



# BY-LAW

2002-108

**WHEREAS** subsection 92(1) of the Municipal Act, 2001, as amended, provides that Township Council may pass by-laws for the maintenance and management of its wastewater systems including sewers, sewer system, sewage works, treatment works and watercourses and for regulating the manner, extent and nature of the reception and disposal of wastewaters including sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Township Area an adequate system of sewage and land drainage disposal;

**AND WHEREAS** Section 11 of Municipal Act, 2001 provides that the regulation and operation of sewerage is a sphere of jurisdiction and therefore the Township Council has all the authority and powers in respect of any sewers which mediately or immediately enter into sewers or treatment works under the jurisdiction of the Township of Huron-Kinloss;

**NOW THEREFORE** the Council of the Township of Huron-Kinloss enacts as follows:

## 1. DEFINITIONS:

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

a) Acute hazardous waste chemical means

"acute hazardous waste chemical" means a material which is an acute hazardous waste chemical within the meaning of Ontario Regulation 309 as amended, made under the Environmental Protection Act (Ontario).

b) Authorized representative - owner - operator

"authorized representative of the owner or operator" means:

- (i) a principal executive officer of at least the level of vice president, if the owner or operator is a corporation; or
- (ii) a general partner or proprietor if the owner or operator is a partnership or proprietorship, respectively; or
- (iii) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the sewage discharge originates.

c) "Biochemical Oxygen Demand (BOD)" means

the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at twenty degrees Celsius as determined in accordance with Standard Methods and expressed in milligrams per litre;

(d) "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;

- e) "biosolids" means  
  
stabilized municipal "sewage sludge" as included in Processed Organic Waste, in Ontario Regulation 347, as amended, hauled sewage (septage) is not included in this category;
- f) Blowdown means  
  
"blowdown" means the discharge of recirculating non-contact cooling water for the purpose of discharging materials contained in the water, the further build-up of which would cause concentrations in amounts exceeding limits established by best engineering practices.
- g) "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;
- h) "coliform count" means  
  
the number of all coliform bacteria and expressed in number of coliform bacteria per 100 millilitres of solution as determined in accordance with Standard Methods;
- i) "colour of liquid" means  
  
the appearance of a liquid from which the Suspended Solids have been removed;
- j) "combined sewer" means  
  
a sewer intended to function simultaneously as a storm sewer and a sanitary sewer;
- (k) "combustible liquid" means  
  
a liquid that has a flash point not less than 37.8 degrees Celsius and not greater than 93.3 degrees Celsius;
- (l) "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 process materials and that has been circulated through the cooling device, but does not include blowdown water;
- m) "discharger" means  
  
an owner or person in occupation or having the charge, management or control of a plant to which this by-law applies;
- n) "fuel" means  
  
alcohol, gasoline, naphtha, diesel fuel, fuel oil or any other ignitable substance intended for use as a fuel;
- o) "garbage" means  
  
solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce;
- p) "hauled sewage" means

waste removed from a septic tank system, a cesspool, a privy vault or privy pit, a chemical toilet, a portable toilet, a sewage holding tank or a sewage works;

q) "ignitable waste" means

a substance that,

- (i) is a liquid, other than an aqueous solution containing less than 24 per cent alcohol by volume and has a flash point less than 61 degrees Celsius, as determined by the Tag Closed Cup Tester (ASTM D-56-79), the Setaflash Closed Cup Tester (ASTM D-3243-77 or ASTM D-3278-78), the Pensky-Martens Closed Cup Tester (ASTM D-93-79), or as determined by an equivalent test method,
- (ii) is a solid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a danger;
- (iii) is an ignitable compressed gas (Class 2, Division D) as defined in the regulations under the Transportation of Dangerous Goods Act, 1992, S.C. 1992, as amended,
- (iv) is an oxidizing substance (Class 5, Divisions 1 and 2) as defined in the regulations under the Transportation of Dangerous Goods Act, 1992, S.C. 1992, as amended;
- (v) "industrial" means of or pertaining to industry, manufacturing, commerce, trade, business, or institutions as distinguished from domestic or residential;

r) "matter" means

any solid, liquid or gas;

s) "non-domestic wastes" means

any liquid, solid or gaseous substance or combination thereof, other than sanitary sewage, resulting from any industrial (or commercial/institutional) process or research and shall include water from any air-conditioning, cooling or condensing system;

t) "PCB" means

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

u) "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, (EPA);

v) "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, (EPA);

w) "person" means

any person, firm, partnership or municipal or other corporation;

x) "pesticides" means

a pesticide regulated under the Pesticides Act, R.S.O. 1990, c.P., as amended, (PA);

