

# THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE



## BY-LAW

### BY-LAW NO. 2016 - 128

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#### BEING A BY-LAW TO REGULATE THE DISCHARGE OF WASTEWATER AND STORM WATER AND CONNECTIONS TO THE PUBLIC SEWERS IN THE MUNICIPALITY OF KINCARDINE

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**WHEREAS** under section 11 of the *Municipal Act, 2001*, a municipality may pass by-laws respecting matters within the sphere of jurisdiction of Public utilities, and Public utilities includes a system to provide for services relating to wastewater, which is defined to include storm water and other drainage from land and commercial wastes and industrial wastes that are disposed of in a sewage system;

**AND WHEREAS** section 391 of the *Municipal Act, 2001* provides that the Municipality of Kincardine may impose fees or charges on persons for services or activities provided or done by or on behalf of it;

**AND WHEREAS** section 10(1) of the *Municipal Act, 2001* provides that Section 11 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

**NOW THEREFORE** the Council of The Corporation of the Municipality of Kincardine **ENACTS** as follows:

#### 1.1 DEFINITIONS

As used in this bylaw, the following terms shall have the meanings indicated:

**ACCREDITED LABORATORY** – Any laboratory accredited by an authorized accreditation body in accordance with a standard based on “*CAN-P-1585: Requirements for the Accreditation of Environmental Testing Laboratories*” established by the Standards Council of Canada, as amended, or “*ISO/IEC/EN 17025: General Requirements for Competence of Calibration and Testing Laboratories*” established by the International Organization for Standardization, as amended.

**ACUTE HAZARDOUS WASTE CHEMICALS** – A material which is an acute hazardous waste chemical within the meaning of R.R.O. 1990, Regulation 347, as amended, made under the *Environmental Protection Act*.

#### **AUTHORIZED REPRESENTATIVE OF THE OWNER OR OPERATOR**

- (a) A principal executive officer of at least the level of vice-president, if the owner or operator is a corporation; or
- (b) A general partner or proprietor if the owner or operator is a partnership or proprietorship; or
- (c) 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.

**BEST MANAGEMENT PLAN (BMP)** — An integrated plan to control and reduce the release of restricted and prohibited waste into the wastewater works to a practicable extent, through methods including physical controls, Pretreatment Processes, operational procedures and staff training.

**BIOCHEMICAL OXYGEN DEMAND (BOD)** – The five-day BOD which is the determination of the molecular oxygen utilized during a five-day incubation period for the biochemical degradation of organic material (carbonaceous demand), and the oxygen used to oxidize inorganic material such as sulphides and ferrous iron, and the amount of oxygen used to oxidize reduced forms of nitrogen (nitrogenous demand) as determined by the appropriate procedure in Standard Methods.

**BIOMEDICAL WASTE** - Biomedical waste as defined in the Ontario Ministry of the Environment Guideline C-4 entitled *The Management of Biomedical Waste in Ontario* dated November 2009, as amended from time to time.

**BLOWDOWN** – Recirculating water that is discharged from a cooling or heating water system for the purpose of controlling the level of water in the system or for the purpose of discharging from the system materials contained in the system, the further build-up of which would or might impair the operation of the system.

**BUILDING** – Every building which:

- (a) Is located within 100 metres of a sewer; and
- (b) Is located on a parcel of land abutting on a public highway or street in which a sewer is located or a parcel of land not more than 0.3 metres from a public highway or street in which a sewer is located; and
- (c)
  - (i) Contains, or is required by any other by-law, regulation or statute to contain, any sleeping, eating or food preparation facilities, or
  - (ii) Contains or is required by any other by-law, regulation or statute to contain, any washing or toilet or cleaning facilities; or
- (iii) Is connected, or is required by any other by-law, regulation or statute, to be connected to a water supply, or water works; or
- (iv) Is a source of sewage.

**CLEAR-WATER WASTE** – Includes non-contact cooling water and other water that has not come into contact with wastewater contaminant sources.

**COMBINED SEWER** – A sewer intended to function simultaneously as a storm sewer and a sanitary sewer.

**COMBUSTIBLE LIQUID** – A liquid that has a flash point not less than 37.8 degrees Celsius and not greater than 93.3 degrees Celsius.

**COMPLIANCE PROGRAM** – The necessary steps undertaken by a discharger to bring wastewater discharged into the municipal sewer into compliance with the terms and conditions of this Bylaw or related permit. Compliance programs are applicable to existing dischargers only; new discharges must fully comply with the requirements of this bylaw.

**COMPOSITE SAMPLE** – A volume of wastewater, storm water, uncontaminated water, clear-water or effluent made up of three or more grab samples that have been combined automatically or manually and taken at intervals during the sampling periods.

**DENTAL AMALGAM** – A dental filling material consisting of an amalgam of mercury, silver and other materials such as copper, tin or zinc.

**DENTAL AMALGAM SEPARATOR** – Any technology, or combination of technologies, designed to separate dental amalgam particles from dental operation wastewater.

**EXTRA STRENGTH** – Refers to wastewater released to the sewer that is higher in concentration for one or more constituent concentrations set out in Schedule C or containing constituents identified in Schedule C.

**FLOW MONITORING POINT** – An access place to the sewer service for the purpose of:

- (a) Measuring the rate or volume of wastewater, storm water, clear water waste or subsurface water released from the premises; and
- (b) Collecting representative samples of the wastewater, storm water, clear water waste or subsurface water released from the premises.

**FOUNDATION DRAIN** – Includes a pipe around a foundation for the collection of groundwater.

**FUELS** – Alcohol, gasoline, naphtha, diesel fuel, fuel oil or any other ignitable substance intended for use as a fuel.

**GRAB SAMPLE** – A volume of wastewater, storm water, uncontaminated water or effluent which is collected over a period not exceeding 15 minutes.

**GROUNDWATER** – Water beneath the earth's surface accumulating as a result of seepage.

**HAULED WASTE** – Any industrial waste which is transported to and deposited into any location in the wastewater works, excluding hauled wastewater.

**HAULED WASTEWATER** – Waste removed from a wastewater system, including a cesspool, a septic tank system, a privy vault or privy pit, a chemical toilet, a portable toilet or a wastewater holding tank. Also "Hauled Sewage" as defined in the most current version of R.R.O. 1990, Regulation 347, as amended, made under the *Environmental Protection Act*.

#### **HAZARDOUS SUBSTANCES**

- (a) Any substance or mixture of substances, other than a pesticide, that exhibits characteristics of flammability, corrosivity, reactivity or toxic; and
- (b) Any substance that is designated as a hazardous substance within the meaning of R.R.O. 1990, Regulation 347, as amended, made under the *Environmental Protection Act*.

