

Attachment “A” – Proposed Sewer Use Bylaw

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By-Law 2014-xx

A By-law to enact rules and regulations for the installation and connection of private sewers to sewage works, and the discharge of sewage, storm water and land drainage within the serviced area of The Corporation of the City of Markham

Whereas The Corporation of the City of Markham (hereinafter referred to as the “City”) is a local municipality within the Regional Municipality of York in the Province of Ontario;

And Whereas section 11(3) of the *Municipal Act, 2001*, S.O. 2001 c. 25, authorizes a municipality to pass by-laws respecting matters concerning public utilities;

And Whereas the City has the responsibility for the City’s sewer infrastructure to

- a) maintain and protect the integrity of the City’s sewer infrastructure;
- b) control the quality and quantity of sewage or storm water or land drainage entering sewage works; and
- c) prevent adverse effects to persons, property and the natural environment from discharges to the City’s infrastructure;

And Whereas section 391(1) of the *Municipal Act, 2001*, S.O. c. 25, provides that a municipality may pass by-laws imposing fees or charges on persons for services or activities provided or done by or on behalf of it;

And Whereas section 398(1) of the *Municipal Act, 2001*, S.O. c. 25, provides that fees and charges imposed by a municipality on a person constitute a debt of the person to the municipality;

And Whereas section 398(2) of the *Municipal Act, 2001*, S.O. c. 25, provides that a municipality may add fees and charges to the tax roll of the property to which the public utility is supplied and collect them in the same manner as municipal taxes

And Whereas Section 436(1) of the *Municipal Act, 2001*, S.O. c. 25, provides that a municipality may pass by-laws providing for the entry onto land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law;

And Whereas Section 429(1) of the *Municipal Act, 2001*, S.O. c. 25, provides that a municipality may establish a system of fines for a by-law passed under the Act;

And Whereas Section 446 of the *Municipal Act, 2001*, S.O. c. 25, provides that a municipality may proceed to do things at a Person’s expense which that Person is otherwise required to do under a by-law but has failed to do and the costs incurred by a municipality may be recovered by adding the costs to the tax roll and collecting them in the same manner as taxes

Now Therefore the Council of the Corporation of the City of Markham enacts as follows:

1. Definitions and Interpretation

- 1.1 In this By-law and attached Schedules, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context requires.

1.2 For the purposes of this By-law:

1. “**accredited laboratory**” means 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;
2. “**biochemical oxygen demand**” or “**BOD**” means the molecular oxygen utilized in a sample, including sewage, storm water, uncontaminated water, and any other substance to which this By-law applies during a 5-day incubation period for the biochemical degradation of organic material (carbonaceous demand), and the oxygen used to oxidize inorganic material such as sulphides, 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;
3. “**biosolids**” means organic solid material recovered from the sewage treatment process;
4. “**blowdown water**” means recirculation 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;
5. “**Building Code Act**” means the *Ontario Building Code Act, 1992*, S.O. 1992, c. 23, as amended, or any successor thereof;
6. “**business day**” means a day from Monday to Friday, other than a holiday as defined in section 87 of the *Legislation Act, 2006*, S.O. 2006, c.21, schedule F as amended from time to time;
7. “**City**” means The Corporation of the City of Markham, including enforcement officers and its designated representatives;
8. “**combustible liquid**” means any liquid having a flash point not less than 37.8 degrees Celsius and not greater than 93.3 degrees Celsius;
9. “**composite sample**” means two or more grab samples of a discharge to the sewage works taken at intervals during the sampling that have been combined automatically or manually;
10. “**compliance program**” means the necessary steps undertaken by a discharger to bring sewage discharged into the sewage works into compliance with the terms and conditions of this By-law or related permit. Compliance programs are applicable to existing dischargers only; new discharges must fully comply with the requirements of this By-law.
11. “**connection or drain**” means that part or those parts of any pipe or system of pipes leading directly to sewage works.
12. “**contact cooling water**” means water that is used in an industrial process, for the purpose of removing heat, that comes into contact with any raw material, intermediate product, waste product or finished product, but does not include blowdown water;
13. “**Council**” means the Council of The Corporation of the City of Markham;
14. “**dental amalgam**” means a dental filling material consisting of an amalgam of mercury, silver and other materials such as copper, tin or zinc.
15. “**dental amalgam separator**” means any technology, or combination of technologies, designed to separate dental amalgam particles from dental operation sewage.
16. “**dewatering activity**” means,
 - a) taking water from a well or otherwise extracting groundwater;

- b) draining water from a permanent or temporary pond or other surface water body, whether natural or man-made;
 - c) releasing water previously stored in a tank, tanker truck, vessel, or other means of water storage;
 - d) the permanent or temporary alteration of a natural or pre-existing drainage pattern above or below ground; or
 - e) any combination of the above-noted activities,
- where the water from such activity would be discharged to a sewage works and such activity is related to a construction, land development, renovation, repair, maintenance or demolition activity at a property;
- 17. **"Director of Operations"** shall mean the person designated as the Director for the Department of Operations of the City or his or her designate;
 - 18. **"Director of Engineering"** shall mean the person designated as the Director for the Department of Engineering of the City or his or her designate;
 - 19. **"Director of Environmental Services"** shall mean the person designated as the Director for the Department of Environmental Services of the City or his or her designate;
 - 20. **"discharge"** when used as a verb, includes add, deposit, emit, release or leak and, when used as a noun, includes addition, deposit, emission, release or leakage;
 - 21. **"discharger"** includes a person, a person who is the owner, is in occupation of, or has charge, management or control of a property that discharges sewage, storm water, uncontaminated water or other substance or thing to which this By-law applies to sewage works;
 - 22. **"emergency"** means a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise;
 - 23. **"enforcement officer"** means a person who has been appointed as such pursuant to section 2.1(B) of this By-law;
 - 24. **"Environmental Protection Act"** means the Ontario *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended from time to time;
 - 25. **"Fee By-law"** means the City's Fee By-law (No.2002-276), as amended from time to time;
 - 26. **"Fisheries Act"** means the *Fisheries Act*, R.S.C. 1985, c. F-14, as amended from time to time;
 - 27. **"flammable liquid"** means a liquid having a flash point below 37.8 degrees Celsius and a vapour pressure not more than 275.8 kPa (absolute) at 37.8 degrees Celsius as determined by the American Society for Testing and Materials D323-99a, "Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method)";
 - 28. **"fuel"** includes alcohol, gasoline, naphtha, diesel fuel, fuel oil or any other ignitable substance intended for use as a fuel;
 - 29. **"grab sample"** means a sample of a discharge into a sewage works, which is collected over a period not exceeding 15 minutes;
 - 30. **"groundwater"** means subsurface water including water held in soil, in pores, cracks or crevices in rocks or as a free standing body beneath the existing ground surface;
 - 31. **"hailed sewage"** includes sewage which is removed from a cesspool, a septic tank system, a privy vault or privy pit, a chemical toilet, a portable toilet, a sewage holding tank or any sewage infrastructure and is transported for discharge, but does not include hauled waste;

32. “**hailed waste**” means liquid industrial waste (as this term is defined by Reg. 347) that is transported for discharge and that must be transported with a manifest in accordance with Reg. 347, but does not include hauled sewage;
33. “**hazardous waste**” includes a waste that is an acute hazardous waste chemical, hazardous industrial waste, hazardous waste chemical, corrosive waste, ignitable waste, pathological waste, reactive waste, radioactive waste, PCB waste, leachate toxic waste or severely toxic waste, or any combination thereof, each as defined by Reg. 347;
34. “**industrial**” means of or pertaining to industry, manufacturing, commerce, trade, business, or institutions as distinguished from residential;
35. “**interceptor**” means a receptacle that is designed and installed to prevent oil, grease, sand or other materials from passing into sewage works.
36. “**land drainage works**” includes a drain constructed by any means which is owned by the City and is located within the limits of a public road allowance or other public lands or public land interests held for public utility purposes which may or may not connect to a storm sewer, or a drain constructed by any means that connects directly or indirectly to a City’s storm sewer or any other sewage works;
37. “**leachate**” means the liquid produced by water or other liquids percolating through waste or by liquid in the waste;
38. “**maintenance access hole**” means an access point in a - sewer connection to a municipal sewage works that allows for the observation, monitoring, sampling, flow measurement and other related activities of the sewage, storm water, uncontaminated water or other substance therein;
39. “**Municipal Act**” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended from time to time;
40. “**Municipal Law Enforcement Officer**” or “**M.L.E.O.**” means an employee of the City that is appointed by By-law to enforce the provisions of the City’s By-laws;
41. “**municipal sewer connection**” means that part of any drain leading from the private sewer connection and connected to the municipal sewage work and located within the limits of the public road allowance, or other public lands or public land interests held for public utility purposes.
42. “**natural environment**” means the air, land and water, or any combination or part thereof;
43. “**non-contact cooling water**” means water that is used in an industrial process, for the purpose of removing heat, that has not come into contact with any raw material, intermediate product, waste product or finished product of the industrial process other than heat, but does not include blowdown water;
44. “**Order**” includes an Order made under this By-law or the *Municipal Act*;
45. “**Ontario Water Resources Act**” means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended from time to time;
46. “**PCBs**” means any monochlorinated or polychlorinated biphenyl or any mixture of them or mixture that contains one or more of them and includes PCB waste as defined by R.R.O. 1990, Reg. 362 (Waste Management – PCBs) made under the *Environmental Protection Act*, as amended from time to time;
47. “**pH**” means the logarithm of the reciprocal of the concentration of hydrogen ions in grams per litre of solution.

