

THE REGIONAL MUNICIPALITY OF NIAGARA

By-law No. 47-2008

A By-law to regulate discharges to the sanitary and storm sewer systems of the Regional Municipality of Niagara and to repeal By-law No. 39-2002.

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THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 47-2008

A BY-LAW TO REGULATE DISCHARGES
TO THE SANITARY AND STORM SEWER SYSTEMS
OF THE REGIONAL MUNICIPALITY OF NIAGARA
AND TO REPEAL BY-LAW NO. 39-2002

WHEREAS pursuant to section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, Regional Council may pass by-laws respecting sanitary and storm sewage systems;

AND WHEREAS Regional Council may pass by-laws for providing that any person who contravenes a by-law of the municipality passed under the *Municipal Act, 2001* is guilty of an offence;

AND WHEREAS Regional Council is desirous of passing a by-law to regulate discharge to the sanitary and storm sewer systems of the Regional Municipality of Niagara;

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF NIAGARA HEREBY ENACTS AS FOLLOWS:

1. DEFINITIONS:

In this by-law unless the context specifically indicates otherwise:

"Biochemical Oxygen Demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of matter as determined in accordance with Standard Methods;

"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;

"Biosolids" means stabilized municipal sewage sludge as recovered from the Region's wastewater treatment plants;

"Building sewer" means that part of a drainage system outside a building commencing at a point 0.9 meters from the outer face of the wall of the building and connecting the building drain to a public sewer or place of disposal of sewage;

"Colour of liquid" means the appearance of a liquid from which the suspended solids have been removed;

"Composite sample" means a volume of sample made up of three or more grab samples that have been combined automatically or manually and taken at intervals during the sampling period;

"Combined sewer" means a sewer intended to function simultaneously as a storm sewer and a sanitary sewer;

"Commissioner" means the Commissioner of Public Works for the Regional Corporation, or the person duly authorized to act in his or her stead;

"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;

"Discharger" means an individual, association, partnership, corporation, municipality, or an agent or employee thereof, in occupation or having the charge, management or control of a premises, sewage, storm water, uncontaminated water or any combination thereof, to which this by-law applies;

"Domestic wastewater" means sanitary sewage generated from toilets, sinks, bathtubs, showers and other fixtures through the course of normal human residential activities;

"Fuel" means alcohol, gasoline, naphtha, diesel fuel, fuel oil or any other ignitable substance intended for use as fuel;

"Garbage" means solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce;

"Grab sample" means a discrete sample taken from a discharge or a composite of multiple discrete samples taken from the discharge no more than 15 minutes apart;

"Hauled sewage" means wastewater removed from a wastewater system, septic tank system, a cesspool, a privy vault or privy pit, a chemical toilet, a portable toilet or a sewage holding tank that is transported to a sewage works for disposal;

"Matter" means any solid, liquid or gas;

"Non-domestic wastes" means any liquid, solid or gaseous substance or combination thereof, other than sanitary sewage, resulting from any industrial, commercial or institutional process;

"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, as amended;

"PCB" means any monochlorinated or polychlorinated biphenyl or any mixture of them or mixture that contains one or more of them;

"PCB waste" means a PCB waste within the meaning of O. Reg.362, as amended, made under the *Environmental Protection Act*, R.S.O. 1990 c. E.19, as amended;

"Person" means any individual, firm, partnership, municipality or other corporation;

"Pesticide" means a pesticide or herbicide regulated under the *Pesticides Act*, R.S.O. 1990, c. P.11, as amended;

"pH" means the logarithm to the base 10 of the reciprocal of the concentration of hydrogen ions in solution as determined in accordance with Standard Methods;

"Phenolics, 4AAP" means those organic compounds that contain a hydroxyl group directly bound to a carbon atom in a benzene ring which can be identified by the 4-Aminoantipyrine method (4-AAP) as set out in the most current edition of Standard Methods;

"Reactive waste" means a substance that,

- is normally unstable and readily undergoes violent changes without detonating,
- reacts violently with water,
- forms potentially explosive mixtures with water,
- when mixed with water, generates toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment,
- 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,
- is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement,
- is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure,