**IGNITABLE WASTE** – A substance that:

- (a) Is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume and has a flash point less than 93 degrees Celsius, as determined by the Tag Closed Cup Tester (ASTM D-56-97a), the Setaflash Closed Cup Tester (ASTM D-3828-97 or ASTM D-3278-96e1), the Pensky- Martens Closed Cup Tester (ASTM D-93-97), or as determined by an equivalent test method;
- (b) Is a solid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a danger;
- (c) Is an ignitable compressed gas as defined in the regulations under the *Transportation of Dangerous Goods Act, 1992, S.C. 1992, as amended*; or
- (d) Is an oxidizing substance as defined in the regulations under the *Transportation of Dangerous Goods Act, 1992, S.C. 1992, as amended*.

**INDUSTRIAL** – Of or pertaining to manufacturing, commerce, trade, business or institutions as distinguished from domestic or residential.

**INDUSTRIAL PROCESS AREA** – Any industrial building, property or land area which during manufacturing, processing or storage comes into direct contact with any raw material, intermediate product, finished product, byproduct, or waste product.

**INDUSTRY** – Any owner or operator of industrial, commercial or institutional premises from which there is a discharge of any matter directly or indirectly into a sanitary sewer or storm sewer of the Municipality.

**INSTITUTION** – A facility, usually owned by a government, operated for public purposes, such as schools, universities, medical facilities (hospitals, nursing stations, nursing homes), museums, prisons, government offices, military bases. Some of these facilities produce non-residential discharges to sewers from, for example, laboratories,

chemical use, and industrial processes.

**KJELDAHL NITROGEN** – Organic nitrogen as determined by one of Method 420A or 420B in Standard Methods.

**MONITORING ACCESS POINT** – An access point, such as a chamber, in a private sewer connection to allow for observation, sampling and flow measurement of the wastewater, uncontaminated water or storm water therein.

**MUNICIPALITY** – means the Corporation of the Municipality of Kincardine and includes its employees, servants and agents;

**MUNICIPAL SEWER CONNECTION** – That part of any drain leading from the private sewer connection and connected to the municipal sewer and generally located within the limits of the public road allowance, or other public lands or public land interests (e.g. utility easements) held for sewerage purposes.

**NON-CONTACT COOLING WATER** – Water which is used to reduce temperature for the purpose of cooling and which does not come into direct contact with any raw material, intermediate product other than heat or finished product.

**NOTICE** – A notice given by registered mail from the Municipality to the last known address of the Owner.

**OIL AND GREASE** – *n*-Hexane extractable matter as described in Standard Methods.

**PATHOLOGICAL WASTE** – Pathological waste within the meaning of R.R.O. 1990, Regulation 347, as amended, made under the *Environmental Protection Act*.

**PCB** – Any monochlorinated or polychlorinated biphenyl or any mixture of them or mixture that contains one or more of them.

**PERSON** – An individual, association, partnership, corporation, municipality or an agent or employee of such a person.

**PESTICIDE** – A pesticide regulated under *Pesticides Act*, R.S.O. 1990, c. P.11 (PA).

**pH** – means the logarithm to the base 10 of the reciprocal of the concentration of hydrogen ions in grams per litre of solution.

**PHOSPHOROUS** – Total phosphorous as determined by both Method 424C plus one of Method 424D, 424E, 424F, or 424G in Standard Methods.

**PRETREATMENT** – The reduction, elimination or alteration of pollutants in wastewater prior to discharge into the sanitary sewer. This reduction or alteration can be obtained by physical, chemical, or biological processes, through pollution prevention, or by other means, except by diluting the concentration of the pollutants.

**PRETREATMENT PROCESSES** – one or more treatment processes or devices designed to remove sufficient matter from wastewater discharged into the municipal sewer to enable compliance with effluent limits established in this Bylaw. Pretreatment processes prevent or reduce and control the discharge or deposit of matter from the discharger's premises into the municipal sewer connection.

**PRIVATE SEWER CONNECTION** – That part of any drain or system of drains, including drains or subsurface drainage pipe for surface or subsurface drainage of the land in or adjacent to a building, generally lying within the limits of the private lands, and leading to a municipal sewer connection and whose responsibility for maintenance is the property owner's.

**PROHIBITED WASTE** – means prohibited waste as defined in Schedule "A" to this bylaw.

**RADIOACTIVE WASTE SUBSTANCES** – Substances defined in the federal *Nuclear Safety and Control Act* and the regulations passed there under, as amended from time to time.

**REACTIVE WASTE** – A substance that:

- (a) Is normally unstable and readily undergoes violent changes without detonating;
- (b) Reacts violently with water;
- (c) Forms potentially explosive mixtures with water;
- (d) When mixed with water, generates toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment;
- (e) Is a cyanide or sulphide bearing waste which, when exposed to pH conditions between 2 and 12.5, can generate toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment;
- (f) Is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement;
- (g) Is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure; or
- (h) Is an explosive (Class 1) as defined in the regulations under the *Transportation of Dangerous Goods Act, 1992, S.C. 1992, as amended.*

**RESTRICTED WASTE** – means restricted waste as defined in Schedule “B” to this bylaw.

**SAMPLING PORT** – A valve, tap, or similar device on equipment, a drain pipe or at another suitable location, to allow for sampling, consistent with technical guidelines that the Municipality of Kincardine may establish from time to time.

**SANITARY SEWER** – A sewer for the collection and transmission of domestic or industrial wastewater or any combination thereof.

**SEPTIC TANK WASTE** – Any Waste extracted from a cesspool, septic tank, sewage holding tank, seepage pit, interceptor or other containment for human excretion and wastes.

**SEVERELY TOXIC WASTE** — Waste containing any contaminant listed in Schedule 3 of R.R.O. 1990, Regulation 347, as amended, made under the *Environmental Protection Act*.

**SEWAGE** – Any liquid waste containing animal, vegetable or mineral matter in solution or in suspension, except uncontaminated water.

**SEWAGE WORKS** – Any works for the collection, transmission, treatment or disposal of sewage, or any part of such work.

**SEWER** – A pipe, conduit, drain, open channel or ditch for the collection and transmission of wastewater, storm water or uncontaminated water, or any combination thereof.

**SPILL** – A direct or indirect discharge into the wastewater works, storm sewer or the natural environment which is abnormal in quantity or quality in light of all the circumstances of the discharge.

**STANDARD METHODS** – A procedure or method set out in *Standard Methods for the Examination of Water and Wastewater* published jointly by the American Public Health Association, American Water Works Association and the Water Environment Federation, recent or latest edition or approved in writing by the Municipality.

**STORM SEWER** – 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 or other natural precipitation or from the melting of snow or ice.

**SUBSURFACE DRAINAGE PIPE** – A pipe that is installed underground to intercept and convey subsurface water, and includes foundation drain pipes.

**SUBSURFACE WATER** – Groundwater including foundation drain water.

**TOTAL SUSPENDED SOLIDS (TSS)** – Insoluble matter in liquid that is removable by filtration, as determined by the appropriate procedure described in Standard Methods.

