

FINANCIAL

Chapter 281 SEWER SYSTEM - REGULATION - USE

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Article 1
INTERPRETATION

281.1.1 Accredited laboratory - defined

“accredited laboratory” means any laboratory accredited under the Canadian Association for Laboratory Accreditation Inc. (“CALA”), or by an authorized accreditation body in accordance with a standard based on “ISO/IEC/EN 17025: General Requirements for Competence of Calibration and Testing Laboratories” established by the International Organization for Standardization, as amended from time to time, or an equivalent standard that is acceptable to the City.

281.1.2 Biochemical oxygen demand - defined

“biochemical oxygen demand” means carbonaceous oxygen demand (biochemical) as determined by Standard Methods when an inhibiting chemical has been added to prevent ammonia oxidation.

281.1.3 Biomedical waste - defined

“biomedical waste” means 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.

281.1.4 Biosolids - defined

“biosolids” include organic solid material recovered from the sewage treatment process.

281.1.5 Blowdown water - defined

“blowdown water” means recirculating water that is discharged from a cooling or heating water system for the purpose of controlling the level of water in the system or for the purpose of discharging from the system materials contained in the system.

281.1.6 Building Code Act, 1992 - defined

“*Building Code Act, 1992*” means the *Building Code Act, 1992*, S.O. 1992, c. 23.

281.1.7 Chemical oxygen demand - defined

“chemical oxygen demand” means the quantity of oxygen utilized in the chemical oxidation of matter.

281.1.8 City - defined

“City” means The Corporation of the City of Brantford or its designated representative.

281.1.9 Composite sample - defined

“composite sample” means two or more grab samples of a discharge to the sewage works taken at intervals during the sampling period that have been combined automatically or manually.

281.1.10 Contaminant - defined

“contaminant” means any solid, liquid, gas, odour, heat, vibration, sound, radiation or any combination of them resulting directly or indirectly from human activities that may cause an adverse effect.

281.1.11 Contact cooling water - defined

“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.

281.1.12 Dental amalgam - defined

“dental amalgam” means a dental filling material consisting of an amalgam of mercury, silver or other materials such as copper, tin or zinc.

281.1.13 Discharge - defined

“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 leak.

281.1.14 Discharger - defined

“discharger” means a person who is the owner, is in occupation of, or has charge, management or control of a site that discharges to a sewage works or storm sewer.

281.1.15 Emergency - defined

“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.

281.1.16 Environmental Protection Act - defined

“*Environmental Protection Act*” means the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended from time to time.

281.1.17 Fuel - defined

“fuel” includes alcohol, gasoline, naphtha, diesel fuel, fuel oil or any ignitable substance intended for use as a fuel.

281.1.18 General Manager - defined

“General Manager” means the General Manager of Public Works for the City of Brantford or his or her authorized representative.

281.1.19 Grab sample - defined

“grab sample” means a sample of a discharge into a sewage works or storm sewer taken at one particular place and time.

281.1.20 Hauled sewage - defined

“hauled 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 and is transported for discharge, but excludes industrial waste.

281.1.21 Hauled waste - defined

“hauled waste” means liquid industrial waste that is transported for discharge and that must be transported with a manifest in accordance with O. Reg. 347 as enacted under the *Environmental Protection Act*.

281.1.22 Hazardous waste - defined

“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 O. Reg. 347 as enacted under the *Environmental Protection Act*.

281.1.23 Industrial - defined

“industrial” means of or pertaining to industry, manufacturing, commerce, trade, business, or institutions as distinguished from domestic or residential.

281.1.24 Industrial process area - defined

“industrial process area” 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.

281.1.25 Industrial waste - defined

“industrial waste” means a material which is an industrial waste within the meaning of the O. Reg. 347 as enacted under the *Environmental Protection Act*.

281.1.26 Land drainage works - defined

“land drainage works” includes a drain constructed by any means which is owned by the City of Brantford and 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, and a drain constructed by any means that connects directly or indirectly to a municipal storm sewer or any other drainage works.

281.1.27 Leachate - defined

“leachate” means the liquid produced by water or other liquids percolating through waste or by liquid in the waste.

281.1.28 Maintenance access hole - defined

“maintenance access hole” means an access point in a private sewer connection to a municipal sewage works that allows for the observation, monitoring, sampling, flow measurement and other related activities of the sewage, stormwater, uncontaminated water or other substance therein.

281.1.29 Matter - defined

“matter” includes any solid, liquid or gas.

281.1.30 Municipal Act, 2001 - defined

“*Municipal Act, 2001*” means the *Municipal Act, 2001*, S.O. 2001, c. 25.

281.1.31 Non-contact cooling water - defined

“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.

281.1.32 Once-through cooling water - defined

“once-through cooling water” means non-contact cooling water that has been circulated once through the cooling device.

281.1.33 Ontario Water Resources Act - defined

“*Ontario Water Resources Act*” means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40.

281.1.34 Person - defined

“person” includes an individual, association, organization, partnership, corporation, or an agent or employee thereof.

281.1.35 Pesticides - defined

“pesticides” means a pesticide regulated under the *Pesticides Act*, R.S.O.1990, c. P.11.

281.1.36 pH - defined

“pH” means the logarithm to the base 10 of the reciprocal of the concentration of hydrogen ions in moles per litre of solution.

281.1.37 Phenolic compounds - defined

“phenolic compounds” means those derivatives of aromatic hydrocarbons which have a hydroxyl group directly attached to the ring.

281.1.38 Sanitary sewer - defined

“sanitary sewer” means any part of the sewage works that is intended to collect and convey sewage to a sewage treatment facility.

281.1.39 Sewage or wastewater - defined

“sewage or wastewater” includes any liquid containing animal, vegetable or mineral matter in solution or in suspension, including floating materials, but does not include uncontaminated water.

281.1.40 Sewage works - defined

“sewage works” means any works for the collection, transmission, treatment or disposal of sewage, or any part thereof, but does not include plumbing to which the *Building Code Act, 1992* applies.

281.1.41 Spill - defined

“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.

281.1.42 Standard Methods - defined

“Standard Methods” means a procedure or method set out in the most current edition, as of the date of testing, of Standard Methods for the Examination of Water and Wastewater published jointly by the American Public Health Association, American Water Works Association and Water Pollution Control Federation, or a procedure published by the Ontario Ministry of the Environment as a standard method or the equivalent of a standard method.

281.1.43 Storm sewer - defined

“storm sewer” means any part of the City’s storm system that is intended to collect and convey uncontaminated water, stormwater, surface runoff or drainage from land or from a watercourse or any combination thereof.

281.1.44 Stormwater - defined

“stormwater” means water from rainfall or other natural precipitation or from the melting of snow or ice.

281.1.45 Suspended solids - defined

“suspended solids” means solid matter in or on a liquid which matter is removable by filtering.

281.1.46 Total kjeldahl nitrogen - defined

“total kjeldahl nitrogen (TKN)” means the measure of both ammonia and organic forms of nitrogen as defined in Standard Methods.

281.1.47 Uncontaminated water - defined

“uncontaminated water” includes:

- (a) potable water supplied by the City; or
- (b) any water that is of a similar quality to potable water from a source other than the City’s water distribution system; or

- (c) water from a dewatering activity, to which no substance has been added intentionally or unintentionally, by any person other than the City.

281.1.48 Waste disposal site leachate - defined

“waste disposal site leachate” means the liquid containing dissolved or suspended contaminants which emanates from the waste and is produced by water percolating through the waste or by liquid in the waste.

