



## THE CORPORATION OF THE TOWN OF OAKVILLE

### BY-LAW NUMBER 2009-031

#### **A By-law to Regulate the Use of Municipal Storm Sewers and to repeal and replace By-law 2008-041**

WHEREAS paragraph 3 of s. 11(4) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that if a sphere or part of a sphere of jurisdiction is assigned to an upper-tier municipality non-exclusively, both the upper-tier municipality and its lower-tier municipalities have the power to pass by-laws under that sphere or part; and

WHEREAS pursuant to s. 4 of the Table in s. 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, the collection of storm water and other drainage from land is assigned to all upper-tier municipalities non-exclusively; and

WHEREAS pursuant to s. 30(1) of the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, every person that discharges or causes or permits the discharge of any material of any kind into or in any waters or on any shore or bank thereof or into or in any place that may impair the quality of the water of any well, lake, river, pond, spring, stream, reservoir, artificial watercourse, intermittent watercourse, ground water or other water or watercourse, is guilty of an offence; and

WHEREAS the Council of The Corporation of the Town of Oakville deems it desirable to pass a by-law to regulate the discharge of pollutants to the municipal storm sewer system in order to:

- Protect the storm sewer collection system from undue deterioration, damage and obstruction;
- Protect the public, workers and properties from hazardous materials and dangerous conditions; and,
- Protect the environment from deleterious contaminants

#### **COUNCIL ENACTS AS FOLLOWS:**

##### 1. Definitions

As used in this By-law, the following terms shall have the meanings indicated:

- 1.1 “accredited laboratory” means any laboratory accredited by an authorized accreditation body in accordance with a standard based on “ISO/IEC/EN 17025: General Requirements for Competence of Calibration and Testing

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Laboratories” established by the International Organization for Standardization, as amended. The Canadian Association for Environmental Analytical Laboratories (CAEAL) is such an authorized accreditation body in Canada.

- 1.2 “acute hazardous waste chemical” means acute hazardous waste chemicals within the meaning of O.Reg. 347, as amended from time to time, made under the *Environmental Protection Act, R.S.O. 1990c.E. 19* (EPA);
- 1.3 “Best Management Practices” means an integrated plan to control and reduce the release of restricted and prohibited waste into the storm sewage works to a practicable extent, through methods including physical controls, pre-treatment processes, operational procedures and staff training.
- 1.4 “Biochemical Oxygen Demand (BOD)” means the five-day total 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).
- 1.5 “biomedical waste” means biomedical waste as defined in the Ontario Ministry of the Environment Guideline C-4 entitled “The Management of Biomedical Waste in Ontario” dated April 1994, as amended from time to time;
- 1.6 “blowdown water” means water that is discharged from a cooling or heating water system for the purpose of controlling the level of water in the system, or for the purpose of discharging from the system materials contained in the system, the further build-up of which might impair the operation of the system;
- 1.7 “combustible liquids” means a liquid that has a flash point not less than 37.8 degrees Celsius and not greater than 93.3 degrees Celsius as defined in the regulations under the Transportation of Dangerous Goods Act, 1992, S.C. 1992, as amended;
- 1.8 “Connection or Drain” means that part or those parts of any pipe or system of pipes leading directly to storm sewage works.
- 1.9 “composite sample” means a sample which is composed of a series of grab samples taken and combined manually or automatically at intervals during the sampling period;
- 1.10 “cooling water” means water that is used in a process for the purpose of removing heat and that has not, by design, come into contact with any raw material, intermediate product, waste product, or finished product and has not had any treatment chemicals added, but does not include blowdown water;