**TOTAL PAHs** – The total of all of the following polycyclic aromatic hydrocarbons: Acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, enzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i,)perylene, benzo(k)fluoranthene, chrysenes, dibenzo(a,h)anthracene, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, methyl-naphthalene, naphthalene, phenanthrene, pyrene.

**TOXIC SUBSTANCE** – Any substance defined as toxic within the meaning of R.R.O. 1990, Regulation 347, as amended, made under the *Environmental Protection Act*.

**UNCONTAMINATED WATER** – Water with a level of quality which is typical of potable water normally supplied by the Municipality of Kincardine.

**WASTE DISPOSAL SITE LEACHATE** – The liquid containing dissolved or suspended contaminants which emanates from waste (solid waste or garbage) and is produced by water percolating through waste or by liquid in waste.

**WASTEWATER** – means the composite of water and water-carried wastes from residential, commercial, industrial or institutional premises or any other source, also referred to as “sewage”.

**WASTEWATER SLUDGE (BIOSOLIDS)** – Solid material recovered from the wastewater treatment process.

**WASTEWATER TREATMENT FACILITY** – means any structure or thing used for the physical, chemical, biological or radiological treatment of wastewater, and includes sludge treatment, wastewater sludge storage and disposal facilities.

**WASTEWATER WORKS** – Any works for the collection, transmission, treatment and disposal of wastewater, storm water or uncontaminated water, including a sanitary sewer or storm sewer, or any part of such works, but does not include plumbing or other works to which the applicable Building Code section applies. Also referred to as sewage works.

**WATERCOURSE** – An open channel, ditch or depression, either natural or artificial, in which flow of water occurs either continuously or intermittently.

## 2.0 SANITARY SEWER REQUIREMENTS

2.1 No person shall discharge directly or indirectly or deposit or cause or permit the discharge or deposit of sewage into a sanitary sewer, municipal or private sewer connection to any sanitary sewer in circumstances where:

- (a) To do so may result in:
  - (i) A health or safety hazard to a person authorized by the Municipality to inspect, operate, maintain, repair or otherwise work on a wastewater works;
  - (ii) An offence under the Ontario Water Resources Act or the Environmental Protection Act, as amended from time to time, or any regulation made thereunder from time to time;
  - (iii) Failure of biosolids from the wastewater works to which either wastewater discharges, directly or indirectly, to fail to meet the objectives and criteria as listed within of R.R.O. 1990, Regulation 347, as amended, made under the *Environmental Protection Act*;
  - (iv) Interference with the operation or maintenance of a wastewater works, or which may impair or interfere with any wastewater treatment process;
  - (v) A hazard to any person, animal, property or vegetation;
  - (vi) An offensive odour to emanate from wastewater works, and without limiting the generality of the foregoing, wastewater containing hydrogen sulphide, carbon disulphide, other reduced

sulphur compounds, amines or ammonia in such quantity as may cause an offensive odour;

- (vii) Damage to wastewater works;
  - (viii) An obstruction or restriction to the flow in wastewater works.
- (b) The wastewater has one or more of the following characteristics:
- (i) A pH less than 6.5 or greater than 9.0;
  - (ii) Two (2) or more separate liquid layers; or
  - (iii) A temperature greater than 60 degrees Celsius.
- (c) The wastewater contains:
- (i) Acute hazardous waste chemicals;
  - (ii) Combustible liquid;
  - (iii) Biomedical waste, except where:
    - [1] The biomedical waste has been discharged in accordance with the Ontario Ministry of the Environment Guideline C-4 entitled "The Management of Biomedical Waste in Ontario" dated April 1994, as amended; and
    - [2] Any human blood and body fluids known to contain viruses and agents in listed "Risk Group 4" as defined in "Laboratory Biosafety Guidelines, 3<sup>rd</sup> edition" published by Health and Welfare Canada, dated 2004, as amended, are decontaminated prior to discharge.
- (iv) Dyes or colouring materials which may or could pass through a wastewater works and discolours the wastewater works effluent;
- (v) Fuel;
- (vi) Hauled sewage, except where:
  - [1] The carrier enters into a hauled sewage discharge agreement with the Municipality; and
  - [2] The carrier of the hauled sewage operating as a waste management system has an approval or provisional approval issued under the Environmental Protection Act or is exempt, under the Environmental Protection Act, from the requirement to have a certificate or provisional approval; and
  - [3] The carrier meets all terms and conditions for the discharge of the hauled sewage that are or may be set from time to time by the Municipality; and
  - [4] The discharge is in accordance with the hauled sewage discharge agreement and the requirements of Section 20.0.
- (vii) Hauled waste, except where:
  - [1] The carrier of the hauled waste operating as a waste management system has an approval or provisional approval issued under the Environmental Protection Act or is exempt from the requirement to have a certificate or provisional approval;
  - [2] A copy of the most recent certificate or provisional certificate and any amendment of approval is provided to the Municipality;
  - [3] Hauled waste meets the conditions set out in Clauses 23(3)(c) and 25(5)(b) of O. Reg. 347, R.R.O. 1990, as amended from time to time; and
  - [4] The carrier meets all conditions for discharge that are or may be set from time to time with respect to the haulage of

waste by the Municipality.

- (viii) Ignitable waste;
- (ix) Hazardous waste;
- (x) Hazardous waste chemicals; as defined in the most current version of O.Reg. 347
- (xi) Pathological waste; as defined in the most current version of O.Reg. 347, except where:

[1] The owner or operator of the premises has an approval from the *Ontario Ministry of the Environment* which expressly allows the discharge or written approval from the Director of the *Ontario Ministry of the Environment* which expressly authorizes the discharge from the premises; and

[2] The owner or operator of the premises has written approval from the Municipality which expressly authorizes the discharge from the premises; and

[3] A copy of the approval or written authorization referred to in clause [1] has been provided to the Municipality.

- (xii) PCBs, except where:

[1] The person has an approval for a mobile site or PCB mobile waste disposal system issued under the Environmental Protection Act (EPA) or, where the person is claiming exemption under a regulation, the person has demonstrated to the Municipality that the conditions of the exemption are met;

[2] A copy of the most recent certificate or provisional certificate and any amendment is provided to the Municipality; and

[3] The person has written approval from the Municipality that the person has met a condition for an exemption under the regulations in relation to their discharge of PCBs to the sewage works.

- (xiii) Pesticides;
- (xiv) Reactive waste;
- (xv) Severely toxic waste;
- (xvi) Radioactive waste substances, except where:

[1] The radioactive waste substances are being discharged under a valid and current license issued by the Atomic Energy Control Board or its successor; and

[2] A copy of the license has been provided to the Municipality.

- (xvii) Waste disposal site leachate, except where:

[1] The person has prior written approval from the Municipality of Kincardine which permits the discharge or deposit of the waste disposal site leachate to the sewage works.

[2] In the case where an approval or order has been issued which includes a provision for the disposal of waste disposal site leachate to sewage works, a copy of the approval or order is provided to the Municipality of Kincardine or, where the



person is claiming an exemption, the person has received written notice from the Municipality of Kincardine that the conditions of the exemption are being met.