- is an explosive (Class 1) as defined in the regulations under the *Transportation of Dangerous Goods Act*, S.C 1992, c. 34, as amended;

"Regional Corporation" means The Regional Municipality of Niagara;

"Regional Council" means municipal council of the Regional Corporation;

"Regional Sewer or Regional Sewage Works or Regional Storm Sewer" means respectively a sewer, sewage works, or storm sewer, under the control of the Regional Corporation;

"Sanitary sewer" means a sewer for the collection and transmission of sewage and to which storm, surface and ground waters are not intentionally admitted;

"Sewage" means any one or combination of sanitary sewage or non-domestic or water borne wastes from residences, businesses, institutions or industries, together with such ground, surface and storm waters which may be present, and referred to at times as "wastewater";

"Sewage hauler" means a company with a valid Certificate of Approval (C of A) for a Waste Management System issued under Part V of the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended, from the Ontario Ministry of the Environment;

"Sewage works" means all sanitary sewers, sewer systems, sewage pumping stations, wastewater treatment plants and all other works for the collection, acceptance, transmission, treatment or disposal of sewage;

"Sewer" means sanitary, combined or storm sewer;

"Spill" means a direct or indirect discharge or deposit to the sewage works or the natural environment which is abnormal in quality or quantity in light of all the circumstances of the discharge;

"Standard Methods" means a procedure or method set out in the edition current at the date of testing, of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Control Federation;

"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;

"Storm water" means water from rainfall, other natural precipitation, or from the melting of snow or ice;

"Uncontaminated water" means potable water as supplied by the municipality or any other water to which no matter has been added as a consequence of its use, or to modify its use;

"Wastewater Treatment Plant or WWTP" means any arrangement of devices and structures used for treating sewage;

"Watercourse" means an open channel or ditch constructed as or resulting from the construction of a municipal work in which a flow of storm water occurs either continuously or intermittently, including road ditches and including other natural depressions or watercourses draining into any such open channel or ditch whether connected to a storm sewer or not.

2. LIMITATION:

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

3. ADMINISTRATION AND ENFORCEMENT:

3.1 Regional Council may enact a by-law appointing enforcement officers for the purpose of the enforcement of this by-law as required.

3.2 An enforcement officer appointed by Regional Council, the Commissioner, or any person authorized by the Commissioner may at all reasonable times enter upon and inspect any land and buildings for the purposes of enforcing this by-law, determining compliance with this by-law, determining compliance with the terms and conditions of a discharge agreement under this by-law, or laying charges under this by-law.

3.3 Any person who obstructs or interferes with an enforcement officer, the Commissioner, or any person authorized by the Commissioner, in the discharge of his or her duties under this by-law, shall be considered in violation of this by-law.

4. USE OF SANITARY AND COMBINED SEWERS:

No person shall discharge or deposit or cause or permit the discharge or deposit into any sanitary or combined sewer or into any sewer or sewer system connected directly or indirectly with any Regional sanitary sewer, any matter or quantity of matter which may be harmful to or may become harmful to such sewage works, or which may interfere with their proper operation, or which may impair or interfere with any sewage treatment process, or which may obstruct or may tend to obstruct any sewer, or which may be or may become a hazard to persons, property or animals, or, notwithstanding and without limiting the generality of the foregoing, any of the following:

- 4.1 Sewage volumes or matter whose daily discharge exceeds twenty percent (20%) of the annual average daily flow or loadings to the receiving WWTP component of the sanitary sewage works, unless otherwise approved in writing by the Commissioner;
- 4.2 Sewage containing pesticides;
- 4.3 Sewage containing dyes or colouring materials which pass through a sewage works and discolour the sewage works effluent;
- 4.4 Sewage at a temperature in excess of 65 degrees Celsius;
- 4.5 Flammable or explosive matter, and without limiting the generality of the foregoing, gasoline, benzene, naphtha, fuel oil, acetone or other solvents;
- 4.6 Any quantity of matter capable of obstructing the flow in or interfering with the proper operation of any part of the sewage works, and without limiting the generality of the foregoing, any such quantity of ashes, cinders, sand, straw, mud, shavings, metal, glass, rags, feathers, plastic, wood or cellulose;
- 4.7 Sewage containing pathological waste, except that which is decontaminated prior to discharge or is otherwise approved by the Commissioner;
- 4.8 Sewage having a pH less than 6 or greater than 11 or which due to its nature or content becomes less than 6 or greater than 11 within a sewage works;