- 1.11 “Director” means the Director of Engineering for the Town or an authorized representative of the Director of Engineering;
- 1.12 “Director of Roads and Works Operations” means the Director of Roads and Works Operations for the Town or an authorized representative of the Director of Roads and Works Operations;
- 1.13 “discharge” when used alone as a verb, includes add, deposit or emit and, when used alone as a noun, includes addition, deposit or emission;
- 1.14 “fuels” means alcohol, gasoline, naphtha, diesel fuel, fuel oil or any other ignitable substance intended for use as a fuel.
- 1.15 “grab sample” means a sample of stormwater, sewage or effluent of at least 100 milliliters which is collected over a period not exceeding 15 minutes;
- 1.16 “groundwater” means water beneath the earth’s surface accumulating as a result of seepage.
- 1.17 “hailed sewage” means waste removed from a cesspool, a septic tank system, a privy vault or privy pit, a chemical toilet, a portable toilet, or a sewage holding tank within the meaning of O.Reg. 347, as amended from time to time, made under the Environmental Protection Act, R.S.O. 1990 c. E. 19 (EPA);
- 1.18 “hailed waste” means any non-hazardous liquid industrial waste which is transported to and deposited into any location in the storm sewage works excluding, hailed sewage;
- 1.19 “hazardous industrial waste” means hazardous industrial waste within the meaning of O.Reg. 347, as amended from time to time, made under the Environmental Protection Act, R.S.O. 1990 c. E. 19 (EPA);
- 1.20 “hazardous waste chemical” means hazardous waste chemical within the meaning of O.Reg. 347, as amended from time to time, made under the Environmental Protection Act, R.S.O. 1990 c. E. 19 (EPA);
- 1.21 “ignitable waste” means a substance that,
- (a) is a liquid, other than an aqueous solution containing less than 24 per cent alcohol by volume with 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-3278-96el), the Pensky-Martens Closed Cup Tester (ASTM D-93-97), or as determined by an equivalent test method,

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- (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,
  - (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;
- 1.22 “industrial” shall mean of or pertaining to industry, manufacturing, commerce, trade, business or institutions as distinguished from domestic or residential;
- 1.23 “industrial process areas” means any industrial building, property or land area which during manufacturing, processing or storage comes into direct contact with any raw material, intermediate product, finished product, by-product or waste product;
- 1.24 “inspector” means a person authorized by the Town to carry out observations and inspections and take samples as prescribed by this By-law;
- 1.25 “monitoring manhole” means an access point in a sewer connection to allow for observation, sampling and flow measurement of the sewage, uncontaminated water or stormwater therein;
- 1.26 “matter” includes any solid, liquid or gas;
- 1.27 “municipal sewer connection” means 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;
- 1.28 “non-contact cooling water” means 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 product other than heat, or finished product;
- 1.29 “nuclear substance” means
- (a) deuterium, thorium, uranium or an element with an atomic number greater than 92;
  - (b) a derivative or compound of deuterium, thorium, uranium or of an element with an atomic number greater than 92;
  - (c) a radioactive nuclide;
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- (d) a substance that is prescribed as being capable of releasing nuclear energy or as being required for the production or use of nuclear energy;
  - (e) a radioactive substance or radioactive thing that was used for the development or production, or in connection with the use, of nuclear energy; as defined under the Nuclear Safety and Control Act 1997, c. 9
- 1.30 “pathological waste” means pathological waste within the meaning of O.Reg.347. as amended from time to time, made under the Environmental Protection Act, R.S.O.1990 c.E.19 (EPA);
- 1.31 “PCBs” means any monochlorinated or polychlorinated biphenyl or any mixture of them or any mixture that contains one or more of them;
- 1.32 “person” means an individual, association, partnership, corporation, municipality or an agent or employee of such a person;
- 1.33 “pesticides” means a pesticide regulated under the Pesticides Act, R.S.O. 1990, c. P. (PA);
- 1.34 “pH” means the logarithm to the base 10 of the reciprocal of the concentration of hydrogen ions in moles per litre of solution as determined in accordance with Standard Methods;
- 1.35 “pollution prevention” means the use of processes, practices, materials, products or energy that avoid or minimize the creation of pollutants and wastes, at the source;
- 1.36 “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;
- 1.37 “reactive waste” means 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,
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- (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, S.C. 1992, as amended.

