

City of Brockville

Ontario, Canada



**A By-law of the
Corporation of the City of Brockville
to Regulate the Use of Sewers
By-law No. 046-2014**

Enacted by Council

**A By-Law to Regulate the Use of Sewers
Within the City of Brockville**

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THE CORPORATION OF THE CITY OF BROCKVILLE
By-Law Number 046-2014

Being a By-law to regulate the use of sewers within the City of Brockville

WHEREAS the *Municipal Act*, s.o. 2001, c. 25, Section 9, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act; and

WHEREAS the *Municipal Act*, s.o. 2001, c. 25, Section 9, PROVIDES THAT Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues; and

WHEREAS Section 10, of the *Municipal Act*, s.o. 2001, c. 25 permits a single tier municipality to pass By-law respecting: public assets of the municipality, the economic social and environmental well-being of the municipality and the health and safety, and well-being of persons; and

WHEREAS pursuant to the *Municipal Act*, s.o. 2001, c. 25, Section 87, the City of Brockville may enter on land, at reasonable times, to inspect the discharge of any matter into the sewage system and may conduct tests and take samples; and

WHEREAS the Council is authorized by Section 78 to 93 of the *Municipal Act*, s.o. 2001, c. 25, to pass By-laws for services that the municipality considers necessary or desirable for the public which includes utility services;

WHEREAS the Council of the Corporation of the City of Brockville deem it desirable to enact a bylaw to:

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

NOW THEREFORE, the Council of the City of Brockville hereby enacts as follows:

1. DEFINITIONS

As used in this bylaw, the following terms shall have the meanings indicated:

- 1.1 ACCREDITED LABORATORY — Any laboratory accredited by an authorized accreditation body in accordance with a standard based on “CAN-P-1585: *Requirements for the Accreditation of Environmental Testing Laboratories*” established by the Standards Council of Canada, as amended, or “ISO/IEC/EN 17025: *General Requirements for Competence of Calibration and Testing*

Laboratories” established by the International Organization for Standardization, as amended.

- 1.2 BIOCHEMICAL OXYGEN DEMAND (BOD) — The five-day BOD which is the determination of the molecular oxygen utilized during a five-day incubation period for the biochemical degradation of organic material (carbonaceous demand), and the oxygen used to oxidize inorganic material such as sulphides and ferrous iron, and the amount of oxygen used to oxidize reduced forms of nitrogen (nitrogenous demand) as determined by the appropriate procedure in Standard Methods.
- 1.3 BIOMEDICAL WASTE — Biomedical waste as defined in the Ontario Ministry of Energy and the Environment Guideline C-4 entitled “The Management of Biomedical Waste in Ontario” dated April 1994, as amended from time to time.
- 1.4 BLOWDOWN WATER — 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.
- 1.5 CHEMICAL OXYGEN DEMAND (COD) – A measure of the capacity of the water to consume oxygen as a result of oxidation of inorganic chemicals and decomposition of organic matter.
- 1.6 CLEAR-WATER WASTE – Includes non-contact cooling water and other water that has not come into contact with wastewater contaminant sources.
- 1.7 COMBINED SEWER — A sewer intended to function simultaneously as a storm sewer and a sanitary sewer.
- 1.8 COMBUSTIBLE LIQUID — A liquid that has a flash point not less than 37.8 degrees Celsius and not greater than 93.3 degrees Celsius.
- 1.9 COMPLIANCE PROGRAM - The necessary steps undertaken by a discharger to bring wastewater discharged into the municipal sewer into compliance with terms and conditions of this bylaw or related permit. Compliance programs are applicable to existing dischargers only; new dischargers must fully comply with the requirements of this bylaw.
- 1.10 COMPOSITE SAMPLE — A volume of wastewater, storm water, uncontaminated water, clear-water or effluent made up of three or more grab samples that have been combined automatically or manually and taken at intervals during the sampling periods.
- 1.11 CONNECTION or DRAIN — That part or those parts of any pipe or system of pipes leading directly to a wastewater works.
- 1.12 COOLING WATER — 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.

- 1.13 DISCHARGER – means a person, or an agent or employee thereof, in occupation or having the charge, management or control of a site sewage, storm water, uncontaminated water or any other matter to which this By-law applies;
- 1.14 DOMESTIC WASTEWATER - Waste produced on residential premises, or sanitary waste and wastewater from showers and restroom washbasins produced on non-residential property.
- 1.15 FLOW MONITORING POINT – An access place to the sewer service for the purpose of;
 - a. measuring the rate or volume of wastewater, storm water, clear water waste or subsurface water released from the premises; and
 - b. collecting representative samples of wastewater, storm water, clear water waste or subsurface water released from the premises.
- 1.16 FUELS — Alcohol, gasoline, naphtha, diesel fuel, fuel oil or any other ignitable substance intended for use as a fuel.
- 1.17 GRAB SAMPLE — A volume of wastewater, storm water, uncontaminated water or effluent which is collected over a period not exceeding 15 minutes.
- 1.18 GROUND WATER — Water beneath the earth's surface accumulating as a result of seepage.
- 1.19 HAULED WASTE — Any industrial waste which is transported to and deposited into any location in the wastewater works, excluding hauled wastewater.
- 1.20 HAULED WASTEWATER — Waste removed from a wastewater system, including a cesspool, a septic tank system, a privy vault or privy pit, a chemical toilet, a portable toilet or a wastewater holding tank.
- 1.21 HAZARDOUS INDUSTRIAL WASTE — Means a material which is a hazardous waste under the Environmental Protection Act, R.S.O. 1990, c. E. 19 (EPA), Ontario Regulation 347, as amended.
- 1.22 HAZARDOUS WASTE CHEMICALS – Means a material which is a hazardous waste chemical under the Environmental Protection Act, R.S.O. 1990, c. E. 19 (EPA), Ontario Regulation 347, as amended.
- 1.23 IGNITABLE WASTE — A substance that:
 - a. is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume and has a flash point less than 93 degrees Celsius, as

- determined by the Tag Closed Cup Tester (ASTM D-56-97a), the Setaflash Closed Cup Tester (ASTM D-3828-97 or ASTM D-3278-96e1), the Pensky-Martens Closed Cup Tester (ASTM D-93-97), or as determined by an equivalent test method;
- b. is a solid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a danger;
 - c. is 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; or
 - d. is 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.
- 1.24 INDUSTRIAL — Of or pertaining to manufacturing, commerce, trade, business or institutions as distinguished from domestic or residential.
- 1.25 INDUSTRY — Any owner or operator of industrial, commercial or institutional premises from which there is a discharge of any matter directly or indirectly into a sanitary sewer, combined sewer or storm sewer of the Municipality.
- 1.26 INSTITUTIONAL — A facility, usually owned by a government, operated for public purposes, such as schools, universities, medical facilities (hospitals, nursing stations, nursing homes), museums, prisons, government offices, military bases. Some of these facilities produce non-residential discharges to sewers from, for example, laboratories, chemical use, and industrial processes.
- 1.27 LOWER EXPLOSIVE LIMIT (LEL) – means the minimum concentration of the compound as a gas or vapour, measured as a percentage in air, which will explode or burn.
- 1.28 MATTER — Includes any solid, liquid or gas.
- 1.29 MONITORING ACCESS POINT — An access point, such as a chamber, in a private sewer connection to allow for observation, sampling and flow measurement of the wastewater, uncontaminated water or storm water therein.
- 1.30 MUNICIPALITY – Means the Municipality of “The City of Brockville”.
- 1.31 MUNICIPAL SEWER CONNECTION — That part of any drain leading from the private sewer connection and connected to the municipal sewer and located within the limits of the public road allowance, or other public lands or public land interests held for sewerage purposes.