- 4.9 Sewage that may cause an offensive odour to emanate from a sewage works, and without limiting the generality of the foregoing, sewage containing hydrogen sulphide, carbon disulphide, other reduced sulphur compounds, amines, or ammonia, in such quantity that may cause an offensive odour to emanate from the sewage works;
- 4.10 Sewage containing animal waste, and without limiting the generality of the foregoing, sewage containing intestines, stomach casings, intestinal contents, hides, hooves, toenails, horns, bones, poultry heads, hair, wool, fur, feathers, paunch manure or fleshings in a quantity sufficient to interfere with the proper operation of the sewage works;
- 4.11 Any garbage, except from approved garbage disposal units or grinders, or any food waste which has not been properly shredded so that all particles will be carried freely under flow conditions normally prevailing in public sewers;
- 4.12 Sewage containing any of the following matter in excess of the concentrations indicated in Table 1:

Table 1 – Limits for Sanitary and Combined Sewers

Parameter	Limit (mg/L)
Aluminum, Total	50
Antimony, Total	5
Arsenic, Total	1
Barium, Total	5
Benzene	0.01
Biochemical Oxygen Demand	300
Cadmium, Total	0.7
Chloride	3000
Chloroform	0.04
Chromium, Total	5
Cobalt, Total	5
Copper, Total	3
Cyanide, Total	1
1,4-dichlorobenzene	0.47
Ethylbenzene	0.16
Fluoride	10
Iron, Total	50
Kjeldahl Nitrogen, Total	100
Lead, Total	2

Parameter	Limit (mg/L)
Mercury, Total	0.05
Methylene Chloride	0.21
Molybdenum, Total	5
Nickel, Total	3
o-Xylene	0.52
Phenolics (4AAP)	1
Phosphorus, Total	10
Selenium, Total	5
Silver, Total	5
Solvent Extractables – animal or vegetable in origin	100
Solvent Extractables – mineral or synthetic in origin	15
Sulphate	1500
Sulphides, Total	1
Suspended Solids, Total	350
1,1,2,2 – Tetrachloroethane	0.04
Tetrachloroethylene	0.05
Tin, Total	5
Toluene	0.27
Trichloroethylene	0.07
Zinc, Total	5

- 4.13 Waste radioactive prescribed substances, except where the waste radioactive prescribed substances are being discharged under a valid license issued by the Atomic Energy Control Board, or successor agency;
- 4.14 Storm water, water from drainage of roofs or building foundations or land or from a watercourse, or uncontaminated water except that which may be discharged into a combined sewer;
- 4.15 Sewage which consists of two or more separate liquid layers;
- 4.16 PCB waste, except where:
 - 4.16.1 The discharger has a Certificate of Approval for a mobile site or PCB mobile waste disposal system issued under the *Environmental Protection Act* or where the discharger is claiming an exemption and the discharger has demonstrated to the Commissioner that the conditions of the exemption are met;

- 4.16.2 A copy of the most recent certificate or provisional certificate and any amendment is provided to the Commissioner;
 - 4.16.3 The discharger has written approval from the Commissioner for the discharge of the PCB waste to the sewage works; and
 - 4.16.4 All requirements of Ontario Reg. 362 and Ontario Reg. 352, as amended, are met.
- 4.17 Regardless of any limitations set forth in this by-law, any quantity of matter which may hinder or prevent the disposal or application of biosolids on land due to limitations set forth in the current *Ontario Nutrient Management Act*, S.O. 2002. c. 4 or any successor guidelines or regulation(s);
- 4.18 Regardless of any limitations set forth in this by-law, any volume or quantity of matter which may cause the receiving Regional Sewage Works or treatment facility to exceed the limits within its current Certificate of Approvals as issued by the Ontario Ministry of the Environment;
- 4.19 Regardless of any limitations set forth in this by-law, any volume or quantity of matter which may cause the discharged effluent from the receiving Regional Sewage Works or treatment facility to exceed any limits set forth by any regulatory body.
5. INTERCEPTORS FOR GREASE, OIL AND SAND:
- 5.1 Every owner or operator of a restaurant or other industrial, institutional or commercial building where food is cooked, processed or prepared shall install an interceptor for oil and grease, unless otherwise approved by the Commissioner.
 - 5.2 Every owner or operator of a motor vehicle service station, mechanical repair shop, or any other establishment where motor vehicles are repaired, lubricated, or maintained that has a discharge to a sanitary or combined sewer, shall provide an interceptor for oil and grease designed to prevent oils and greases from entering the sewer system, unless otherwise approved by the Commissioner.
 - 5.3 Every owner or operator of a facility where sand, grit or similar material may directly or indirectly enter a sanitary or combined sewer shall take all necessary measures to ensure that such grit is