281.1.49 Waste radioactive prescribed substances - defined

“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.

**Article 2
PURPOSE**

281.2.1 Health - safety - well-being

The purpose of this Chapter is to protect the health, safety and well-being of persons, the natural environment, sewage works and storm sewer system within the City of Brantford and to prevent public nuisances.

**Article 3
ADMINISTRATION**

281.3.1 General Manager - responsibility

The General Manager shall be responsible for the administration and enforcement of this Chapter.

281.3.2 Permits - forms - approvals - procedure

The General Manager may from time to time prescribe the form and content of any approval, authorization, permit, form, procedure or other document in relation to the administration of this Chapter and may amend or revise the form and content as required.

281.3.3 Permits - approvals - authorization - issued

The General Manager may issue any approval, authorization or permit under this Chapter as well as any amendments thereto or suspensions or terminations thereof, on behalf of the City.

281.3.4 Agreements - prescribed - executed

The General Manager may from time to time prescribe the form and content of any agreement permitted under this Chapter and may amend or revise the form and content of such agreements from time to time provided that the form is satisfactory to the City Solicitor. The General Manager may enter into and execute such agreements, as well as any amendments thereto, on behalf of the City.

281.3.5 Emergency powers

The General Manager may dispense with the requirements of this Chapter in the event of any emergency.

281.3.6 Environmental Services Department - employees

City employees in the Environmental Services Department are appointed as municipal by-law enforcement officers for the purposes of the administration and enforcement of this Chapter.

281.3.7 Duties - assignment

The General Manager may assign duties or delegate tasks under this Chapter as necessary.

281.3.8 Conflict - most restrictive provisions prevail

Where there is a conflict between the provisions of this Chapter and another Chapter or by-law of the City, the provision that is the most restrictive shall prevail.

Article 4**DISCHARGES - SANITARY SEWERS****281.4.1 Discharges - to sanitary - prohibited**

No person shall discharge or cause or permit the discharge of sewage or any other material into the sanitary sewer in circumstances where to do so may result in:

- (a) a health or safety hazard to a person authorized to inspect, operate, maintain or otherwise work on, in or around the sewage works;
- (b) damage to any part of the sewage works or causing a dangerous condition in the sewage works;
- (c) the sewage works effluent contravening any requirement under the *Ontario Water Resources Act* or the *Environmental Protection Act* or any regulation made thereunder;
- (d) the biosolids from the sewage works failing to meet the objectives and criteria set out in the Ministry of Environment publication entitled "Guidelines for the Utilization of Biosolids"

and Other Wastes on Agricultural Land” dated March 1996, as amended from time to time;

- (e) impairment, or interference with the proper operation of any part of the sewage works;
- (f) inhibition of any treatment process of the sewage works;
- (g) increasing the operational costs of the sewage works in the opinion of the General Manager;
- (h) a hazard or other adverse effect to any person, animal, property, or the natural environment;
- (i) an obstruction or restriction of the flow in the sewage works;
- (j) 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
- (k) excessive foaming to occur in the sewage works in the opinion of the General Manager.

281.4.2 Substances - prohibited

No person shall discharge or cause or permit the discharge of sewage or any other material to a sanitary sewer in circumstances where the discharge contains or is likely to contain:

- (a) fuel;
- (b) hazardous waste;
- (c) pesticides;
- (d) biomedical waste;
- (e) hauled waste;
- (f) any solids residuals, screenings, or other residues from the pre-treatment of industrial wastes;
- (g) sewage which consists of two or more separate liquid layers;
- (h) sewage containing dyes or colouring materials which pass through sewage works and discolour the sewage works effluent;
- (i) sewage which causes two successive readings on an explosion hazard meter of more than 5 percent or any single reading

on an explosion hazard meter more than 10 percent of the lower explosive limit (LEL) of the meter. Such readings may be taken at the point of discharge into the sewage works or at any point in the sewage works;

- (j) stormwater, roof run-off, once-through cooling water, water from a dewatering activity, surface water, and uncontaminated water except where:
 - (i) the once-through cooling water is being discharged pursuant to an environmental compliance approval or order relating to the premises under the *Environmental Protection Act* or the *Ontario Water Resources Act* which expressly allows the discharge; or
 - (ii) the discharger has a Sewage Works Discharge Permit from the City which expressly authorizes the discharge from the premises; and
 - (iii) the discharge is in compliance with the conditions of the Sewage Works Discharge Permit;
- (k) water that has originated from a source separate from the City's water distribution system except where:
 - (i) the discharge is expressly authorized by the General Manager in the form of a Sewage Works Discharge Permit; and
 - (ii) the discharge is in compliance with the conditions of the Sewage Works Discharge Permit; and
 - (iii) the discharge otherwise complies with this Chapter;
- (l) hauled sewage except where:
 - (i) the discharge is expressly authorized by the General Manager in the form of a Hauled Sewage Discharge Permit;
 - (ii) the discharge is in compliance with the conditions of the Hauled Sewage Discharge Permit; and
 - (iii) the discharge otherwise complies with this Chapter; or
- (m) waste disposal site leachate except where:

- (i) the waste disposal site leachate is being discharged pursuant to an environmental compliance approval or order relating to the site under the *Environmental Protection Act* or the *Ontario Water Resources Act* which expressly allows the discharge and a copy of the environmental compliance approval or order has been provided to the City;
- (ii) the discharger has written approval from the City which expressly authorizes the discharge from the premises; and
- (iii) the discharge otherwise complies with this Chapter.

281.4.3 Discharge - in excess concentrations - prohibited

No person shall discharge or cause or permit the discharge of sewage or any other material into a sanitary sewer containing any parameters in excess of the concentrations or ranges listed in Schedules 'A', 'B' or 'C' of this Chapter.

281.4.4 Compliance by dilution - prohibited

In determining whether the limit with respect to any matter described in Section 281.4.3 is contravened, the volume of any water that has been added for the purpose of enabling the limit to be met shall be disregarded for the purposes of calculating whether the limit has been met so that compliance with the limit cannot be attained by dilution.

Article 5**STORM SEWERS - DISCHARGE****281.5.1 Interference - obstruction - impairment - prohibited**

No person shall discharge or cause or permit the discharge of matter of any type into or in any land drainage works, private branch drains or connections to any storm sewer which may:

- (a) interfere with the proper operation of a storm sewer;
- (b) obstruct a storm sewer or the flow therein;
- (c) result in a hazard to any person, animal, property or natural environment;
- (d) impair the quality of the water in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse; or
- (e) result in the contravention of an approval, requirement, direction or other order under the *Ontario Water Resources Act* or the *Environmental Protection Act* with respect to the storm sewer or its discharge.

281.5.2 Discharge - containing contaminants - prohibited

No person shall discharge or cause or permit the discharge of matter to a storm sewer in circumstances where the discharge contains or is likely to contain:

- (a) water containing dyes or colouring materials which discolour the water;
- (b) water oil or grease which causes a visible film, sheen or discolouration on the water surface;
- (c) water to which any material has been added for the purpose of disposing of that material;
- (d) stormwater runoff from industrial process areas except where:
 - (i) the discharger has an environmental compliance approval or order relating to the premises under the *Environmental Protection Act* or the *Ontario Water Resources Act* which expressly allows the discharge and a copy of the environmental compliance approval or order has been provided to the City; and
 - (ii) the discharger has written approval from the City which expressly authorizes the discharge from the premises.