- 1.38 “Region” means the Regional Municipality of Halton;
- 1.39 “severely toxic waste” means severely toxic waste within the meaning of O Reg. 347, as amended from time to time, made under the Environmental Protection Act, R.S.O. 1990 c. E. 9 (EPA);
- 1.40 “sewage” means any liquid waste containing human, animal, vegetable, mineral or chemical matter in solution or in suspension but does not include stormwater or uncontaminated water;
- 1.41 “storm sewage works” means any works belonging to or operated by the Town or Region for the collection, transmission, treatment or disposal of stormwater or uncontaminated water, including a storm sewer, or any part of such works, but does not include plumbing or other works to which the Building Code Act, 1992 and any amendments thereof applies;
- 1.42 “sewer” means a pipe, conduit, drain, open channel or ditch for the collection and transmission of sewage, stormwater or uncontaminated water or any combination thereof.
- 1.43 “spill” means a direct or indirect discharge or deposit to the storm sewage works or the natural environment which is abnormal in quantity or quality in light of all circumstances of the discharge;
- 1.44 “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, latest edition;
- 1.45 “storm sewer” means a sewer for the collection and transmission of uncontaminated water, storm water, drainage from land or from a watercourse or any combination thereof;
- 1.46 “stormwater” means water from rainfall, other natural precipitation, drainage or from the melting of snow or ice;
- 1.47 “subsurface drainage pipe” means a pipe that is installed underground to intercept and convey subsurface water, and includes foundation drain pipes;

- 1.48 “Town” means The Corporation of the Town of Oakville;
- 1.49 “uncontaminated water” means potable water as supplied by the Region or any other water to which no matter has been added as a consequence of its use;
- 1.50 “waste disposal site leachate” means leachate from any waste disposal site;  
and,
- 1.51 “watercourse” means an open channel, ditch or depression either natural or artificial, in which flow of water occurs either continuously or intermittently.

## 2. Application

Nothing in this By-law shall be interpreted so as to permit the discharge of anything, which by provisions of any applicable Act or Regulation is prohibited.

## 3. Administration and Enforcement

- 3.1 The Director shall be responsible for the administration and enforcement of the By-law.
- 3.2 No person shall prevent, hinder, obstruct or interfere in any way with the Director or an inspector and persons deemed by the Director to be essential to an inspection and/or sampling, bearing proper credentials and identification from:
- (a) entering in or upon, at any time without a warrant, any land or premises, except land or premises being used as a dwelling;
  - (b) making such tests or taking such samples as the Director or an inspector deems necessary;
  - (c) inspecting or observing any plant, machinery, equipment, work, activity or documents.

For the purposes of the administration or enforcement of this By-law.

## 4. Storm Sewer Requirements

- 4.1 No person shall discharge or cause or permit the discharge or deposit of matter of any type or at any temperature or in any quantity into a storm sewer, watercourse, municipal sewer connection or private sewer connection to any storm sewer, whether the path of such discharge or deposit is either direct or indirect, which may or could:



- (a) damage a storm sewer;
- (b) interfere with the proper operation of a storm sewer;
- (c) obstruct or restrict a storm sewer or the flow therein;
- (d) result in any hazard or other adverse impact, to any person, animal, property or vegetation;
- (e) impair the quality of the water in any well, lake, river, pond, spring, stream, reservoir or other watercourse;
- (f) contravene or result in the contravention of a certificate of approval or provisional certificate of approval issued under the Ontario Water Resources Act or the Environmental Protection Act (Ontario), as amended, with respect to the storm sewer and/or its discharge from the storm sewer into a watercourse;
- (g) contravene or result in the contravention of the Fisheries Act with respect to the storm sewer and/or its discharge from the storm sewer into a watercourse;
- (h) have one or more of the following characteristics:
  - i) two or more separate layers;
  - ii) a pH less than 6.5 or greater than 8.5;
  - iii) visible film, sheen or discolouration;
  - iv) dyes or colouring material or other matter which discolours the water;
  - v) a temperature greater than 30 degrees Celsius;
- (i) contain one or more of the following in any amount:
  - i. acute hazardous waste chemicals;
  - ii. biomedical waste;
  - iii. blowdown water;
  - iv. combustible liquids;
  - v. floating debris;
  - vi. fuel
  - vii. hauled sewage;
  - viii. hauled waste;
  - ix. hazardous industrial waste;
  - x. hazardous waste chemicals;
  - xi. ignitable waste;
  - xii. nuclear substance;
  - xiii. oil and grease;
  - xiv. pathological waste;
  - xv. PCBs;