- y) "pH" means  
the logarithm to the base 10 of the reciprocal of the concentration of hydrogen ions in grams per litre of solution as determined in accordance with Standard Methods;
- z) "phenolic compounds" means  
those hydroxy derivatives of benzene, or its condensed nuclei, which can be identified by the 4-Aminoantipyrene method in accordance with Standard Methods as set out in the most current edition of Standard Methods for the Examination of Water and Wastewater;
- aa) "Public Works Superintendent" means  
the Public Works Superintendent of Public Works for the Township of Huron-Kinloss, or the person duly authorized to act in his or her stead;
- bb) "reactive waste" means  
a substance that,
- i. is normally unstable and readily undergoes violent changes without detonating,
  - ii. reacts violently with water,
  - iii. forms potentially explosive mixtures with water,
  - iv. when mixed with water, generates toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment,
  - v. 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,
  - vi. is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement,
  - vii. is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure,
  - viii. is an explosive (Class 1) as defined in the regulations under the Transportation of Dangerous Goods Act, 1992, S.C., as amended;
- cc) "sanitary sewer" means  
a sewer for the collection and transmission of sewage and to which storm, surface and ground waters are not intentionally admitted;
- dd) "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';
- ee) "sewage works" means  
all sewers, sewer systems, sewage pumping stations, water pollution control plants and all other works for the collection, acceptance, transmission, treatment or disposal of sewage;
- ff) "sewer" means  
sanitary, combined or storm sewer;

- gg) "single grab sample" means  
a portion of the discharge from or deposit to the sewage works taken at a particular time and place;
- hh) "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;
- ii) "Standard Methods" means  
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;
- jj) "storm sewer" means  
a sewer for the collection and transmission of uncontaminated water, storm water, drainage from land or from a watercourse or any of them and not contaminated by sewage or similar wastewater;
- kk) "storm water" means  
rainwater runoff, water runoff from roofs, flow from foundation drains, snow melt and surface runoff;
- ll) "Suspended Solids" means  
solid matter in or on a liquid, which matter, is removable by filtering;
- mm) "Township of Huron-Kinloss" means  
The Corporation of the Township of Huron-Kinloss;
- nn) "Township Council" means  
Municipal council of the Township of Huron-Kinloss;
- oo) "Township Sewer or Township Sewer Works or Storm Sewer" means  
respectively a sewer, sewage works, or storm sewer, under the control of the Township of Huron-Kinloss;
- pp) "uncontaminated water" means  
water to which no matter has been added as a consequence of its use, or to modify its use;
- qq) "waste disposal site leachate" means  
leachate from any waste disposal site;
- rr) "waste radioactive prescribed substances" means  
uranium, thorium, plutonium, neptunium, deuterium, their respective derivatives and compounds and such other substances as the Atomic Energy Control Board may designate as being capable of releasing atomic energy or as being requisite for the production, use or application of atomic energy.
- ss) "waste 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, Chapter E.19, as amended, from the Ontario Ministry of the Environment, Note;

the C of A allows for the hauling, storing and disposing of sewage from a sewage system, including emptying for these purposes;

- tt) "wastewater" means  
the same as and be used interchangeably with 'sewage' as defined under (y) above;
- uu) "wastewater systems" or 'facilities' means  
the same as and be used interchangeably with 'sewage works' as defined under (ee) above;
- vv) "Water Pollution Control Plant (WPCP)" or "Wastewater Treatment Facility" means  
any arrangement of devices and structures used for treating sewage;
- ww) "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 The Public Works Superintendent shall be responsible for the administration and enforcement of this by-law
- 3.2 The Public Works Superintendent shall be permitted at all reasonable times to enter upon any lands and into any building or other structure, except land or premises lawfully being used as a dwelling, for the purpose of observation, measurement, inspection, sampling and testing, to ascertain if the provisions of this by-law are being complied with. No person shall hinder, prevent or obstruct, or attempt to hinder, prevent or obstruct the Public Works Superintendent from so doing.

