

THE CORPORATION OF THE MUNICIPALITY OF THAMES CENTRE

BY-LAW NO. 7-2019

Being a By-law to Regulate the Discharge of Wastewater and Stormwater and Connections to the Public Sewers in the Municipality of Thames Centre.

WHEREAS section 9 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act;

AND WHEREAS section 8(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that the powers of a municipality under the Municipal Act or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS section 11(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a lower-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public, subject to the rules set out in subsection;

AND WHEREAS section 11(3) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a lower-tier municipality may pass by-laws respecting matters within the following spheres of jurisdiction set out therein including public utilities;

AND WHEREAS section 96 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may, for the purpose of preventing damage to property in the municipality as a result of flooding, exercise its powers under the "drainage and flood control" sphere of jurisdiction in relation to flood control in the municipality, in another municipality or in unorganized territory;

AND WHEREAS section 97 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may enter on land, at reasonable times, to inspect the discharge of any matter into a land drainage system of any person and may conduct tests and remove samples for this purpose;

AND WHEREAS section 425 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Municipal Act is guilty of an offence; and that a by-law under this section may provide that a director or officer of a corporation who knowingly concurs in the contravention of a by-law by the corporation is guilty of an offence;

AND WHEREAS section 429 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the Municipal Act;

AND WHEREAS section 446(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that If a municipality has the authority under the Municipal Act or any other Act or under a by-law under the Municipal Act or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

AND WHEREAS section 446(3) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that The municipality may recover the costs of doing a matter or thing under subsection 446(1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

NOW THEREFORE the Council of the Corporation of the Municipality of Thames Centre **HEREBY ENACTS AS FOLLOWS:**

1. CITATION

1.1 This By-law shall be known as and may be cited as the "Sewer Use By-law".

2. DEFINITIONS

2.1 For the purposes of this By-law, the following terms shall have the corresponding meanings:

- a) "Biochemical Oxygen Demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of matter as determined in accordance with Standard Methods;
- b) "Biosolids" means stabilized municipal sewage sludge as recovered from the Municipality's wastewater treatment plants;
- c) "Colour of liquid" means the appearance of a liquid from which the suspended solids have been removed;
- d) "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;
- e) "Director" means the Director of Environmental Services for the Municipality, or the person duly authorized to act in his or her stead;
- f) "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;
- g) "Domestic wastewater" means sanitary sewage generated from toilets, sinks, bathtubs, showers and other fixtures through the course of normal human residential activities;
- h) "Fuel" means alcohol, gasoline, naphtha, diesel fuel, fuel oil or any other ignitable substance intended for use as fuel;
- i) "Garbage" means solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce;
- j) "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;
- k) "Matter" means any solid, liquid or gas;
- l) "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;
- m) "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;

- n) "PCB" means any monochlorinated or polychlorinated biphenyl or any mixture of them or mixture that contains one or more of them;
- o) "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;
- p) "Person" means any individual, firm, partnership, municipality or other corporation;
- q) "Pesticide" means a pesticide or herbicide regulated under the Pesticides Act, R.S.O. 1990, c. P.11, as amended;
- r) "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;
- s) "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-Aminoantipyrene method (4-AAP) as set out in the most current edition of Standard Methods;
- t) "Municipality" means The Municipality of Thames Centre;
- u) "Municipal Council" means municipal council of the Municipality of Thames Centre;
- v) "Sanitary sewer" means a sewer for the collection and transmission of sewage and to which storm, surface and ground waters are not intentionally admitted;
- w) "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";
- x) "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;
- y) "Sewer" means a sanitary or storm sewer;
- z) "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;
- aa) "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;
- bb) "Storm water" means water from rainfall, other natural precipitation, or from the melting of snow or ice;
- cc) "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;

- dd) "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 may by regulation designate as being capable of releasing atomic energy or as being requisite for the production, use or application of atomic energy;
- ee) "Wastewater Treatment Plant or WWTP" means any arrangement of devices and structures used for treating sewage;
- ff) "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.

3. USE OF SANITARY SEWERS

- 3.1 No person shall discharge or deposit or cause or permit the discharge or deposit into any sanitary sewer or into any sewer or sewer system connected directly or indirectly with any Municipal 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:
- a) 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 Director;
 - b) Sewage containing pesticides;
 - c) Sewage containing dyes or colouring materials which pass through a sewage works and discolour the sewage works effluent;
 - d) Sewage at a temperature in excess of 60 degrees Celsius;
 - e) Flammable or explosive matter, and without limiting the generality of the foregoing, gasoline, benzene, naphtha, fuel oil, acetone or other solvents;
 - f) 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;
 - g) Sewage containing pathological waste, except that which is decontaminated prior to discharge or is otherwise approved by the Director;
 - h) 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;
 - i) 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;

