

The Corporation of the Town of North Perth
By-law No. 49-PW-2003
Sewer Use By-law

WHEREAS Section 87 of the Municipal Act, S. O. 2001; Chapter 25, as amended provides municipalities with the authority to pass by-laws to control discharges to the Municipal Sewage Works within the following sphere of jurisdiction; Public Utilities

AND WHEREAS the Municipality wishes to establish such standards and procedures in the Town of North Perth.

NOW THEREFORE the Town of North Perth enacts as follows:

Part 1 - Definitions

1. In this bylaw:
 - (a) “blowdown water” means 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 impair the operation of the system;
 - (b) “combined sewer” means a sewer intended to function as a storm sewer and a sanitary sewer designed to carry sewage, storm water, or uncontaminated water;
 - (c) “combustible liquid” means a liquid that has a flash point not less than 37.8 degrees Celsius and not greater than 93.3 degrees Celsius;
 - (d) “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 process materials and that has been circulated through the cooling device, but does not include blowdown water;
 - (e) “discharger” means an individual, association, partnership, corporation, municipality or an agent or employee thereof in occupation or having the charge, management, or control of a plant, sewage, storm water, uncontaminated water or any combination thereof, to which this by-law applies; Notwithstanding the foregoing, the Corporation of the Town of North Perth (“Town”) shall not be deemed to be a Discharger for the purpose of this By-law, the intent being that this By-law shall not apply to the Town;
 - (f) “fuel” means alcohol, gasoline, naphtha, diesel fuel, fuel oil or any other ignitable substance intended for use as a fuel;
 - (g) “hailed sewage” means waste, removed from a cesspool, a septic tank system, a privy vault or privy pit, a chemical toilet, a portable toilet, or a sewage holding tank;
 - (h) “hailed waste” means any industrial waste which is transported to and deposited into any location in the sewage works excluding hailed sewage;
 - (i) “ignitable substance” means a substance that is,
 - (i) a liquid, other than an aqueous solution containing less than 24 per cent alcohol by volume and has a flash point less than 61 degrees Celsius, as determined by the Tag Closed Cup Tester (ASTM D-56-79), the Setaflash Closed Cup Tester (ASTM D-

- 3243-77 or ASTM D-3278-761), the Pensky-Martens Closed Cup Tester (ASTM D-93-79), or as determined by an equivalent test method,
- (ii) a solid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a danger,
 - (iii) an ignitable compressed gas (Class 2, Division D) as defined in the regulations under the Transportation of Dangerous Goods Act, 1992, S.C. 1992, as amended,
 - (iv) an oxidizing substance (Class 5, Divisions 1 and 2) as defined in the regulations under the Transportation of Dangerous Goods Act, 1992, S.C. 1992, as amended;
- (j) “industrial” means
of or pertaining to industry, manufacturing, commerce, trade, business, or institutions as distinguished from domestic or residential;
 - (k) "municipality" means the Corporation of the Town of North Perth.
 - (l) “PCBs” means
any monochlorinated or poly-chlorinated biphenyl or any mixture of them or mixture that contains one or more of them;
 - (m) “pesticide” means
a pesticide as defined and regulated under the *Pesticides Act , R.S.O. 1990, c.P. (PA)*;
 - (n) "public works manager" means the person or his designate appointed by council to enforce the provisions of this by-law.
 - (o) “reactive waste” means
a substance that:
 - (i) is normally unstable and readily undergoes violent changes without detonating,
 - (ii) reacts violently with water,
 - (iii) forms potentially explosive mixtures with water,
 - (iv) when mixed with water, generates toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment,
 - (v) is a cyanide or sulphide bearing waste which, when exposed to pH conditions between 2 and 12.5, can generate toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment,
 - (vi) is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement,
 - (vii) is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure,
 - (viii) is an explosive (Class 1) as defined in the regulations under the *Transportation of Dangerous Goods Act, 1992, S.C. 1992*, as amended;
 - (p) “sanitary sewer” means
a sewer for the collection and transmission of domestic, residential, commercial, institutional and industrial sewage, or any combination thereof;
 - (q) “sewage” means
any liquid, solid or gas containing organic, inorganic, animal, vegetable or mineral matter in solution or in suspension but does not include storm water or uncontaminated water;
 - (r) “sewage works” means
any works for the collection, transmission, treatment or disposal of sewage, and uncontaminated water, including a combined sewer, sanitary sewer or storm sewer, or any part of such works, but does not include plumbing or other works to which regulations made under clause 75(3)(a) of the Ontario Water Resources Act, RSO 1990 c. 040 (OWRA) applies;
 - (s) “site” means
any industrial location capable of discharging to a sewage works covered by this bylaw;