## **4. USE OF SANITARY AND COMBINED SEWERS:**

- 4.1 No person shall discharge or deposit or cause or permit the discharge or deposit into any Township Sewer Works or into any sewer or sewer system connected directly or indirectly with any Township Sewer Works, 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:
- i. sewage volumes or matter whose daily discharge exceeds twenty percent (20%) of the annual average daily flow or loadings to the receiving WPCP component of the sanitary sewage works, unless otherwise approved in writing by the Public Works Superintendent;
  - ii. sewage containing pesticides or herbicides;
  - iii. sewage containing dyes or colouring materials which pass through a sewage works and discolour the sewage works effluent;

- iv. sewage at a temperature in excess of 65 degrees Celsius (149° Fahrenheit);
- v. flammable or explosive matter, and without limiting the generality of the foregoing, gasoline, benzene, naphtha, fuel oil, acetone or other solvents;
- vi. 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;
- vii. sewage containing pathological waste;
- viii. sewage having a PH less than 6.0 or greater than 10.5 or which due to its nature or content becomes less than 6.0 or greater than 10.5 within a sewage works.
- ix. sewage that may cause a nuisance, and without limiting the generality of the foregoing, sewage containing hydrogen sulphide, carbon disulphide, ammonia, trichloroethylene, sulphur dioxide, formaldehyde, chlorine, bromine, or pyridine, in such quantity that an offensive odour could emanate from the sewage works or could cause a nuisance;
- x. sewage containing animal waste, and without limiting the generality of the foregoing, containing intestines, stomach casings, intestinal contents, hides, hooves, toenails, horns, bones or poultry heads or sewage containing hair, wool, fur, feathers, paunch manure or fleshings in a quantity sufficient to interfere with the proper operation of the sewage works;
- xi. 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;
- xii. sewage containing any of the following matter in excess of the indicated concentrations

Parameter	Limit (mg/L)
Aluminum	50
Antimony, Total	5
Arsenic, Total	1
Barium	5.0
Benzene	0.01
Biochemical Oxygen Demand	300
Cadmium, Total	0.7
Chloride	1500
Chloroform	0.04
Chromium, Total	5

Cobalt, Total	5
Copper, Total	3
Cyanide, Total	1
1,4,0 Dichlorobenzene	0.47
Ethylbenzene	0.16
Fluoride	10
Iron	50
Kjeldahl Nitrogen, Total	100
Lead, Total	2
Mercury, Total	0.05
Methylene Chloride	0.21
Molybdenum, Total	5
Nickel, Total	3
o-Xylene	0.52
Phenolics, (4AAP)	1.0
Phosphorus, Total	10
Selenium, Total	5
Silver, Total	5
Solvent Extractables - animal or vegetable in origin	100
Solvent Extractables - minerals or synthetic in origin	15
Sulphate	1500
Sulphide	1.0
Suspended Solids, Total	350
1,1,2,2 - Tetrachloroethane	0.04
Tetrachloroethane	0.05
Tin	5.0
Toluene	0.27
Trichloroethylene	0.07
Zinc	5.0

- xiii. radioactive materials except as may be permitted under The Atomic Energy Control Act, R.S.C., 1970 and amendments thereto and regulations hereunder;