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- 1.32 MULTIPLE MUNICIPAL SEWER CONNECTION – A municipal sewer connection providing service to two or more premises.
- 1.33 NON-CONTACT COOLING WATER — Water which is used to reduce temperature for the purpose of cooling and which does not come into direct contact with any raw material, intermediate or finished product other than heat.
- 1.34 NON-DOMESTIC WASTEWATER — All Wastewater except Domestic Wastewater, Storm Water, Uncontaminated Water, and Septic Tank Waste.
- 1.35 OIL AND GREASE – *n*-Hexane extractable matter as described in Standard Methods.
- 1.36 ONCE-THROUGH COOLING WATER – Non-contact cooling water that has been circulated once through the cooling device.
- 1.37 OVER STRENGTH — Refers to wastewater released to the sewer that is higher in concentration for one or more constituent concentrations set out in Schedule B or containing constituents identified in Schedule B.
- 1.38 OWNER – shall mean any person, including a corporation, who is the registered Owner of the property under consideration including a trustee in whom land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator or a guardian. The obligations of the Owner under this by-law may not be transferred to a party which is not an Owner.
- 1.39 PATHOLOGICAL WASTE — Pathological waste under the Environmental Protection Act, R.S.O. 1990, c. E. 19 (EPA), Ontario Regulation 347, as amended.
- 1.40 PCBs — Any monochlorinated or polychlorinated biphenyl or any mixture of them or mixture that contains one or more of them.
- 1.41 PERSON — An individual, association, partnership, corporation, municipality or an agent or employee of such a person.
- 1.42 PESTICIDE — A pesticide as defined and regulated under the Pesticides Act, R.S.O. 1990, c.P. (PA), as amended.
- 1.43 PRETREATMENT – The reduction, elimination or alteration of pollutants in wastewater prior to discharge into the sanitary sewer. This reduction or alteration can be obtained by physical, chemical, or biological processes, through pollution prevention, or by other means, except by diluting the concentration of the pollutants.
- 1.44 PRETREATMENT PROCESSES – One or more treatment processes or devices designed to remove sufficient matter from wastewater discharged into the municipal sewer to enable compliance with effluent limits established in this Bylaw.

Pretreatment processes prevent or reduce and control the discharge or deposit of matter from the discharger's premises into the municipal sewer connection.

- 1.45 PRIVATE SEWER CONNECTION — That part of any drain or system of drains, including drains or subsurface drainage pipe for surface or subsurface drainage of the land in or adjacent to a building, lying within the limits of the private lands and leading to a municipal sewer connection whose responsibility for maintenance is the property owner's.
- 1.46 PROHIBITED WASTE – Means prohibited waste as defined in Schedule “A” to this bylaw
- 1.47 REACTIVE WASTE — A substance that:
- a. is normally unstable and readily undergoes violent changes without detonating;
 - b. reacts violently with water;
 - c. forms potentially explosive mixtures with water;
 - d. when mixed with water, generates toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment;
 - e. is a cyanide or sulphide bearing waste which, when exposed to pH conditions between 2 and 12.5, can generate toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment;
 - f. is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement;
 - g. is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure; or
 - h. is an explosive (Class 1) as defined in the regulations under the Transportation of Dangerous Goods Act, 1992, S.C. 1992, as amended.
- 1.48 RESTRICTED WASTE – Means restricted waste as defined in Schedule “B” to this bylaw.
- 1.49 SAMPLING PORT – A valve, tap or similar device on equipment, a drain pipe or at another suitable location, to allow for sampling, consistent with technical guidelines that the Municipality may establish from time to time.
- 1.50 SANITARY SEWER — A sewer for the collection and transmission of domestic or industrial wastewater or any combination thereof.
- 1.51 SEPTIC TANK WASTE — Any waste extracted from a cesspool, septic tank, wastewater holding tank, seepage pit, interceptor or other containment for human excretion and wastes.
- 1.52 SEVERELY TOXIC WASTE – Waste containing any contaminant listed in the Environmental Protection Act, R.S.O. 1990, c. E.19 (EPA), Ontario Regulation 347, Schedule 3, as amended.

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- 1.53 SEWER — A pipe, conduit, drain, open channel or ditch for the collection and transmission of wastewater, storm water or uncontaminated water, or any combination thereof.
- 1.54 SPILL — A direct or indirect discharge into the wastewater works, storm sewer or the natural environment which is abnormal in quantity or quality in light of all the circumstances of the discharge.
- 1.55 STANDARD METHODS — 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, recent or latest edition or approved in writing by the Municipality.
- 1.56 STORM SEWER — A sewer for the collection and transmission of uncontaminated water, storm water, drainage from land or from a watercourse or any combination thereof but excluding any portion of a combined sewer works.
- 1.57 STORM WATER – The water running off the surface of a drainage area during and immediately after a period of rain or snow melt.
- 1.58 SUBSURFACE DRAINAGE PIPE — A pipe that is installed underground to intercept and convey subsurface water, and includes foundation drain pipes.
- 1.59 SUBSURFACE WATER – Groundwater including foundation drain water.
- 1.60 TOTAL SUSPENDED SOLIDS (TSS) – Insoluble matter in liquid that is removable by filtration, as determined by the appropriate procedure described in Standard Methods.
- 1.61 UNCONTAMINATED WATER — Water with a level of quality which is typical of potable water normally supplied by the Municipality.
- 1.62 WASTE DISPOSAL SITE LEACHATE — The liquid containing dissolved or suspended contaminants which emanates from waste (solid waste or garbage) and is produced by water percolating through waste or by liquid in waste.
- 1.63 WASTE RADIOACTIVE SUBSTANCES — Substances defined in the federal *Nuclear Safety and Control Act* and the regulations passed thereunder, as amended from time to time.
- 1.64 WASTEWATER - Means the composite of water and water-carried wastes from residential, commercial, industrial or institutional premises or any other source.
- 1.65 WASTEWATER SLUDGE — Solid material recovered from the wastewater treatment process.

- 1.66 WASTEWATER TREATMENT FACILITY - Means any structure or thing used for the physical, chemical, biological or radiological treatment of wastewater, and includes sludge treatment, wastewater sludge storage and disposal facilities;
- 1.67 WASTEWATER WORKS — Any works for the collection, transmission, treatment and disposal of wastewater, storm water or uncontaminated water, including a combined sewer, sanitary sewer or storm sewer, or any part of such works, but does not include plumbing or other works to which the applicable Building Code applies.
- 1.68 WATERCOURSE — An open channel, ditch or depression, either natural or artificial, in which flow of water occurs either continuously or intermittently.

2. SANITARY AND COMBINED SEWER REQUIREMENTS

- 2.1 No person shall release, or permit the release of, any matter into the sanitary or combined sewer system wastewater works except:
- a. domestic wastewater;
 - b. non-domestic wastewater or clear-water waste, that complies with the requirements of this bylaw;
 - c. where a Hauled Wastewater Discharge Agreement or Hauled Waste Discharge Agreement has been issued by the Municipality;
 - d. storm water, subsurface water or other matter where a Sanitary Discharge Agreement has been issued by the Municipality;
 - e. Over Strength matter where an Over Strength Surcharge Agreement is in place with the Municipality.
- 2.2 No person shall release, or permit the release of, any prohibited substance listed in Schedule 'A' of this bylaw.
- 2.3 No person shall release, or permit the release of, any restricted substance which exceeds the respective concentrations listed in Schedule 'B' of this bylaw into the wastewater works.
- 2.4 If required by the Municipality, all dischargers of non-domestic wastewater shall complete and submit a "Waste Survey Report – Short Version" to the Municipality. The Waste Survey Report – Short Version shall be generally in the form prescribed by the Municipality.
- 2.5 If required by the Municipality, all dischargers of non-domestic wastewater shall complete and submit a "**Waste Survey Report – Long Version**" to the Municipality. The Waste Survey Report – Long Version shall be generally in the form prescribed by the Municipality.
- 2.6 If required by the Municipality, all dischargers of non-domestic wastewater shall not discharge to the sanitary sewer system until the discharger has obtained a

“Waste Discharge Permit” from the Municipality. The Waste Discharge Permit shall be generally in the form prescribed by the Municipality.