- j) 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 fleshing in a quantity sufficient to interfere with the proper operation of the sewage works;
- k) 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;
- l) 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;
- m) Storm water, water from drainage of roofs or building foundations or land or from a watercourse, or uncontaminated water;
- n) Sewage which consists of two or more separate liquid layers;
- o) PCB waste, except where:
 - i. 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 Director that the conditions of the exemption are met;
 - ii. A copy of the most recent certificate or provisional certificate and any amendment is provided to the Director;
 - iii. The discharger has written approval from the Director for the discharge of the PCB waste to the sewage works; and
 - iv. All requirements of Ontario Reg. 362 and Ontario Reg. 352, as amended, are met.
- p) Sewage containing any of the matter in excess of the concentrations indicated in Schedule A.
- q) 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);
- r) Regardless of any limitations set forth in this by-law, any volume or quantity of matter which may cause the receiving Municipal Sewage Works or treatment facility to exceed the limits within its current Certificate of Approvals as issued by the Ontario Ministry of the Environment;
- s) 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 Municipal Sewage Works or treatment facility to exceed any limits set forth by any regulatory body.

- 3.2 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 Director.
- 3.3 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.
- 3.4 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.
- 3.5 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 Municipal treatment systems or personnel shall immediately notify the Municipality and/or the Spills Action Centre. All costs incurred by the Municipality as a result of such discharge shall be borne by the responsible person.

4. INTERCEPTORS FOR GREASE, OIL AND SAND

- 4.1 Every owner or operator of a restaurant or other industrial, institutional or commercial building where food is cooked, processed or prepared and that has a discharge to a sanitary sewer shall install and maintain an interceptor for oil and grease, unless otherwise approved by the Director.
- 4.2 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 sewer, shall install and maintain an interceptor for oil and grease, unless otherwise approved by the Director.
- 4.3 Every owner or operator of a facility where sand, grit or similar material may directly or indirectly enter a sanitary 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 Director.
- 4.4 Every owner or operator of a dental practice shall install and maintain a dental waste amalgam separator and comply with the Dentistry Act, 1991, S.O. 1991, c.24, and the regulations made thereunder, as amended from time to time, for the management and disposal of amalgam waste.
- 4.5 Any interceptor described in this Section 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 thirty-six (36) month period upon request by the Director. Maintenance requirements and cleaning frequency for the interceptors shall be in accordance with the manufacturer's recommendations. Maintenance requirements and cleaning frequency shall be posted at the site in a conspicuous location in proximity to the interceptor. The Director shall have the right to enter upon the premises at any time to inspect the operation and maintenance of the interceptor.

5. MAINTENANCE ACCESS POINTS

- 5.1 The owner or occupant of commercial, institutional, 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 Director.
- 5.2 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 Director.
- 5.3 Every manhole, device or facility installed as required by this Section of the by-law shall be designed and constructed in accordance with good engineering practice and the requirements of the Director, and shall be constructed and maintained by the owner or operator of the premises.
- 5.4 The owner or occupant of commercial, institutional, 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.
- 5.5 The owner or occupant of commercial, institutional, or industrial premises shall provide written notification of the installation of maintenance access points and their location or the upgrading of existing maintenance access points, for each connection to the sewage works at the site of a discharger, for the purpose of monitoring or sampling discharges.
- 5.6 Maintenance access points shall be maintained and constructed at the expense of the discharger.

6. SAMPLING AND ANALYTICAL REQUIREMENTS

- 6.1 The Director may require the owner or occupant of commercial, institutional, or industrial premises to:
- a) Collect and analyze samples of sewage discharges;
 - b) Install devices to monitor sewage discharges;
 - c) Submit regular reports regarding the discharges.
- 6.2 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.
- 6.3 All sampling and analyses required by this by-law shall be in accordance with "Standard Methods" or other methods as approved by the Director.
- 6.4 Non-compliance may be determined by the analysis of any sample. The Municipality must be notified of any non-compliant sampling result.

7. USE OF STORM SEWERS

- 7.1 No person shall discharge or deposit to or cause or permit a discharge to a Municipal Storm Sewer or to a storm sewer directly or indirectly connected to a Municipal Storm Sewer unless:
- a) The discharge is uncontaminated cooling water or storm water or uncontaminated water;
 - b) The discharge does not interfere with the proper operation of a storm sewer;
 - c) It does not obstruct or restrict a storm sewer or the flow therein;
 - d) The discharge does not result in any hazard or other adverse impact, to any person, animal, property, or vegetation;
 - e) The discharge does not impair the quality of the water in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse;
 - f) 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;
 - g) 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.