281.5.3 Discharges - to storm - prohibited

No person shall discharge or cause or permit the discharge of matter into the storm sewer system containing any of the following in any amount:

- (a) sewage;
- (b) non-contact cooling water or blowdown water except where:
 - (i) the non-contact cooling water or blowdown water is being discharged pursuant to an environmental compliance approval or order relating to the premises under the *Environmental Protection Act* or the *Ontario Water Resources Act* which expressly allows the discharge and a copy of the environmental compliance approval or order has been provided to the City; and
 - (ii) the discharger has written approval from the City which expressly authorizes the discharge from the premises.
- (c) automotive or machine oils and greases;

- (d) fuels;
- (e) hauled waste;
- (f) hazardous waste;
- (g) paints and organic solvents;
- (h) pesticides;
- (i) waste disposal site leachate; or
- (j) waste radioactive prescribed substances.

281.5.4 Discharge - parameters

No person shall discharge or cause or permit the discharge of matter into the storm sewer system which contains any parameters in excess of the concentrations or ranges listed in Schedule 'D' or 'E' of this Chapter.

281.5.5 Swimming pool - hot tub - water discharge - prohibited

No person shall discharge water from a conventional non-salt water swimming pool or hot tub or spa or wading pool or from a salt water swimming pool or hot tub or spa in a manner which may or could:

- (a) interfere with the proper operation of a storm sewer;
- (b) result in a hazard to any person, animal, property or natural environment; or
- (c) impair the quality of the water in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse.

281.5.6 Road salt - storage - prevention of leakage

No person shall store or cause or permit the storage of road salt such that precipitation or snow melt may wash salt into a storm sewer.

**Article 6
COMPLIANCE AGREEMENT****281.6.1 Required - excess discharge**

If a discharge from an industrial facility contravenes Schedules 'A', 'B', 'C', 'D', or 'E' of this Chapter, the discharger may enter into a compliance agreement with the City as per Schedule 'F', with the objective to eliminate any contravention of this Chapter.

281.6.2 Agreement - sole discretion of General Manager

The General Manager may in his or her sole discretion issue an approval for a compliance agreement and the discharger shall be entitled to make non-complying discharges in the amount and only to the extent set out in the City's approval while the Compliance Agreement is in effect.

281.6.3 Approval - discharge - per agreement

A discharger who complies with the requirements of an approved compliance agreement in accordance with this Article shall not be prosecuted for a contravention under Article 4 or Article 5 of this Chapter for the discharge of sewage or stormwater only to the extent set out in the approved compliance agreement.

281.6.4 Application - fee - requirement

To enter into a compliance agreement, the discharger shall submit the application along with appropriate fees as per the City's Fees and Charges By-law.

281.6.5 Agreement signed - fee schedule

Upon entering into a compliance agreement the discharger shall pay the following:

- (a) a quarterly administration fee as per the City's Fees and Charges By-law; and
- (b) a quarterly over-strength discharge fee as per Schedule 'F'.

281.6.6 Corrective remedial actions - monitoring requirement

The compliance agreement shall set out corrective and remedial actions, compliance program, progress reports, monitoring and reporting requirements.

281.6.7 Termination - suspension - notice

The City may terminate or suspend a compliance agreement and may require the discharger to cease the discharge by giving written notice sent by registered mail:

- (a) at any time where, in the opinion of the General Manager there is an immediate threat or danger to any person, animal, property or the natural environment, in which case the termination or suspension shall be effective immediately upon receipt of the written notice;
- (b) at any time where, in the opinion of the General Manager a discharge causes or may cause an adverse effect to the sewage works or storm system in which case the termination or suspension shall be effective immediately upon receipt of written notice;

- (c) at any time where the requirements of the compliance agreement are not met in which case the termination or suspension shall be effective immediately upon receipt of written notice;
- (d) at any time, at the sole discretion of the General Manager, by giving thirty days written notice, in which case the termination or suspension shall be effective on the date stated in the written notice; or
- (e) as may be further provided for in a compliance agreement.

281.6.8 Restrictive discharge - during peak flow periods

Whenever the General Manager deems it necessary he or she may require a discharger to restrict discharge during peak flow periods or restrict variation in flow and require such other conditions as may be necessary to protect the sewage works or to determine the discharger's compliance with the requirements of this Chapter.

Article 7

ADDITIONAL REQUIREMENTS FOR DISCHARGERS

281.7.1 Discharge permit - required

Any person who discharges more than one million litres of sewage per day to the sewage works shall obtain authorization from the General Manager in the form of a Sewage Works Discharge Permit.

281.7.2 Discharge permit - fee

A discharger requiring a Sewage Works Discharge Permit or a Hauled Sewage Discharge Permit shall pay the applicable fee as per the City's Fees and Charges By-law.

281.7.3 Food Processing - oil - grease - interceptor - required

Every person who owns or operates a restaurant or other industrial premises where food is cooked, processed or prepared shall install, operate, and properly maintain an appropriately sized oil and grease interceptor in any piping system at the site that connects directly or indirectly to the sewage works.

281.7.4 Oil - grease - interceptor - regulations

The installation, operation and maintenance of each oil and grease interceptor shall be:

- (a) in compliance with the *Building Code Act, 1992*, as amended and its regulations; and
- (b) in accordance with the requirements of the Canadian Standards Association/National Standard of Canada CAN/CSA B481, as amended.

281.7.5 Oil - grease - interceptor - maintained - requirements

The discharger shall ensure all oil and grease interceptors are maintained in good working order, including ensuring that every oil and grease interceptor shall have the maintenance requirements posted at the site in a conspicuous location in proximity to the oil and grease interceptor.

281.7.6 Oil - grease - interceptor - maintenance - records

The discharger must provide, upon request, the maintenance schedule and record of maintenance for each oil and grease interceptor and must keep documentation of proof of interceptor clean-out and oil and grease disposal at the site for a minimum of two years.

281.7.7 Alarmed monitoring device - when required

Where a discharger fails to adequately maintain the oil and grease interceptor to the satisfaction of the City, the General Manager may require an alarmed monitoring device or other such device to be installed at the site at the expense of the discharger.

281.7.8 Use - enzymes - solvents - facilitate passage - prohibited

No person who owns or operates a restaurant or other industrial premises where food is cooked, processed or prepared 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.

281.7.9 Motor vehicle service station - repair shop - garage

Every person who owns or operates a vehicle or equipment service station, repair shop, garage or other industrial premises where motor vehicles are repaired, lubricated, washed or maintained shall install, operate and properly maintain, an appropriately sized oil and grease interceptor in any piping system at its premises that connects directly or indirectly to the City sewage works or storm sewers.

281.7.10 Vehicle - repair - garage - interceptor - requirements

Each oil and grease interceptor shall be installed in compliance with the *Building Code Act, 1992*, as amended and its regulations.

281.7.11 Interceptor maintained - good working order

The discharger shall ensure all oil and grease interceptors are maintained in good working order, including ensuring 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.

281.7.12 Interceptor - maintenance - records - retention

The discharger must provide, upon request the maintenance schedule and record of maintenance for each oil and grease interceptor and keep documentation of proof of interceptor clean-out and oil and grease disposal at the site for a minimum of two years.

281.7.13 Alarmed monitoring device - when required

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 other such device to be installed at the expense of the discharger.

281.7.14 Enzymes - solvents - facilitate passage - prohibited

No person who owns or operates a vehicle or equipment service station, repair shop, garage or other industrial premises where motor vehicles are repaired, lubricated, washed or maintained 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.