48. "**Phenolic Compounds**" means those hydroxyl derivatives of benzene, or its condensed nuclei, which can be identified by the 4-Aminoantipyrine method in accordance with Standard Methods, or the Gibbs procedures, as set out in the Standard Methods.
49. "**person**" includes an individual, association, organization, partnership, municipality or other corporation and includes an agent or employee of any of them;
50. "**pesticide**" means a pesticide as defined by and regulated under the *Pesticides Act*, R.S.O. 1990, c. P.11, as amended from time to time;
51. "**pollution prevention**" means the use of processes, practices, materials or products that avoid, reduce or control pollution, which may include recycling, treatment, process changes, control mechanisms, efficient use of resources and material substitution;
52. "**pollution prevention plan**" means a detailed plan that identifies operation or activities of a discharger and identifies specific pollution prevention methods to be implemented within a specific timeframe;
53. "**pre-treatment**" means the reduction, elimination or alteration of pollutants in sewage or storm water prior to discharge into a sewage works. This reduction or alteration can be achieved by physical, chemical, or biological processes, through pollution prevention, or by other means, except by diluting the concentration of the pollutants;
54. "**private sewer connection**" means that part of any drain or system of drains, including drains or subsurface drainage pipe for surface or subsurface drainage of the land in or adjacent to a building lying within the limits of the private lands and leading to a municipal sewer connection whose responsibility for maintenance is the property owner's;
55. "**private sewage disposal system**" means a sewage system that is not owned and operated by the Crown, a municipality or an organization acceptable to the Director who is responsible for issuing a Certificate of Approval under the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40. It includes any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
56. "**property**" means any land, whether vacant or occupied by a building or structure and includes such building or structure or part of a building or structure, and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected and includes a site;
57. "**Reg. 347**" means R.R.O. 1990, Reg. 347 (General – Waste Management) made under the *Environmental Protection Act*, as amended from time to time;
58. "**roof water leader**" means a pipe that is installed to carry storm water from a roof to a storm building drain, or other place of disposal;
59. "**sanitary sewer**" means any part of the sewage works that is intended to collect and convey sewage to a sewage treatment facility;
60. "**sediment interceptor**" means a device or structure that is utilized to separate sediment from the sewage. It can include catch-basin sumps or manufactured oil/grit separators;
61. "**sewage**" means any liquid containing organic, inorganic, animal, vegetable or mineral matter in solution or in suspension, including floating materials, but does not include storm water or uncontaminated water alone;
62. "**sewage works**" means any works owned by the City used for the collection, transmission, treatment or disposal of sewage, storm water or uncontaminated water and includes a sanitary sewer, storm sewer and land drainage works;
63. "**site**" means a property where a business activity takes place that is capable of discharging to a sewage works;

64. “**spill**” means a discharge of any substance to a sewage works or to the natural environment which is abnormal in quantity or quality in light of all the circumstances of the discharge;
65. “**Standard Methods**” means a procedure or method set out in “Standard Methods for the Examination of Water and Wastewater” published jointly by the American Public Health Association, American Water Works Association and the Water Environment Federation, as amended from time to time;
66. “**storm sewer**” means any part of the sewage works that is intended to collect and convey storm water, uncontaminated water, surface runoff or drainage from land or from a watercourse or any combination thereof;
67. “**storm water**” includes water from rainfall or other precipitation or from the melting of snow or ice;
68. “**subsurface drainage pipe**” means a pipe that is installed underground to intercept and convey subsurface water , and includes foundation drain pipes;
69. “**substance**” means any physical matter, whether solid, liquid or gas;
70. “**surcharge agreement**” means an agreement that the Regional Municipality of York, at its discretion, may enter into with a discharger to permit the discharge of sewage into its sanitary transmission sewer and sewage treatment plant that would otherwise be prohibited by this By-law. A surcharge agreement is only made with respect to the certain parameters to the certain extent of concentrations in sewage;
71. “**uncontaminated water**” means water with a level of quality which is typical of potable water normally supplied by the City or whose quality does not exceed the values in Table 2 – Limits for Storm Sewer Discharge”;
72. “**waste radioactive prescribed substances**” means uranium, thorium, plutonium, neptunium, deuterium, their respective derivatives and compounds and such other substances as the Canadian Nuclear Safety Commission, or its successor, may designate as being capable of releasing atomic energy or as being requisite for the production, use or application of atomic energy;
73. “**watercourse**” means an open channel, ditch or depression, either natural or artificial, in which flow of water occurs either continuously or intermittently;
74. “**wye connection**” means a single private sewer connection is intended to service two properties.

2. Administration

2.1 Subject to the terms of this or other By-laws, or the directions of Council:

- A. Administration of this By-law shall be by the Director of Environmental Services, by the Director of Engineering and by the Director of Operations;
- B. Enforcement of this By-law shall be by enforcement officers appointed for the purpose of enforcing the provisions of this By-law, which shall include the following:
1. any Staff designated or delegated by the Director of Environmental Services; the Director of Engineering or the Director of Operations;
 2. Municipal Law Enforcement Officers or M.L.E.O.s.

3. Sanitary Sewer Requirements

3.1 Prohibition of Discharge into Sanitary Sewers

No person or discharger shall discharge or cause or permit the discharge of a substance to a sanitary sewer in circumstances where,

A. to do so may cause or result in,

1. a health or safety hazard to a person authorized to inspect, operate, maintain, repair or otherwise work on, in or around a sewage works; or
2. a hazard or other adverse effect, to any person, animal, property, vegetation or the natural environment; or
3. an offence under the *Ontario Water Resources Act* or the *Environmental Protection Act* or any regulation made thereunder; or
4. biosolids from the sewage works which sewage discharges to, failing to meet the objectives and criteria set out in the Ministry of the Environment publication entitled "Guidelines for the Utilization of Biosolids and Other Wastes on Agricultural Land" dated March 1996, as amended from time to time; or
5. dyes or colouring materials to pass through a sewage works which could discolour the sewage works effluent; or
6. interference with the inspection, operation, maintenance or repair of a sewage works or which may impair or interfere with any sewage treatment process; or
7. an offensive odour to emanate from the sewage works that is detectable within the vicinity of the sewage works, and includes, without limiting the generality of the foregoing, sewage containing hydrogen sulphide, carbon disulphide, other reduced sulphur compounds, amines or ammonia in such quantities as may cause an offensive odour; or
8. damage to a sewage works or any part thereof; or
9. an obstruction or restriction to the flow in the sanitary sewer;

B. the sewage has or exhibits,

1. a pH less than 6.0 or greater than 10.5; or
2. two or more separate liquid layers; or
3. a temperature greater than 60 degrees Celsius;

C. the sewage contains or is likely to contain,

1. combustible liquid; or
2. flammable liquid; or
3. fuel; or
4. hauled sewage, or
5. hauled waste, or ,
6. hazardous waste; or
7. PCBs; or
8. a pesticide; or
9. waste radioactive prescribed substances; or

10. leachate; or ,
 11. a liquid or material resulting from the pump-out or cleaning of a catch-basin, sediment interceptor, or maintenance access hole, except where any grit or other contaminants have been removed or reduced to levels acceptable to the City, and the prior written approval for the discharge has been obtained from the City under section 3.2(B); or
 12. any quantity of matter capable of obstructing the flow in or interfering with the proper operation of any part of the sewage works and without limiting the generality of the foregoing, any such quantity of ashes, cinders, garbage, sand, straw, mud, shavings, metal, glass, rags, feathers, plastic, wood, cellulose, oil, fat and grease of animal or vegetable origin, oil grease and tar of mineral origin; or
 13. sewage containing animal waste, and without limiting the generality of the foregoing, containing intestines, stomach casings, intestinal contents, hides, hooves, toenails, horns, bones or poultry heads or sewage containing hair, wool, fur, feathers, paunch manure or fleshings in a quantity sufficient to interfere with the proper operation of the sewage works; or
 14. any contaminant at a concentration that exceeds any one or more of the limits in Table 1 as set out in Schedule "A" of this By-law, entitled "Limits for Sanitary Sewer Discharge", except where,
 - a. the discharge is proceeding under and carried out in accordance with and only to the extent expressly permitted by all terms and conditions of a surcharge agreement, compliance program or pollution prevention plan which has been previously authorized or approved in writing by the City and/or the Regional Municipality of York with respects to applicable section, prior to the discharge in accordance with the provisions of this By-law.
- D. the discharge is storm water, non-contact cooling water, water from a dewatering activity, or uncontaminated water.

