By-laws 164-89, 43-2004 and 41-2009 are hereby repealed.

BY-LAW read and passed this 30<sup>th</sup> day of October 2013.



**R. Anderson, Regional Chair and CEO**



**D. Bowen, Regional Clerk**

**Table 1 – Limits for Sanitary Sewer Discharge**

Parameter	Limit (mg/L)	Parameter	Limit (mg/L)
BOD	300	Benzene	0.01
Cyanide (total)	2	Chloroform	0.04
Fluoride	10	1,2-dichlorobenzene	0.05
Total Kjeldahl Nitrogen	100	1,4-dichlorobenzene	0.08
Oil & Grease – Animal & Vegetable	150	cis-1, 2-dichloroethylene	4
Oil & Grease – Mineral & Synthetic	15	trans-1,3-dichloropropylene	0.14
Phenolics (4AAP)	1	Ethyl benzene	0.16
Phosphorus (total)	10	Methylene chloride	2
Suspended Solids (total)	350	1,1,2,2-tetrachloroethane	1.4
Sulphates	1500	Tetrachloroethylene	1
Aluminum (total)	50	Toluene	0.27
Antimony (total)	5	Trichloroethylene	0.4
Arsenic (total)	1	Xylenes (total)	1.4
Cadmium (total)	0.7	Di-n-butyl phthalate	0.08
Chromium (total)	2	Bis (2-ethylhexyl) phthalate	0.012
Cobalt (total)	5	Methyl Ethyl Ketone	8
Copper (total)	3	Styrene	0.2
Lead (total)	1		
Manganese (total)	5	PCBs	0.001
Molybdenum (total)	5		
Nickel (total)	2	Nonylphenols	0.02
Selenium (total)	1	Nonylphenol ethoxylates	0.2
Silver (total)	5		
Tin (total)	5		
Titanium (total)	5		
Zinc (total)	2		

**Table 2 – Limits for Storm Sewer Discharge**

Parameter	Limit (mg/L)	Parameter	Limit (mg/L)
BOD	15	Benzene	0.002
Cyanide (total)	0.02	Chloroform	0.002
Total Kjeldahl Nitrogen	1	1,2-dichlorobenzene	0.0056
Phenolics	0.008	1,4-dichlorobenzene	0.0068
Phosphorus (total)	0.4	Cis-1,2-dichloroethylene	0.0056
Suspended Solids (total)	15	Trans-1,3-dichloropropylene	0.0056
Arsenic (total)	0.02	Ethylbenzene	0.002
Cadmium (total)	0.008	Methylene chloride	0.0052
Chromium (total)	0.08	1,1,2,2-tetrachloroethane	0.017
Copper (total)	0.05	Tetrachloroethylene	0.0044
Lead (total)	0.12	Toluene	0.002
Manganese (total)	0.15	Trichloroethylene	0.008
Nickel (total)	0.08	Xylenes (total)	0.0044
Selenium (total)	0.02	Di-n-butyl phthalate	0.015
Silver (total)	0.12	Bis (2-ethylhexy) phthalate	0.0088
Zinc (total)	0.04		
		PCBs	0.0004