- xvi. pesticides;
  - xvii. reactive waste;
  - xviii. severely toxic waste;
  - xix. sewage;
  - xx. waste disposal site leachate;
  - xxi. a substance from raw materials, intermediate or final product, used or produced in, through or from an industrial process;
  - xxii. a substance used in the operation or maintenance of an industrial site;
- (j) contain contaminants from raw materials, intermediate or final products or wastewater from an industrial operation;
- (k) contain Escherichia (E.) coli colonies in excess of 200 per 100 ml;
- (l) have or cause an offensive or nuisance odour;
- (m) result in the discharge of effluent, cooling water, blowdown water or stormwater from industrial process areas unless all of the following conditions are met:
- i. the cooling water, blowdown water or stormwater is being discharged pursuant to a certificate of approval or provisional certificate of approval issued under the Environmental Protection Act (Ontario) or the Ontario Water Resources Act, as amended, which expressly authorizes the discharge;
  - ii. the person owning or operating the premises has written approval from the Town which expressly authorizes the discharge from the premises; and
  - iii. a copy of the certificate of approval or provisional certificate of approval referred to in clause 4.1.13 a) has been provided to the Town;
- (n) Contain a concentration, expressed in milligrams per litre, in excess of any one or more of the limits in Table 1 contained within Attachment A of this article entitled "Limits for Storm Sewer Discharge".
- 4.2 Property owners must ensure that appropriate and necessary practices are undertaken to prevent prohibited discharges describes in 4.1 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; and
  - (b) Outside storage activities that may result in the mobilization of stored materials as a result of rain or runoff from the property, including sand and granular material storage.

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- 4.3 Where installed, all grease, oil and stormwater interceptors, and any other type of stormwater quality control device, shall be maintained by the owner of the water quality control device to ensure its continued efficient operation, and costs for such maintenance shall be the sole responsibility of the owner of the stormwater quality control device.
- 4.4 A person may be required, upon receipt of notice from the Director, to complete one or more of the following activities as stated in the notice addressing stormwater from the person's site:
- (a) a study on stormwater quality and/or quantity;
  - (b) modification and/or construction of stormwater facilities;
  - (c) adoption and implementation of pollution prevention techniques and measures;
  - (d) any other requirement as specified by the Town.
- 4.5 Where a person or Owner fails to comply with Section 4.1, 4.2, 4.3 or Section 4.4, the Director may make an Order directing the person or Owner, within ten (10) days of the issuance of the Order, to take such steps as are necessary to comply as outlined in the Order. If the person or Owner fails to comply with the Order, the Town may perform such work as necessary at the person's or Owner's expense, and may recover the cost incurred in doing such work in like manner as municipal taxes.

## 5. Prohibition of Dilution

No person shall discharge directly or indirectly or deposit or cause or permit the discharge or deposit of matter into a storm sewer, municipal or private sewer connection to any storm sewer in circumstances where water has been added from any source to the discharge for the purposes of dilution to achieve compliance with Section 4 of this By-law.

## 6. Additional Connection Requirements

### 6.1 Food-Related Grease Interceptors

- (a) 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 sanitary sewer, shall take all necessary measures to ensure that oil and grease are prevented from entering the storm sewer.
- (b) The owner or operator of a premises as set out in Subsection 6.1(a) shall install, operate and properly maintain an oil and grease interceptor in any piping system at its premises that connects directly or indirectly to a sewer. The oil and grease interceptors shall be installed in compliance with the most current requirements of the applicable Building Code. The installation

of the oil and grease interceptor shall meet the requirements of the Canadian Standards Association national standard CAN/CSA B-481.

- (c) All interceptors shall be maintained according to the manufacturer's recommendations. The testing, maintenance and performance of the interceptor shall meet the requirements of CAN/CSA B-481.
- (d) A maintenance schedule and record of maintenance shall be maintained and available for review by the Town for each interceptor installed.
- (e) The owner or operator of the restaurant or other industrial, commercial or institutional premises where food is cooked, processed or prepared, shall for five years, keep the document of proof for interceptor clean-out and oil and grease disposal.