- xiv. 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;
- xv. sewage which consists of two or more separate liquid layers;
- xvi. PCB waste, except where:
  - a. the discharger has a Certificate of Approval for a mobile site or PCB mobile waste disposal system issued under the EPA or where the discharger is claiming an exemption and the discharger has demonstrated to the Public Works Superintendent that the conditions of the exemption are met;
  - b. copy of the most recent certificate or provisional certificate and any amendment is provided to the Public Works Superintendent;
  - c. the discharger has written approval from the Public Works Superintendent for the discharge of the PCB waste to the sewage works; and
  - d. all requirements of O.Reg. 362, as amended, are met;
- xvii. regardless of any limitations set forth in this by-law, any quantity of matter which may hinder or prevent the disposal or application of sewage sludges on land due to limitations set forth in the current "Provisional Guidelines for Sewage Sludge Utilization on Agricultural Lands" as prepared by the Joint Ministerial Committees of the Ontario Ministry of Agriculture and Food, the Ontario Ministry of the Environment, and the Ontario Ministry of Health or any successor guidelines or regulation(s); and
- xviii. regardless of any limitations set forth in this by-law, any volume or quantity of matter which may cause the receiving Township Sewage Works or treatment facility to exceed the limits within its current Certificate of Approvals as issued by the Ontario Ministry of the Environment.

## **5. INTERCEPTORS FOR GREASE, OIL AND SAND:**

- 5.1 Every owner of a hotel, restaurant, or institutional or commercial building shall install an interceptor for grease, acceptable to the Public Works Superintendent, in all kitchen sink and dishwasher waste pipes found in such hotel, restaurant, or institutional or commercial building, unless otherwise approved by the Public Works Superintendent.
- 5.2 The owner of a mechanical service garage, motor vehicle wash floor or similar establishment or industrial discharger shall provide an interceptor for oil and sand on the waste outlet from such mechanical service garage, motor vehicle wash floor, or similar establishment and industry, unless otherwise approved by the Public Works Superintendent.
- 5.3 Such interceptor shall meet the following specifications:
  - i. shall be so designed that it shall not become air bound;
  - ii. shall be so located as to be readily accessible for cleaning and monitoring;
  - iii. shall be of sufficient volume to intercept natural oil and grease, synthetic or petroleum oil and grease, gasoline, sand or grit likely to flow into it under peak flow conditions;
  - iv. an interceptor for sand or grit for mechanical service garages, vehicle parking areas, and vehicle wash floors shall have a volume sufficient to retain sand or grit during any 10 hour period, but in no case shall have a

volume less than .56 cubic metres, measured below the invert of the overflow;

- v. shall be water tight, constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature, made of substantial construction, and equipped with easily removable covers which when bolted in place shall be gas and water tight; and
  - vi. shall be designed to support any accompanying or adjoining overburden.
- 5.4 Such interceptor shall be maintained by the owner, at the owner's expense, in good working order. The owner is required to produce maintenance records for the preceding eighteen (18) month period on request by the Public Works Superintendent. The Public Works Superintendent shall have the right to enter upon the premises at any time to inspect the operation and maintenance of an interceptor.

## **6. SAMPLING:**

- 6.1 Every manhole, device or facility installed as required by this by-law shall be designed and constructed in accordance with good engineering practice and the requirements of the Public Works Superintendent, and shall be constructed and maintained on the lands of the owner or occupant of the premises at the expense of such owner or occupant.
- 6.2 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.
- 6.3 The Public Works Superintendent may require the owner or occupant of commercial or industrial premises to install devices to monitor sewage discharges and to submit regular reports regarding the discharges.
- 6.4 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 in accordance with "Standard Methods for the Examination of Water and Sewage" at the control manhole required pursuant to this section of this by-law or upon suitable samples taken therefrom.

## **7. BUILDING SEWERS:**

- 7.1 No person shall connect or cause or permit the connection of any roof water leader (eavestrough downspout) or building foundation drain (weeping tile) mediately or immediately to a sanitary sewer or combined sewer which ultimately discharges to a Township Sewage works.
- 7.2 The Public Works Superintendent may at any time disconnect or cause to be disconnected, any building sewer from a Township Sewer or any sewer system tributary thereto, and no sewer so disconnected shall be subsequently reconnected, except with the written consent of the Public Works Superintendent.