- (xviii) Solid or viscous substances in quantities or of such size to be capable of causing obstruction to the flow in a sewer, including but not limited to ashes, bones, cinders, sand, mud, soil, straw, shaving, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, animal parts or tissues, and paunch manure.
  - (d) The wastewater contains a concentration, expressed in milligrams per litre, in excess of any one or more of the limits as shown on Schedule "A" attached hereto, unless:
    - (i) The discharge is in accordance with a valid discharge agreement or compliance program; or
    - (ii) The person has demonstrated to the Municipality that one or more of the parameter limits contained in Schedule "A" cannot be met as a result of water conservation measures and the Municipality of Kincardine has exercised discretion to impose mass loading limits in addition to or in place of concentration-based limits.
- 2.2 The Municipality of Kincardine may, from time to time, adopt a Best Management Plan or plans with respect to any class or classes of industrial sector, and to impose conditions and requirements specific to any such industrial sector that may vary between sectors in any way that the Municipality of Kincardine determines to be appropriate.
- (a) The discharge of non-contact cooling water or uncontaminated water to a sanitary sewer from any new residential properties is prohibited. The discharge of non-contact cooling water or uncontaminated water to a sanitary sewer from industrial, commercial or institutional properties is permissible where: In the case of a proposed building, the Municipality has specifically approved the discharge to a sanitary sewer.
  - (b) In the case of an existing building, no storm connection exists to the building.
- 2.3 The discharge of water originating from a source separate from the municipal water distribution system directly or indirectly into a sanitary sewer, municipal or private sewer connection to any sanitary sewer is prohibited, except where:
- (a) The water has originated from a well or lake for domestic purposes; or
  - (b) The water is taken in an amount greater than 50,000 litres per day from a separate source and the owner or operator of the premises has a Permit to Take Water issued by the *Ontario Ministry of the Environment* and a copy of such permit has been provided to the Municipality; or
  - (c) The water is taken in an amount less than 50,000 litres per day from a separate source and the owner or operator of the premises has provided the Municipality with the following information:
    - (i) Address of premises where the water is being used;
    - (ii) Location of the water source; and
    - (iii) Amount of water being taken.
- 2.4 The discharge of storm water, water from drainage of roofs or land, water from a watercourse or uncontaminated water directly or indirectly into a sanitary sewer, municipal or private sewer connection to any sanitary sewer is prohibited, except as provided in 14.5.

### 3.0 STORM SEWER REQUIREMENTS

3.1 No person shall discharge or deposit or cause or permit the discharge or deposit of matter of any type into a storm sewer, watercourse, municipal or private sewer connection to any storm sewer which may or could:

- (a) Interfere with proper operation of a storm sewer;
- (b) Obstruct or restrict a storm sewer or the flow therein;
- (c) Damage a storm sewer;
- (d) Result in any hazard or other adverse impact to any person, animal, property or vegetation;
- (e) Impair the quality of the water in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse;
- (f) Contravene or result in the contravention of an approval, requirement, direction or other order issued under the Ontario Water Resources Act or the Environmental Protection Act (EPA) with respect to the storm sewer, its discharge, or both the sewer and its discharge;
- (g) Have one or more of the following characteristics:
  - (i) visible film, sheen or discolouration;
  - (ii) Two (2) or more separate layers;
  - (iii) A pH less than 6.5 or greater than 9.0;
  - (iv) A temperature greater than 40 degrees Celsius.
- (h) Contain one or more of the following:
  - (i) Acute hazardous waste chemicals;
  - (ii) Automotive or machine oils and greases;
  - (iii) Combustible liquids;
  - (iv) Floating debris;
  - (v) Fuel;
  - (vi) Hauled sewage;
  - (vii) Hauled waste;
  - (viii) Hazardous waste;
  - (ix) Hazardous waste chemicals;
  - (x) Ignitable waste;
  - (xi) Non-contact cooling water or blowdown, except when:
    - [1] The non-contact cooling water or blowdown is being discharged pursuant to an approval or order relating to the premises under the *Environmental Protection Act* or the *Ontario Water Resources Act* which expressly allows the discharge;
    - [2] The owner or operator of the premises has written approval from the Municipality which expressly authorizes the discharge from the premises; and
    - [3] A copy of the approval or order referred to in clause [1] has been provided to the Municipality.
  - (xii) Paints or organic solvents;
  - (xiii) Pathological waste;
  - (xiv) PCBs;
  - (xv) Pesticides;
  - (xvi) Reactive waste;
  - (xvii) Severely toxic waste;
  - (xviii) Sewage;
  - (xix) Radioactive waste prescribed substances;
  - (xx) Waste disposal site leachate;
  - (xxi) A substance from raw materials, intermediate or final product, used or produced in, through or from an industrial process;
  - (xxii) A substance used in the operation or maintenance of an industrial site;
  - (xxiii) Dyes or colouring material which could discolour the water;
  - (xxiv) Oil and grease of animal or vegetable origin or of mineral or

synthetic origin which causes a visible film, sheen or discolouration on the water surface;

- (i) Contain E. coli colonies in excess of 200 per 100 mL;
- (j) Contain contaminants from raw materials, intermediate or final products or wastewater from an industrial operation;
- (k) Contain a concentration, expressed in milligrams per litre, in excess of any one or more of the limits shown in Schedule "B" attached hereto;
- (l) Contain a contaminant that may cause an offensive odour to emanate from the sewage works, and without limiting the generality of the foregoing, contain hydrogen sulfide, carbon disulfide, other reduced sulfur compounds, amines or ammonia;

3.2 Storm water runoff from commercial, industrial and institutional properties shall be limited to a maximum of 70 litres/second/hectare.

#### **4.0 ADDITIONAL REQUIREMENTS**

##### **4.1 Food –Related Grease Interceptors**

- (a) Every owner or operator of a restaurant or other industrial, commercial or institutional premises where food is cooked, processed or prepared, for which the premises is connected directly or indirectly to a sanitary sewer, shall take all necessary measures to ensure that oil and grease are prevented from entering the sanitary sewer in excess of the provisions of this by-law. Grease interceptors shall not discharge to storm sewers.
- (b) The owner or operator of the premises as set out in this Section shall install, operate, and properly maintain an oil and grease interceptor in any piping system at its premises that connects directly or indirectly to a sanitary sewer. The oil and grease interceptors shall be installed in compliance with the most current requirements of the applicable Building Code no later than six months from the effective date the Municipality becomes aware of such contraventions. The installation of the oil and grease interceptor shall meet the requirements of the Canadian Standards Association national standard CAN/CSA B-481.2, as amended.
- (c) All oil and grease interceptors shall be maintained according to the manufacturer's recommendations.  
The testing, maintenance and performance of the interceptor shall meet the requirements of CAN/CSA B-481. Traps should be cleaned before the thickness of the organic material and solids residuals is greater than twenty-five percent (25%) of the available volume; cleaning frequency should not be less than once per year. Maintenance requirements should be posted in the workplace in proximity to the grease interceptor.
- (d) A maintenance schedule and record of maintenance shall be submitted to the Municipality annually for each interceptor installed.
- (e) The owner or operator of the restaurant or other industrial, commercial or institutional premises where food is cooked, processed or prepared, shall, for two years, keep the document of proof for interceptor clean-out and oil and grease disposal.
- (f) Emulsifiers shall not be discharged to the sewer system into interceptors. No person shall use enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of Oil and Grease through a Grease Interceptor.
- (g) In the case of failure to adequately maintain the grease interceptor to the satisfaction of the Municipality, the Municipality may require an alarmed monitoring device to be installed, at the expense of the owner, in accordance with specifications of CAN/CSA B-481.