281.7.15 Sediment interceptor - catch basin - requirements

Where sediment may be discharged to City's storm system, the discharger shall ensure any catch-basin installed on its site for the purpose of collecting stormwater and carrying it into a storm sewer or land drainage works is equipped with an appropriately sized sediment interceptor.

281.7.16 Catch basin - installation - requirement

The installation of each catch basin shall be in accordance with the City's standards and specifications and to the satisfaction of the General Manager.

281.7.17 Sediment interceptor - maintained - inspected

A discharger shall ensure that all sediment interceptors are maintained in good working order, including ensuring 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.

281.7.18 Dental offices - amalgam separator - required

Every owner or operator of a premise from which dental amalgam may be discharged directly or indirectly into the sewage works, shall install, operate and properly maintain dental amalgam separators with at least 95 percent efficiency in amalgam weight and certified International Standards Organization 11143 “Dental Equipment: Amalgam Separators”, at its premises that connects directly or indirectly to the sewage works.

281.7.19 Accidental discharges - evaluation plan - to prevent

Every industrial discharger shall evaluate and if needed prepare a plan or other action to control and prevent accidental discharges that contravene this Chapter.

281.7.20 Accidental discharge control plan

The General Manager may require an industrial discharger to develop, submit for approval, and implement an accidental discharge control plan or other specific action.

281.7.21 Notification - changes in facility - discharge

Every industrial discharger shall notify the City immediately of any changes at its facilities affecting the potential for spills and other accidental discharges, discharge of non-routine, episodic nature, or non-customary batch discharge.

281.7.22 Accidental discharge control plan - requirements

An accidental discharge control plan shall address, at a minimum, the following:

- (a) description of discharge practices including non-routine batch discharges;
- (b) description of stored chemicals;
- (c) procedures for immediately notifying the City of any accidental discharge;
- (d) procedures to prevent adverse impact from any accidental discharge. Such procedures shall include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site-runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and measures and equipment for emergency response.

281.7.23 Accidental discharge - fees - repairs

In the event that there is an accidental discharge that contravenes this Chapter, the discharger shall pay all applicable costs to compensate the City for its costs of operation, repair, maintenance and replacement of the sewage works or storm system and shall pay the sewer service rate, over-strength discharge fee and any other applicable fees as per the City's Fees and Charges By-law.

281.7.24 Pre-treatment - before discharge - where necessary

Every person who discharges or causes or permits the discharge of sewage or any other material into the sewage works shall provide sewage treatment if necessary to comply with this Chapter.

281.7.25 Pre-treatment - provided at person's expense

The sewage treatment facilities shall be provided, operated, and maintained at the person's expense.

281.7.26 Facility plans - operating procedures - responsibility

Detailed plans showing the discharger's sewage treatment facilities and operating procedures shall be submitted to the City for information purposes before construction of the facility. The submission of such plans and operating procedures shall in no way relieve the discharger from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this Chapter. Any subsequent changes in the sewage treatment facility or its method of operation shall be reported to the General Manager prior to the discharger's initiation of the changes.

281.7.27 Discharge - responsibility - safe disposal - record

The discharger shall ensure that:

- (a) any waste products from the sewage treatment facility are disposed of in a safe manner;
- (b) the maintenance records and waste disposal records are available to the General Manager upon request; and
- (c) operating records pertaining to the sewage treatment facility and waste disposal are kept for two years.

Article 8**REPORTING AND SELF-MONITORING REQUIREMENTS****281.8.1 Violations - potential violations - reported immediately**

Activities that have the potential to cause by-law violations must be reported to the City immediately.

281.8.2 Discharge information report - requirement

Every owner or operator of an industrial premise that discharges sewage, stormwater, non-contact cooling water, uncontaminated water or any combination thereof to the sewage works or storm sewers, shall upon request, submit to the General Manager within thirty days a Discharger Information Report in a form prescribed by the City.

281.8.3 Future discharge - notification - report

Where an industry is not discharging to a sanitary sewer but wishes to in the future, the discharger shall notify the City as follows:

- (a) notification shall be received by the City a minimum of thirty days prior to the commencement of the discharger's operations; and
- (b) notification shall be in the form of a Discharger Information Report.

281.8.4 Additional information - upon request from City

The discharger shall provide any additional information related to the discharge within fifteen days of receiving a written request from the City.

281.8.5 Discharge Information Report - change of information

Where a discharger is required to complete a Discharger Information Report, the discharger shall provide written notice of any change in the information requested in the report a minimum of thirty days prior to the effective date of such change. Such notice shall include pertinent details of any change to the operation, process, or sewage 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.

281.8.6 Discharge Information Report - format

The information provided to the City in the Discharger Information Report shall be in a format acceptable to the City.

281.8.7 Change in sewage characteristics - procedure

Where a change occurs in any information related to sewage characteristics described in a Discharger Information Report, the discharger shall not discharge or cause or permit a discharge to the sewage works or storm sewer unless a new Discharger Information Report has been submitted setting out the change.

281.8.8 Sampling - monitoring - reports - requirement

The General Manager may require the owner or operator of an industrial premise to perform one or more of the following at its expense:

- (a) collect and analyze samples of sewage being discharged;

- (b) install devices to monitor sewage discharges;
- (c) submit regular reports regarding the discharges; or
- (d) require that samples obtained under Section 281.8.8(a) be analyzed by an accredited laboratory.

281.8.9 Discharge obligations - at own expense

The obligations set out in or arising out of this Article shall be completed at the expense of the discharger carrying out the obligation.

**Article 9
SAMPLING AND ANALYSES**

281.9.1 Maintenance access point - or alternative - required

The owner or operator of an industrial premise with one or more connections to the sewage works shall install and maintain in good repair in each connection a suitable maintenance access point such as a property line manhole to allow observation and sampling of the sewage and measurement of the flow of sewage therein provided that where installation of a maintenance access point is not possible an alternative device or facility may be substituted with the written approval of the General Manager.

281.9.2 Location - discharger property

The maintenance access point or alternative device shall be located on the property of the discharger unless the General Manager has given written approval for a different location.

281.9.3 Maintenance - construction - specifications

Every maintenance access point, device or facility installed as required by Section 281.9.1 shall be designed and constructed in accordance with good engineering practices and the standards and specifications of the City and shall be constructed and maintained by the discharger at its expense.

281.9.4 Safe access - at all times

The owner or operator of an industrial premise shall at all times ensure that every maintenance access point, device or facility can be safely accessed for the purposes of observing and sampling the sewage and measuring the flow of sewage.

281.9.5 Damage - tamper - destroy - sewage works - prohibited

No person shall break, damage, destroy, deface, tamper or cause or permit the breaking, damaging, destroying, defacing or tampering with:

- (a) any part of the sewage works; or

- (b) any permanent or temporary device installed in the sewage works for the purpose of measuring, sampling and testing of sewage.

281.9.6 Sample - requirements

Where a sample is required for the purpose of determining the characteristics or quality of sewage, uncontaminated water or stormwater, the following provisions shall apply:

- (a) One sample alone is sufficient and without limiting the generality of the foregoing the sample may be a grab sample or a composite sample, may contain additives for its preservation and may be collected manually or by using an automatic sampling device.
- (b) Except as otherwise specifically provided in this Chapter, all tests, measurements, analyses and examinations of sewage, uncontaminated water and stormwater, shall be carried out by the discharger in accordance with Standard Methods.
- (c) For metals whose concentration is limited in Schedule 'C' or Schedule 'E', the analysis shall be for the quantity of total metal, which includes all metal both dissolved and particulate.
- (d) For the determination of concentration of each of cyanide and phosphorous, the analysis shall be for the total quantity.
- (e) For the determination of concentration of phenolic compounds, the analysis shall be the 4AAP method.