## **8. STORM SEWER REQUIREMENTS:**

- 8.1 No person shall discharge or deposit to or cause or permit a discharge to a storm sewer unless all of the following are met:
- i. the discharge is uncontaminated cooling water or storm water or uncontaminated water;
  - ii. the discharge does not interfere with the proper operation of a storm sewer;
  - iii. the discharge does not obstruct or restrict a storm sewer or the flow therein;

- iv. the discharge does not result in any hazard or other adverse impact, to any person, animal, property, or vegetation;
- v. the discharge does not impair the quality of the water in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse;
- vi. 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;
- vii. 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;
- viii. the discharge does not have one or more of the following characteristics:
  - i) two or more separate layers; or
  - ii) a pH less than 6.5 or greater than 8.5;
- ix. the discharge does not contain one or more of the following:

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;

- a. combustible liquids;
  - b. fuels;
  - c. hauled sewage;
  - d. hauled waste;
  - e. ignitable waste;
  - f. PCB waste;
  - g. pesticides;
  - h. process wastes or wastewaters;
  - i. reactive waste;
  - j. sewage (domestic or other);
  - k. waste radioactive prescribed substances; or
  - l. waste disposal site leachate;
- x. the discharge does not contain contaminants from raw materials, intermediate or final products or wastewater from a commercial or industrial operation;
  - xi. the discharge does not have or cause an offensive odour; and
  - xii. the discharge does not contain coloured matter which would require a dilution in excess of four (4) parts of distilled water to

one (1) part of such discharge to produce a mixture the colour of which is not distinguishable from that of distilled water.

**9. CONNECTIONS:**

- 9.1 Any person who wishes to connect a sewage works to a Township Sewage Works shall pay the fees as set from time to time by Township Council.
- 9.2. No person shall connect or cause or permit the connection of any private sewage treatment works to a Township Sewer unless the plans, specifications and other pertinent information have been submitted to and approved by the Public Works Superintendent, the above mentioned fees have been paid, and thereafter all sewage discharged into the Township Sewage Works shall be in compliance with the requirements of this by-law.
- 9.3. No person shall discharge or deposit into or cause or permit a discharge or deposit into any Township 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.

**10. HAULED SEWAGE:**

- 10.1 A waste hauler shall only deposit hauled sewage to a Township 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.S.O. 1990, as amended from time to time, and has originated from sources within the municipal boundaries of the Township of Huron-Kinloss.
- 10.2 The waste hauler shall not deposit any hauled waste 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 established by the Township of Huron-Kinloss, as agreed to by the Public Works Superintendent.
- 10.3 The waste 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 waste hauler shall obtain from the Public Works Superintendent, in advance; authorization for permission to deliver hauled wastes to one or more Township Water Pollution Control Plants.
- 10.4 Prior to depositing any hauled sewage to a Township Water Pollution Control Plant, the waste hauler, and his/her or its respective employee or agent, shall complete, in a legible manner, a "Hauled Waste Record" form provided by the Public Works Superintendent. The waste hauler shall record date, time, volume and source. The Public Works Superintendent may amend the "Hauled Waste Record" form at any time and the waste hauler agrees to complete any such form provided by the Public Works Superintendent.
- 10.5 The Public Works Superintendent 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.
- 10.6 The Public Works Superintendent may give written approvals to waste 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.
- 10.7 The Public Works Superintendent 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.
- 10.8 The Public Works Superintendent may require sampling and testing of hauled sewage, at the expense of the waste hauler or sewage generator, as the Public Works Superintendent considers necessary.

- 10.9 The fees charged for these approvals shall be as set from time to time by Township Council.
- 10.10 The fees charged for receiving and treating these wastes shall be as set from time to time by Township Council.

**11. MANHOLE COVER OR OPENING:**

- 11.1 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 Township Sewage Works without the express approval of the Public Works Superintendent.