- 2.7 The Municipality may issue, and amend, a Waste Discharge Permit to allow the discharge of Non-Domestic Waste into a Sewer upon such terms and conditions as the Municipality considers appropriate and, without limiting the generality of the foregoing, may in the Waste Discharge Permit:
- a. place limits and restrictions on the quantity, composition, frequency and nature of the waste permitted to be discharged;
 - b. require the holder of a Waste Discharge Permit to repair, alter, remove, or add to works or construct new works; and
 - c. provide that the Waste Discharge Permit will expire on a specified date, or upon the occurrence of a specified event.
- 2.8 The Municipality may issue a Discharge Abatement Order to:
- a. require a person to alter the quantity, composition, duration and timing of the discharge or cease discharge of Non-Domestic Waste to a sewer or wastewater facility;
 - b. include any terms or conditions that could be included in a Waste Discharge Permit; and
 - c. cease all non-compliant releases.
 - d. the Municipality may amend or cancel a Discharge Abatement Order.

3. STORM SEWER REQUIREMENTS

- 3.1 No person shall discharge or deposit or cause or permit the discharge or deposit of matter of any type into a storm sewer, watercourse, and municipal or private sewer connection to any storm sewer which may or could:
- a. interfere with proper operation of a storm sewer.
 - b. obstruct or restrict a storm sewer or the flow therein.
 - c. damage a storm sewer.
 - d. result in any hazard or other adverse impact to any person, animal, property or vegetation.
 - e. impair the quality of any waters; or
 - f. result in the contravention of an approval, requirement, direction or other order under the Ontario Water Resources Act or the Environmental Protection Act (Ontario) with respect to the storm sewer or its discharges; and
- 3.2 No person shall release, or permit the release of, any restricted substance which exceeds the respective concentrations listed in Schedule ‘C’ of this bylaw into the storm sewer;

3.3 No person shall release, or permit the release of, without limiting the generality of the foregoing, any of the following to the storm sewer, watercourse, municipal or private sewer connection:

a. Have one or more of the following characteristics:

- (1) a temperature greater than 40°Celsius.
- (2) a pH less than 6.0 or greater than 9.0.
- (3) solvent extractable matter of animal or vegetable origin or of mineral or synthetic origin which causes a visible film, sheen or discolouration.
- (4) two or more separate layers.

b. Contain one or more of the following in any amount:

- (1) once-through cooling water
- (2) wastewater
- (3) blowdown water
- (4) ground water remediation
- (5) automotive or machine oils and grease
- (6) paints and organic solvents
- (7) PCB's
- (8) waste disposal site leachate
- (9) waste radioactive materials
- (10) hazardous industrial waste
- (11) hazardous waste chemicals
- (12) combustible liquids
- (13) floating debris
- (14) fuel
- (15) hauled wastewater
- (16) hauled waste
- (17) ignitable waste
- (18) pathological waste
- (19) pesticides
- (20) reactive waste
- (21) severely toxic waste
- (22) a substance from raw materials, intermediate or final product, used or produced in, through or from an industrial process
- (23) a substance used in the operation or maintenance of an industrial site

c. Contains E. coli colonies in excess of 200 per 100 mL

3.4 Sub clause 3.3.b. does not apply to prevent the discharge of once-through-cooling water, blowdown or ground water remediation when,

a. the once-through cooling water, blowdown or ground water remediation is being discharged pursuant to a certificate of approval or order relating to the premises under the *Environmental Protection Act* (Ontario) or the *Ontario Water Resources Act* which expressly allows the discharge; and

- b. the owner or operator of the premises has written approval from the Municipality which expressly authorizes the discharge from the premises; and
 - c. a copy of the certificate of approval or order referred to in Sub clause (a) has been provided to the Municipality.
- 3.5 The provisions of Schedule “C” Restricted Waste – Storm Sewer Discharge do not apply to prevent the discharge of stormwater runoff from industrial process areas to a storm sewer when,
 - a. the owner or operator of the premises has a certificate of approval or order relating to the premises under the *Environmental Protection Act* (Ontario) or the *Ontario Water Resources Act* which expressly allows the discharge and a copy of the certificate of approval or order has been provided to the Municipality; or
 - b. the owner or operator of the premises has written approval from the Municipality for a Best Management Practices Plan (BMP) which has been prepared in accordance with Schedule D.
- 3.6 Property owners must ensure that appropriate and necessary practices are undertaken to prevent prohibited discharges described in 3.1 and to prevent discharge of suspended solids (total) in excess of 15 milligrams per liter (15 mg/L) as a result of activities on their property, including:
 - a. construction activities that may result in erosion or sediment runoff from the property
 - b. outside storage activities that may result in mobilization of stored materials as a result of rain or runoff from the property, including sand and granular material storage.

4. PROHIBITION OF DILUTION

- 4.1 No person shall discharge directly or indirectly, or permit the discharge or deposit of wastewater into a sanitary sewer or combined sewer works where water has been added to the discharge for the purposes of dilution to achieve compliance with Schedule “A” or Schedule “B” of this bylaw.
- 4.2 No person shall discharge directly or indirectly, or permit the discharge or deposit of matter into a storm sewer where water has been added to the discharge for the purposes of dilution to achieve compliance with Section 3 of this bylaw.

5. SAMPLING AND ANALYTICAL REQUIREMENTS

- 5.1 Where sampling is required for the purposes of determining the concentration of constituents in the wastewater, storm water or uncontaminated water, the sample may:
 - a. be collected manually or by using an automatic sampling device; and
 - b. contain additives for its preservation.

- 5.2 Any single grab sample may be used to determine compliance with Schedules A and B or Section 3 at the discretion of the Municipality.
- 5.3 All tests, measurements, analyses and examinations of wastewater, its characteristics or contents pursuant to this Bylaw shall be carried out in accordance with "Standard Methods" and be performed by a laboratory accredited for analysis of the particular substance(s) using a method which is within the laboratory's scope of accreditation or to the satisfaction of the Municipality as agreed in writing prior to sample analysis.

6. DISCHARGER SELF-MONITORING

- 6.1 The discharger shall complete any monitoring or sampling of any discharge to a wastewater works, as required by the Municipality, and provide the results to the Municipality in the form specified by the Municipality.
- 6.2 The obligations set out in or arising out of 6.1 shall be completed at the expense of the discharger.

7. WASTE SURVEY REPORTS

- 7.1 When required, the owner or operator of any non-domestic discharger premises shall not discharge or deposit or cause or permit the discharge or deposit of wastewater into or in land drainage works, private branch drains or connections to any sanitary sewer, combined sewer or storm sewer, after six months from the date on which this by-law takes effect.
- 7.2 Subsection 7.1 does not apply with respect to any non-domestic discharger premises for which a current Waste Survey Report prepared in accordance with Clause 2.4 or 2.5 has been filed at the municipality.
- 7.3 The Waste Survey Report shall be in the form of a "**Waste Survey Report – Short Version**" or "**Waste Survey Report – Long Version**" as determined by the Municipality.
- 7.4 Where a change occurs in any information required in Clause 7.3, the owner or operator of the premises shall not discharge or deposit or cause or permit the discharge or deposit of wastewater into or in land drainage works, private branch drains or connections to any sanitary sewer, combined sewer or storm sewer, after 60 days after the change occurs unless a new Waste Survey Report has been submitted setting out the change.