##### **4.2 Vehicle and Equipment service oil and grease interceptors**

- (i) Every owner or operator of a vehicle or equipment service station,

repair shop or garage or of an industrial, commercial or institutional premises or any other establishment where motor vehicles are repaired, lubricated or maintained and where the sanitary discharge is directly or indirectly connected to a sewer shall install an oil and grease interceptor designed to prevent motor oil and lubricating grease from passing into the sanitary sewer in excess of the limits in this bylaw no later than six months from the effective date the Municipality becomes aware of such contraventions.

- (ii) The owner or operator of the premises as set out in Clause 4.2(i) shall install, operate, and properly maintain an oil and grease interceptor in any piping system at its premises that connects directly or indirectly to a sewer. The oil and grease interceptors shall be installed in compliance with the most current requirements of the applicable Building Code and be maintained as recommended by the Canadian Petroleum Products Institute (CPPI).
- (iii) All oil and grease interceptors and separators shall be maintained in good working order and according to the manufacturer's recommendations and shall be inspected regularly to ensure performance is maintained to the manufacturer's specifications for performance and inspected to ensure the surface oil and sediment levels do not exceed the recommended level.
- (iv) A maintenance schedule and record of maintenance shall be submitted to the Municipality annually for each oil and grease interceptor installed.
- (v) The owner or operator of the premises as set out in Clause 4.2(i), shall, for two years, keep the document of proof for interceptor clean-out and oil and grease disposal.
- (vi) Emulsifiers shall not be discharged to the sewer system into interceptors. No person shall use enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of oil and grease through an oil and grease interceptor.
- (vii) In the case of failure to adequately maintain the oil and grease interceptor to the satisfaction of the Municipality, the Municipality may require an alarmed monitoring device to be installed, at the expense of the owner.

#### 4.3 Sediments Interceptors

- (a) Every owner or operator of the premises from which sediment may directly or indirectly enter a sewer, including but not limited to premises using a ramp drain or area drain and vehicle wash establishments, shall install a sediment interceptor no later than six months from the effective date the Municipality becomes aware of such contraventions to ensure that such sediment is prevented from entering the drain or sewer in excess of the limits in this bylaw.
- (b) All sediment interceptors shall be maintained, at the owner's expense, in good working order and according to manufacturer's recommendations and shall be inspected regularly to ensure performance is maintained to the manufacturer's specifications for performance.
- (c) The owner or operator of a premises as set out in Clause 4.3(a), shall, for 2 years, keep documentation of interceptor clean-out and sediment disposal.
- (d) A maintenance schedule and record of maintenance shall be submitted to the Municipality annually for each sediment interceptor installed.
- (e) The Maintenance of catch basins installed on private property for the purposes of collecting storm water and carrying it into the municipal storm sewers shall be the sole responsibility of the owners.

#### 4.4 Dental Waste Amalgam Separator

- (a) Every owner or operator of the premises from which dental amalgam may be discharged, which waste may directly or indirectly enter a sanitary sewer, shall install, operate and properly maintain dental amalgam separator(s) with at least 95% efficiency in amalgam weight and certified ISO 11143 – “Dental Equipment: Amalgam Separators”, in any piping system at its premises that connects directly or indirectly to a sewer no later than six months from the effective date the Municipality becomes aware of such contraventions, except where the sole dental-related practice at the premises consists of one or more of the following specialties or type of practice:
  - (i) Orthodontics and dentofacial orthopedics;
  - (ii) Oral and maxillofacial surgery;
  - (iii) Oral medicine and pathology;
  - (iv) Periodontics; or
- (b) A dental practice consisting solely of visits by a mobile dental practitioner who prevents any dental amalgam from being released directly or indirectly to the wastewater works. Notwithstanding Clause 4.4(a), any person operating a business from which dental waste amalgam is or could be discharged directly or indirectly to a sewer, at premises which are constructed or substantially renovated on or after the date that Section 4.4 comes into force, shall install, operate and properly maintain dental waste amalgam separator(s) in any piping system which is connected directly or indirectly to a sewer.
- (c) Notwithstanding compliance with Clause 4.4(a) and 4.4(b), all persons operating or carrying on the business of a dental practice shall comply with Schedule “A” and Schedule “B” of this bylaw.
- (d) All dental waste amalgam separators shall be maintained, at the owner's expense, in good working order and according to the manufacturer's recommendations.
- (e) A maintenance schedule and record of maintenance shall be submitted to the Municipality annually for each dental amalgam separator installed.

#### 4.5 Pretreatment facilities

- (a) Where required by the Municipality, the owner or operator shall install on the premises, and prior to the sampling point, a wastewater pretreatment facility.
- (b) The owner or operator shall ensure the design, operation and maintenance of the pretreatment facility achieves the treatment objectives and is in accordance with the manufacturer's recommendations.
- (c) The owner or operator shall ensure any waste products from the pretreatment facility are disposed of in a safe manner.
- (d) The maintenance records and waste disposal records shall be submitted to the Municipality annually.
- (e) The owner or operator shall keep documentation pertaining to the pretreatment facility and waste disposal for five years.

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

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

### 5.0 AGREEMENTS

#### 5.1 A person may discharge or deposit wastewater into or in any connection to a sanitary sewer, otherwise prohibited by this by-law, where authorized, and only to the extent of such authorization, by:

- (a) An industrial waste surcharge agreement including conditions for payment of additional costs of operation, repair and maintenance

of the wastewater works, restrictions on the discharge, and such other terms and conditions as may be deemed appropriate by the Municipality of Kincardine; or

- (b) A sanitary discharge agreement including conditions for payment for water pollution control treatment purposes that otherwise would have been obtained from a surcharge on the water had it been supplied by the Municipality, restrictions on the discharge, and such other terms and conditions as may be deemed appropriate by the Municipality of Kincardine; or
- (c) A hauled sewage discharge agreement including conditions for payment, restrictions on the discharge, and such other terms and conditions as may be deemed appropriate by the Municipality of Kincardine.