3.2 Request and Approval of Special Discharge into Sanitary Sewers

- A. Notwithstanding section 3.1(D) of this By-law, the City, in its sole discretion, may give a written approval for a temporary discharge of
1. storm water, or
 2. non-contact cooling water, or
 3. water from a dewatering activity, or
 4. uncontaminated water,
- to a sanitary sewer, where,
1. the discharge is requested as a result of a situation that the City, in its sole discretion, considers to be an emergency; or
 2. in the case of a proposed building, no storm sewer exists adjacent to the building; or
 3. in the case of an existing building, no storm connection exists to the building.
- B. The City, in its sole discretion, may approve a discharge described in section 3.2 (A) or Section 3.1(C)(11) on such terms and conditions as it may deem appropriate, including terms and conditions in respect of protecting the sewage works and other infrastructure, compensating the City for costs related to the extra maintenance or repair of the sewage works and facilitating administration of the approval. To assess a proposed discharge under section 3.2(A) or 3.1(C)(11), the City must be provided with,

1. written request to the City for the proposed discharge which includes,
 - a. the reason for the need for special discharge;
 - b. the volume of water to be discharged;
 - c. the location of the water source;
 - d. the address of the property where the water is being used and from which it is being discharged; and
 - e. the details of the proposed discharge plan;
 2. a copy of a valid Permit to Take Water issued by the Ministry of the Environment in respect of the taking of the water that would be discharged, where such Permit to Take Water is required by the *Ontario Water Resources Act*;
 3. a copy of approval from other appropriate government agencies if applicable; and
 4. payment for any application fees for reviewing a request for a discharge under this section that may be imposed by the City from time to time.
- C. For the purposes of this Part, the City may require a person to provide plans, specifications, reports, studies, data, analytical results, documentation or other information to the satisfaction of the City to assess whether or not an actual or potential discharge may or could interfere with the City's sanitary sewer works and contravene Part 3 of this By-law.

4. Storm Sewer Requirements

4.1 Prohibition of Discharge into Storm Sewers

No person or discharger shall discharge or cause or permit the discharge of a substance to a storm sewer or to land drainage works in circumstances where,

- A. the discharge is not storm water or not uncontaminated water in accordance with this By-law;
- B. to do so may cause or result in,
 1. a health or safety hazard to a person authorized to inspect, operate, maintain, repair or otherwise work on, in or around a storm sewer; or
 2. interference with the proper operation of a storm sewer or land drainage works; or
 3. an obstruction or restriction to a storm sewer or land drainage works or the flow therein; or
 4. damage to a storm sewer or land drainage works; or
 5. a hazard or other adverse effect to any person, animal, property, vegetation or the natural environment; or
 6. impairment of the quality of any water including water in any well, aquifer, lake, river, pond, spring, stream, reservoir or other watercourse; or
 7. an offence under the *Ontario Water Resources Act*, the *Environmental Protection Act* or the *Fisheries Act* with respect to the storm sewer or land drainage works and/or the direct or indirect discharge from the storm sewer or land drainage works into any watercourse;
 8. not satisfying with criteria for environmentally sensitive water courses.
- C. the water has or exhibits,
 1. two or more separate liquid layers; or

2. a visible film, sheen or discoloration; or
 3. a temperature greater than 40 degrees Celsius; or
 4. a pH less than 6.0 or greater than 9.0;
- D. the water contains, or is likely to contain,
1. blowdown water; or
 2. contact cooling water; or
 3. water from a dewatering activity; or
 4. combustible liquid; or
 5. flammable liquid; or
 6. floating debris; or
 7. fuel; or
 8. oil and/or grease; or
 9. hauled sewage; or
 10. hauled waste; or
 11. hazardous waste; or
 12. PCBs; or
 13. pesticides; or
 14. sewage; or
 15. waste radioactive prescribed substances; or
 16. leachate; or
 17. a substance from raw materials, intermediate or final materials, used or produced in, through or from an industrial process; or
 18. a substance used in the operation or maintenance of a site; or
 19. any contaminant at a concentration that exceeds any one or more of the limits in Table 2 as set out in Schedule "A" of this By-law, entitled "Limits for Storm Sewer Discharge"; or
 20. a liquid or material resulting from the pump-out or cleaning of a catch-basin, sediment interceptor, or maintenance access hole, except where any grit or other contaminants have been removed or reduced to levels acceptable to the City, and the prior written approval for the discharge has been obtained from the City under section 4.2(B).

4.2 Request and Approval of Special Discharge into Storm Sewers

- A. Notwithstanding sections 4.1(A) and 4.1(D)(3) of this By-law, the City, in its sole discretion, may give a written approval for a discharge of water from a dewatering activity, to a storm sewer or land drainage works on such terms and conditions as it may deem appropriate including but not limited to terms and conditions in respect of protecting the sewage works, other infrastructure and the natural environment, standards for parameters in the discharge,

volume of the discharge, compensating the City for costs related to extra maintenance or repair of the sewage works and facilitating administration of the approval.

- B. Where the City has given prior written approval for a discharge in accordance with section 4.2(A) or section 4.1(D)(20), a person may discharge the pump-out, cleaning of a catch-basin, sediment interceptor, or maintenance access hole, or water from a dewatering activity to a storm sewer or land drainage works only to the extent permitted by and where the person is complying with all terms and conditions of the prior written approval. To assess a proposed discharge under section 4.2(A) or section 4.1(D)(20), the City must be provided with,
1. written request to the City for the proposed discharge which includes,
 - a. the reason for the need for special discharge;
 - b. the volume of water to be discharged;
 - c. the location of the water source;
 - d. the description of location where the water is being used and from which it is being discharged; and
 - e. the details of the proposed discharge plan;
 2. a copy of a valid Permit to Take Water issued by the Ministry of the Environment in respect of the taking of the water that would be discharged, where such Permit to Take Water is required by the *Ontario Water Resources Act*;
 3. a copy of approval from other appropriate government agencies if applicable; and
 4. payment for any application fees for reviewing a request for a discharge under this section that may be imposed by the City from time to time.
- C. For the purposes of this Part, the City may require the person to provide plans, specifications, reports, studies, data, analytical results, documentation or other information to the satisfaction of the City that would enable the City to assess whether or not the actual or potential discharge may or could interfere with the City's storm sewer or contravene Part 4 of this By-law.

5. Prohibition of Dilution

- 5.1 No person or discharger shall discharge or cause or permit the discharge of a substance into a sewage works in circumstances where water has been added to the discharge for the purposes of dilution such that after dilution the discharge does not contravene Part 3 or Part 4 of this By-law.

6. Discharger Information Request

- 6.1 A discharger shall complete a Discharger Information Report form provided by the City and submit it to the City within 30 calendar days of written notification by the City that such report is required.
- 6.2 Where a discharger is required by the City to complete a Discharger Information Report, the discharger shall provide written notice of any change in the information requested in the Discharger Information Report a minimum of 30 calendar days prior to the effective date of such change. Such notice shall include pertinent details of any change to the operation, process, or pre-treatment facilities, and shall include any analyses of the sewage and any other information related to the discharge as may be required by the City.

7. Surcharge Agreement

- 7.1 Only through an approved surcharge agreement, will a discharger be allowed to discharge or deposit of sewage containing parameters set by that surcharge agreement in excess of limits established by this By-law.