8. OVER STRENGTH SURCHARGE AGREEMENTS

- 8.1 Subject to Subsections 8.2, 8.3 and 8.4 the discharge or deposit of wastewater that would otherwise be prohibited by this By-law may be permitted into or in any connection to any sanitary sewer or combined sewer to an extent fixed by

agreement with the Municipality under such conditions with respect to payment of additional wastewater service rates or otherwise as may be necessary to compensate for any additional costs of operation, repair and maintenance of the wastewater works, and on other terms and conditions as may be deemed appropriate by the Municipality.

- 8.2 The Municipality may assess an over strength surcharge for wastewater releases that exceed the limits of treatable parameters. An Over Strength Surcharge Agreement can only be entered into with respect to the discharge of the following treatable parameters: total suspended solids, biochemical oxygen demand, total phosphorus, total kjeldahl nitrogen and phenolic compounds.
- 8.3 The agreement shall be in the form prescribed by the Municipality and shall be countersigned by the Director of Environmental Services and Clerk, both of whom are authorized to execute such agreements under authority of this By-law. The discharger shall pay the assessed amount per the terms established by the Municipality for the duration of the agreement
- 8.4 When testing of the wastewater being discharged into the wastewater collection system is required for the purpose of determining the over strength surcharge rate, discharge measurement, sampling, analysis and reporting shall be undertaken by the owner, at their expense, when required by the Municipality. The Municipality may also undertake audit sampling, at the Municipality's discretion and may include these results when determining the over strength surcharge rate.
- 8.5 When testing of the wastewater being discharged into the wastewater collection system is required for the purpose of determining the over strength surcharge rate, such testing shall be conducted by the owner to the satisfaction of the Municipality, using automated sampling devices or in accordance with the following manual sampling protocol:
 - a. samples from the effluent produced at a location will be collected at a frequency as instructed by the Municipality;
 - b. a minimum of four grab samples of equal volume shall be taken over a 24 hour period, or as otherwise instructed by the Municipality, such samples to be taken at least one hour apart;
 - c. the analysis shall be conducted on the composite sample made up of the grab samples;
 - d. the respective results of these composite samples shall be averaged to determine the characteristics and concentration of the effluent being discharged into the City wastewater collection system.
- 8.6 For the purpose of determining the over strength surcharge rate the discharge flow rate from the said premises will need to be determined in m³/day. The wastewater

discharge flow rates shall be provided by the owner to the satisfaction of the Municipality.

- 8.7 The Over Strength Surcharge rate will be reviewed and adjusted accordingly from time to time as determined by the Municipality.
- 8.8 The agreements contemplated in this Section may be terminated by the Municipality by written notice at any time, including but not limited to an emergency situation of immediate threat or danger to any person, property, plant or animal life, water or wastewater works.
- 8.9 A person who has entered into an over strength sewer surcharge agreement with the Municipality shall not be prosecuted under Section 2 of this By-law for the discharge or deposit of wastewater containing matters specified in the agreement and in compliance with the agreement during the period within which the agreement is applicable and so long as the agreement is being fully complied with.

9. GREASE/SEDIMENT INTERCEPTORS

9.1 Interceptors for oil and grease

Every owner or operator of a restaurant or other industrial, commercial or institutional premises where food is cooked, processed or prepared, which premises is connected directly or indirectly to a sewer, shall take all necessary measures to ensure that oil and grease are prevented from entering the sewer and, without limiting its generality, shall install, operate and properly maintain a grease interceptor in any piping system at its premises that connects directly or indirectly to a sewer.

9.2 Interceptors for oil and lubricating grease

Every owner or operator of a commercial, industrial or institutional premise from which floor drains of a service garage are connected directly or indirectly to a sewer shall install and maintain an oil separator designed to prevent motor oil and lubricating grease from passing into drainage piping which is connected directly or indirectly to a sewer.

9.3 Interceptors for sediment

Every owner or operator of a commercial, industrial or institutional premises from which sediment may directly or indirectly enter a sewer, including, but not limited to premises using ramp drains or area drains, and car and vehicle washing establishments shall take all necessary measures to ensure that such sediment is prevented from entering the sewer.

9.4 All interceptors shall:

- a. be of sufficient capacity and appropriate design to intercept natural oil and grease, synthetic or petroleum oil and grease, gasoline, sand or other sediment likely to flow into it under peak flow conditions;
- b. be located to be readily and easily accessible for cleaning and inspection;
- c. be constructed of impervious materials capable of withstanding abrupt or extreme changes in temperature;
- d. be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight, except when the intercepting trap is for sand only the cover need not be gastight and watertight.

9.5 Interceptors – maintenance and inspection required

Every owner or operator of a premises where grease interceptor and sediment interceptor is installed shall operate and maintain the interceptor(s) in accordance with the manufacturer's instructions, and shall be inspected and cleaned frequently to ensure that it is operating effectively so as not to negatively impact the wastewater works.

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 Interceptor.

9.6 Interceptors – records required

Owners or occupants of premises having grease or sediment interceptors shall keep a record of interceptor maintenance including the date(s) on which cleaning/maintenance occurred, the person or contractor responsible, and the method and destination of waste disposal, and upon request these records shall be made available to the Municipality.

10. PRETREATMENT FACILITIES

- 10.1 Where required by the Municipality, the owner or operator shall install on the premises, and prior to the sampling point, a wastewater pretreatment facility.
- 10.2 The owner or operator shall ensure the design, operation and maintenance of the pretreatment facility achieves the treatment objectives and is in accordance with the manufacturer's recommendations.
- 10.3 The owner or operator shall ensure any waste products from the pretreatment facility are disposed of in a safe manner.
- 10.4 The maintenance records and waste disposal records shall be made available to the Municipality upon request.
- 10.5 The owner or operator shall keep documentation pertaining to the pretreatment facility and waste disposal for two years.

11. HAULED WASTEWATER

11.1 No person shall discharge hauled wastewater to the wastewater works unless:

- a. the carrier of the hauled wastewater operating as a waste management system has a certificate of approval or provisional certificate of approval issued under the applicable federal and/or provincial environment protection act(s) or is exempt from the requirement to have a certificate or provisional certificate of approval;
- b. a copy of the most recent certificate of approval or provisional certificate and any amendment is provided to the Municipality; and
- c. the carrier of hauled wastewater has a valid Hauled Wastewater Discharge Agreement with the Municipality. The agreement shall be generally in the form prescribed by the Municipality.
- d. the carrier meets all conditions for discharge that are or may be set from time to time with respect to the haulage of wastewater by the Municipality.

11.2 No person shall discharge or permit the discharge of hauled wastewater:

- a. at a location other than a hauled wastewater discharge location approved by the Municipality.
- b. without a manifest, in a form approved by the Municipality, completed and signed by the carrier and deposited in an approved location at the time of discharge.
- c. without the use of a discharge hose placed securely in the discharge portal at the approved location.