Article 10 SPILLS

281.10.1 Notification - immediate - Ministry - City - other

Every person who discharges or causes or permits the 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 shall, forthwith notify:

- (a) Ministry of the Environment, Spills Action Centre;
- (b) the City, by contacting the Environmental Services Department; and
- (c) any person whom the person reporting knows or ought to know may be directly affected by the discharge.

281.10.2 Immediate danger - 911 notification

In addition to the reporting obligations set in Section 281.10.1, the person responsible for a spill, in circumstances where there is an immediate danger to human health or safety, shall report the discharge to 9-1-1 emergency.

281.10.3 Containment - clean up - responsibility

Every person responsible for a spill and every person having the charge, management and control over the spill shall do everything reasonably possible to contain the spill, 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.

281.10.4 Post spill - detailed report - requirement

Within ten days following a spill, the person having charge, management and control of the spill shall submit to the City a detailed written report, in a form prescribed by the City, on the spill that contains the following information to the best of the person's knowledge:

- (a) location where discharge occurred;
- (b) name and telephone number of the 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 or still in progress in the mitigation of the spill;
- (i) preventative actions being taken to ensure the situation does not occur again; and
- (j) agencies notified of the discharge and corresponding notification times.

281.10.5 Spill Response Contingency Plan

Upon receipt of the detailed report specified in Section 281.10.4, the General Manager may require the development of a Spills Response Contingency Plan by the responsible person with copies submitted to the General Manager within thirty days of the spill and the General Manager may direct compliance with the plan.

281.10.6 Failure to remedy - done by City - owner expense

Where a person responsible for a spill fails to comply with a Spills Response Contingency Plan as directed by the General Manager, the remedial measures set out in the Spills Response Contingency Plan may be carried out by the City at the person's expense and the City may recover the expense in accordance with this Chapter.

281.10.7 Violation responsibility - expense

Where the City has taken specific action with respect to the prevention, elimination and remediation of the adverse effects from a spill that has taken place, as set out in this Article, the person responsible for the spill and person having the charge, management and control over the spill shall be fully responsible for costs incurred by the City under this Article.

Article 11**POWER OF ENTRY AND INSPECTION****281.11.1 City may enter - at any reasonable time**

The City may enter upon any part of a property at any reasonable time, to inspect the discharge of any substance into the sewage works or storm sewers and may conduct tests and take samples of the discharge.

281.11.2 Authorized employees - officers

The City's power of entry described in Section 281.11.1 may be exercised by an employee, officer or agent of the City, including a municipal by-law enforcement officer.

281.11.3 Purpose of entry - inspection

Municipal by-law enforcement officers may enter on lands at any reasonable time, to carry out inspections in order to determine compliance with or enforce:

- (a) this Chapter;
- (b) an order or direction issued under this Chapter;
- (c) a compliance agreement approved or authorized under this Chapter;
- (d) any other approval issued by the City under this Chapter to permit the discharge of a substance that would otherwise be prohibited by this Chapter; or
- (e) an order made under section 431 of the *Municipal Act, 2001*.

281.11.4 Inspections - pursuant to order

An enforcement officer may enter on land at any reasonable time to undertake an inspection pursuant to an order issued under section 438 of the *Municipal Act, 2001*.

281.11.5 Identification required - prior to entry

When entering a property in accordance with Articles 11 and 12 of this Chapter the person exercising the power of entry shall provide identification to any person requesting identification during the course of the inspection and

- (a) may be accompanied by a person or persons under his or her direction; and
- (b) shall not enter or remain in any room or place actually used as a dwelling unless one of the conditions set out in section 437 of the *Municipal Act, 2001* are met.

281.11.6 Entry - at reasonable times - exception - emergency

When entering a property in accordance with Articles 11 and 12 of this Chapter the exercise of such powers shall be limited to reasonable times, unless an emergency situation requires otherwise.

281.11.7 Inspection - access - information - upon request

For the purposes of an inspection to determine compliance with this Chapter or any order issued under this Chapter or to otherwise enforce this Chapter a municipal by-law enforcement officer may:

- (a) access any drain pipe, interceptor, maintenance access hole, catch-basin or other discharge point connecting, directly or indirectly, to the sewage works or storm sewers, including by making or requiring necessary excavations;
- (b) make and record observations, such as by taking photographs, notes, video recordings and sound recordings;
- (c) require the production for inspection of documents or things relevant to the inspection;
- (d) require information from any person concerning a matter related to the inspection;
- (e) 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;
- (f) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts; and

- (g) do such other things that are reasonably necessary for an enforcement officer to effectively carry out the inspection.

281.11.8 Demand for information - means

A demand by a municipal by-law enforcement officer to respond to reasonable inquiries under Section 281.11.7 (e) or to produce documents under Section 281.11.7 (f) may be made by telephone, letter or e-mail and such demand shall be deemed to be made in the course of an inspection.

281.11.9 Refusal - hindrance of inspection - prohibited

No person shall refuse or neglect to give, produce or deliver any access, information, document or other thing that is requested by a municipal by-law enforcement officer carrying out an inspection.

281.11.10 Hindrance - obstruction - inspection - prohibited

No person shall hinder or obstruct or attempt to hinder or obstruct the City, its municipal by-law enforcement officers, employees or agents from carrying out any powers or duties under this Chapter.

**Article 12
ORDERS**

281.12.1 Issued - for contravention

Where the General Manager has reason to believe that a contravention of this Chapter has occurred, the General Manager may issue and serve an order requiring the person who has contravened the Chapter or who has caused or permitted the contravention or the owner or occupier of the property on which contravention of the Chapter occurred to discontinue the contravening activity.

281.12.2 Owner - occupier - served - remedy

Where the General Manager has reason to believe that a contravention of this Chapter has occurred, the General Manager may make an order requiring the person who has contravened the by-law or who has caused or permitted the contravention or the owner or occupier of the property on which contravention of the Chapter occurred to do work to correct the contravention.

281.12.3 Failure to remedy - done by City - person's expense

Where a person is issued an order described under Section 281.12.1 and Section 281.12.2 and in the opinion of the City fails to do a matter or thing required by the order by the date specified in the order, the City may cause the matter or thing set out in the order to be done at the person's expense.

281.12.4 Entry upon land - to remedy - authority

For the purpose of doing any matter or thing under Section 281.12.3, employees of the City and any contractor, consultant or other person authorized by the City may enter upon the property referred to in the order at any reasonable time.

281.12.5 Entry on land - to inspect - shut off - authority

The General Manager may, in accordance with the requirements of this Chapter, enter upon a property to which sanitary and storm services are supplied by the City:

- (a) to install, inspect, maintain, repair, alter, replace or disconnect a sewer, municipal sewer connection, subsurface drainage pipe or other sewage works;
- (b) to shut off or reduce the supply of sanitary and storm services provided by the City.

281.12.6 Entry on land - authority - delegated

The powers of entry of the General Manager may be exercised by an employee, officer or agent of the City, including a municipal by-law enforcement officer.