- (t) “spill” means
a direct or indirect discharge or deposit to the sewage works or the natural environment which is abnormal in quantity or quality in light of all the circumstances of the discharge or deposit;
- (u) “storm sewer” means
a sewer for the collection and transmission of uncontaminated water, storm water, drainage from land or from a watercourse or any combination thereof and includes surface runoff;
- (v) “storm water” means
rainwater runoff, water runoff from roofs, flow from foundation drains, snow melt and surface runoff;
- (w) “uncontaminated water” means
potable water as supplied by the municipality or any other water to which no matter has been added as a consequence of its use;
- (x) “waste radioactive prescribed substances” means
uranium, thorium, plutonium, neptunium, deuterium, their respective derivatives and compounds and such other substances as the Atomic Energy Control Board may designate as being capable of releasing atomic energy or as being requisite for the production, use or application of atomic energy.
- (y) “waste disposal site leachate” means
the liquid containing dissolved or suspended contaminants which emanates from waste and is produced by water percolating through the waste or by liquid in the waste disposal site;

Part 2 - Sanitary and Combined Sewer Requirements

2. (1) No discharger shall cause or permit the deposit or discharge of sewage into a sanitary or combined sewer in circumstances where,
 - (a) to do so may cause or result in,
 - (i) a health or safety hazard to a sewage works person authorized to inspect, operate, maintain, repair or otherwise work on a sewage works;
 - (ii) an offence under of the *Ontario Water Resources Act* or the *Environmental Protection Act*, as amended from time to time, or any regulation made thereunder from time to time
 - (iii) biosolids from the sewage works to which either sewage discharges, directly or indirectly, to fail to meet the objectives and criteria as 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;
 - (iv) interference with the operation or maintenance of a sewage works;
 - (v) an offensive odour to emanate from the sanitary sewer, combined sewer or sewage works;
 - (vi) damage to the sewage works; or
 - (vii) an obstruction or restriction to the flow in the sanitary sewer or combined sewer.
 - (b) the sewage has one or more of the following characteristics:
 - (i) a pH less than 6.0 or greater than 10.5;
 - (ii) two or more separate liquid layers;
 - (iii) a temperature greater than 60 degrees Celsius.
 - (c) the sewage contains:
 - (i) biomedical waste;
 - (ii) combustible liquid;
 - (iii) fuel;
 - (iv) hauled sewage, except where:

- (a) the carrier of the hauled sewage is a waste management system operating under a certificate of approval or provisional certificate of approval issued under the *Environmental Protection Act* or is exempt from the requirement to have a certificate or provisional certificate of approval;
- (b) a copy of the most recent certificate or provisional certificate and any amendment is provided to the municipality; and
- (c) the carrier meets all conditions for discharge that are or may be required from time to time by the municipality;
- (v) hauled waste, except where:
 - (a) the carrier of the hauled waste is a waste management system operating under a certificate of approval or provisional certificate of approval issued under the *Environmental Protection Act* or is exempt from the requirement to have a certificate or provisional certificate of approval;
 - (b) a copy of the most recent certificate or, provisional certificate and any amendment is provided to the municipality prior to discharger usage at the plant;
 - (c) hauled waste meets the conditions set out in clauses 23(3)(c) and 25(5)(b) of O.Reg 347, R.R.O. 1990, as amended from time to time; and
 - (d) the carrier meets all conditions for discharge that are or may be required from time to time by the municipality;
- (vi) ignitable substance;
- (vii) PCBs, except where:
 - (a) the discharger has a certificate of approval for a mobile site or PCB mobile waste disposal system issued under the EPA or where the discharger is claiming an exemption under a regulation, the discharger has demonstrated to the municipality that the conditions of the exemption are met;
 - (b) a copy of the most recent certificate or provisional certificate and any amendment is provided to the municipality;
 - (c) the discharger has written approval from the municipality for the discharge of the PCBs to the sewage works; and
 - (d) the requirements of O. Reg. 352 are met;
- (viii) pesticides;
- (ix) reactive substance;
- (x) waste radioactive prescribed substances, except where:
 - (a) the waste radioactive prescribed substances are being discharged under a valid and current licence issued by the Atomic Energy Control Board or its successor; and
 - (b) a copy of the licence has been provided to the municipality; or
- (xi) waste disposal site leachate, except where:
 - (a) the discharger has written approval from the municipality which authorizes the discharge or deposit of the waste disposal site leachate to the sewage works; and
 - (b) a certificate of approval, provisional certificate of approval or order has been issued which includes a provision for the disposal of waste disposal site leachate to a sewage works, a copy of the certificate of approval, provisional certificate of approval or order is provided to the municipality, or where the discharger is claiming an exemption pursuant to a regulation, the discharger has demonstrated to the municipality that the conditions of the exemption are being met;
- (xii) a concentration, expressed in milligrams per litre, which exceeds any one or more of the limits in Table 1 of this by-law entitled "Limits for Sanitary and Combined Sewers"; or
- (xiii) a substance which appears on the most current Schedule 1 'Toxic Substances' list of the Canadian Environmental Protection Act.

- (2) The discharge of storm water to a sanitary sewer is prohibited except where the municipality has provided a written Notice of Exception to the discharger and so long as the person to whom the Notice is directed is complying with any terms and conditions in the Notice of Exception.
- (3) A municipality may provide an exception to the prohibition in 2.(2) in emergency situations by issuing a written Notice of Exception to the person discharging storm water into a sanitary sewer.
- (4) No industrial discharger shall cause or permit the discharge or deposit of cooling water or uncontaminated water into a combined sewer or sanitary sewer except where:
 - (a) the industrial discharger provides written notice to the municipality *within 120 days of enactment of this by-law* identifying discharges which have been permitted by the municipality or its predecessor prior to the enactment of this by-law and the municipality provides a written Notice of Acceptance, or
 - (b) the industrial discharger has entered into an agreement with the municipality regarding the discharge prior to any discharge and the discharger is complying with the Notice of Acceptance
- (5) No discharger shall discharge or deposit water to a combined sewer or sanitary sewer where the water originates from a source separate from the potable water supplied by the municipality except where the discharger:
 - (a) provides written notice to the municipality setting out the amount of water, location of the water source, and address of the discharger where the water is being used and from which it is being discharged;
 - (b) provides the municipality with a copy of a valid Permit to Take Water in respect of the taking of the water that is being discharged or deposited, where such a Permit to Take Water is required by the *Ontario Water Resources Act*, R.S.O. 1990, c.O.14, as amended; and
 - (c) has entered into a Discharge Agreement with the municipality regarding the discharge, prior to any discharge, and the discharger is complying with the terms of that agreement. (See attached form 2-Schedule "B" of this by-law.)
- (6) Notwithstanding subsection 2.(5), where a discharger has been discharging or depositing water to a combined sewer or sanitary sewer prior to the enactment of this bylaw and the discharger provided to the municipality or its predecessor written notice of the discharge, the discharger is permitted to continue to discharge or deposit water provided that, *within one year of the date of enactment of this by-law* the discharger:
 - (a) provides the municipality written notice specifying the amount of water being discharged or deposited, the location of the water source, the address of the premises from which the water is being used and from which it is being discharged;
 - (b) provides the municipality with a copy of a valid Permit to Take Water in respect of the taking of the water that is being discharged or deposited, where such a Permit to Take Water is required by the *Ontario Water Resources Act*, R.S.O. 1990, c.O.14, as amended; and
 - (c) the discharger has entered into a Discharge Agreement with the municipality regarding the discharge, prior to any discharge, and the discharger is complying with the terms of that agreement.

Part 3 - Prohibition of Dilution

- (1) The addition of water or any other material from any source which is added to sewage for the purposes of dilution to achieve compliance with Part 2 is prohibited.