12. HAULED WASTE

12.1 No person shall discharge hauled waste to the wastewater works unless:

- a. the carrier of the hauled waste operating as a waste management system has a certificate of approval or provisional certificate of approval issued under the applicable federal and/or provincial environment protection act(s) or is exempt from the requirement to have a certificate or provisional certificate of approval;
- b. a copy of the most recent certificate of approval or provisional certificate and any amendment of approval is provided to the Municipality;
- c. hauled waste meets the conditions set out in applicable federal and/or provincial environment protection act(s), as amended from time to time;
- d. the carrier of hauled waste has a valid Hauled Waste Discharge Agreement with the Municipality. The agreement shall be generally in the form prescribed by the Municipality; and
- e. the carrier meets all conditions for discharge that are or may be set from time to time with respect to the haulage of waste by the Municipality.

12.2 No person shall discharge or permit the discharge of hauled wastewater:

- a. at a location other than a hauled wastewater discharge location approved by the Municipality.
- b. without a manifest, in a form approved by the Municipality, completed and signed by the carrier and deposited in an approved location at the time of discharge.
- c. without the use of a discharge hose placed securely in the discharge portal at the approved location.

13. NON-CONTACT COOLING WATER

- 13.1 No person shall discharge non-contact cooling water or uncontaminated water to a sanitary sewer or combined sewer from any residential property.
- 13.2 No person shall discharge non-contact cooling water or uncontaminated water to a sanitary or combined sewer from industrial, commercial or institutional properties, unless directed otherwise by the Municipality.

14. WATER ORIGINATING FROM A SOURCE OTHER THAN THE MUNICIPAL WATER SUPPLY

- 14.1 The discharge of water originating from a source other than the Municipal water supply, including storm water, groundwater or ground water remediation, directly or indirectly to a sanitary sewer or combined sewer works is prohibited, unless:
 - a. the discharge is in accordance with a Sanitary Discharge Agreement; and
 - b. the discharge does not exceed the limits set out under Schedule B, with respect to biochemical oxygen demand, total phosphorus or total suspended solids; or
 - c. in the event the discharge does exceed the limits set out under Schedule B, with respect to any biochemical oxygen demand, total phosphorus, total suspended solids, phenolic compounds or Total Kjeldahl Nitrogen the discharge is in accordance with an Over Strength Surcharge Agreement.

15. SPILLS

- 15.1 In the event of a spill to a wastewater works and/or storm sewer works, the person responsible or the person having the charge, management and control of the spill shall immediately notify and provide any requested information with regard to the spill:
 - a. if there is any immediate danger to human health and/or safety 9-1-1 emergency

or
 - b. if there is no immediate danger:

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- i. the Municipality, City of Brockville, by contacting the Operations Department, Environmental Services Department and/or Fire Department; and
 - ii. Ministry of the Environment Spills Action Centre; and
 - iii. the owner of the premises where the release occurred; and
 - iv. any other person whom the person reporting knows or ought to know may be directly affected by the release.
 - 15.2 The person shall provide a detailed report on the spill to the Municipality, within five working days after the spill, containing the following information to the best of his or her knowledge:
 - a. location where spill occurred; and
 - b. name and telephone number of the person who reported the spill and the location and time where they can be contacted; and
 - c. date and time of spill; and
 - d. material spilled; and
 - e. characteristics and composition of material spilled; and
 - f. volume of material spilled; and
 - g. duration of spill event; and
 - h. work completed and any work still in progress in the mitigation of the spill; and
 - i. preventive actions being taken to ensure a similar spill does not occur again; and
 - j. copies of applicable spill prevention and spill response plans.
 - 15.3 The person responsible for the spill and the person having the charge, management and control of the spill shall do everything reasonably possible to contain the spill, protect the health and safety of citizens, minimize damage to property, protect the environment, clean up the spill and contaminated residue and restore the affected area to its condition prior to the spill.
 - 15.4 Nothing in this bylaw relieves any persons from complying with any notification or reporting provisions of;
 - a. other government agencies, including federal and provincial agencies, as required and appropriate for the material and circumstances of the spill; or,
 - b. any other Bylaw of the Municipality.
 - 15.5 The Municipality may invoice the person responsible for the spill to recover costs of time, materials and services arising as a result of the spill. The person responsible for the spill shall pay the costs invoiced.
 - 15.6 The Municipality may require the person responsible for the spill to prepare and submit a spill contingency plan to the Municipality to indicate how risk of future incidents will be reduced and how future incidents will be addressed.
 - 16. AUTHORITY OF THE MUNICIPALITY TO INVESTIGATE**

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- 16.1 The Municipality has the authority to carry out any investigation reasonably required to ensure compliance with this bylaw, including the following powers or duties, but not limited to:
- a. inspecting, observing, sampling and measuring the flow in any private
 - i. drainage system,
 - ii. wastewater disposal system,
 - iii. storm water management facility, and
 - iv. flow monitoring point;
 - b. determine water consumption by reading water meters;
 - c. test flow measuring devices;
 - d. take samples of wastewater, storm water, clear-water waste and subsurface water being released from the premises or flowing within a private drainage system;
 - e. perform testing on the wastewater, storm water, clear-water waste and subsurface water within or being released from private drainage systems, pretreatment facilities and storm water management facilities;
 - f. collect and analyze samples of hauled wastewater or hauled waste coming to a discharge location;
 - g. make inspections of the types and quantities of chemicals being handled or used on the premises in relation to possible release to a drainage system or watercourse;
 - h. require information from any person concerning a matter;
 - i. inspect and copy documents or remove documents from premises to make copies;
 - j. inspect chemical storage areas and spill containment facilities and request Material Safety Data Sheets (MSDS) for material stored or used on site;
 - k. inspect the premises where a release of prohibited or restricted wastes or of water containing prohibited or restricted wastes has been made or is suspected of having been made, and to sample any or all matter that in his/her opinion could have been part of the release.
- 16.2 No person shall hinder or prevent the Municipality from carrying out any of his/her powers or duties.
- 16.3 All costs incurred by the Municipality arising out of any failure to properly check and control such discharge, including the cost of investigation, repairing, cleaning or replacing any part of any Municipal wastewater works shall be charged to the

Owner of the property where such work is performed and shall be collected according to law, and until paid, such cost shall remain a lien on such property, and may also be collected in the like manner as taxes.

17. DISCONNECTION OF SEWER

17.1 Where wastewater which:

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

17.2 The wastewater may be prevented from being discharged into the wastewater collection system until evidence satisfactory to the Municipality has been produced to assure that no further discharge of hazardous wastewater will be made to the wastewater collection system.

17.3 Where the Director of Environmental Services takes action pursuant to Subsection 17.1, the Municipality may by notice in writing advise the owner or occupier of the premises from which the wastewater was being discharged, of the cost of taking such action and the owner or occupier, as the case may be, shall forthwith reimburse the Municipality for all such costs which were incurred.

18. PROTECTION FROM DAMAGE

18.1 No person shall uncover, open into, break, alter, damage, destroy, deface or tamper or cause or permit the breaking, damaging, destroying, defacing or tampering with any permanent or temporary device installed in a wastewater works for the purposes of flow measuring, sampling and testing of matter, wastewater, uncontaminated wastewater or stormwater.