prevented from entering the sewer. Such measures may include the installation and maintenance of interceptors or other appurtenances as approved by the Commissioner.

- 5.4 Any interceptor described in Section 5.1, 5.2, or 5.3 shall be installed in compliance with the most current requirements of the applicable building code. Interceptors shall be maintained by the owner, at the owner's expense, in good working order. The owner is required to produce a maintenance schedule and maintenance records for the preceding eighteen (18) month period upon request by the Commissioner. The Commissioner shall have the right to enter upon the premises at any time to inspect the operation and maintenance of the interceptor.

6. MAINTENANCE ACCESS POINTS:

- 6.1 The owner or occupant of commercial or industrial premises, with one or more connections to a sewage works shall install and maintain in good repair in each connection, a suitable maintenance access point (manhole) to allow observation, sampling and flow measurement of the sewage therein. Where installation of a manhole is not possible an alternative device or facility may be substituted with the approval of the Commissioner.
- 6.2 Every manhole or alternative device or facility shall be located on the property of the owner or operator of the premises, as close to the property line as possible, unless otherwise approved by the Commissioner.
- 6.3 Every manhole, device or facility installed as required by this Section 6 of the by-law shall be designed and constructed in accordance with good engineering practice and the requirements of the Commissioner, and shall be constructed and maintained by the owner or operator of the premises.
- 6.4 The owner or occupant of commercial or industrial premises shall at all times ensure that every manhole, device or facility installed as required by this by-law is at all times accessible for the purpose of observing, sampling and measuring the flow of sewage therein.

7. SAMPLING AND ANALYTICAL REQUIREMENTS:

- 7.1 The Commissioner may require the owner or occupant of commercial or industrial premises to:
 - 7.1.1 Collect and analyze samples of sewage discharges;
 - 7.1.2 Install devices to monitor sewage discharges;
 - 7.1.3 Submit regular reports regarding the discharges.
- 7.2 All measurements, tests, and analysis of the characteristics of the sewage and wastes to which reference is made in this by-law, shall be carried out at the maintenance access point, or approved alternate device or facility, required pursuant to this by-law or upon suitable samples taken there from.
- 7.3 All sampling and analyses required by this by-law shall be in accordance with "Standard Methods" or other methods as approved by the Commissioner.

8. BUILDING SEWERS:

- 8.1 No person shall connect or cause or permit the connection of any roof water leader, eaves trough, downspout or building foundation drain (weeping tile) directly to a sanitary sewer or a sewer which ultimately discharges to a Regional Sewage Works.
- 8.2 Where in the opinion of the Commissioner a person is contravening the provisions of Section 4 or Section 9 of this By-law, the Commissioner may, upon written notice to the person or the owner or occupant of the lands from which the discharge is occurring, order the land drainage works, sewer connection or Regional Sewer connection to any sewage works carrying the prohibited discharge to be stopped up or disconnected. No land drainage works, sewer connection or Regional Sewer Connection so disconnected shall be reconnected until such time as measures are undertaken satisfactory to the Commissioner to eliminate the prohibited discharge. All expenses incurred by the Regional Corporation for these actions shall be reimbursed to the Regional Corporation by these persons, owners or occupants at the time of re-connection or unstopping of the sewer connections.