## 5.2 Restrictions on Agreements

- (a) An Industrial Waste Surcharge Agreement may only be entered into with respect to the discharge of the following treatable parameters in wastewater: biochemical oxygen demand (BOD), total phosphorus (TP), oil and grease of animal and vegetable origin (O&G), total suspended solids (TSS) and total Kjeldahl nitrogen (TKN). Schedule "C" provides the maximum concentrations the Municipality will consider for an Industrial Waste Surcharge Agreement.
- (b) Unless otherwise agreed to, by the Municipality, a sanitary discharge agreement may only be entered into with respect to the discharge of wastewater, which contains water that has originated from the municipal water supply system.
- (c) Unless otherwise agreed to, a hauled sewage discharge agreement may only be entered with respect to the discharge of hauled wastewater originating from septic tanks, portable toilets, or holding tanks and household pet waste within the Municipality.

## 5.3 Should testing of the wastewater being discharged into the wastewater collection system be required for the purpose of determining the wastewater surcharge rate, such testing shall be conducted by Municipality staff or designate, or by the owner to the satisfaction of the Municipality, at the owner's expense, using automated sampling devices or in accordance with the following manual sampling protocol or alternative protocol as set out by the Municipality of Kincardine.

- (a) Samples from the effluent produced at a location will be collected each day for a minimum of two days;
  - (i) A minimum of two grab samples of equal volume shall be taken each day, and;
  - (ii) Such samples to be taken at least one hour apart;
- (b) The analysis shall be conducted on a composite sample made of each day's grab samples;
- (c) The respective results of these tests shall be averaged to determine the characteristics and concentration of the effluent being discharged into the Municipality's wastewater collection system.

## 5.4 The Municipality reserves the right, in the event of a spill or major release of highly concentrated effluent, to calculate the surcharge based on a single grab sample.

## 5.5 Industrial waste surcharge agreements, sanitary discharge agreements, and hauled sewage discharge agreements shall be in the form prescribed by the Municipality of Kincardine from time to time, provided that the agreement is in a form satisfactory to the Municipality's Solicitor.

## 5.6 The agreements contemplated by Subsection 5.1 may be terminated by the Municipality of Kincardine by written notice at any time where there is an emergency situation of immediate threat or danger to any person, property, plant

or animal life, water or sewage works.

- 5.7 Where a person or corporation has entered into an agreement with the Municipality in respect to the discharge or deposit of wastewater:
- (a) Such person shall notify the Municipality in writing, within no more than 10 days of the occurrence, of:
    - (i) Any change in ownership of the property upon or from which the discharge of wastewater is occurring;
    - (ii) In the case where such party is a lessee or licensee of the property upon or from which the discharge of wastewater is occurring, the termination of such lease or license;
    - (iii) In the case where a corporation is a party to such an agreement, any change in control or majority ownership of such corporation;
    - (iv) In the case where a partnership is a party to such an agreement, any change in the partnership status or partners; Any change in the manner of discharge or deposit of the wastewater by such person;
  - (b) In the event that a person fails to provide written notice as required by Clause 5.7(a), such agreement with the Municipality shall terminate on the 11th day following such occurrence.
- 5.8 An agreement with the Municipality in respect to the discharge or deposit of wastewater shall not be assignable or in any way transferable to any other person or corporation without the review and express written authorization of the Municipality.
- 5.9 Prior to the execution of the agreement with the Municipality in respect to the discharge or deposit of wastewater, where the party is a corporation, such party shall deliver to the Municipality a true copy of its letters of incorporation, letters patent or similar instrument of incorporation and any amendments to such instruments of incorporation and, within 10 days of the occurrence of same, shall deliver to the Municipality a true copy of any change in status or name of such corporation since the date of execution of the agreement.
- 5.10 Where the operating authority for the sewage treatment plant which is receiving sewage defined in the agreement is not the Municipality, an agreement under this section does not become effective unless the operating authority has reviewed and approved the agreement.
- 5.11 A person who has entered into an agreement with the Municipality shall not be prosecuted under Section 2.0 of this by-law for the discharge or deposit of sewage containing the matters specified in the agreement and in compliance with the agreement during the period within which the agreement is applicable and so long as the agreement is being fully complied with.

## **6.0 COMPLIANCE PROGRAMS**

- 6.1 An Industry may be required to submit to the Municipality a proposed compliance program setting out activities to be undertaken by the Industry that would result in the prevention or reduction and control of the discharge or deposit of matter from the Industry's premises into municipal or private sewer connections to any sanitary sewer.
- 6.2 An Industry may submit to the Municipality a proposed compliance program setting out activities to be undertaken by the Industry that would result in the prevention or reduction and control of the discharge or deposit of uncontaminated water, groundwater or storm water from the Industry's premises to eliminate the discharge of matter into municipal or private sewer connections to any storm sewer.
- 6.3 Upon receipt of the proposed compliance program pursuant to Subsection 6.1 or 6.2 above, the Municipality may issue an approval for a compliance program for an Industry to discharge an effluent that does not comply with Section 2.0 or

Section 3.0 of this bylaw. The Industry shall be entitled to make non-complying discharges in the amount and only to the extent set out in the Municipality's approval, during the planning, design and construction or installation of facilities or works needed to implement the approved compliance program.

- 6.4 Every proposed compliance program shall be for a specified length of time during which pretreatment facilities or other measures are to be installed or implemented and shall be specific as to the remedial actions to be implemented by the Industry, the dates of commencement and completion of the activity and the materials or other characteristics of the matter to which it relates. The final activity completion date shall not be later than the final compliance date in the compliance program.
- 6.5 The Municipality is authorized to execute agreements with industries with respect to approved compliance programs. These agreements may include a provision for a reduction in the payment otherwise required from the industry to the Municipality pursuant to an industrial waste surcharge, sanitary discharge, or hauled sewage discharge agreement. The reduction in payment to the Municipality may be in such an amount and for such duration as the agreement may specify.
- 6.6 An industry to which a compliance program has been issued shall submit a compliance program progress report in a form approved by the Municipality within 14 days after the scheduled completion date for each activity listed in the compliance program.
- 6.7 The Municipality may terminate any approved compliance program entered into pursuant to Section 6.0, by written notice at any time to the Industry in the event that the Industry fails or neglects to carry out or diligently pursue the activities required of it under its approved compliance program, and in the event of any such termination, the Industry shall pay to the Municipality the full difference in amount between what it was required to pay to the Municipality pursuant to the industrial waste surcharge, sanitary discharge, or hauled sewage discharge agreement, and the amount actually paid to the Municipality as a result of having entered into an agreement with respect to the approved compliance program.
- 6.8 A compliance program contemplated by Section 6.0 may be terminated by the Municipality on 30 days written notice if the discharge of sewage covered by such compliance program is causing contravention of Clauses 2.1(a), 3.1(a), 3.1(b), 3.1(c), 3.1(d), 3.1(e), or 3.1(f).
- 6.9 A compliance program contemplated by Section 6.0 may be terminated by the Municipality of Kincardine by written notice at any time where there is an emergency situation of immediate threat or danger to any person, property, plant or animal life, water or sewage works.
- 6.10 Where the operating authority for the sewage treatment plant, land drainage works, or storm sewer which is receiving sewage, uncontaminated water or stormwater from the premises identified in the letter of compliance program is not the Municipality, the compliance program does not become effective unless the operating authority has reviewed and approved the compliance program.