8. CONNECTIONS

- 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 Municipal Sewage Works.
- 8.2 No person shall connect or cause or permit the connection of any roof water leader, eaves trough, downspout directly to a Municipal Storm Sewer or to a storm sewer.
- 8.3 Every owner of property upon which a Backflow Preventer is installed shall ensure that such device is maintained in proper working order at all times.
- 8.4 Any person who wishes to connect a sewage works to a Municipal Sewage Works shall pay the fees as set from time to time by Municipal Council in the *Tariff of Fees By-law*, as amended.
- 8.5 No person shall connect or cause or permit the connection of any private sewage treatment works to a Municipal Sewer unless the plans, specifications and other pertinent information have been submitted to and approved by the Director, the above mentioned fees have been paid, and thereafter all sewage discharged into the Municipal Sewage Works shall be in compliance with the requirements of this by-law.
- 8.6 No person shall discharge or deposit into or cause or permit a discharge or deposit into any Municipal 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.

8.7 No person shall discharge any Hauled Sewage into any opening of the sewage works or Municipal Sewage System without the express approval of the Director..

8.8 Where in the opinion of the Director a person is contravening the provisions of this By-law, the Director 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 Municipal Sewer connection to any sewage works carrying the prohibited discharge to be stopped up or disconnected. No land drainage works, sewer connection or Municipal Sewer Connection so disconnected shall be reconnected until such time as measures are undertaken satisfactory to the Director to eliminate the prohibited discharge. All expenses incurred by the Municipality for these actions shall be reimbursed to the Municipality by these persons, owners or occupants at the time of re-connection or unstopping of the sewer connections.

9. MANHOLE COVER OR OPENING

9.1 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 Municipal Sewage Works without the express approval of the Director.

10. COMPLIANCE PROGRAM

10.1 The owner or occupant of commercial, industrial or institutional premises may submit for approval to the Director, 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.

10.2 The Director 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 Director are appropriate.

10.3 A person to whom a Compliance Program has been issued shall not be prosecuted under those parts 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.

11. ADMINISTRATION AND ENFORCEMENT

11.1 An enforcement officer appointed by Municipal Council, the Director, or any person authorized by the Director 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.

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

12. MAINTENANCE AND RECORD KEEPING

- 12.1 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 Director or authorized representative.
- 12.2 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 Director of such devices, structures, equipment or records as required as a result of this by-law.
- 12.3 The Director 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.

13. FEES AND PENALTIES

- 13.1 Every person who is guilty of an offence under this By-law shall be subject to the fees and penalties indicated in the municipality of Thames Centre's *Tariff of Fees By-law*, as amended.

14. SEVERABILITY

- 14.1 If any section or sections of this By-law, or parts thereof are found by any court of competent jurisdiction to be illegal or beyond the power of municipal Council to enact, such section or sections or parts thereof shall be deemed to be severable from this By-law and all remaining sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be properly enacted and to be of full force and effect.

15. EXCEPTIONS

- 15.1 This by-law shall not prohibit the use of any substance or discharge of any sewage expressly permitted or required by the Chief Medical Officer of Health.
- 15.2 This by-law shall not prohibit the normal discharge of domestic wastewater.

16. SCHEDULES

- 16.1 This By-law includes Schedule A hereto which forms part of the By-law

17. ENACTMENT

- 17.1 THAT this By-law shall come into force and effect on the date of passage.

READ a **FIRST** and **SECOND** time this 14th day of January, 2019.

READ a **THIRD** time and **FINALLY PASSED** this 14th day of January, 2019.

Original signed by

Mayor, A. Warwick

Original signed by

Clerk, T. Michiels

Schedule A
Limits for Sanitary Sewer Discharge

| Parameter | Concentration Limit (mg/L) |
|---|----------------------------|
| Antimony, Total | 5 |
| Arsenic, Total | 1 |
| Benzene | 0.01 |
| Biochemical Oxygen Demand | 300 |
| Cadmium, Total | 0.7 |
| Chloroform | 0.04 |
| Chromium, Total | 3 |
| Cobalt, Total | 5 |
| Copper, Total | 3 |
| Cyanide, Total | 1 |
| 1,2-dichlorobenzene | 0.05 |
| 1,4-dichlorobenzene | 0.08 |
| Ethylbenzene | 0.16 |
| Fluoride | 10 |
| Kjeldahl Nitrogen, Total | 100 |
| Lead, Total | 1 |
| Mercury, Total | 0.01 |
| Methylene Chloride | 0.21 |
| Molybdenum, Total | 5 |
| Nickel, Total | 2 |
| o-Xylene | 0.52 |
| Phenolics (4AAP) | 1 |
| Phosphorus, Total | 10 |
| Selenium, Total | 1 |
| Silver, Total | 5 |
| Solvent Extractables – animal or vegetable in origin | 150 |
| 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 | 0.2 |
| Trichloroethylene | 0.05 |
| Zinc, Total | 3 |