## 6.2 Vehicle Service Oil and Grease Interceptors

- (a) Every owner or operator of a motor vehicle service station, repair shop or garage or of an industrial, commercial or institutional premises or any other establishment where motor vehicles are repaired, lubricated or maintained and where the sanitary discharge is directly or indirectly connected to a sewer shall install an oil and grease interceptor designed to prevent motor oil and lubricating grease from passing into the drainage piping which is connected directly or indirectly to a storm sewer.
- (b) The owner or operator of a premises as set out in subsection 6.2(a) shall install, operate, and properly maintain an oil and grease interceptor in any piping system at its premises that connects directly or indirectly to a sewer. The oil interceptors shall be installed in compliance with the most current requirements of the applicable Ontario Building Code.
- (c) All oil and grease interceptors and separators shall be maintained in good working order and according to the manufacturer's recommendations and shall be tested regularly to ensure performance is maintained to the manufacturer's specification for performance.
- (d) A maintenance schedule and record of maintenance shall be maintained and available for review by the Town for each interceptor installed. The owner or operator of a premises as set out in Subsection 6.2(a) shall, for five years, keep the document of proof for interceptor clean-out and oil and grease disposal.

## 6.3 Sediment Interceptors

- (a) Every owner or operator of a premises from which sediment may directly or indirectly enter a sewer, including but not limited to premises using ramp or area drains and car and vehicle wash establishments, shall take all necessary measures to ensure that such sediment is prevented from entering the drain or sewer.
- (b) Catch basins installed on private property for the purposes of collecting stormwater and carrying it into the storm sewers shall be equipped with Goss Traps (i.e. Inverted elbow pipes) or an equivalent and the installation of these catch basins on private property shall comply with the

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Municipality's Standard Construction Specifications and Drawings, as they may be amended from time to time.

- (c) All sediment interceptors shall be maintained in good working order and according to manufacturer's recommendations and shall be tested regularly to ensure performance is maintained to the manufacturer's specifications for performance.
- (d) A maintenance schedule and record of maintenance shall, for five years, be maintained and available for review by the Town for each interceptor installed.

#### 6.4 Tree Root Damage

Repairs required to storm sewer infrastructure on private property is the responsibility of the property owner but may be eligible for subsidy under a grant program(s) as approved by Council, where such repairs are necessitated by damages caused by municipal tree roots.

### 7. Compliance Program

- 7.1 An industry may submit to the Director 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.
- 7.2. Upon receipt of an application pursuant to Subsection 7.1 above, the Director may issue an approval for a compliance program for an industry to discharge an effluent that does not comply with Table 1 of this article, such approval to be in accordance with guidelines therefore adopted by the Town from time to time. The industry shall be entitled to make non-complying discharges in the amount and only to the extent set out in the Director's approval during the planning, design and construction or installation of facilities or works needed to implement the approved compliance program.
- 7.3. Every proposed compliance program shall be for a specified length of time during which treatment facilities are to be installed 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 the Storm Sewer Discharge By-law which it relates. The final activity completion date shall not be later than the final compliance date in the compliance program.

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- 7.4. The industry to which a compliance program has been issued shall submit a compliance program progress report to the Director within 14 days after the scheduled completion date of each activity listed in the compliance program.
- 7.5. The Director may terminate any proposed compliance program 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.
8. Sampling and Analysis
- 8.1 All tests, measurements, analyses and examinations of uncontaminated water or stormwater required by this By-law shall be carried out in accordance with the procedures, modified or unmodified, as described in Standard Methods or analytical methods adopted by the Town. All laboratory testing shall be carried out by an accredited laboratory.
- 8.2 Compliance or non-compliance with this By-law may be determined by the analysis of a grab sample or a composite sample which may contain additives for its preservation and may be collected manually or by using an automatic sampling device.
9. Discharger Self-Monitoring
- 9.1 Where a written notification has been issued by the Director to any person discharging to Town storm sewage works, the person shall carry out all monitoring and/or sampling of any discharge to the storm sewage works as required by the Director, and provide the results to the Town in accordance with written notification from the Director.
- 9.2 The obligation set out in or arising out of Subsection 9.1 shall be completed at the expense of the person discharging unless the Director has agreed in writing to share the expense with the person discharging.
- 9.3 All tests, measurements, analyses and examinations of stormwater, its characteristics or contents shall be carried out in accordance with "Standard Methods." Additional testing or re-testing of stormwater, made necessary by non-compliance with this By-law, or at the request of the Town, shall be carried out at the cost of the discharger.
10. Spills
- (a) Spills procedures shall be carried out in accordance with Halton Spills Response Team protocol. Procedures have been outlined in Attachment B.