## **7.0 PROHIBITION OF DILUTION**

- 7.1 No person shall discharge directly or indirectly, or permit the discharge or deposit of wastewater into a sanitary sewer works where water has been added to the discharge for the purposes of dilution to achieve compliance with Section 2.0 of this bylaw.
- 7.2 No person shall discharge directly or indirectly, or permit the discharge or deposit of matter into a storm sewer where water has been added to the discharge for the purposes of dilution to achieve compliance with Section 3.0 of this bylaw.

## **8.0 SAMPLING**



- 8.1 Where sampling is required for the purposes of determining the concentration of constituents in the wastewater, storm water or uncontaminated water, the sample may:
- (a) Be collected manually or by using an automatic sampling device; and
  - (b) Contain additives for its preservation.
- 8.2 For the purpose of determining compliance with Schedule "A" or Schedule "B", discrete wastewater and storm water streams within premises may be sampled, at the discretion of the Municipality.
- 8.3 Any single grab sample may be used in determining compliance with Schedule "A" or Schedule "B" of this bylaw.
- 8.4 The obligations set out in or arising out of Subsection 8.1 and 8.2 shall be completed at the expense of the discharger.
- 8.5 All tests, measurements, analyses and examinations of wastewater, its characteristics or contents pursuant to this Bylaw shall be carried out in accordance with "Standard Methods" and be performed by a laboratory accredited for analysis of the particular substance(s) using a method which is within the laboratory's scope of accreditation or to the satisfaction of the Municipality as agreed in writing prior to sample analysis.

#### **9.0 DISCHARGER SELF-MONITORING**

- 9.1 The discharger shall complete any monitoring or sampling of any discharge to a wastewater works as required by the Municipality, and provide the results to the Municipality on a regular basis in the form specified by the Municipality.
- 9.2 The obligations set out in or arising out of Subsection 9.1 shall be completed at the expense of the discharger.

#### **10.0 MONITORING ACCESS POINTS**

- 10.1 The owner or operator of industrial, commercial or institutional premises or a multi-storey residential building with one or more connections to a sewage works shall install and maintain in good repair in each connection a suitable monitoring access point or an alternative device such as a sampling port to allow observation and sampling of the sewage and measurement of the flow of sewage therein.
- 10.2 The monitoring access point or an alternative device shall be located on the property of the owner or operator of the premises, as close to the property line as possible, unless the Municipality has given prior written approval for a different location.
- 10.3 Each monitoring access point, device or facility installed shall be designed and constructed in accordance with good practices and the requirements of the Municipality, and shall be constructed and maintained by the owner or operator of the premises at his or her expense.
- 10.4 The owner or operator of industrial, commercial or institutional premises or a multi-storey residential building shall at all times ensure that every monitoring access point, alternative device or facility installed as required by this by-law is accessible to the Municipality for the purposes of observing, sampling and flow measurement of the wastewater, uncontaminated water or storm water therein.
- 10.5 The following discharger activities require sampling ports when it is not possible to install a monitoring access point:
- (a) Dental offices, and
  - (b) Businesses using photographic processing units.

#### **11.0 SPILLS**

- 11.1 In the event of a spill to a wastewater works and/or storm sewer works, the person

responsible or the person having the charge, management and control of the spill shall immediately notify and provide any requested information with regard to the spill to:

- (a) If there is any immediate danger to human health and/or safety
    - (i) 9-1-1 emergency; or
  - (b) If there is no immediate danger:
    - (i) The Municipality, by contacting the municipal offices; and
    - (ii) The owner of the premises where the release occurred; and
    - (iii) Any other person whom the person reporting knows or ought to know may be directly affected by the release.
- 11.2 The person responsible for the spill and the person having the charge, management and control of the spill shall do everything reasonably possible to contain the spill, protect the health and safety of citizens, minimize damage to property, protect the environment, clean up the spill and contaminated residue and restore the affected area to its condition prior to the spill.
- 11.3 The person responsible for the spill or the person having the charge, management and control of the spill shall provide a detailed report on the spill to the Municipality, within five working days after the spill, containing the following information to the best of his or her knowledge:
- (a) Location where spill occurred;
  - (b) Name and telephone number of the person who reported the spill and the location and time where they can be contacted;
  - (c) Date and time of spill;
  - (d) Material spilled;
  - (e) Characteristics and composition of material spilled;
  - (f) Volume of material spilled;
  - (g) Duration of spill event;
  - (h) Work completed and any work still in progress in the mitigation of the spill;
  - (i) Preventive actions being taken to ensure a similar spill does not occur again; and
  - (j) Copies of applicable spill prevention and spill response plans.
- 11.4 Nothing in this Bylaw relieves any persons from complying with any notification or reporting provisions of:
- (a) Other government agencies, including federal and provincial agencies, as required and appropriate for the material and circumstances of the spill; or,
  - (b) Any other Bylaw of the Municipality.
- 11.5 The Municipality may invoice the person responsible for the spill to recover costs of time, materials and services arising as a result of the spill. The person responsible for the spill shall pay the costs invoiced.
- 11.6 The Municipality may require the person responsible for the spill to prepare and submit a spill contingency plan to the Municipality to indicate how risk of future incidents will be reduced and how future incidents will be addressed.
- 12.0 AUTHORITY OF MUNICIPALITY'S DESIGNATED REPRESENTATIVE**
- 12.1 The designated representative of the Municipality has the authority to carry out any inspection reasonably required to ensure compliance with this bylaw, including but not limited to:
- (i) Inspecting, observing, sampling, testing, and measuring the flow in any private:
    - (i) Drainage system;
  - (ii) Wastewater disposal system;
  - (iii) Pretreatment facilities;
  - (iv) Storm water;
  - (v) Clear-water waste;

- (vi) Subsurface water;
  - (vii) Storm water management facility; and
  - (viii) Flow monitoring point(s).
  - (ii) Determine water consumption by reading water meters;
  - (iii) Test flow measuring devices;
  - (iv) Collect and analyze samples of hauled wastewater coming to a discharge location;
  - (v) Make inspections of the types and quantities of chemicals being handled or used on the premises in relation to possible release to a drainage system or watercourse;
  - (vi) Inspect and copy documents or remove documents from premises to make copies;
  - (vii) Inspect chemical storage areas and spill containment facilities and request Material Safety Data Sheets (MSDS) for materials stored or used on site;
  - (viii) Inspect the premises where a release of prohibited or restricted wastes or of water containing prohibited or restricted wastes has been made or is suspected of having been made, and to sample any or all matter that in his/her opinion could have been part of the release.
- 12.2 For the purpose of the administration of this by-law, the Municipality's Designated Representative may, upon production of his/her identification, enter an industrial premises to observe or measure the flow of sewage and to collect any samples required.
- 12.3 No person shall hinder or prevent the Municipality's Designated Representative from carrying out any of his/her powers or duties.
- 12.4 The Municipality may designate a representative that would have the same authority and responsibilities as the Municipality as laid out in this by-law.