281.12.7 Order - issue - amend - revoke - authority

In accordance with section 446 of the *Municipal Act, 2001*, the City may recover the cost of doing a matter or thing under Section 281.12.3 from the person directed or required by order to do the matter or thing by action or by requesting the costs be added to property taxes and that such costs be collected in the same manner as property taxes.

281.12.8 Order - issue - amend - revoke - authority

The power of a General Manager to issue an order under this Article includes the power to amend or revoke such orders.

Article 13 SERVICE

281.13.1 When deemed served

Where a notice, document, record or other information is required to be provided or given under this Chapter any document given or served under this Chapter is sufficiently given or served by a party when:

- (a) delivered personally or by courier;
- (b) sent by ordinary, prepaid mail addressed to the last known address for the person appearing on the records of the City; or
- (c) sent by e-mail or fax.

281.13.2 Method of service

An order issued under Article 12 may be served personally or served by sending it by ordinary, prepaid mail to the last known address of:

- (a) the person to whom the order is issued; or
- (b) where the identity of the person cannot be ascertained, to the property of the discharger.

281.13.3 When deemed served - corporation

If the person to whom the notice, order, document, record or other information is required to be provided or given under this Chapter is a corporation, service under Section 281.13.1 or Section 281.13.2 shall be effected:

- (a) in the case of any corporation incorporated or continued by or under applicable legislation by,
 - (i) delivering the notice, order, document, record or other information personally to the manager, secretary or other senior officer of the corporation or person apparently in charge of a branch office of the corporation, or
 - (ii) mailing the notice, order, document, record or other information by registered mail to the corporation at an address held out by it to be its address
- (b) in the case of corporation not incorporated or continued by or under applicable legislation by,
 - (i) a method provided under Section 281.13.3(a),
 - (ii) delivering the notice, order, document, record or other information personally to the corporation's resident agent or agent for service or to any other representative of the corporation in Ontario, or
 - (iii) mailing the notice, order, document, record or other information by registered mail to a person referred to in Section 281.13.3 (b) (ii) or to an address outside Ontario, including outside Canada, held out by the corporation to be its address.

281.13.4 Method of service - corporation

Service under Sections 281.13.1, 281.13.2 and 281.13.3, inclusive is deemed to be effected as follows:

- (a) If service is by courier, the next business day after the day the courier received the document from the person giving or serving it.
- (b) If service is by ordinary, prepaid mail, the fifth day after the day of mailing.
- (c) If by e-mail or fax, on the day the document is sent unless the transmission is made on a day other than a business day or if it is sent after 4:30 p.m. on any day, in which case service will be deemed to be effected on the next business day.

281.13.5 Rebuttal - proof of service

Despite Section 281.13.4, deemed service may be rebutted by the person deemed served by proving, on a balance of probabilities, that the person did not receive the notice, document, record or other information until a date other than the deemed service date or not at all due to a cause beyond the person's control.

**Article 14
OFFENCES****281.14.1 Contravention - deemed offence**

Every person who contravenes any provision of this Chapter is guilty of an offence.

281.14.2 Non-compliance with order - offence

Every person who fails to comply with an order issued under Article 12 of this Chapter is guilty of an offence.

281.14.3 Order issued - separate contravention - daily

If an order has been issued under Article 12 of this Chapter, 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.

**Article 15
PENALTIES****281.15.1 Fine - for contravention**

Every person convicted of an offence under this Chapter is liable:

- (a) on a first conviction, to a fine in an amount of not more than \$25,000;
- (b) on any subsequent conviction, to a fine of not more than \$50,000;

- (c) upon conviction for a continuing offence, to a fine of not more than \$10,000 for each day or part of a day that the offence continues, however the total of the daily fines is not limited to \$50,000; and
- (d) upon conviction for a multiple offence, for each offence included in the multiple offence, to a fine of not more than \$10,000, however the total of all fines for each included offence is not limited to \$50,000.

281.15.2 Fine - for contravention - corporation

If the person convicted of an offence under this Chapter is a corporation, then the corporation is liable:

- (a) on a first conviction, to a fine in an amount of not more than \$50,000;
- (b) on any subsequent conviction, to a fine of not more than \$100,000;
- (c) upon conviction for a continuing offence, to a fine of not more than \$10,000 for each day or part of a day that the offence continues, however the total of the daily fines is not limited to \$100,000; and
- (d) upon conviction for a multiple offence, for each offence included in the multiple offence, to a fine of not more than \$10,000, however the total of all fines for each included offence is not limited to \$100,000.

281.15.3 Multiple offence - separate contravention

In this Chapter, "multiple offence" 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 Chapter.

281.15.4 Subsequent conviction - defined

In this Chapter, "subsequent conviction" means a conviction for an offence where the offence occurs after the date of conviction for an earlier offence under this Chapter.

**Article 16
LIMITATION****281.16.1 Other laws - regulations - by-laws - applicable**

Nothing in this Chapter shall be so construed as to permit anything, which by the provisions of any applicable laws, regulations or by-laws is otherwise prohibited.

281.16.2 Exception - City activities

This Chapter shall not apply to discharges, activities or works undertaken by the City.

**Article 17
SEVERABILITY****281.17.1 Validity**

If any provision of this Chapter or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of the Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are severable.

**Article 18
SCHEDULES****281.18.1 Set out**

The following schedules form a part of this Chapter:

Schedule 'A' - Conventional and Physical Parameters - Sanitary Sewers

Schedule 'B' - Organic Parameters - Sanitary Sewers

Schedule 'C' - Inorganic Parameters - Sanitary Sewers

Schedule 'D' - Conventional and Physical Parameters - Storm Sewers

Schedule 'E' - Inorganic Parameters - Storm Sewers

Schedule 'F' - Compliance Agreement

**Article 19
REPEAL - ENACTMENT****281.19.1 By-law - previous**

The former Chapter 281 of the City of Brantford Municipal Code is hereby repealed.

281.19.2 Effective date

This Chapter shall come into full force and effect on the date of its passing. By-law 45-2014, 22 April, 2014.

SCHEDULE**Schedule 'A' - Conventional and Physical Parameter Limits - Sanitary Sewers**

Parameter	Concentration Limit (mg/L, except as noted)
Biochemical Oxygen Demand (BOD)	300
Chemical Oxygen Demand (COD)	600
Total Suspended Solids (TSS)	350
Total Kjeldahl Nitrogen (TKN)	100
Phosphorus	10
pH	6.0-10.5 (unitless)
Temperature	60 Degrees Celsius

By-law 45-2014, 22 April, 2014; Schedule 'A'.

**Schedule 'B' - Organic Parameter Limits -
Sanitary Sewers**

Parameter	Concentration Limit (mg/L)
Benzene	0.01
Chloroform	0.04
Dichlorobenzene (1,2-)	0.05
Dichlorobenzene (1,4)	0.08
Ethylbenzene	0.06
Hexachlorobenzene	0.0001
Methylene chloride (dichloromethane)	0.09
Oil & grease - animal & vegetable	150
Oil and grease - mineral and synthetic/hydrocarbon	15
PCBs (chlorobiphenyls)	0.004
Phenolic compounds	1.0
Tetrachloroethylene (1,1,2,2 -)	0.06
Tetrachloroethylene	0.06
Toluene	0.02
Trichloroethylene	0.05
Xylenes, total	0.3

By-law 45-2014, 22 April, 2014; Schedule 'B'.