- (b) All costs incurred by the Town as a result of such discharge shall be borne by the person responsible for the spill.

## 11. General Provisions

### 11.1 Monitoring Manhole:

- (a) Any person as the owner or operator of commercial, institutional or industrial premises, or multi-residential buildings with one or more connections to the storm sewage works may be required to install and maintain in good repair in each connection a suitable monitoring manhole to allow observation, sampling and flow measurement of the stormwater therein, provided that where installation of a monitoring manhole is not possible, an alternative device or facility may be substituted with the prior written approval of the Director.
- (b) Any monitoring manhole or alternate device shall be located at the property line of the person's property and in accordance with Town standards.
- (c) No person shall structurally modify any monitoring manhole or alternate device, or install devices which may result in interfering with the Town's access or the installation and observation of the Town's devices used for the purpose of observation, sampling and flow measurement of the stormwater without the prior consent of the Director.

### 11.2 Unauthorized Entry to Storm sewage works:

Unless specifically authorized by the Director, no person shall enter any storm sewage works.

### 11.3 Disconnecting and Stopping up of Sewers:

Where, in the opinion of the Director a person is contravening the provisions of Sections 4, 5 or 6 of this By-law, the Director may, upon formal written notice to the person or the owner or occupant of the lands from which the discharge is occurring, order that the land drainage works, private sewer connection or municipal sewer connection to any Town storm sewer carrying the prohibited discharge to be stopped up or disconnected until such time as measures are undertaken by such persons, owners or occupants satisfactory to the Director to eliminate the prohibited discharge and that all expenses incurred for these actions by the Town are reimbursed to the Town by these persons, owners or occupants at the time of reconnection or unstopping of the sewer connections.

#### 11.4 Protection from Damage

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the storm sewage works.

#### 11.5 Violation Notice

A Violation Notice may be issued by the Director to a person discharging any matter or substance into a Town storm sewage works which is or has contravened any condition of the Policy or By-law and that the Violation Notice will specify the contravention and require the person receiving such notice to comply with all directives stated in the Violation Notice. The person shall also respond to the Director in writing no later than the date specified in the Violation Notice for such response.

#### 12. Confidential Information

12.1 All information submitted to and collected by the Town 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).

12.2 In the event that any person in submitting information to the Town or to the Director in any form, as required under this By-law, where such information is confidential or proprietary or otherwise may be exempt from disclosure under the MFIPPA, the person submitting the information shall so identify that information upon its submission to the Town or the Director and shall provide sufficient details as to the reason for its purported exemption from disclosure.

#### 13. Offences

13.1 Every person other than a corporation who contravenes any provision of Section 4, 5 or 6 of the By-law 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 \$10,000 for a first offence and \$20,000 for any subsequent conviction.

13.2 Every corporation which contravenes any provision of Section 4, 5 or 6 of the By-law 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 \$50,000 for a first offence and \$100,000 for any subsequent conviction.



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13.3 Notwithstanding subsections 13.1 and 13.2, every person who contravenes any provision of any other section of the By-law, 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 \$5,000 per day.

13.4 In this By-law, "subsequent conviction" means another or further conviction following an earlier conviction for any offence under the By-law.

14. Exceptions

The By-law does not apply to the discharge of any matter or sewage, in an emergency, as determined by the Medical Officer of Health in the exercise of their authority under the Health Protection and Promotion Act, R.S.O. 1990, c H.7. 10.

The By-law shall not prohibit the discharge of stormwater or matter expressly permitted by an agreement, between a person and the Town existing at the time this By-law comes into force.

15. Repeal

This By-law repeals By-law 2008-041.

PASSED this 23rd day of March, 2009.