**12. SURCHARGE AGREEMENTS:**

- 12.1 Discharges, from a site, of wastes with BOD, Suspended Solids or Phosphorus higher than the limits specified in Section 4 of this by-law may be permitted by agreement between the discharger and the Public Works Superintendent. A person discharging in compliance with such agreement shall be deemed not to be discharging in violation of the requirements of Section 4 of this by-law regarding BOD, Suspended Solids or Phosphorus. However, such agreement shall not relieve a person discharging from complying with all other provisions of this by-law.
- 12.2 A person may apply to the Public Works Superintendent for such agreement and at or before the time of such application shall:
- li. pay an application fee in an amount as set from time to time by Township Council; and
  - lii. install a sewage sampling station of a type and in a location satisfactory to the Public Works Superintendent, and establish a means, satisfactory to the Public Works Superintendent, of measuring the quantity of sewage.
- 12.3 Such agreement shall specify the maximum quantity of sewage; the maximum discharge rate, the maximum BOD, the maximum Suspended Solids, and the maximum Phosphorus permitted in respect of the person discharging. These levels shall be established by the Public Works Superintendent.
- 12.4 Such agreement shall specify the sampling method or methods to be employed to ascertain the BOD, Suspended Solids and Phosphorus.
- 12.5 Such agreement shall provide that a person discharging shall pay a surcharge calculated according to the following formula:

$Sc = V \times F (0.45B + 0.45SS + 0.10P) C$  where:

Sc = Surcharge in dollars

V = Volume of sewage in cubic metres

F = Factor to convert mg/L to kilograms per cubic metre = 1/1,000

B = Total BOD - by-law limit mg/L where Total BOD = the average of the three highest values of BOD measured for 24-hour composite samples for the calculation period. Where fewer than three of the values exceed the by-law limit, the by-law limit shall be substituted for each value below the by-law limit to calculate the average.

S = Suspended Solids - by-law limit mg/L where Suspended Solids = the average of the three highest values of Suspended Solids measured for 24-hour composite samples for the calculation period. Where fewer than three of the values exceed the by-law limit, the by-law limit shall be substituted for each value below the by-law limit to calculate the average.

P = Total Phosphorus - by-law limit mg/L where Total Phosphorus = the average of the three highest values of Phosphorus measured for 24-hour composite samples for the calculation period. Where fewer than three of the values exceed

the by-law limit, the by-law limit shall be substituted for each value below the by-law limit to calculate the average.

C = Costs in dollars per kilogram of BOD plus Suspended Solids plus Phosphorus removed at Township Water Pollution Control Plants as set from time to time by Township Council, considering projections for the year, based on historical experience of actual costs for operating, administration, supervision and capital.

- 12.6 Such agreement shall provide terms and conditions for the calculation and payment of the surcharge, which are satisfactory to the Public Works Superintendent. Such terms and conditions shall include provision for a calculation period of one calendar month. Such terms and conditions may include provision for payment due dates, deposits, interest, and quarterly billings.
- 12.7 Such agreement may contain such other terms and conditions as in the opinion of the Public Works Superintendent are appropriate.
- 12.8 Throughout the term of such agreement, the discharger shall maintain a sewage sampling station of a type and in a location satisfactory to the Public Works Superintendent and shall discharge all sewage subject to surcharge through this sampling station.
- 12.9 Throughout the term of such agreement the discharger shall maintain a means, satisfactory to the Public Works Superintendent, of measuring the quantity of sewage. If a sewage meter is installed for this purpose, a discharger shall discharge all sewage subject to surcharge through this sewage meter. If a sewage meter is not installed, the total volume of sewage discharged shall be deemed to be the same as the total volume of water supplied to the person discharging over the same period, less any water proven, to the satisfaction of the Public Works Superintendent, to have left the site by other means. The person discharging shall assist the Public Works Superintendent to calculate the said total volume of water. The Public Works Superintendent may use any manner or method of calculating this volume that the Public Works Superintendent considers practicable.
- 12.10 Throughout the term of such agreement, the Public Works Superintendent may:
- I) take such steps as are necessary for the purpose of testing sewage discharge and measuring the volume of sewage discharged, including conducting, requesting, and authorizing such testing and measuring; and
  - II) require a person discharging to install and maintain devices to monitor sewage discharge strengths or volumes and to submit regular reports of such strengths or volumes.
- 12.11 Such agreement may be terminated at any time by the Public Works Superintendent for any reason that the Public Works Superintendent may consider sufficient. Without restricting the generality of the foregoing, any of the following shall be sufficient reason:
- i) contravention by the person discharging, of any provision of this by-law;
  - ii) failure of the person discharging to carry out any requirements of the Public Works Superintendent made pursuant to this by-law; or
  - iii) failure of the person discharging to pay the surcharge pursuant to this by-law; and
  - iv) failure to abide by all conditions of the surcharge agreement.
- 13. PRIOR AGREEMENTS:**
- 13.1 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.