**Schedule 'C' - Inorganic Parameter Limits -
Sanitary Sewers**

Parameter	Concentration Limit (mg/L)
Aluminum	50
Arsenic	1.0
Cadmium	0.7
Chlorides	1500
Chromium	2.8
Cobalt	5.0
Copper	2.0
Cyanide	1.2
Fluorides	10
Iron	50
Lead	0.7
Mercury	0.01
Molybdenum	5.0
Nickel	2.0
Selenium	0.8
Silver	0.4
Sulphide (as H ₂ S)	1.0
Tin	5.0
Titanium	5.0
Zinc	3.0

By-law 45-2014, 22 April, 2014; Schedule 'C'.

**Schedule 'D' - Conventional and Physical
Parameter Limits - Storm Sewers**

Parameter	Concentration Limit (mg/L, except as noted)
Biochemical Oxygen Demand	25
Chemical Oxygen Demand	50
Total Suspended Solids	15
Phosphorus	0.4
pH	6.0 -9.0 (unitless)
Temperature	40 Degrees
E.Coli	200 (CFV/100 ml)

By-law 45-2014, 22 April, 2014; Schedule 'D'.

**Schedule 'E' - Inorganic Parameter Limits -
Storm Sewers**

Parameter	Concentration Limit (mg/L)
Aluminum	1.0
Arsenic	0.2
Cadmium	0.001
Chlorides	1500
Chlorine as Cl ₂	1.0
Chromium	0.2
Copper	0.04
Cyanide	0.1
Fluorides	2.0
Iron	1.0
Lead	0.05
Mercury	0.001
Nickel	0.05
Selenium	0.2
Silver	0.12
Sulphates as SO ₄	1500
Tin	1.0
Zinc	0.05

By-law 45-2014, 22 April, 2014; Schedule 'E'.

Schedule 'F' - Compliance Agreement

COMPLIANCE AGREEMENT

This agreement made on the _____ day of *(month)*, _____, *(year)*.

ADDRESS: _____, Brantford, Ontario

BETWEEN:

CORPORATION OF CITY OF BRANTFORD
("City")

of the First Part

-and-

COMPANY / BUSINESS NAME
("Company")

of the Second Part

WHEREAS City of Brantford enacted By-law Number 45-2014 on the 22nd day of April, 2014, ("By-Law") relating to the discharge of sewage into the City sewage works;

AND WHEREAS the By-Law prohibits the discharge of sewage or stormwater containing certain substances in quantities in excess of limits set out in the By-Law, but provides that the City may permit certain discharges which would otherwise be prohibited by the By-Law under certain conditions;

AND WHEREAS the Company carries on an industrial activity at (ADDRESS) in the City of Brantford, which activity produces sewage or stormwater discharge containing certain substances in quantities in excess of limits set out in the By-Law;

NOW THEREFORE the City and the Company hereby agree as follows:

1.0 General Provisions

- 1.1 This Agreement is valid for a period of 12 months commencing the XXth day of month, year, and ending the XXth day of month, year, unless terminated earlier by the City in accordance with the provisions of the By-Law or this Agreement.
- 1.2 This Agreement may be renewed by the City on such terms as it deems appropriate, provided that the Company makes a written request for renewal at least 90 days in advance of the expiry of the term in subsection 1.1.
- 1.3 Throughout the term of this Agreement the quality of the sewage or stormwater discharged must comply with all provisions of the By-Law, as amended, unless otherwise stated within the Over-Strength Conditions of this Agreement.
- 1.4 Within 90 days of the commencement of the Compliance Agreement, the Company shall select an engineer and initiate a feasibility study.

- 1.5 Within 90 days of the commencement of the Compliance Agreement, the Company shall procure and install all required quantity and quality monitoring and sampling equipment to characterize the wastewater discharge.
- 1.6 For the purpose of this Agreement, minimum sampling standards will be defined by the City as part of the monitoring program, as set out in Attachment #4 forming part of this Agreement.
- 1.7 Sampling protocols and procedures must be in accordance with Standard Methods unless otherwise approved by the General Manager.
- 1.8 All critical equipment must be maintained and calibrated at regular intervals not exceeding 1 year. The calibration records must be made available to the City immediately upon request.
- 1.9 The accuracy of the equipment must meet the manufacturer's specifications.
- 1.10 All costs associated with meeting the requirements of the Monitoring Program will be the responsibility of the Company.
- 1.11 Any and all analytical testing generated throughout the term of this Agreement will be conducted by an accredited Laboratory, accredited under the Canadian Association for Laboratory Accreditation Inc. ("CALA"), certified to test any materials found in the effluent identified within this Agreement or as otherwise approved by the General Manager.
- 1.12 The Company shall provide electronic copies of all data identified in the Monitoring Program to the Environmental Services Department upon request or at a minimum of a monthly basis. For the purpose of calculating the Over-Strength Discharge Fee, the actual concentration and the volume of discharge of sewage flow will be based on data collected by the Monitoring Program and verified by the City. In circumstances when an error occurs during data collection, actual concentrations will be determined based on best available data. The City may choose to use its own sampling, analysis and flow data for billing purposes.
- 1.13 Within 12 months of the commencement of the Compliance Agreement a **Compliance Program**, as set out in **Attachment 1**, must be completed and submitted to the City for the General Manager's approval, identifying the measures the Company will take to reduce its sanitary or storm discharge concentration levels to conform to By-Law limits.
- 1.14 A **Compliance Program Progress Report**, as set out in **Attachment 2**, must be submitted to the General Manager on a quarterly basis once the Compliance Program has been accepted by the City.
- 1.15 Amendments to this Agreement shall be mutually agreed upon and in writing. The Company shall complete the **Amendment Request Application** in **Attachment 3** and submit to the City for review no later than 30 days prior to the expiry of the term in section 1.1. The Amendment Request Application must be completed in full and include payment of the applicable fee, identified in the Fees and Charges By-law, to be deemed a complete submission. Unless specified, an amendment shall not affect the expiry date of the Compliance Agreement.
- 1.16 Any document or record submitted by the Company to the General Manager for the purpose of this Agreement is subject to review and acceptance by the General Manager and will form part of the Agreement except that the Company is solely responsible for the design, construction and operation of its facilities and all risks and costs associated therewith. The General Manager's review and acceptance of documents or records is for the sole purpose of evaluating the Company's progress towards complying with the By-law and this Agreement.
- 1.17 Nothing within this Agreement grants the Company the authority to contravene any other existing

federal, provincial or municipal laws, including the requirement to obtain and comply with any approvals.

- 1.18 The Company must provide to the City a copy of all necessary approvals issued by federal, provincial or municipal government or agency, in relation to the matters contained herein. The Company must also, within 5 business days, notify the City if any such approval has expired or been terminated, suspended or varied for any reason.

2.0 Over-Strength Conditions

- 2.1 Throughout the term of this Agreement the quality of the sewage discharged by the Company may exceed the limits for the parameters identified in Table 1 below.