8. Compliance Program

- 8.1 A discharger may submit to the City, or submit and resubmit where required by the City, a proposed compliance program to prevent, reduce or control a discharge of sewage which does not comply with the requirements of this By-law.
- 8.2 Upon receipt and review of a proposed compliance program pursuant to section 8.1, the City, at its sole discretion, may issue a compliance program approval with such terms and conditions the City deems to be appropriate for any discharge which would otherwise not comply with this By-law. A non-compliant discharge authorized under an approval is only authorized in the amount and to the extent set out in the approval, during the period of planning, design, construction and installation of facilities or works necessary to implement the approved compliance program.
- 8.3 The City may terminate the compliance program by giving written notice to the discharger,
- A. at any time where, in the opinion of the City, there is an immediate threat or danger to any person, animal, the natural environment, property, vegetation, in which case the termination shall be effective immediately upon receipt of the written notice of termination by the discharger;
 - B. at any time where, in the opinion of the City, the discharger fails or neglects to implement or pursue implementation of the actions required under the approved compliance program or otherwise fails to comply with the terms and conditions of an approval, in which case the termination shall be effective immediately upon receipt of the written notice of termination.
- 8.4 Where required by the City pursuant to an approved compliance program, the discharger shall install at the site, and prior to the sampling point, a sewage pre-treatment facility at the discharger's expense and within specified timeframe.
- 8.5 A discharger who is the subject of an approved compliance program in accordance with this Part shall not be prosecuted for a contravention under Part 3 of this By-law for the discharge of sewage to the extent set out in the approved compliance program during the term of the approved compliance program, provided that such discharge is in compliance with the approved compliance program.
- 8.6 Where necessary, in the opinion of the City, the discharger shall provide, at his expense, such preliminary treatments as may be necessary to reduce objectionable characteristics or constituents to within the limits established by the By-law.
- 8.7 Plans, specifications and any other pertinent information related to proposed sewage pre-treatment facilities shall be submitted for the approval of the City and no construction of such facilities shall be commenced until said approvals are obtained in writing.

9. Pollution Prevention Plan

- 9.1 The City may, by written notice, require a discharger to develop a pollution prevention plan for the discharge of one or more of any of the parameters listed in Table 1 as set out in Schedule "A" of this By-law or any other parameter that may be designated by the City with respect to the site from which the discharge occurs, where,
- A. the discharger is or has been non-compliant with Part 3 (Sanitary Sewer Requirements);
 - B. the discharger is or has been non-compliant with Part 4 (Storm Sewer Requirements);
 - C. the discharger is or has been in an approved compliance program with the City; or

D. the discharger is or has been responsible for one or more spill(s) to a sewage works.

- 9.2 A pollution prevention plan shall comply with any guidelines that the City may establish from time to time.
- 9.3 A pollution prevention plan shall be completed by the discharger and submitted to the City for approval within 6 calendar months of notification by the City that a pollution prevention plan is required.
- 9.4 The discharger shall keep a copy of the current approved pollution prevention plan at the site in respect of which it was prepared and shall make the approved pollution prevention plan available for review by an enforcement officer and, upon request, shall provide a copy of the approved pollution prevention plan in the requested manner and format at no charge to the City.
- 9.5 The City may exempt a discharger from the requirements to develop a pollution prevention plan where the discharger has implemented and maintains a currently registered ISO 14001 Program which is accredited by the Standard Council of Canada or the Registrar Accreditation Board and which is currently accredited by a third party auditor. If such an exemption is made, the discharger shall keep a copy of the registered ISO 14001 Program at the site and shall make it available for review by an enforcement officer and, upon request, shall provide a copy in the requested manner and format, at no charge to the City.

10. Sampling and Analytical Requirements

- 10.1 The City, by written notice, may require a discharger, at the discharger's expense, to monitor, sample and/or analyze, in accordance with the procedures and methods set out in Standard Methods and through an accredited laboratory, one or more discharges from a site and submit the analysis, results and/or the samples to the City by the date set out in the notice.
- 10.2 The City may establish non-compliance with this By-law on the basis of a grab sample or a composite sample of a discharge, which may contain additives for its preservation, that may be collected manually or by using an automatic sampling device, and analyzed in accordance with the procedures and methods set out in Standard Methods.
- 10.3 For each of the metals whose concentration is limited in Table 1 or Table 2 of Schedule "A", the analysis shall be for the quantity of total metal, which includes all metal both dissolved and particulate.
- 10.4 Where there is no maintenance access hole meeting the requirements of Part 19 of this By-law, the City may, by given a written notice to an industry, make use of an alternative device for the purpose of sampling a discharge to the sewage works.

11. Spills

- 11.1 In the event of a spill to a sewage works, the person with charge, management or control of the substance spilled or the person who caused or permitted the spill shall immediately notify the City, provide any information with respect to the spill which the City advises it requires, and complete any work the City may require to mitigate the spill.
- 11.2 Notwithstanding section 11.1, the person who gave notice under that section shall do everything possible to stop and contain the spill, protect the health and safety of the public and adjacent occupants, minimize damage to property, protect the natural environment, mitigate actual and potential impacts, clean-up the spill and remediate and restore the affected area to its condition prior to the spill event.
- 11.3 Within 5 calendar days after the first occurrence of the spill, the person who gave notice under section 11.1 shall provide a written report on the spill to the City containing information to the best of the person's knowledge including,
- A. location where the spill occurred;
 - B. name and phone number of the person who reported the spill and location where such person can be contacted;

- C. date and time of spill;
 - D. substance that was spilled;
 - E. physical and chemical characteristics of the spilled substance;
 - F. volume of the substance spilled;
 - G. duration of spill event;
 - H. any relevant information regarding the cause of the spill or the circumstances surrounding the spill event;
 - I. work completed, in progress and/or to be undertaken to mitigate the spill;
 - J. preventative actions being taken to ensure the situation does not occur again; and
 - K. impact of the spill or any other information in relation to the spill the City may indicate.
- 11.4 If a person to whom this Part applies is not able to provide or otherwise does not provide all of the information required by sections 11.1 and 11.3, the person shall take all reasonable steps to ascertain the missing information and provide it immediately to the City.
- 11.5 If a person to whom this Part applies becomes aware that any information provided to the City pursuant to sections 11.1 and 11.3 was inaccurate or is no longer accurate, the person shall immediately notify the City of the inaccuracy and provide corrected information.
- 11.6 The spill reporting requirements set out in this Part are in addition to and do not replace any other reporting obligations imposed upon a person by federal or provincial legislation.

12. Confidential Information

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

13. Dental Waste Amalgam Separators

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

14. Food related Oil and Grease Interceptors

- 14.1 Every discharger whose site is, or contains, a restaurant or other industrial premises where food is cooked, processed or prepared shall take all necessary measures to ensure that oil and grease are prevented from discharging to,
- A. a sanitary sewer in excess of the limits in Table 1 as set out in Schedule "A" of this By-law; or
 - B. a storm sewer or land drainage works.
- 14.2 A discharger to whom this Part applies shall install, operate, and properly maintain, in accordance with the requirements of this Part, an oil and grease interceptor in any piping system at its private site that connects directly or indirectly to a sewage works.
- 14.3 The installation and operation of each oil and grease interceptor shall be,
- A. in compliance with the current requirements of the *Building Code Act* and its regulations; and
 - B. in accordance with the requirements of the Canadian Standards Association national standard CAN/CSA B481, as amended from time to time.
- 14.4 The discharger shall ensure all oil and grease interceptors are maintained in good working order, including the requirements that every oil and grease interceptor shall,
- A. be tested and maintained in accordance with the requirements of CAN/CSA B481, as amended from time to time;
 - B. have the maintenance requirements posted at the site in a conspicuous location in proximity to the oil and grease interceptor; and
 - C. be cleaned before the thickness of the organic material and solids residuals becomes greater than twenty-five percent of the available volume, with a cleaning frequency of at least once every four weeks.
- 14.5 The discharger must provide the maintenance schedule and record of maintenance for each oil and grease interceptor to an enforcement officer upon request and, upon request, a copy shall be provided to an enforcement officer in the manner and format requested at no charge to the City, and must keep documentation of proof of interceptor clean-out and oil and grease disposal at the site for a minimum of two years.
- 14.6 Where a discharger fails to adequately maintain the oil and grease interceptor to the satisfaction of the City, the City may require an alarmed monitoring device or such other device to be installed at the site, which the discharger shall then install at its expense, in accordance with specifications of CAN/CSA B481, as amended from time to time.
- 14.7 No discharger shall discharge or cause or permit the discharge of emulsifier to an interceptor to which this Part applies.
- 14.8 No discharger shall use or cause or permit the use of enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of oil and grease through an interceptor to which this Part applies.

15. Vehicle and Equipment Service Oil and Grease Interceptors

- 15.1 Every discharger whose site is a vehicle or equipment service station, repair shop, garage or other industrial premises where motor vehicles are repaired, lubricated, washed or maintained shall take all necessary measures to ensure that oil and grease are prevented from discharging to a sanitary sewer in excess of the limits in Table 1 as set out in Schedule "A" of this By-law.