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Rob Burton

MAYOR

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Vicki Tytaneck

A/CLERK

**ATTACHMENT A  
DISCHARGE LIMITS**

<b>Table 1 — Limits for Storm Sewer Discharge</b>			
<b>Parameter</b>	<b>Limit (mg/L)</b>	<b>Parameter</b>	<b>Limit (mg/L)</b>
Biochemical oxygen demand	15	Trans-1,3-dichloropropylene	0.0056
Cyanide (total)	0.02	Ethyl benzene	0.002
Phenolics (4AAP)	0.008	Methylene chloride	0.0052
Phosphorus (total)	0.4	1,1,2,2-tetrachloroethane	0.017
Suspended solids (total)	15	Tetrachloroethylene	0.0044
Arsenic (total)	0.02	Toluene	0.002
Cadmium (total)	0.008	Trichloroethylene	0.0076
Chromium (total)	0.08	Xylenes (total)	0.0044
Chromium (hexavalent)	0.04	Di-n-butyl phthalate	0.015
Copper (total)	0.04	Bis (2-ethylhexyl) phthalate	0.0088
Lead (total)	0.12	Nonylphenols	0.001
Manganese (total)	0.05	Nonylphenol ethoxylates	0.01
Mercury (total)	0.0004	Aldrin/dieldrin	0.00008
Nickel (total)	0.08	Chlordane	0.04
Selenium (total)	0.02	DDT	0.00004
Silver (total)	0.12	Hexachlorobenzene	0.00004
Zinc (total)	0.04	Mirex	0.04
Benzene	0.002	PCBs	0.0004
Chloroform	0.002	3,3'-dichlorobenzidine	0.0008
1,2-dichlorobenzene	0.0056	Hexachlorocyclohexane	0.04
1,4-dichlorobenzene	0.0068	Pentachlorophenol	0.002
Cis-1,2-dichloroethylene	0.0056	Total PAHs	0.002

## ATTACHMENT B SPILLS

### Spill Procedures

- B-1 In the event of a spill to the storm sewage works, the person responsible and/or the person having the charge, management and control of the spill shall immediately notify the Director of Roads and Works Operations; and provide any information with regard to the spill that is requested.
- B-2 The duty imposed by subsection 11.1 comes into force immediately when the person responsible and/or the person having the charge, management and control of the spill knows or ought to know that the matter referred to in that subsection has the potential to enter or is spilled into any storm sewage works.
- B-3 For any discharge in 11.1 for which the person responsible and/or the person having the charge, management and control of the spill is required to forthwith notify the Director of Roads and Works Operations, the notification shall include the following information:
- (a) location where spill occurred
  - (b) name and telephone number of person who reported the spill and the location and time where that person can be contacted;
  - (c) date and time of spill;
  - (d) material spilled;
  - (e) characteristics of material spilled;
  - (f) volume of material spilled;
  - (g) duration of spill event;
  - (h) work completed and/or still in progress in the mitigation of the spill thus far;
  - (i) preventative actions being taken to ensure a similar spill does not occur again.
  - (j) whether the spill was reported to the Ministry of the Environment and any other agency and, if so, the date and time such report was made.
- B-4 The person responsible and/or the person having the charge, management and control of the spill shall provide a detailed report on the spill to the Director of Roads and Works Operations within five (5) days after the spill, containing the following information to the best of the person's knowledge:
- (a) location where spill occurred;
  - (b) name and telephone number of person who reported the spill;
  - (c) date and time of spill;
  - (d) material spilled;
  - (e) characteristics of material spilled;
  - (f) volume of material spilled;
  - (g) duration of spill event;
  - (h) work completed and/or still in progress in the mitigation of the spill; and

- (i) preventative actions being taken to ensure the situation does not occur again.

- B-5 Upon receipt of the detailed report specified in Section 11.4 above, the Director of Roads and Works Operations may require a further more detailed submission by the responsible person outlining preventative actions being undertaken which, at the sole discretion of the Director of Roads and Works Operations, may require the development of a Spills Response Contingency Plan which must be updated on an as needed basis and copies submitted to the Director of Roads and Works Operations within thirty (30) days of the spill.
- B-6 The person responsible for the spill and the person having the charge, management and control of the spill shall also notify other government agencies, including federal and provincial as required and appropriate for the material and circumstance of the spill.
- B-7 The person responsible for the spill into the storm sewage works and/or 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 all persons, minimize damage to property, protect the environment, clean up the spill and contaminated residue and restore the affected areas to its condition prior to the spill.