19. MONITORING ACCESS POINTS

- 19.1 The owner or operator of commercial, institutional or industrial premises or multi-storey residential buildings with one or more connections to a wastewater works shall install and maintain in good repair in each connection a suitable monitoring access point to allow observation, sampling and flow measurement of the wastewater, uncontaminated water or storm water therein, provided that, where installation of a maintenance access point is not possible, an alternative device or facility may be substituted with the prior written approval of the Municipality.
- 19.2 The monitoring access point or alternative device such as a sampling port shall be located on the property of the owner or operator of the premises, as close to the property line as possible, unless the Municipality has given prior written approval for a different location.
- 19.3 The owner or operator shall construct, install and maintain each monitoring access point, device or facility in accordance with good engineering practice and the requirements of the Municipality at his or her expense.
- 19.4 The owner or operator of an industrial, commercial or institutional premises or a multi-storey residential building shall at all times ensure that every monitoring access point, alternative device or facility installed as required by this bylaw is accessible to the Municipality for the purposes of observing, sampling and flow measurement of the wastewater, uncontaminated water or storm water therein.
- 19.5 The following discharger activities require sampling ports when it is not possible to install a monitoring access point:
- a. dental offices
 - b. businesses using photographic processing units.

20. COMPLIANCE PROGRAMS

- 20.1 An Industry may submit to the Municipality a proposed compliance program setting out activities to be undertaken by the Industry that would result in the prevention or reduction and control of the discharge or deposit of matter from the Industry's premises into municipal or private sewer connections to any sanitary sewer or combined sewer. Compliance program submissions will only be considered for existing industries.
- 20.2 An Industry may submit to the Municipality a proposed compliance program setting out activities to be undertaken by the Industry that would result in the prevention or reduction and control of the discharge or deposit of uncontaminated water, ground water or storm water from the Industry's premises to eliminate the discharge of matter into municipal or private sewer connections to any storm sewer.

- 20.3 Upon receipt of an application pursuant to Subsection 20 (1) or (2) above, the Municipality may issue an approval for a compliance program for an Industry to discharge an effluent that does not comply with Schedule “A” and “B” of this bylaw. The Industry shall be entitled to make non-complying discharges in the amount and only to the extent set out in the Municipality’s approval during the planning, design and construction or installation of facilities or works needed to implement the approved compliance program.
- 20.4 Every proposed compliance program agreement shall be for a specified length of time during which pretreatment facilities or other measures are to be installed or implemented and shall be specific as to the remedial actions to be implemented by the Industry, the dates of commencement and completion of the activity and the materials or other characteristics of the matter to which it relates. The final activity completion date shall not be later than the final compliance date in the compliance program agreement.
- 20.5 The compliance program shall be in the form of a Compliance Program Agreement, and upon recommendation of the Wastewater Systems Supervisor, who is authorized to execute such compliance programs under the authority of this By-law. The Compliance Program Agreement shall be in the form generally prescribed by the Municipality.
- 20.6 The Industry to which a compliance program has been approved shall submit a Compliance Program Progress Report to the Municipality within 14 days after the scheduled completion date of each activity listed in the compliance program.
- 20.7 The Compliance Program Progress Report shall be in the form prescribed by the Municipality.
- 20.8 A person to whom a compliance program has been approved shall not be prosecuted under Section 2 and 3 of this By-law for the discharge or deposit of any matter specified in the compliance program agreement, so long as they are in compliance with the compliance program agreement during the applicable period and so long as the compliance program agreement is being fully complied with.
- 20.9 The Municipality may terminate any compliance program agreement by written notice at any time to the Industry in the event that the Industry fails or neglects to carry out or diligently pursue the activities required of it under its approved compliance program.

21. ACCESS TO INFORMATION

- 21.1 All information submitted to and collected by the Municipality that is contained in reports, surveys, monitoring and inspection and sampling activities will, except as otherwise provided in this section, be available for disclosure to the public in accordance with the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.

- 21.2 In the event that any person submitting information to the Municipality, as required under this article, where such information is confidential or proprietary or otherwise, may be exempt from disclosure under MFIPPA, the person submitting the information shall so identify that information upon its submission to the Municipality or the Municipality where such information is confidential or proprietary or otherwise, may be exempt from disclosure.
- 21.3 The Municipality shall have access to information contained in the Certificate of Approval of any wastewater dischargers to the Municipal sewer system.

22. PENALTIES

- 22.1 Where the Municipality believes that a person has contravened any provision of this By-law, he or she may commence proceedings by issuing a summons by means of a violation ticket in accordance with the *Provincial Offences Act*.
- 22.2 The specified penalty payable in respect of a conviction for a contravention of a provision of this by-law in the amount shown in Schedule E of this Bylaw in respect of that provision or pursuant to section 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P33.
- 22.3 Notwithstanding subsection 22.2:
- a. Where any person contravenes the same provisions of this Bylaw twice within one twelve month period, the specified penalty payable in respect of the second contravention is double the amount shown in Schedule E of this Bylaw in respect of that provision, and
 - b. Where any person contravenes the same provision of this Bylaw three or more times within one twelve month period, the specified penalty payable in respect of the third or subsequent contravention is triple the amount shown in Schedule E of this Bylaw in respect of that provision.

23. OFFENCES

- 23.1 Every person other than a corporation who contravenes any provision of this bylaw is guilty of an offence and on conviction is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$25,000 for a first offence and \$100,000 for a second offence.
- 23.2 Every corporation that contravenes any provision of this bylaw any provision of this bylaw is guilty of an offence and on conviction is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$250,000 for a first offence and not more than \$500,000 for a second offence.

24. INTERPRETATION

- 24.1 Headings are for reference purposes and shall not affect in any way the meaning or interpretation of the provisions of this by-law.
- 24.2 If any section, clause or provision of this by-law, including anything contained in the Schedules attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of this by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.
- 24.3 In this by-law, a word interpreted in the singular number has a corresponding meaning when used in the plural.

25. REPEAL

- 25.1 By-law No. 12-91, A By-law to Regulate Waste Discharges to Municipal Sewers, as amended, is hereby repealed.

Given under the Seal of the
Corporation of the City of Brockville
and passed this 27th, day of May 2014

[D. Henderson]

[L. Murray]

Mayor

Deputy City Clerk

SCHEDULE “A” - PROHIBITED WASTES

- A. No person shall discharge directly or indirectly or deposit or cause or permit the discharge or deposit of wastewater into a sanitary sewer, combined sewer, municipal or private sewer connection to any sanitary sewer or combined sewer in circumstances where:
1. To do so may cause or result in:
 - a. a health or safety hazard to a person authorized by the Municipality to inspect, operate, maintain, repair or otherwise work on a wastewater works;
 - b. an offence under the Ontario Water Resources Act or the Environmental Protection Act, as amended from time to time, or any regulation made there under from time to time;
 - c. wastewater sludge from the wastewater treatment facility works to which either wastewater discharges, directly or indirectly, to fail to meet the objectives and criteria as listed in the Ministry of Energy and 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;
 - d. interference with the operation or maintenance of a wastewater works, or which may impair or interfere with any wastewater treatment process;
 - e. a hazard to any person, animal, property or vegetation;
 - f. an offensive odour to emanate from wastewater works, and without limiting the generality of the foregoing, wastewater containing hydrogen sulphide, carbon disulphide, other reduced sulphur compounds, amines or ammonia in such quantity as may cause an offensive odour;
 - g. damage to wastewater works;
 - h. an obstruction or restriction to the flow in wastewater works;
 - i. the presence of toxic gases, vapours or fumes within the wastewater works such that:
 - i. two successive readings on an explosive hazard meter, at the point of discharge into the wastewater works or at any point in the wastewater works, of more than five percent Lower Explosive Limit (LEL) are obtained;
 - ii. any single reading on an explosive hazard meter, at the point of discharge into the wastewater works or at any point in the wastewater works, of ten percent LEL or higher is obtained; or