- 15.2 A discharger to whom this Part applies shall install, operate and properly maintain, in accordance with the requirements of this Part, an oil and grease interceptor in any piping system at its site that connects directly or indirectly to a sewage works.
- 15.3 Each oil and grease interceptor required to be installed under this Part shall be installed in compliance with the current requirements of the *Building Code Act* and its regulations.
- 15.4 The discharger shall ensure all oil and grease interceptors are maintained in good working order, including the requirements that every oil and grease interceptor shall,
- A. be maintained as recommended by the Canadian Petroleum Products Institute and in accordance with the manufacturer's guidance and recommendations;
 - B. be inspected regularly to ensure performance is maintained and to ensure the surface oil, grease and sediment levels do not exceed the recommended level; and
 - C. have the maintenance requirements posted at the site in a conspicuous location in proximity to the oil and grease interceptor.
- 15.5 The discharger must provide the maintenance schedule and record of maintenance for each oil and grease interceptor to an enforcement officer upon request and, upon request, a copy shall be provided to an enforcement officer in the manner and format requested at no charge to the City, and must keep documentation of proof of interceptor clean-out and oil and grease disposal at the site for a minimum of two years.
- 15.6 Where a discharger fails to adequately maintain the oil and grease interceptor to the satisfaction of the City, the City may require an alarmed monitoring device or such other device be installed at the expense of the discharger.
- 15.7 No discharger shall discharge or cause or permit the discharge of emulsifier to an interceptor to which this Part applies.
- 15.8 No discharger shall use or cause or permit the use of enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of oil and grease through an interceptor to which this Part applies.

16. Sediment Interceptors

- 16.1 Where sediment may be discharged to a sewage works from the site of a discharger, including but not limited to sites using a ramp drain or area drain and vehicle wash establishments, the discharger shall take all necessary measures to ensure that such sediment is prevented from discharging to,
- A. a sanitary sewer in excess of the limits in Table 1 as set out in Schedule "A" of this By-law; or
 - B. a storm sewer in excess of the limits in Table 2 as set out in Schedule "A" of this By-law.
- 16.2 A discharger shall ensure any catch-basin installed on its site for the purpose of collecting storm water and carrying it into a storm sewer or land drainage works is equipped with a sediment interceptor and the installation of each catch-basin shall comply with the City's standard construction specifications and drawings.
- 16.3 A discharger shall ensure that all sediment interceptors are maintained in good working order, including the requirements that every sediment interceptor shall be,
- A. maintained in accordance with the manufacturer's guidance and recommendations; and
 - B. inspected regularly to ensure performance is maintained to the manufacturer's specifications.

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

17. Maintenance Access Holes

- 17.1 A discharger of commercial, institutional or industrial premises or multi-storey residential buildings with one or more sewer connections to a sewage works, at the discharger's expense, shall install or cause to install a maintenance access hole for each connection for the purpose of observation, sampling, maintenance, flushing, and measurement of the flow of discharges therein in accordance with the requirements of this Part.
- 17.2 Notwithstanding section 17.1, where the installation of a maintenance access hole is not possible or is not acceptable to the City, an alternative device may be substituted with the prior written approval of the City.
- 17.3 A maintenance access hole, or an alternative device shall be,
- A. located on the property line of the discharger's site, unless the City provides written approval for a different location;
 - B. designed and constructed in accordance with good engineering practice, in a manner acceptable to the City.
- 17.4 If a maintenance access hole, or an alternative device for the purposes identified in section 17.1 is installed on the property line, the City shall take its ownership and be responsible for its maintenance.
- 17.5 If a maintenance access hole, or an alternative device for the purposes identified in section 17.1 is installed on the private side, a discharger shall maintain it in good repair and, when necessary, shall replace a maintenance access hole, alternative device or facility, at the discharger's expense. It shall be accessible at any time to the City for the purpose of observation, sampling and measurement of the flow of discharges therein.

18. Private Sewage Disposal Systems

- 18.1 Except as hereinafter provided, it shall be unlawful to construct or maintain any private sewage disposal system.
- 18.2 Where no sanitary sewer exists adjacent to a property, the building sewer shall be connected to a private sewage disposal system to contain the sewage. And the private disposal system shall be installed and maintained in compliance with all applicable legislation, regulations and by-laws.
- 18.3 The owner or occupier of such property shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times and at no expense to the City.
- 18.4 At such time as a sanitary sewer becomes available to a property served by a private sewage disposal system, if notice has been given by the City, a direct connection shall be made to the sanitary sewer in compliance with this By-law within 90 days, at the owner's expense, and any private disposal facilities shall be abandoned and filled in compliance with all applicable legislation, regulations and by-laws.

19. Sewer Connections

19.1 Application and Payment

- A. No person shall connect or cause to connect any private sewer connection to any municipal sewer connection, including any reconnection of an existing private sewer connection, without the written approval of the City and compliance with the requirements of this By-law.

- B. No sewer connection shall be constructed on any road allowance, easement, or other public land, except by the City or, where authorized in writing by the City, under a written agreement satisfactory to the City.
- C. The owner or owner's agent of the property seeking the connection of a private sewer connection with the municipal sewer connection shall make an application on the prescribed form to the City, shall make engineering submissions satisfactory to the City, and shall be responsible for the application fees and cost of such sewer connection.
- D. The owner or owner's agent of a property where the use or the zoning of the property has changed, shall make an application on the prescribed form to the City, if the owner or owner's agent requests to use the existing connection. The owner or owner's agent will be required to carry out investigation to confirm the conditions and suitability of the existing connection to the satisfaction of the City.

19.2 Sewer Connections through neighbouring Private Lands

- A. Where an owner or owner's agent of a property requires a sewer connection through neighbouring private lands, the owner shall obtain a written authorization from those property owners and shall obtain a private easement over the neighbouring private lands, to the satisfaction of the City, for the construction, operation and maintenance, replacement of the sewer connection and its appurtenances at the owner's expenses.
- B. No such sewer connection shall be constructed without obtaining the authorization from those property owners and a private easement over the said properties.

19.3 Sewer Connections for Land Development

Where a property so developed or a lot so subdivided, will be connected to the City's sewage systems, the owner shall enter into a *Site Plan Agreement* or *Subdivision Agreement* or *Development Agreement* with the City. The agreement sets out the design, construction, maintenance and financial requirements, and includes the installation of municipal sewer connections to various lots in the development.

19.4 Sewer Connections for Existing Buildings

The owner or owner's agent of the property shall apply to the City for installation of a new municipal sewer connection, and pay to the City the cost of such work on an actual cost basis with a minimum charge equal to the applicable flat rate for such works, as determined by the City from time to time, where there is:

- A. A change in location of a building on a property; or
- B. A change in the size of the sewer connection due to increased sewage flow; or
- C. A construction of a new building on a property without municipal sewer connection; or
- D. A disconnection of a dwelling from a private sewage disposal system.

19.5 Sewer Connections for Reconstructed Buildings

- A. Whenever an existing building is to be substantially demolished, the existing municipal sewer connections shall be inspected prior to submission of the demolition application. If the service connection is found to be in good condition and an appropriate size, it can be reused for service connection purposes. If it is found to be deficient, it is to be disconnected or sealed by the City at the expense of the owner of the building prior to the building demolition. The owner or owner's agent of the property applying for the permit to construct the replacement building shall apply and pay the City for the inspection of the existing municipal sewer connections or the installation of new municipal sewer connections.

- B. For the purposes of this section, an existing building is substantially demolished when more than 50 percent of the exterior walls of the first storey above grade are removed, whether or not they are subsequently replaced.
- C. Notwithstanding section 19.5(A) or 19.5(B), an owner may apply to the City for the reuse of a municipal sewer connection, up to and including 150 mm in diameter, for the purposes of servicing a residential dwelling if municipal sewer connection meets, as determined by the City, all of the following requirements:
 - 1. The municipal sewer connection must meet current City standards and specifications;
 - 2. The municipal sewer connection must not be a wye connection;
 - 3. The municipal sewer connection must not have record of history of sewer back-ups in respect to properties serviced by that municipal sewer connection; and
 - 4. The municipal sewer connection is free of structural and operational defects as determined by and at the sole discretion of the City.
- D. For the purposes of 19.5(C)(4), the City will carry out a CCTV (closed circuit television) sewer inspection, at the owner's expense, along the entire municipal portion of the sewer connection, the results of which must indicate that the sewer connection is free of structural and operational defects.
- E. The owner or owner's agent of the property upon making an application under 19.5(A) shall pay to the City any fees, charges and costs as may be prescribed or determined by the City from time to time.

19.6 Sewer Connections for Demolished Buildings

- A. Whenever a building or structure on a property is substantially demolished and no replacement building is proposed or the replacement building will have a different sewer connection, no person shall demolish or cause to demolish any building until the municipal sewer connection(s) serving the property have been completely disconnected and sealed by the City.
- B. The owner or the owner's agent of the property shall pay all fees and costs associated with the disconnection prior to the demolition of the building or structure in accordance with the Fee By-law.