Table 1 - Limits for Sanitary and Combined Sewers

ATG*	Parameter	Limit (mg/L)
1a	Biochemical Oxygen Demand (5 day)	300
2	Cyanide, Total	2
6	Phosphorus, Total	10
8	Suspended Solids, Total	350
9	Cadmium, Total	0.7
	Chromium, Total	5
	Cobalt, Total	5
	Copper, Total	3
	Lead, Total	2
	Molybdenum, Total	5
	Nickel, Total	3
	Silver, Total	5
	Zinc, Total	3
10	Antimony, Total	5
	Arsenic, Total	1
	Selenium, Total	5
12	Mercury, Total	0.05
14	Phenolics (4AAP)	1.0
16	Chloroform	0.04
	1,4 – Dichlorobenzene	0.47
	Methylene chloride	0.21
	1,1,2,2 – Tetrachloroethane	0.04
	Tetrachloroethylene	0.05
	Trichloroethylene	0.07
17	Benzene	0.01
	Ethylbenzene	0.16
	Toluene	0.27
	o-Xylene	0.52
25	Solvent Extractables - mineral or synthetic in origin	15
	Solvent Extractables - animal or vegetable in origin	150
30	Fluoride	10

* ATG - Analytical Test Group as presented in the Guidance Manual Sampling and Analysis of Wastewater for the 1999 Model Sewer By-law, April 1999"

Part 4 - Storm Sewer Requirements

4. (1) No discharger shall cause or permit the deposit or discharge of cooling water, storm water or uncontaminated water to a storm sewer unless the deposit or discharge does not:
 - (a) interfere with the proper operation of a storm sewer;
 - (b) obstruct or restrict a storm sewer or the flow therein;
 - (c) damage the storm sewer;
 - (d) result in any hazard or other adverse impact, to any person, animal, property, or vegetation;
 - (e) impair or is not likely to impair the quality of the water in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse;

- (f) contravene or result in the contravention of a certificate or provisional certificate of approval or order issued under the Ontario Water Resources Act or the Environmental Protection Act;
 - (g) have one or more of the following characteristics:
 - (i) two or more separate layers; or,
 - (ii) a pH less than 6.5 or greater than 8.5;
 - (h) contain one or more of the following:
 - (i) biomedical waste
 - (ii) combustible liquids;
 - (iii) floating debris;
 - (iv) fuel;
 - (v) hauled sewage;
 - (vi) hauled waste;
 - (vii) ignitable waste;
 - (viii) PCBs;
 - (ix) pesticides;
 - (x) reactive waste;
 - (xi) sewage;
 - (xii) waste radioactive prescribed substances;
 - (xiii) waste disposal site leachate;
 - (xiv) a substance from raw materials, intermediate or final materials, used or produced in, through or from an industrial process;
 - (xv) a substance used in the operation or maintenance of an industrial site; or
 - (xvi) a substance appearing on the most current Schedule 1 'Toxic Substances' list of the Canadian Environmental Protection Act.
- (2) A discharger may be required, by written notice from the municipality, to complete one or more of the following activities addressing storm water from the dischargers site:
- (a) a study on stormwater quality and/or quantity;
 - (b) modification and/or construction of stormwater facilities;
 - (c) development and implementation of a best management practice plan;
 - (d) adoption and implementation of pollution prevention techniques and measures; or
 - (e) any other activity set out in the notice.

Part 5 - Reporting of Site Information by Industrial Dischargers

- (1) Prior to any discharge of sewage, storm water, cooling water, uncontaminated water or any combination thereof to a sewage works, an industrial discharger shall complete and submit to the municipality a "Short version of the Discharger Information Report" in the form set out in this by-law as Form 1., attached as Schedule "A."
- (2) The Municipality may provide to a discharger a written Notice of Report requiring the discharger to complete and submit a "Complete Discharger Information Report" in the form set out in this by-law as Form 2, attached as Schedule "B," where in the opinion of the municipality, the discharger may have a significant impact on the sewage works.
- (3) Notwithstanding subsection 5.(1), where an industrial discharger has been discharging sewage, storm water, cooling water or uncontaminated water to a sewage works prior to the enactment of this by-law and the discharger provided to the municipality or its predecessor written information on their sites, the discharger is permitted to continue to discharge or deposit provided that, *within one year of the date of enactment of this by-law*, the discharger provides to the municipality the report referred to in subsection 5.(1) unless the municipality has provided the discharger with a written notice waiving the requirement to submit the report.