Table 1 – Over-strength Parameters

Parameter
Biochemical Oxygen Demand (BOD)
Chemical Oxygen Demand (COD)
Total Suspended Solids (TSS)
Total Kjeldahl Nitrogen (TKN)
Total Phosphorus (TP)
<i>Additional Parameter</i>
<i>Additional Parameter</i>

2.2 Despite section 2.1, throughout the term of this Agreement the quality of the sewage discharged by the Company shall not exceed the limits identified in Table 2 below as specified by the General Manager:

Table 2 – Over-Strength Parameter Limits

Substance	Over-Strength Concentration Limit (mg/L)
Biochemical Oxygen Demand (BOD)	Parameter Limit
Chemical Oxygen Demand (COD)	Parameter Limit
Total Suspended Solids (TSS)	Parameter Limit
Total Kjeldahl Nitrogen (TKN)	Parameter Limit
Total Phosphorus (TP)	Parameter Limit
Additional Parameter	Parameter Limit
Additional Parameter	Parameter Limit

2.3 Throughout the term of this Agreement the discharge from the company shall not exceed the loading limits identified in Table 3 below as specified by the General Manager:

Table 3 – Over-Strength Loading Limits

Substance	Loading Limit (kg/d)
Biochemical Oxygen Demand (BOD)	
Chemical Oxygen Demand (COD)	
Total Suspended Solids (TSS)	
Total Kjeldahl Nitrogen (TKN)	
Total Phosphorus (TP)	
Additional Parameter	
Additional Parameter	

2.4 Any over-strength discharge is subject to the Over-Strength Discharge Fee (OSDF) as per the following formula:

$$OSDF = C \times Q \times R \times p / 100$$

“OSDF” means the Over-Strength Discharge Fee, expressed in dollars; always greater than or equal to zero

“C” means the sum of, the ratio of (Actual Concentration – By-law Concentration Limit) / (By-law Concentration Limit) of the parameter that is in the highest ratio above the respective by-law limits for BOD, COD, TSS, TKN, and TP, provided it is greater than zero, and the ratio of (Actual Concentration – By-law Concentration Limit) / (By-law Concentration Limit) for each additional parameter above by-law limits;

“Q” means the volume of discharge of sewage flow in cubic metres (m³) for the period being billed;

“R” means the over-strength discharge rate in dollars/cubic metre (m³) as set out in the City’s Fees and Charges By-law; and

“p” means percentage of total cost recovery as set out in the City’s Fees and Charges By-law and reviewed annually.

3.0 Termination or Suspension of Agreement

3.1 The City may terminate or suspend this Agreement and may require the Company to cease the

discharge by giving written notice sent by registered mail to the Company,

- a) at any time where, in the opinion of the General Manager, there is an immediate threat or danger to any person, animal, property or the natural environment, in which case the termination or suspension shall be effective immediately upon receipt of the written notice;
 - b) at any time where, in the opinion of the General Manager, a discharge causes or may cause an adverse effect to the sewage works or storm system, in which case the termination or suspension shall be effective immediately upon receipt of written notice;
 - c) at any time where the requirements of this agreement are not met, in which case the termination or suspension shall be effective immediately upon receipt of written notice;
 - d) at any time, at the sole discretion of the General Manager, by giving 30 days written notice, in which case the termination or suspension shall be effective on the date stated in the written notice; or
 - e) at any time where the Company discharges or causes or permits the discharge of sewage or any other material into the sanitary sewer in circumstances where to do so may or could result in:
 - i. damage to any part of the sewage works or causing a dangerous condition in the sewage works;
 - ii. the sewage works effluent contravening any requirement under the *Ontario Water Resources Act* or the *Environmental Protection Act* or any regulation made there under;
 - iii. the biosolids from the sewage works failing to meet the objectives and criteria set out in the Ministry of Environment publication entitled "Guidelines for the Utilization of Biosolids and Other Wastes on Agricultural Land" dated March 1996, as amended from time to time;
 - iv. impairment, inhibition or interference with the proper operation of any part of the sewage works; or
 - v. increasing the operational costs of the sewage works in the opinion of the General Manager.
- 3.2 The City may terminate or suspend this Agreement and may require the Company to cease the discharge if the location of the Company identified above changes in which case the termination or suspension shall be effective immediately.
- 3.3 In the event of termination, suspension or expiration of this Agreement, the Company shall comply with all provisions of the By-Law immediately as of the date of expiry, termination or suspension of this Agreement.

4.0 Contact Information

The following representatives shall be the designated contacts for the purposes of this Agreement.

City	_____	_____	_____	_____
	Name	Title	Telephone #	Extension

Company	_____	_____	_____	_____
	Name	Title	Telephone #	Extension

5.0 Binding Agreement & Assignment

This Agreement shall be binding on the parties hereto, their respective heirs, executors, administrators, successors or assigns. Notwithstanding the foregoing this Agreement may not be assigned by the Company without the prior written consent of the City which consent may be withheld.

I, _____, have the authority as a representative of
Company, to bind this agreement.

_____	_____
signature	date

I have the authority as a representative of the Corporation of City of Brantford, to bind this Agreement.

_____	_____
General Manager, Public Works Commission	date

Attachment #1 - Compliance Program

The Company will carry out the "Required Action" identified below and adhere to the commencement and completion dates noted. The General Manager in his or her discretion may require additional actions beyond those identified below.

Required Action	Scheduled Commencement Date	Scheduled Completion Date
Engage Engineer to conduct detailed design		
Select contractor for installation / construction		
Commence construction		
a) Site preparation (survey, excavation etc.)		
b) Foundation work & underground utilities		
c) Structural work (buildings, etc.)		
d) Mechanical work (control panels, meters, etc.)		
e) Electrical work (control panels, etc.)		
f) Site finish work (fences, clean-up etc.)		
Commissioning		
Submit commissioning report to City		

If any item above is not needed as part of the Compliance Program, "not applicable" can be included in the Scheduled Commencement Date column.

Attachment #2 - Compliance Program Progress Report

This report is valid from _____ to _____
(must be submitted quarterly at a minimum)

Company Name: _____

Date Submitted: _____

Authorized Representative: _____

Compliance Program Activity Description for this Quarter:

What percent of your Compliance Program has been completed? _____

Are you meeting your Scheduled Commencement/Completion dates? L. yes
 - no

If not, identify which ones and state reason(s) for delay:

What action has been initiated to return project to original schedule?

Attachment #3 – Amendment Request Application

The Amendment Request Application must be completed and submitted to the City's Compliance Division for review no later than 30 days prior to the expiry date identified in section 1.1 of the Agreement.

Company Name: _____

Purpose of Amendment:

Approximately what percent of the Compliance Program is completed?

Application Processing Fee

The applicant agrees to pay the City the appropriate fee by cheque, made payable to the Corporation of the City of Brantford. The amendment request will not be processed unless payment has been received by the City.

Application cost \$ _____

Fee enclosed herein in the amount of: _____

Signature of Applicant / Company

Name (Print)

Title (Print)

Date (DD/MM/YY)

The information submitted in this form is subject to verification by the Corporation of
City of Brantford

Attachment #4 - Monitoring Program

The Company will carry out the "Required Action" as identified below for the duration of the Compliance Agreement.

For the purpose of this agreement, Company _____ will be required to install: (check all that apply)

A monitoring manhole at or near property line for City use

Wastewater discharge flow measuring equipment

Sampling equipment -

Other: -

Other: -

Other: -

Other: -

For the purpose of this Agreement, Company XXXX will be required to sample as per table below:

Required Action	Type of Sample Required	Minimum Frequency of Sample Taking
Sample Parameter to be Collected and Analyzed:		
a) BOD		
b) COD		
c) TSS		
d) TKN		
e) TP		
f)		

Sampling protocols and procedures and analytical test methods must be in accordance with Standard Methods unless otherwise approved by the General Manager.

All requirements of the Monitoring Program are at the expense of the discharger.

By-law 45-2014, 22 April, 2014; Schedule 'F'.