9. STORM SEWER REQUIREMENTS:

9.1 No person shall discharge or deposit to or cause or permit a discharge to a Regional Storm Sewer or to a storm sewer directly or indirectly connected to a Regional Storm Sewer unless:

9.1.1 The discharge is uncontaminated cooling water or storm water or uncontaminated water;

9.1.2 The discharge does not interfere with the proper operation of a storm sewer;

9.1.3 The discharge does not obstruct or restrict a storm sewer or the flow therein;

9.1.4 The discharge does not result in any hazard or other adverse impact, to any person, animal, property, or vegetation;

9.1.5 The discharge does not impair the quality of the water in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse;

9.1.6 The discharge does not contravene or result in the contravention of a certificate of approval or provisional certificate of approval issued under the *Ontario Water Resources Act* (OWRA) or the *Environmental Protection Act (Ontario)* (EPA), as amended, with respect to the storm sewer and/or its discharge from the storm sewer into a watercourse;

9.1.7 The discharge does not 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;

9.1.8 The discharge does not have one or more of the following characteristics:

- a) two or more separate layers; or
- b) a pH less than 6.5 or greater than 8.5;

9.1.9 The discharge does not contain one or more of the following:

- a) biomedical waste;
- b) combustible liquids;
- c) fuels;
- d) hauled sewage;
- e) hauled waste;
- f) ignitable waste;
- g) PCB waste;
- h) pesticides;
- i) reactive waste;
- j) waste radioactive prescribed substances;
- k) waste disposal site leachate; or

9.2 The discharge does not contain contaminants from raw materials, intermediate or final products or wastewater from a commercial or industrial operation.

10. CONNECTIONS:

10.1 Any person who wishes to connect a sewage works to a Regional Sewage Works shall pay the fees as set from time to time by Regional Council.

10.2 No person shall connect or cause or permit the connection of any private sewage treatment works to a Regional Sewer unless the plans, specifications and other pertinent information have been submitted to and approved by the Commissioner, the above mentioned fees have been paid, and thereafter all sewage discharged into the Regional Sewage Works shall be in compliance with the requirements of this by-law.

10.3 No person shall discharge or deposit into or cause or permit a discharge or deposit into any Regional Sewage Works, any sewage or other refuse or matter of any kind, by any means other than by an authorized connection or entry to such works.

11. HAULED SEWAGE:

- 11.1 A Sewage hauler shall only deposit hauled sewage to a Regional Sewage Works in compliance with the sewage works current Certificate of Approval and only if the hauled sewage meets the conditions set out in O. Reg. 347, R.R.O. 1990, as amended from time to time, and has originated from sources within the municipal boundaries of the Regional Municipality of Niagara.
- 11.2 The Sewage hauler shall not deposit any hauled sewage that contains any substance or material prohibited by this by-law, except that it may exceed the limits specified in this by-law in respect of BOD, Suspended Solids and Phosphorus and other limits as may be approved by the Commissioner.
- 11.3 The Sewage hauler shall, at all times, have and maintain all necessary approvals, permits and or certificates required under Ontario legislation and regulations in carrying on the activity as a hauler of hauled sewage. The sewage hauler shall obtain from the Commissioner, in advance, authorization to deliver hauled sewage to one or more Regional Wastewater Treatment Plants.
- 11.4 Prior to depositing any hauled sewage to a Regional Wastewater Treatment Plant, the sewage hauler, or its respective employee or agent, shall complete, in a legible manner, a "Hauled Sewage Record" form as provided by the Commissioner. The sewage hauler shall record date, volume and source of sewage. The Commissioner may amend the "Hauled Sewage Record" form at any time and the sewage hauler shall complete any such form provided by the Commissioner.
- 11.5 A representative sample of the hauled sewage shall be provided by the sewage hauler from each load discharged at that time.
- 11.6 The Commissioner may refuse to accept any hauled sewage at a sewage works if that sewage works does not at that time have capacity to treat that sewage or if any provisions of this Section are not met.
- 11.7 The Commissioner may give written approvals to sewage haulers permitting them to deposit hauled sewage under specific terms and conditions.