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- iii. any single reading on an explosive hazard meter, at the point of discharge into the wastewater works or at any point in the wastewater works, of two parts per million atmospheric hydrogen sulphide or higher is obtained.
- 2. The wastewater has two or more separate liquid layers.
 - 3. The wastewater contains:
 - a. hazardous Industrial Waste;
 - b. hazardous Waste Chemicals;
 - c. combustible liquid;
 - d. biomedical waste, including any of the following categories: human anatomical waste, animal waste, untreated microbiological waste, waste sharps and untreated human blood and body fluids known to contain viruses and agents listed in "Risk Group 4" as defined in "Laboratory Biosafety Guidelines" published by Health Canada, dated 2004, as amended;
 - e. specified risk material for bovine spongiform encephalopathy as defined in the federal Fertilizers Regulations (C.R.C.,c. 666), as amended from time to time, including material from the skull, brain, trigeminal ganglia, eyes, tonsils, spinal cord and dorsal root ganglia of cattle aged 30 months or older, or material from the distal ileum of cattle of all ages;
 - f. dyes or colouring materials which may or could pass through a wastewater works and discolour the wastewater works effluent;
 - g. fuel;
 - h. hauled wastewater, except where:
 - i. the carrier of the hauled wastewater complies with the provisions of Section 11 of this by-law.
 - i. hauled waste, except where:
 - i. the carrier of the hauled waste complies with the provisions of Section 12 of this by-law.
 - j. leachate, except where:
 - i. the waste disposal site leachate is being discharged pursuant to a certificate of approval or order relating to the premises under the *Environmental Protection Act (Ontario)* or the *Ontario Water Resources Act* which expressly allows the discharge;

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- ii. the owner or operator of the premises has written approval from the Municipality which expressly authorizes the discharge from the premises; and
 - iii. a copy of the certificate of approval or written authorization referred to in Clause i. above has been provided to the Municipality.
 - k. ignitable waste;
 - l. pathological waste;
 - m. PCBs;
 - n. pesticides which are not otherwise regulated in this Bylaw;
 - o. reactive waste;
 - p. severely toxic wastes which are not otherwise regulated in this Bylaw;
 - q. waste radioactive substances in excess of concentrations greater than those specified for release to the environment under the *Nuclear Safety and Control Act* and Regulations or amended versions thereof;
 - r. solid or viscous substances in quantities or of such size to be capable of causing obstruction to the flow in a sewer, including but not limited to ashes, bones, cinders, sand, mud, soil, straw, shaving, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, animal parts or tissues, and paunch manure;
 - s. stormwater, water from drainage of roofs or land, water from a watercourse or uncontaminated water, except in the case of discharge into a combined sewer;
 - t. water other than stormwater that has originated from a source separate from the water distribution system of the Municipality.
4. The wastewater contains a concentration, expressed in milligrams per litre, in excess of any one or more of the limits in Schedule "B" of this Bylaw, unless:
- a. the discharge is in accordance with a valid Over Strength Surcharge Agreement or compliance program;

**SCHEDULE “B” RESTRICTED WASTE
SANITARY AND COMBINED SEWERS DISCHARGE**

Substance	Total Concentration Limit [mg/L, except as noted]
Biochemical Oxygen Demand	300
Chemical Oxygen Demand	600
Oil and grease - animal and vegetable	150
Oil and grease - mineral and synthetic	15
Suspended Solids, Total	300
pH	6.0 – 9.5 (unitless)
Temperature	60 Degrees Celsius
Total Phosphorus	10
Anionic Surfactants	150
Chlorides as Cl	1500
Sulphates as SO ₄	1500
Aluminum, total	50.0
Antimony, total	5.0
Arsenic, total	1.0
Bismuth, total	5.0
Cadmium, total	0.7
Chromium, total	2.8
Cobalt, total	5.0
Copper, total	2.0
Cyanide, total	1.2
Fluoride	10.0
Iron, total	50.0
Lead, total	0.7
Manganese, total	5.0
Mercury	0.01
Molybdenum, total	5.0
Nickel, total	2.0
Nitrogen, Total Kjeldahl	50.0
Selenium, total	0.8
Silver, total	0.4
Sulphide (as H ₂ S)	1.0
Tin, total	5.0
Titanium, total	5.0
Vanadium, total	5.0
Zinc, total	2.0
Benzene	0.01
Chloroform	0.04

Dichlorobenzene (1,2-)	0.05
Dichlorobenzene (1,4-)	0.08
Ethylbenzene	0.06
Hexachlorobenzene	0.0001
Methylene chloride (dichloromethane)	0.09
PCB's (chlorobiphenyls)	0.004
Phenols, Total (or Phenolic compounds)	0.1
Tetrachloroethane (1,1,2,2 -)	0.06
Tetrachloroethylene	0.06
Toluene	0.02
Trichloroethylene	0.05
Xylenes, Total	0.3

SCHEDULE “C” RESTRICTED WASTE – Storm Sewer DISCHARGE

Substance	Total Concentration Limit [mg/L, except as noted]
Biochemical Oxygen Demand	15
Suspended Solids, Total	15
Cadmium, total	0.001
Chromium, total	0.2
Copper, total	0.04
Lead, total	0.05
Mercury	0.01
Nickel, total	0.05
Zinc, total	0.05

SCHEDULE “D” BEST MANAGEMENT PRACTICES PLAN

A Best Management Practice (BMP) Plan is a plan agreed to by the Municipality with guidance from the Ontario Ministry of the Environment and is developed for activities which are associated with or ancillary to industrial manufacturing or treatment processes. The ancillary sources addresses in the BMP Plan are material storage areas, loading and unloading areas, plant site run-off, in-plant transfer, process and material handling areas and sludge and hazardous waste disposal areas. In general, the BMP Plan will include practices used by industry for pollution control from these sources, safety programs, fire protection, protection against loss of valuable raw materials or products, etc. The following elements must be included in a BMP Plan:

1. name and location of facility
2. statement of BMP policy and objectives
3. review by plant manager
4. establishment of BMP committee
5. risk identification and assessment
6. reporting of BMP Incidents
7. materials compatibility
8. good housekeeping
9. preventive maintenance
10. inspection and records
11. security
12. employee training

The Corporation of the City of Brockville
Schedule "E" - PART 1 Provincial Offences Act
By-Law Number 046-2014 To regulate the use of sewers within the City of Brockville

Set Fine Schedule

ITEM	Column 1 Short form wording	Column 2 Provision creating or defining offence	Column 3 SET FINE
1.	Release hauled wastewater or hauled waste to the wastewater works without a Discharge Agreement	s. 2.1(c)	\$500.00
2.	Release matter to the sanitary or combined sewer without agreement	s. 2.1(c)	\$500.00
3.	Release restricted substance with a pH less than 6.0 or greater than 9.5 to a sanitary or combined sewer	s. 2.3	\$500.00
4.	Release restricted substance with a temperature greater than 60 degrees Celsius to the sanitary or combined sewer	s. 2.3	\$500.00
5.	Release matter that may damage a storm sewer	s. 3.1(c)	\$500.00
6.	Release matter that may interfere with proper operations of a storm sewer	s. 3.1(a)	\$500.00
7.	Release matter that may obstruct or restrict the storm sewer	s. 3.1(b)	\$500.00
8.	Release matter with a temperature greater than 40 degrees Celsius	s. 3.3(a)(1)	\$500.00
9.	Release matter with a pH less than 6.0 or greater than 9.0 to the storm sewer	s. 3.3(a)(2)	\$500.00
10.	Release matter causing a visible film to the storm sewer	s. 3.3(a)(3)	\$500.00
11.	Release matter causing a sheen to the storm sewer	s. 3.3(a)(3)	\$500.00
12.	Release solvent extractable matter of animal or vegetable origin to the storm sewer	s. 3.3(a)(3)	\$500.00
13.	Release matter with two or more separate layers to the storm sewer	s. 3.3(a)(4)	\$500.00
14.	Release wastewater to the storm sewer	s. 3.3(b)(2)	\$500.00
15.	Release blowdown water to the storm sewer	s. 3.3(b)(3)	\$500.00
16.	Release from a groundwater remediation to the storm sewer	s. 3.3(b)(4)	\$500.00
17.	Release automotive or machine oils and grease to the storm sewer	s. 3.3(b)(5)	\$500.00

W.V.C., R.S.J.