19.7 Addition, Change or Alternation to existing Sewer Connections

- A. Any person who requires an additional municipal sewer connection to be supplied to a property or a change or an alteration to the existing municipal sewer connection in relation to a property shall submit an application for such addition, change or alteration on the prescribed form to the City accompanied by such engineering studies, monitoring reports, drainage plans, grading plans, engineering plans and other detailed documentation and information as may be required to determine if the application is in accordance with the City's latest standards and specifications as well as the requirements of this By-law.
- B. The applicant shall pay to the City, at the time of making the application, all applicable fees, charges, deposits, financial securities and costs, including the cost for disconnection of the existing municipal sewer connection and for the installation and connection of new municipal sewer connection, if one is required.
- C. The owner or the owner's agent of the property shall sign the application, and the owner shall be responsible for the completeness and accuracy of the information furnished on such application and in the supporting documentation to be provided in accordance with section 19.6(A).

19.8 Installation of Sewer Connections

- A. Upon approval by the City of an application submitted under the section 19.2, section 19.4, section 19.5 or section 19.6, a municipal sewer connection shall be installed by the City, at the expense of the owner, in accordance with the standards and specifications and upon such conditions, rates, fees, charges and costs as may be prescribed or determined by the City from time to time.
- B. At the sole discretion of the City, a municipal sewer connection may be installed by the owner's contractor who has been pre-qualified to carry out the work and the installation should be in accordance with the City's standards and specifications, as it may be amended from time to time. The owner of the property shall pay for the cost of a City's inspection, the amount of which shall be determined by the City from time to time.
- C. A private sewer connection shall be installed by the owner pursuant to a building permit having been issued for such purpose by the City and the installation should be in accordance with the City's standards and specifications, as it may be amended from time to time.
- D. A private sewer connection shall not be installed until the municipal sewer connection is satisfactory installed and the municipal sewer which the municipal sewer connection is connected to are completed and accepted for operations by the City.

19.9 Single and Separate Sewer Connection

- A. Only single municipal sewer connection is permitted for each property.
- B. A single municipal sewer connection will be allowed for a property with multiple units, subject to the approval of the City.
- C. Where more than one municipal sewer connection is required for a property, the owner or the owner's agent of the property shall make application in accordance with section 19.7.
- D. No wye sewer connection is allowed unless those wye sewer connections have been constructed prior to passing of this By-law. At the sole discretion of the City, the storm wye sewer connections at residential properties may be allowed.
- E. For those existing sanitary wye sewer connections, at the time the building is demolished, new constructed building is not allowed to be connected to that wye sewer connection and a new sewer connection shall be constructed for each new building.

19.10 Backwater Valves and Sump Pumps

Where a backwater valve or a sump pump is required by the engineering design, it shall be installed in accordance with the Building Code within the property's basement, and be maintained by the owner of the property at his or her expense.

19.11 Inflow of Storm Water into a Sanitary Sewer

- A. The owner of any building which has a roof water leader discharging storm water, either directly or indirectly, into the sanitary sewer connection shall disconnect the down-pipe from the underground portions at grade and shall convey the storm water away from the building in such a way that the storm water will not accumulate at or near the building and will not adversely affect adjacent properties.

19.12 Groundwater Drainage System and Dewatering

- A. No direct connection or indirect connection between groundwater drainage system and the private sanitary drainage system is permitted.
- B. No owner of industrial, commercial or institutional premises shall do anything which may increase design peak flow rates of storm water or impair the quality of storm water discharged to a storm sewer.

- C. Foundation drains and other groundwater drainage systems shall be designed in accordance with the City's latest Engineering Design Criteria.
- D. The groundwater drainage system set out this Section shall be installed and maintained by the owner or operator of the premises, at his or her sole expense.
- E. Temporary and permanent dewatering facilities shall abide by the approval requirements in the City's latest Engineering Design Criteria, and dewatering activities discharging into the City's sewage systems shall be subject to the approval in accordance with section 3.2 or section 4.2 of this By-law.

19.13 Storm Water Drainage

- A. For buildings with flat roofs, section 19.13(B) and 19.13(C) may not be possible and they will be exempt from these provisions.
- B. An owner of the premises shall discharge storm water, at grade away from any building or structure on that property in such a manner that the storm water will not accumulate at or near the building or structure and will not adversely affect adjacent properties or create a hazardous condition.
- C. For any new or reconstructed buildings, no person shall:
 - o construct, or
 - o install, or
 - o maintain, or
 - o cause or permit to be constructed, installed or maintained,the direct or indirect connection of any roof water leader into storm drainage system.
- D. For existing buildings by the notification from the City, no person shall permit or maintain the direct or indirect connection of any roof water leader into storm drainage system.
- E. An owner may make an application to the City for an exemption from the provision of sections 19.13(C) and 19.13(D), where, in the case that compliance with those provisions would create a hazardous condition or is not technically feasible.
- F. Where an owner makes an application for an exemption under the provision of section 19.13(E), the owner shall supply such plans, photographs, and other documentation as the City may request. The determination of an exemption shall be in the City's sole discretion.
- G. Storm sewer systems shall be designed in accordance with the City's latest Engineering Design Criteria.
- H. Catch basins in rear yards or other grassed areas such as parks shall not contain sumps as per the City's latest Engineering Design Criteria.
- I. Any discharge to storm sewer must meet quantity and erosion requirements as per Engineering Design Criteria, and shall be consistent with the approved watershed requirements, as provided by the City and other approval agencies having jurisdiction.
- J. Discharge from storm sewer systems not connecting to end-of-pipe quality treatments shall, in addition to meeting the contaminant limits in Table 2 as set out in Schedule "A" of this bylaw, meet Enhanced Level of protection (80% long term Suspended Solid removal) as per the Ministry of the Environment's Storm Water Management Planning and Design Manual (2003), as amended.

20. General Prohibition and Liability for Damages

20.1 Protection from Damage or Alteration

No person shall uncover, make any connection with, open into, break, alter, damage, destroy, deface or tamper or cause or permit the breaking, damaging, destroying, defacing or tampering

with any part of a sewage works; or any permanent or temporary device installed in any part of the sewage works for the purposes of flow measuring, flow control, sampling and testing of sewage, uncontaminated water or storm water.

20.2 Damage to the Sewage Works

Any person or discharger discharging sewage, uncontaminated water or storm water to the municipal sewage works shall be responsible for ensuring that such sewage, uncontaminated work or storm water conforms at all times to the provisions of this By-law and shall be liable for any damages or expense arising out of his or her failure to properly check and control such discharge, including the cost of investigation, repairing or replacing any part of any municipal sewage works damaged thereby and for any damages or injury to any person or property caused by such discharge.

20.3 Unauthorized Entry to Sewage Works

No person shall enter the sewage works unless specifically authorized by the City in writing.

20.4 Removal of Maintenance Access Hole Cover

No person shall remove or tamper with, or cause or permit the removal of or tampering with, any maintenance access hole cover or other opening into the sewage works unless specifically authorized by the City in writing.

21. Fees

- 21.1 Any municipal service fees for the administration and enforcement of this By-law shall be in accordance with the City's Fee By-law, as amended.
- 21.2 Additional fees applicable to this By-law, not noted in the City's Fee By-law, may be imposed by the City from time to time.
- 21.3 Service fees for the administration and enforcement of this By-law may be applied when a contravention has been confirmed by an enforcement officer.

22. Offences

22.1 Every person who:

- A. contravenes any of the provisions of this By-law, or
- B. fails to comply with an Order issued under this By-law, or
- C. obstructs or attempts to obstruct an enforcement officer or an employee or agent of the City in carrying out his or her duties under this By-law,

is guilty of an offence and is liable, upon conviction to a maximum fine as established pursuant to the *Provincial Offences Act*, as amended.

- 22.2 If there is a contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 22.3 If an Order has been issued under this By-law, and the Order has not been complied with, the contravention of the Order shall be deemed to be a continuing offence for each day or part of a day that the order is not complied with.
- 22.4 For the purposes of this By-law, "multiple offences" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law.
- 22.5 For the purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

23. Penalties

- 23.1 Pursuant to Section 429 of the *Municipal Act*, every Person who is guilty of an offence under this By-law shall be subject to the following penalties:
 - A. Upon a first conviction, to a fine of not less than \$300.00 and not more than \$50,000.00;
 - B. Upon a second or subsequent conviction for the same offence, to a fine of not less than \$400.00 and not more than \$100,000.00;
 - C. Upon conviction for a continuing offence, to a fine of not less than \$100.00 and not more than \$10,000.00 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.00.
- 23.2 Where a Person convicted of an offence is a corporation, the corporation is liable to a fine not less than \$300.00 and not exceeding \$100,000.00.