- 11.8 The Commissioner may give written approvals to sewage generators, permitting sewage generated by them under specified terms and conditions to be received at Regional Sewage Works.
- 11.9 The Commissioner may give written approvals to sewage haulers, permitting them and their specified vehicles to deposit sewage to specified sewage works during specified times, and may give written approvals to sewage generators permitting specified sewage generated by them to be received at specified sewage works.
- 11.10 The Commissioner may revoke immediately any such approvals if the requirements of this by-law, or any policies or procedures implementing this by-law, are not met.
- 11.11 The Commissioner may require sampling and testing of hauled sewage, at the expense of the sewage hauler or sewage generator, as the Commissioner considers necessary.
- 11.12 The fees charged for these approvals shall be as set from time to time by Regional Council.
- 11.13 The fees charged for receiving and treating the hauled sewage shall be as set from time to time by Regional Council.

12. MANHOLE COVER OR OPENING:

No person shall remove or tamper with or cause or permit any removal or tampering with any manhole cover or any other opening into any Regional Sewage Works without the express approval of the Commissioner.

13. DISCHARGE AGREEMENTS:

- 13.1 The discharge or deposit of sewage that would otherwise be prohibited by this By-law may be permitted to an extent fixed by a Surcharge Agreement or a Restrictive Discharge Agreement between the Discharger and the Commissioner.
- 13.2 A Surcharge Agreement referred to in Section 13.1, shall only be made with respect to the discharge of sewage containing Biochemical Oxygen Demand, Total Phosphorus, Suspended Solids or other parameters treatable at the receiving sewage works.
- 13.3 A Surcharge Agreement shall contain terms and conditions related to the calculation and payment of additional costs of operation,

repair and maintenance of the sewage works related to the treating the sewage.

- 13.4 A Surcharge Agreement shall specify any limitations as to the concentration or loadings of treatable parameters.
- 13.5 A Surcharge Agreement shall be in the form as approved by the Commissioner.
- 13.6 A Restrictive Discharge Agreement referred to in Section 13.1, may be entered into where, in the sole opinion of the Commissioner, the discharge of sewage may result in the receiving sewage works to discharge matter in non-compliance with any Federal or Provincial Act, Regulation or Guideline.
- 13.7 A Restrictive Discharge Agreement may have terms and conditions that restrict the concentrations or loadings of any parameter in the discharge.
- 13.8 A Restrictive Discharge Agreement may have terms and conditions related to the quantity of sewage discharged.
- 13.9 A Restrictive Discharge Agreement may have other such terms and conditions as the Commissioner deems appropriate.
- 13.10 A person applying to the Commissioner for an agreement under Section 13.1 shall pay an application fee in an amount set by Regional Council.
- 13.11 During the period of the executed agreement as contemplated in Section 13.1, the discharger shall comply with all other aspects of the by-law that are not contained within the agreement.
- 13.12 The Commissioner may terminate, at any time, any agreement under Section 13.1 where:
 - 13.12.1 The discharger fails to abide by the terms and conditions of the agreement;
 - 13.12.2 The discharger contravenes other provisions of this by-law;
 - 13.12.3 The Commissioner has determined that there is an emergency situation of immediate threat or danger to any person, property, plant, animal or waters; or

13.12.4 The Commissioner believes the discharge may affect the proper operation of the receiving sewage works.

14. PRIOR AGREEMENTS:

This by-law shall not prohibit the discharge of sewage expressly permitted by an agreement, between any person and the Ontario Ministry of the Environment, existing at the time this by-law comes into force.

15. COMPLIANCE PROGRAM:

15.1 The owner or occupant of commercial, industrial or institutional premises may submit for approval to the Commissioner, a program to prevent or reduce and control the discharge or deposit of sewage or uncontaminated water into connections to a sewage works or to a storm sewer from those premises.

15.2 The Commissioner may issue an approval to such a program, to be known as a "Compliance Program" to the person who submitted the program. The Compliance Program may contain such terms and conditions as in the opinion of the Commissioner are appropriate.

15.3 A person to whom a Compliance Program has been issued shall not be prosecuted under those parts of Section 4 or Section 9 of this by-law for the discharge or deposit of sewage specified in the Compliance Program during the period within which the Compliance Program is applicable provided that the person complies fully with the terms of the program.