- (4) An industrial discharger who has been given a written notice by the municipality waiving the requirements of 5.(1) shall provide the municipality with whatever information the municipality has required in the written notice and within the time period set out in the notice.
- (5) An industrial discharger who is discharging or depositing sewage, storm water, cooling water or uncontaminated water to a sewage works shall provide written notice of any change in the information in the reports required under subsections 5.(1), 5.(2) or 5.(4) and such notice shall include details of the nature of the change and any analysis of the discharge and its potential effect on the municipal sewage works into which it is being discharged or deposited.

Part 6 - Extra Strength Surcharge Agreement

6. (1) Where sewage is discharged to a sanitary sewer, the municipality may enter into an Extra Strength Surcharge Agreement with a discharger to permit exceedances of the limits set out in 2.(1)(c)(xii) for any one or more of the following parameters,
 - (a) Biochemical Oxygen Demand (5 Day);
 - (b) Phenolics (4AAP);
 - (c) Solvent Extractables - animal or vegetable in origin;
 - (d) Phosphorus, Total;
 - (e) Suspended Solids, Total.
 - (f) Kjeldahl Nitrogen
- (2) An Extra Strength Surcharge Agreement may contain terms and conditions, related to the calculation and payment for the discharge to the sanitary sewer;
- (3) During the term of an Extra Strength Surcharge Agreement, the discharger is exempt from meeting the limits set out in 2.(1)(c)(xii) for the parameter(s) included in the Agreement, provided that all of the terms and conditions in the Agreement are met.
- (4) Notwithstanding subsection 5.(5), where a discharger has entered into an Extra Strength Surcharge Agreement, any change in the information required in Part 5 must be submitted to the municipality prior to the change to allow sufficient assessment of the impact of the change on the Agreement.
- (5) The municipality may terminate an Extra Strength Surcharge Agreement at any time and for any reason, and the termination will be effective within **90** days of a written notice of termination to the discharger's site or head office.

Part 7 - Compliance Plan

7. (1) A discharger may submit to a municipality a proposal for a Compliance Plan to prevent, reduce or control the discharge of sewage that is not in compliance with this by-law.
- (2) The municipality may enter into a Compliance Plan Agreement with the discharger to allow the discharger to carry out the compliance plan submitted under 7.(1) or the plan as modified by the municipality. A sample agreement is attached as Schedule "B."
- (3) The Compliance Plan Agreement shall, at a minimum, include terms:

- (a) detailing the non-compliance situation and, where the non-compliance is in respect of the parameters and limits in 2.(1)(c)(xii), setting alternative interim limits for the parameters;
 - (b) setting minimum sampling and testing;
 - (c) setting a fixed term ;
 - (d) detailing the compliance plan;
 - (e) requiring reporting to the municipality on progress towards compliance;
 - (f) allowing the municipality to terminate the Agreement immediately, without notice to the discharger, where the municipality is of the opinion that there is an immediate threat or danger to any person, animal, property, vegetation, or any other adverse impact to the sewage works, and;
 - (g) providing for how notice in clause 7.(3)(f) will be given to a discharger.
- (4) Where a discharger has entered into a Compliance Plan Agreement and that agreement is terminated, the discharger shall immediately comply with all provisions of this by-law.
 - (5) Notwithstanding 7.(1), if a discharger who is a party to a Compliance Plan Agreement that has not been terminated complies fully with the agreement, the discharger shall not be prosecuted or convicted in respect of discharges dealt with in the agreement that occur while the agreement is in effect.