**14. PROGRAM APPROVAL:**

- 14.1 The owner or occupant of commercial, industrial or institutional premises may submit for approval to the Public Works Superintendent, 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.
- 14.2 The Public Works Superintendent may issue an approval to be known as a "program approval" to the person who submitted the program. The program approval may contain such terms and conditions as in the opinion of the Public Works Superintendent are appropriate.
- 14.3 A person to whom a program approval has been issued shall not be prosecuted under Section 4 or 7 of this by-law for the discharge or deposit of sewage during the period within which the program approval is applicable provided that the person complies fully with the terms of the program approval.

**15. PROHIBITION OF DILUTION:**

- 15.1 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.

**16. SPILLS & HAZARDOUS WASTE:**

- 16.1 Any person responsible for any discharge or who caused or permitted a discharge 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 Township treatment systems or personnel shall immediately notify the Public Works Superintendent of such discharge.
- 16.2 All costs incurred by the Township as a result of such discharge shall be borne by the responsible person.
- 16.3 If in the opinion of the Public Works Superintendent 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 efficient operation of the sewage works, such devices, structures or equipment shall:
- I. be installed and maintained in good working order at the expense of the owner or occupant of the premises;
  - ii. be designed, constructed and maintained in accordance with good engineering practices, the requirements of The Public Works Superintendent and any applicable building or plumbing codes; and
  - iii. in emergency circumstances, the Township 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.
- 16.4 The owner or occupant of commercial or industrial premises may be required by the Public Works Superintendent to develop and maintain a Spills Response Contingency Plan to the satisfaction of the Public Works Superintendent which:
- i shall be reviewed and updated on a yearly basis by the owner or occupant;
  - ii together with all updates shall be provided to the Public Works Superintendent no later than 30 days after completion;
  - iii shall be readily available to all the staff of the owners or occupants; and

iv shall be reviewed yearly with all the staff of the owners or occupants.

**17. MAINTENANCE AND RECORD KEEPING:**

- 17.1 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 Public Works Superintendent or authorized representative.
- 17.2 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 Public Works Superintendent of such devices, structures, equipment or records as required as a result of this by-law.
- 17.3 The Public Works Superintendent 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.

**18. OFFENCE:**

- 18.1 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.
- 18.2 Notwithstanding subsection (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.

**19. EXCEPTIONS**

- 19.1 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.

**20. REPEAL OF PREDECESSOR BY-LAW**

- 20.1 By-laws inconsistent with this By-Law and all amendments thereto be and the same are hereby repealed upon the coming into force of this by-law.

**21. SEVERABILITY**

- 21.1 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 Region's 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.

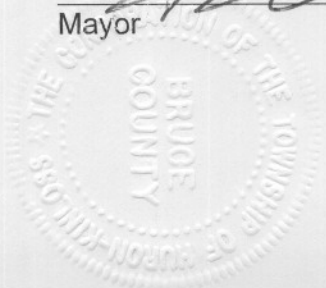
**22. COMING INTO FORCE:**

- 22.1 This by-law shall come into full force and effect upon the sixteenth day of December 2002.
- 22.2 This by-law may be cited as the "Huron-Kinloss Sewer Use By-Law"

**READ SEVERALLY a FIRST, SECOND and THIRD TIME and FINALLY PASSED** this 16<sup>th</sup> day of December 2002.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk



A large, stylized handwritten signature in black ink, written over a horizontal line.