Note: Penalty provision for the offences indicated above is Section 22.2 of By-law No.046-2014, a certified copy of which has been filed.

The Corporation of the City of Brockville
Schedule "E" - PART 1 Provincial Offences Act
By-Law Number 046-2014 To regulate the use of sewers within the City of Brockville

Set Fine Schedule

ITEM	Column 1 Short form wording	Column 2 Provision creating or defining offence	Column 3 SET FINE
18.	Release organic solvents to the storm sewer	s. 3.3(b)(6)	\$500.00
19.	Release paint to the storm sewer	s. 3.3(b)(6)	\$500.00
20.	Release combustible liquids to the storm sewer	s. 3.3(b)(12)	\$500.00
21.	Release floating debris to the storm sewer	s. 3.3(b)(13)	\$500.00
22.	Release fuel to the storm sewer	s. 3.3(b)(14)	\$500.00
23.	Release pesticides to the storm sewer	s. 3.3(b)(19)	\$500.00
24.	Release substance from an industrial process to the storm sewer	s. 3.3(b)(22)	\$500.00
25.	Add matter to discharge for the purpose of dilution	s. 4.2	\$500.00
26.	Fail to complete monitoring of a discharge to a sewage works	s. 6.1	\$300.00
27.	Fail to complete sampling of a discharge to a sewage works	s. 6.1	\$300.00
28.	Fail to install an interceptor for oil and grease	s. 9.1	\$200.00
29.	Fail to install an interceptor for oil and lubricating grease	s. 9.2	\$500.00
30.	Fail to install an interceptor for sediment	s. 9.3	\$500.00
31.	Fail to maintain an interceptor	s. 9.5	\$500.00
32.	Fail to produce maintenance records for the interceptor	s. 9.6	\$300.00
33.	Discharge hauled wastewater to the sewage works without a valid Hauled Wastewater Discharge Agreement	s. 11.1(c)	\$400.00
34.	Discharge hauled wastewater to the wastewater works without meeting the conditions set by the Municipality	s. 11.1(d)	\$200.00

W.V.C., R.S.G.

Note: Penalty provision for the offences indicated above is Section 22.2 of By-law No.046-2014, a certified copy of which has been filed.

The Corporation of the City of Brockville
Schedule "E" - PART 1 Provincial Offences Act
By-Law Number 046-2014 To regulate the use of sewers within the City of Brockville

Set Fine Schedule

ITEM	Column 1 Short form wording	Column 2 Provision creating or defining offence	Column 3 SET FINE
35.	Fail to submit accurately completed manifest at time of discharge of hauled wastewater	s. 11.2(b)	\$500.00
36.	Discharge hauled wastewater to the sewage works without a valid Hauled Wastewater Discharge Agreement	s. 12.1(d)	\$400.00
37.	Discharge hauled waste to the wastewater works without meeting the conditions set by the Municipality	s. 12.1(e)	\$200.00
38.	Fail to submit accurately completed manifest at time of discharge of hauled wastewater	s. 12.2(b)	\$500.00
39.	Discharge non-contact cooling water to the sanitary or combined sewer	s. 13.1	\$500.00
40.	Fail to immediately notify the Municipality with regard to a spill to a wastewater works and/or storm sewer works	s. 15.1(b)(i)	\$275.00
41.	Fail to provide a spill report to the Municipality within 5 working days after a spill	s. 15.2	\$275.00
42.	Fail to contain a spill	s. 15.3	\$500.00
43.	Fail to clean up a spill and associated residue	s. 15.3	\$500.00
44.	Hinder or prevent the Municipality from carrying out any of his/her powers or duties	s. 16.2	\$175.00
45.	Damage or permit damage to a device installed in a wastewater works	s. 18.1	\$500.00
46.	Tamper with a device installed in a wastewater works	s. 18.1	\$500.00
47.	Fail to install a monitoring access point	s. 19.1	\$300.00
48.	Fail to install an alternative device	s. 19.1	\$300.00
49.	Fail to maintain a monitoring access point	s. 19.3	\$200.00
50.	Fail to ensure monitoring access point is accessible at all times	s. 19.4	\$200.00
51.	Fail to submit a compliance program progress report within 14 days of scheduled	s. 20.6	\$225.00

W.V.C., R.S.G.

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The Corporation of the City of Brockville
Schedule "E" - PART 1 Provincial Offences Act
By-Law Number 046-2014 To regulate the use of sewers within the City of Brockville

Set Fine Schedule

ITEM	Column 1 Short form wording	Column 2 Provision creating or defining offence	Column 3 SET FINE
	completion date		
52.	Discharge wastewater that may result in a health or safety hazard	Sched. A,1,a	\$500.00
53.	Discharge wastewater that may result in an offensive odour to emanate from sewage works	Sched. A,1,f	\$500.00
54.	Discharge wastewater that may result in damage to the sewage works	Sched. A,1,g	\$500.00
55.	Discharge wastewater that may result in an obstruction in the sewage works	Sched. A,1,h	\$500.00
56.	Discharge wastewater that results in a reading on an explosion hazard meter of two parts per million atmospheric hydrogen sulphide or greater	Sched. A,1,i,iii	\$500.00
57.	Discharge wastewater with two or more separate liquid layers to the sanitary or combined sewer	Sched. A,2	\$500.00
58.	Discharge hazardous industrial waste to the sanitary or combined sewer	Sched. A,3,a	\$500.00
59.	Discharge hazardous waste chemicals to the sanitary or combined sewer	Sched. A,3,b	\$500.00
60.	Discharge wastewater that contained combustible liquid to the sanitary or combined sewer	Sched. A,3,c	\$500.00
61.	Discharge wastewater that contained fuel to the sanitary or combined sewer	Sched. A,3,g	\$500.00
62.	Discharge leachate to the sanitary or combined sewer	Sched. A,3,j	\$500.00
63.	Discharge ignitable waste to the sanitary or combined sewer	Sched. A,3,k	\$500.00
64.	Discharge pesticides to the sanitary or combined sewer	Sched. A,3,n	\$500.00
65.	Discharge stormwater to the sanitary or combined sewer	Sched. A,3,s	\$500.00

W.V.C., R.S.G.

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Schedule "E" - PART 1 Provincial Offences Act
By-Law Number 046-2014 To regulate the use of sewers within the City of Brockville

Set Fine Schedule

ITEM	Column 1 Short form wording	Column 2 Provision creating or defining offence	Column 3 SET FINE
66.	Discharge water from drainage to the sanitary or combined sewer	Sched. A,3,s	\$500.00
67.	Discharge water from a watercourse to the sanitary or combined sewer	Sched. A,3,s	\$500.00
68.	Discharge uncontaminated water to the sanitary or combined sewer	Sched. A,3,s	\$500.00
69.	Discharge water from a source other than the City water supply to the sanitary or combined sewer	Sched. A,3,t	\$500.00

The fine amounts listed above have been approved by the Regional Senior Justice. Dated: August 19, 2024.

Electronic Signature:

W. Vincent Clifford

W. Vincent Clifford
Regional Senior Justice
Ontario Court of Justice - East Region

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