Part 8 - Sampling and Analytical Requirements

- 8. (1) Every industrial discharger shall ensure that there is a maintenance access point for each connection from the discharger's site to the sewage works, which maintenance access points shall be installed and maintained at the expense of a discharger for the purpose of sampling discharges or deposits.
- (2) Every discharger shall ensure that the maintenance access points required by subsection 8.(1) are:
 - (a) located on the property of the discharger, unless the municipality provides written notice allowing the discharger to establish and maintain a maintenance access point at an alternative location;
 - (b) accessible at all times by the municipality;
 - (c) constructed in a manner which is acceptable to the municipality;
 - (d) maintained to ensure access and structural integrity.
 - (e) maintained and constructed at the expense of the discharger
- (3) Notwithstanding subsection 8.(1), where there is no maintenance access point or the maintenance access point is not an acceptable sampling location in the opinion of the municipality, the municipality may allow in a written notice to the discharger for an alternative sampling location for discharges or deposits to the sewage works.
- (4) The municipality may establish non-compliance with this by-law on the basis of a grab sample taken and analyzed in accordance with the procedures and methods described in the standard methods for the Examination of Water and Wastewater published by the American Public Health Association et al.
- (5) The municipality, by written notice, may require an industrial discharger to sample and analyze one or more discharges or deposits from a site and submit the results and/or the samples to the municipality;

- (6) Where an industrial discharger receives written notice under subsection 8.(5), the discharger shall sample, analyze and submit in accordance with that notice.

Part 9 - Spills

9. (1) In the event of a spill to a sewage works, the discharger shall immediately notify the municipality, provide any information with respect to the spill which the municipality advises it requires and complete any work the municipality may require to mitigate the spill.
- (2) The discharger shall provide a report on the spill to the municipality, within *five days* after the spill, containing the following information:
 - (a) location where the spill occurred;
 - (b) name and phone number of person who reported the spill and location where they can be contacted;
 - (c) date and time of spill;
 - (d) material spilled;
 - (e) characteristics of the material(s) spilled;
 - (f) volume of the material(s) spilled;
 - (g) duration of spill event;
 - (h) work completed and/or still in progress in the mitigation of the spill; and
 - (i) preventative actions being taken to ensure the situation does not occur again.

Part 10 - Permitting and Inspecting Procedures

1. The Public Works Manager of the Municipality, or his designate, shall be granted, upon request, full reasonable access to any premises where discharge is occurring, for the purposes of inspection of said discharge.
2. No person shall hinder or in any way prevent any officers of the Town of North Perth from carrying out their duties under this by-law.

Part 11 - Offences

11. (1) Any discharger who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine of *\$10,000* dollars *exclusive of costs for a first offence and a fine of \$25,000 dollars exclusive of costs* for any subsequent offence.
- (2) In this By-law, subsequent conviction means a conviction for an offence which occurs after the date of conviction for an earlier offence under this By-law or By-law #1587 of the former Town of Listowel.

Part 12 - Provision of Notice

12. (1) Where written notice under this bylaw is required to be given by a discharger, notice shall be sufficiently given when it is:
 - (a) delivered personally to the Clerk of the Municipality; or
 - (b) if sent by mail and addressed to the Clerk of the Municipality, when the Clerk receives the written notice.
- (2) Where written notice under this bylaw is required to be given by the municipality to the discharger, notice shall be sufficiently given if it is:
 - (a) delivered to the latest address for the discharger in the municipality's records and given to a person acting for or on behalf

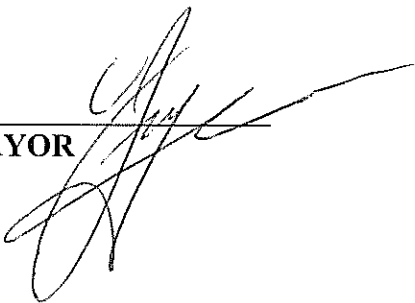
- of the discharger, whose name appears in the records of the municipality; or
- (b) sent by mail addressed to a person acting for or on behalf of the discharger, whose name appears in the records of the municipality to the latest address for the discharger in the municipality's records.
- (3) Where written notice is given by mail by the municipality, the notice shall be deemed to have been given as of *five* days after the day of mailing.

Part 13 - Repeal Previous By-law

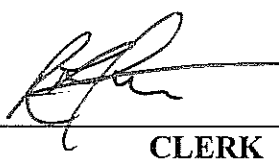
13. (1) By-law #1587 the sanitary by-law of the former Town of Listowel is hereby repealed.

READ A FIRST AND SECOND TIME THIS 16th DAY OF JUNE, 2003.

READ A THIRD AND FINALLY APPROVED THIS 16TH DAY OF JUNE, 2003.



MAYOR



CLERK