16. PROHIBITION OF DILUTION:

No person shall add or cause or permit the addition of water or any other material from any source to sewage for the sole purposes of dilution to achieve compliance with this by-law.

17. SPILLS & HAZARDOUS WASTE:

17.1 Any person responsible for a spill to or who caused or permitted a spill to a sewage system which may be considered hazardous to persons, property or animals, or any discharge which may be considered detrimental to the natural environment or the efficient operation, or safety of Regional treatment systems or personnel shall immediately notify the Commissioner.

17.2 All costs incurred by the Region as a result of such discharge shall be borne by the responsible person.

- 17.3 If in the opinion of the Commissioner the installation of any devices, structures or equipment is required to prevent, contain or reduce the discharge of material to the sewage system which may be hazardous or become hazardous to persons, property or animals or detrimental to the natural environment or the efficient operation of the sewage works, such devices, structures or equipment shall:
- 17.3.1 Be installed and maintained in good working order at the expense of the owner or occupant of the premises;
 - 17.3.2 Be designed, constructed and maintained in accordance with good engineering practices, the requirements of The Commissioner and any applicable building or plumbing codes; and
 - 17.3.3 In emergency circumstances, the Region may arrange for temporary works and operational arrangements, to limit the discharges or other negative or dangerous impact, until such time as the owner or occupant has undertaken all necessary means to control the problem; all costs related to the temporary arrangements shall be borne by the owner.
- 17.4 The owner or occupant of commercial or industrial premises may be required by the Commissioner to develop and maintain a Spill Response Contingency Plan to the satisfaction of the Commissioner which:
- 17.4.1 Shall be reviewed and updated on a yearly basis by the owner or occupant;
 - 17.4.2 Together with all updates shall be provided to the Commissioner no later than 30 days after completion; and
 - 17.4.3 Shall be readily available to all the staff of the owners or occupants.

18. MAINTENANCE AND RECORD KEEPING:

- 18.1 Any device, structure or equipment required to comply with this by-law shall be maintained at all times in good working order and readily available for inspection by the Commissioner or authorized representative.

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18.2 The owner or occupant is required to produce maintenance, calibration and inspection records for the preceding thirty six (36) month period upon request by the Commissioner of such devices, structures, equipment or records as required as a result of this by-law.

18.3 The Commissioner or authorized representative shall have the right to enter the premises at any time to inspect the operation and maintenance of such devices, structures, equipment or records required as a result of this by-law.

19. PUBLIC ACCESS TO INFORMATION:

19.1 All information submitted to and collected by the Regional Corporation including discharge agreements, monitoring and inspection reports, reports of analysis and other related information 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*, R.S.O. 1990 c. M.56 as amended (MFIPPA).

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

20. OFFENCE:

20.1 Any person who contravenes any provision of this by-law is guilty of an offence and is liable to a fine of not more than \$10,000, upon conviction of a first offence, and \$25,000 for any subsequent offence under this by-law.

20.2 Notwithstanding subsection (20.1), where a corporation is convicted of an offence under this by-law, the maximum penalty that may be imposed upon the corporation is \$50,000 for the first offence and \$100,000 for any subsequent offence.

21. EXCEPTIONS:

21.1 This by-law shall not prohibit the use of any substance or discharge of any sewage expressly permitted or required by the Medical Officer of Health.

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21.2 This by-law shall not prohibit the normal discharge of domestic wastewater.

22. REPEAL OF PREDECESSOR BY-LAW:

By-law No.39-2002 and all amendments thereto are hereby repealed upon the coming into force of this by-law.

23. SEVERABILITY:

If any section or sections of this by-law, or parts thereof, is or are found by any Court or tribunal to be illegal or beyond the power of the Regional Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this by-law shall be deemed to be separate and independent there from and to be enacted as such.

24. SHORT TITLE:

This by-law may be referred to as the "Sewer Use By-law".

25. COMING INTO FORCE:

This by-law shall come into force and take effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

Original signed by:

(Peter Partington, Regional Chair)

Original signed by:

(Pam Gilroy, Regional Clerk)

Passed: May 22, 2008