24. Power of Entry, Inspection and Enforcement

- 24.1 Pursuant to Sections 435, 436 and 438 of the *Municipal Act*, the City may enter on a property or lot at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - A. The provisions of this By-law;
 - B. An Order issued under this By-law.
- 24.2 Pursuant to Section 435 of the *Municipal Act*, the City's power of entry may be exercised by an employee, officer or agent of the City, or by a member of the York Regional Police Service, as well as by any person under his or her direction.
- 24.3 When entering a property under this By-law, the person exercising the power of entry:
 - A. shall provide identification to any person requesting identification during the course of the entry;
 - B. may be accompanied by a person or persons under his or her direction; and
 - C. shall not enter or remain in any room or place actually used as a dwelling unless at least one of the conditions set out in section 437 of the *Municipal Act* is met.
- 24.4 Where an inspection is conducted by the City, the person conducting the inspection may:
 - A. require the production for inspection of documents or things relevant to the inspection;
 - B. inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;

- C. require information from any Person concerning a matter related to the inspection including their name, address, phone number and identification; or
 - D. alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 24.5 Cost Recovery – Where the City, its employees or authorized agents have performed the work required to bring the property into compliance with the By-law, all expenses incurred by the City in doing the work as well as any related fees, shall be deemed to be a debt to the City and may be collected by action or the costs may be added to the tax roll for the property and collected in the same manner as taxes.
- 24.6 Collection of unpaid Fines – Pursuant to Subsection 441.1 of the *Municipal Act*, the treasurer of a municipality may add any part of a fine for a commission of a provincial offence that is in default under Section 69 of the *Provincial Offences Act* to the tax roll for any property in the local municipality of which all of the owners are responsible for paying the fine and collect it in the same manner as municipal taxes.

25. Limitation

- 25.1 Nothing in this By-law shall be so construed as to permit anything, which by the provisions of any applicable act, regulation or bylaw is otherwise prohibited.
- 25.2 This By-law shall not apply to discharges, activities or matters undertaken by The Regional Municipality of York or the City.

26. Severability

- 26.1 Notwithstanding any section or sections of this By-law, or any part or parts thereof, may be found by a court of competent jurisdiction to be invalid or beyond the power of the Council to enact, such section or sections or part or parts thereof shall be deemed to be severable, and all other sections of this By-law, or parts thereof, are separate and independent there from and shall continue to be enforceable.

27. Schedules

- 27.1 Schedule “A” forms part of this By-law.

28. Repeal

- 28.1 By-law 436-86, as amended, is hereby repealed.

29. Short Title

- 29.1 This By-law shall be known as the Sewer Use By-law.

30. Force and Effect

- 30.1 This By-law shall come into force and effect upon the date it is passed by Council.

SCHEDULE "A"

Table 1 - Limits for Sanitary Sewer Discharge

Type of Parameter	Parameter	Limit
Conventional	Biochemical Oxygen Demand (BOD)	300 mg/L
	Total Kjeldahl Nitrogen	100 mg/L
	Oil & Grease – Mineral & Synthetic	15 mg/L
	Oil & Grease – Animal and Vegetable	150 mg/L
	Phenolics (4AAP)	1 mg/L
	Phosphorous (Total)	10 mg/L
	Suspended Solids (Total)	350 mg/L
Other	Cyanide (Total)	2 mg/L
	Fluoride	10 mg/L
	Sulphate	1500 mg/L
Metals	Aluminum (Total)	50 mg/L
	Antimony (Total)	5 mg/L
	Arsenic (Total)	1 mg/L
	Cadmium (Total)	0.7 mg/L
	Chromium (Total)	2 mg/L
	Cobalt (Total)	5 mg/L
	Copper (Total)	3 mg/L
	Lead (Total)	1 mg/L
	Manganese (Total)	5 mg/L
	Mercury (Total)	0.01 mg/L
	Molybdenum (Total)	5 mg/L
	Nickel (Total)	2 mg/L
	Selenium (Total)	1 mg/L
	Silver (Total)	5 mg/L
	Tin (Total)	5 mg/L
	Titanium (Total)	5 mg/L
	Zinc (Total)	2 mg/L
Organics	Benzene	10 µg/L
	Chloroform	40 µg/L
	1,2 –dichlorobenzene	50 µg/L
	1,4 –dichlorobenzene	80 µg/L
	Cis-1,2 –dichloroethylene	4,000 µg/L
	Trans- 1,3 – dichloropropylene	140 µg/L
	Ethylbenzene	160 µg/L
	Methylene chloride	2,000 µg/L
	1,1,2,2 –tetrachloroethane	1,400 µg/L
	Tetrachloroethylene	1,000 µg/L
	Toluene	270 µg/L
	Trichloroethylene	400 µg/L
	Xylenes (Total)	1,400 µg/L
	Di-n-butyl phthalate	80 µg/L
	Bis (2-ethylhexyl) phthalate	12 µg/L
	PCBs	1 µg/L
	Methyl Ethyl Ketone	8000 µg/L
	Styrene	200 µg/L
	Nonylphenols	20 µg/L
	Nonylphenol ethoxylates	200 µg/L

Table 2 - Limits for Storm Sewer Discharge

Type of Parameter	Parameter	Limit
Conventional	Biochemical Oxygen Demand (BOD)	15 mg/L
	Total Kjeldahl Nitrogen	1 mg/L
	Phenolics (4AAP)	0.008 mg/L
	Phosphorous (Total)	0.400 mg/L
	Suspended Solids (Total)	15 mg/L
	Cyanide (Total)	0.020 mg/L
Metals	Arsenic (Total)	0.020 mg/L
	Cadmium (Total)	0.008 mg/L
	Chromium (Total)	0.080 mg/L
	Copper (Total)	0.050 mg/L
	Lead (Total)	0.120 mg/L
	Manganese (Total)	0.150 mg/L
	Mercury (Total)	0.0004 mg/L
	Nickel (Total)	0.080 mg/L
	Selenium (Total)	0.020 mg/L
	Silver (Total)	0.120 mg/L
	Zinc (Total)	0.040 mg/L
Organics	Benzene	2.0 µg/L
	Chloroform	2.0 µg/L
	1,2 –dichlorobenzene	5.6 µg/L
	1,4 –dichlorobenzene	6.8 µg/L
	Cis-1,2 –dichloroethylene	5.6 µg/L
	Trans- 1,3 – dichloropropylene	5.6 µg/L
	Ethylbenzene	2.0 µg/L
	Methylene chloride	5.2 µg/L
	1,1,2,2 –tetrachloroethane	17.0 µg/L
	Tetrachloroethylene	4.4 µg/L
	Toluene	2.0 µg/L
	Trichloroethylene	8.0 µg/L
	Xylenes (Total)	4.4 µg/L
	Di-n-butyl phthalate	15.0 µg/L
	Bis (2-ethylhexyl) phthalate	8.8 µg/L
	PCBs	0.4 µg/L

Attachment “B” – Summary of Markham’s Sewer Use By-law Update

The following table lists and explains all changes/updates from the By-law No. 436-86 to the proposed By-law. It also indicates whether the content in the Region of York’s Sewer Bylaw No. 2011-56 or not.

Contents in Proposed Sewer Use By-law	Similar contents in Existing Sewer Bylaw (No. 436 -86)	Comments	Is the content consistent with the Region of York’s Bylaw No. 2011-56?
1 Definitions and Interpretation	Part 1	<ul style="list-style-type: none"> The proposed By-law has 74 definitions. No.436-86 has 26 definitions. 	95% of definitions are same as ROY’s Bylaw.
2 Administration	None	The proposed By-law identifies three departments (Environmental Services, Operations and Engineering Department) having joint administration of this by-law.	ROY’s Bylaw has similar section.
3 Sanitary Sewer Requirements 3.1 Prohibition of Discharge into Sanitary Sewers	Part 5 and Part 6	<ul style="list-style-type: none"> The proposed By-law organizes all sanitary sewer related requirements into one section. It includes all current sanitary sewer requirements and clearly lists each requirement. No. 436-86 spreads the requirements for sanitary sewers over several sections. Some of its requirements are not clear or are vague. 	<p>Same as ROY’s Bylaw. Except three items below:</p> <p>1) Discharge of “Leachate”, “Hauled Sewage” and “Hauled Waste” are covered by ROY’s “Wastewater Haulage” program at a cost to users. Markham doesn’t have this type of program. Those discharges are not allowed into the Markham system. ROY allows to disposal of designated locations.</p> <p>2) ROY repealed its “Food Waste Grinder” section and doesn’t have new workings for this topic yet. The No. 436-86 has wording for prohibition of discharging shredded garbage into sanitary sewer. The</p>

			<p>proposed By-law deleted that wording to consistent with ROY.</p> <p>3) The section 3.1(B)(12) and 3.1(B)(13) of the proposed By-law are from the No. 436-86 for general garbage items and human or animal parts. ROY doesn't have those detailed lists.</p>
3.2 Request and Approval of Special Discharge into Sanitary Sewers	Part 10	<ul style="list-style-type: none"> The proposed By-law details the requirements and approval process for the temporary and special discharge into sanitary sewers. No. 436-86 doesn't provide the details to deal with such situations. 	Same as ROY's Bylaw. A special discharge requires 2-tier approval: Markham and ROY.
4 Storm Sewer Requirements 4.1 Prohibition of Discharge into Storm Sewers	Part 5 and Part 7	<ul style="list-style-type: none"> The proposed By-law organizes all storm sewer related requirements into one section. It includes all current storm sewer requirements and clearly lists each of them. No. 436-86 spreads the requirements for sanitary sewers over several sections. Some of the requirements are not clear or are vague. 	Same as ROY's Bylaw. Except the following: Discharge of "Leachate", "Hauled Sewage" and "Hauled Waste" are covered by ROY's "Wastewater Haulage". Markham doesn't have this type of program. Those discharges are not allowed into the Markham system. ROY allows their disposal at designated locations.
4.2 Request and Approval of Special Discharge into Storm Sewers	None	<ul style="list-style-type: none"> The proposed By-law details the requirements and approval process for temporary & special discharge into storm sewers. No. 436-86 doesn't provide the details to deal with such situations. 	Same as ROY's Bylaw. A special discharge request requires 2-tier approval when ROY's infrastructure involved: Markham and ROY.

5 Prohibition of Dilution (* to deal with concentration limits)	None	<ul style="list-style-type: none"> • The proposed By-law clearly defines this prohibition. • No. 436-86 doesn't have this provision. 	Same as ROY's Bylaw.
6 Discharger Information Request	None	The proposed By-law has this requirement parallel the ROY's bylaw.	ROY's Bylaw has similar provision.
7 Surcharge Agreement	Part 10	<ul style="list-style-type: none"> • ROY has a surcharge agreement program in place to allow business effluent to exceeding bylaw limits through paying of surcharge fees as compensation for additional treatment costs. Markham doesn't have this program as the distribution system is not affected by these discharges. The proposed By-law adds this provision to link the ROY's requirements. • No. 436-86 requires approval for sewer effluent strength exceeding the By-law limits; but doesn't explain the details how to get an approval. 	ROY's Bylaw has the "Surcharge Agreement" provision in details.

8	Compliance Program	Part 11 and Part 12	<ul style="list-style-type: none"> This compliance mechanism requires business/industrial to develop a corrective action plan with completion timeline to address bylaw limit exceedences. The proposed By-law recognizes that a timeline is required for completion of each compliance program and gives temporary bylaw compliance exemption to those businesses making those adjustments. No. 436-86 indicates to solve sewer effluent issues is required by installation of pre-treatment facilities, but doesn't provide the details for temporary compliance exemptions. 	Same as ROY's Bylaw.
9	Pollution Prevention Plan	None	<ul style="list-style-type: none"> This is a systemic approach to solve sewer effluent issue. It may require business/industries to change whole production process and thus need more time to achieve sewer effluent within bylaw limits. It allows us to work with industry to achieve a behavior change. The proposed By-law includes this compliance mechanism to assist business/industries in going through bylaw compliance behavior change. No. 436-86 doesn't provide this type of compliance mechanism. 	Same as ROY's Bylaw.

10 Sampling and Analytical Requirements	Part 8	The proposed By-law extends the requirements in No.436-86.	ROY's Bylaw has similar provision.
11 Spills	None	<ul style="list-style-type: none"> Ontario Ministry of Environment has legislation for spills onto roads, natural water courses, etc. The proposed By-law regulates spills specifically into sanitary sewers or storm sewers. No. 436-86 doesn't have this provision. 	Same as ROY's bylaw.
12 Confidential Information	None	<ul style="list-style-type: none"> The proposed By-law has this provision to consist with the ROY's bylaw. No. 436-86 doesn't have this provision. 	Same as ROY's By-law.
13 Dental Waste Amalgam Separators	None	<ul style="list-style-type: none"> The proposed By-law has this requirement to consist with the ROY's bylaw. No. 436-86 doesn't have this provision. 	Same as ROY's By-law.
14 Food Related Oil and Grease Interceptors	Part 9	<ul style="list-style-type: none"> The proposed By-law divides interceptors into three categories and clarifies installation, maintenance and records-keeping requirements for each of them. No. 436-86 doesn't provide such details. 	Same as ROY's By-law.
15 Vehicle and Equipment Service Oil & Grease Interceptors	Part 9		
16 Sediment Interceptors	Part 9		
17 Maintenance Access Hole	Part 13	<ul style="list-style-type: none"> The proposed By-law clarifies who should be responsible for maintenance of a maintenance access hole based on its location: City or discharger. 	ROY's By-law has similar provision.

		<ul style="list-style-type: none"> • No. 436-86 doesn't provide such clarification. 	
18 Private Sewage Disposal Systems	Part 2 and Part 3	<ul style="list-style-type: none"> • The proposed By-law puts the provisions related to "private sewage disposal systems" into one section and keeps the wordings from No. 436-86. 	ROY's doesn't have this provision since those sewer components are unique to local collection systems.
19 Sewer Connections 19.1 Application and Payment 19.2 Sewer Connections through neighboring private lands 19.3 Sewer Connections for Land Development 19.4 Sewer Connections for Existing Buildings 19.5 Sewer Connections for Reconstructed Buildings 19.6 Sewer Connections for Demolished Buildings 19.7 Addition, Change or Alternation to existing Sewer Connections 19.8 Installation of Sewer Connections 19.9 Single and Separate Sewer Connection 19.10 Backwater valve and sump pumps 19.11 Inflow of storm water into a sanitary sewer 19.12 Groundwater drainage system and dewatering 19.13 Storm Water Drainage	Part 4	<ul style="list-style-type: none"> • The proposed By-law has 13 subsections to explain City's current practices for all types of sewer connections in order to make it easier for customers to understand City's requirements. The proposed By-law wording also supports City's sewer related programs such as: downspout disconnection program. • No. 436-86 only has one general statement for service connections and has no instruction for customers to follow. 	ROY's doesn't have this provision since ROY system doesn't collect the sewage from end users.
20 General Prohibition and Liability for Damages	Part 1 and Part 14	<ul style="list-style-type: none"> • The proposed By-law puts the provisions related to "private sewage disposal systems" into 	ROY's Bylaw has similar provision.

		one section and keeps the similar wordings as No. 436-86.	
21 Fees	None	<ul style="list-style-type: none"> The proposed By-law explains fees related to Sewer Use Bylaw. No. 436-86 doesn't include fees associated with Sewer Use Bylaw. 	ROY's Bylaw has similar provision.
22 Offences	Part 16	<ul style="list-style-type: none"> The proposed By-law has clear and detail explanation for each subject. No. 436-86 only has general statements and doesn't provide details. 	ROY's Bylaw has similar provision.
23 Penalties	Part 16		
24 Power of Entry, Inspection and Enforcement	Part 15		
25 Limitation	None	<ul style="list-style-type: none"> The proposed By-law has this requirement to consist with the ROY's bylaw. 	ROY's Bylaw has similar provision.
26 Severability	None	The proposed By-law has this requirement and is consist with the ROY's bylaw.	ROY's Bylaw has similar provision.
27 Schedules <ul style="list-style-type: none"> Table 1 – Limits for Sanitary Sewer Discharge Table 2 – Limits for Storm Sewer Discharge 	In Part 6 In Part 7	<ul style="list-style-type: none"> The proposed By-law expanded the list of parameters and updated their associated limits. The list of parameters and associated limits in No. 436-86 are outdated. 	ROY's Bylaw has the same list of parameters and limits.
28 Repeal	Part 17	The proposed By-law and No. 436-86 have similar provision.	ROY's Bylaw has similar provision.

29 Short Title	None	The proposed By-law adds this provision for easy reference of the bylaw.	ROY's Bylaw doesn't have this provision.
30 Force and Effect	Yes	The proposed By-law and No. 436-86 have similar wording.	ROY's Bylaw has similar provision.

Attachment "C" – Status of Markham's Sanitary Sewer Effluent Compliance Program

Sewer Effluent Compliance Activities	2011	2012	2013	Total (2011-2013)
No. of Businesses Monitored	105	108	125	N/A
No. of Samples sent to the Lab	89	129	88	306
No. of Violation Notices sent to customers	30	10	5	45
No. of Site Visits conducted	6	3	1	10
No. of Prosecutions for Bylaw Violations	6	0	2	8
No. of Meetings with Customers	3	3	2	8
No. of Corrective Actions completed by Customers	4	1	1	6
No. of Sewer Damages Discovered	5	0	1	6
No. of Sewer Damages Repaired	0	5	1	6
No. of Litigations for Damage Repair Cost	0	0	1	1