### **13.0 PRIVATE SWIMMING POOL WATER**

- 13.1 Conventional non-salt water swimming pools or hot tub/spa or wading pools.
- (a) No person shall discharge wastewater from a swimming pool or hot tub/spa or wading pool:
    - (i) Into a storm drainage system, unless otherwise permitted under Clause 13.1.(c); or
    - (ii) In a manner that may cause or causes the wastewater to flow onto an adjoining property; or
    - (iii) Over a valley or ravine wall or slope in a manner that may cause or causes the erosion or instability of the valley or ravine wall or slope; or
    - (iv) In a manner other than is permitted under Clauses 13.1.(b) or 13.1.(c).
  - (b) Unless otherwise permitted under Clause 13.1.(c), a person is permitted to discharge wastewater from a swimming pool or hot tub/spa or wading pool either:
    - (i) By way of a temporary connection to the sanitary sewer; or
    - (ii) By way of a controlled discharge to the owner's property such that the discharge is at all times contained within the owner's property until it evaporates or infiltrates into the ground.
  - (c) A person is permitted to discharge wastewater from a swimming pool or hot tub/spa or wading pool to a storm sewer provided that all of the following conditions are met:
    - (i) There are no algaecides in the swimming pool or hot tub/spa or wading pool water; and
    - (ii) The swimming pool or hot tub/spa or wading pool water is held in the pool for one week after the last dosage of chlorine and the chlorine concentration in the wastewater is at or below 0.01 mg/L; and
    - (iii) The swimming pool or hot tub/spa or wading pool water is

treated with sodium sulphite to achieve the 0.01 total chlorine limit; and

- (iv) The copper concentration of the swimming pool or hot tub/spa or wading pool water is at or below 0.04 mg/L.

13.2 Salt water swimming pools or hot tub/spa or wading pools.

- (i) No person shall discharge wastewater from a salt water swimming pool or hot tub/spa except: To the sanitary sewer, either by:
  - [1] A permanent connection to the sanitary drain on the owner's property; or
  - [2] By way of a temporary connection to the sanitary drain on the owner's property; or
- (ii) By way of a controlled discharge to the owner's property such that the discharge is at all times contained within the owner's property until it evaporates or infiltrates into the ground provided that it does not migrate onto adjacent lands.

13.3 Rainwater resting on a tarp which covers a swimming pool or hot tub/spa or wading pool may be discharged to a storm sewer, subject to Section 3.0 of this bylaw.

13.4 The backwash water from the swimming pool filter shall be discharged to the sanitary sewer or owner's property in a manner that does not flow on to the street or a neighbouring property.

#### 14.0 SANITARY SEWER CONNECTIONS

14.1 If a property is within a vulnerable area, as defined by local Source Protection Authority documents, and has an on-site sewage system, and is within 100 metres of a sanitary sewer, it is required to connect to that sewer on, or before July 1, 2021 and properly decommission the on-site sewage system.

14.2 No person shall erect or cause or permit to be erected any new building unless the new building is connected to a sanitary sewer for sanitary drainage purposes where one is available in the judgment of the Municipality, save and except an accessory building not requiring service by the Building Code Act, 1992, S.O. 1992 or other applicable law related to plumbing or a wastewater system.

14.3 All individual properties or properties that may reasonably be divided in the future (e.g. duplexes, triplexes) must have an individual service connection to a sanitary sewer. Wye and similar connections are not allowed.

14.4 Old private sewer connections may be used in connection with new buildings only when they are found, on examination and approved by the Municipality, to meet all requirements of this ordinance.

14.5 Where permitted by the Municipality and where no alternative outlet is available, water from foundation drains of existing buildings shall be permitted to discharge into the Municipality's sanitary sewer system. Water from foundation drains of new buildings shall not be permitted to discharge into the sanitary sewer system.

14.6 Making a sewer connection.

- (a) Any person desiring a sewer connection shall make application for a Plumbing Permit and, where necessary, for the disconnection of the existing sewer connections, and pay to the Municipality the Permit fee according to the Municipality's Fee Bylaw. Work regarding the installation of the sewer lateral connection from the main sewer to property line shall not proceed until the owner or owner's agent makes a payment to the Municipality to cover the cost of the Permit.
- (b) Any connection required to be made by an Owner under this By-law shall be made:
  - (i) Within nine (9) months of the mailing of a notice to the Owner by registered mail to his/her last known address

- requiring the connection to be made, or within such periods of time, if any, as are granted by Council as an extension pursuant to the provisions of this By-law; and
- (ii) In accordance with the requirements of the Notice and any By-law regulations or statutes governing such connection.
- (c) Any notice hereunder:
- (i) Shall require the Owner to make the connection; and
  - (ii) Shall advise the Owner:
    - [1] The date on which the nine (9) month period expires; and
    - [2] That if the Owner fails to make the connection as required, the Municipality has the rights to make it at the Owner's expense and to recover the expense by action or in like manner as municipal taxes.
- (d) A notice hereunder may classify different types of sewage and require that such types be drained through separate connections into specified sewers.
- (e) If a building is connected only to one sewer and separate sewers are available, or made available to serve the land on which building is located, the notice hereunder may, if the building or the land on which the building is located is or may be a source of sewage of more than one classified type, require the Owner to connect the building to the sewage works in such manner that the different types of sewage are drained separately into the sewers specified in the notice.
- (f) If a building or the property on which it is located is being connected to a sewage works for the first time and separate sewers for different types of sewage are available or Council has determined that such separate sewers will be made available in the future, the Owner may be required by the notice to make separate connections for the different types of sewage.
- (g) Subject to Clauses 14.5(g)(i) and 14.5(g)(ii), Council may, on the application of an Owner to whom a notice has been sent, grant an extension of the period of nine (9) months within which the connection must be made.
- (i) An extension, if granted, must not be for a period longer than two (2) years from the end of the nine (9) month period provided by the notice.
  - (ii) If the first extension is for a period of less than two (2) years, one further extension with an expiry date not more than two (2) years from the end of the original nine (9) month period provided by the notice may be granted by Council and no further extension may be granted.
- (h) Subject to Clause 14.5(h)(i), if the Owner fails to make a connection required by a notice within the nine (9) month period or such extended period permitted hereunder as Council grants the Municipality may make the connection at the expense of the Owner and for this purpose may enter into and upon the property of the Owner.
- (i) The cost of making such connection shall be a lien or charge as municipal taxes upon the land in respect of which the connection was made and shall be added to the collector's roll by the Clerk of the Municipality and shall be collected in the same manner as overdue taxes and shall bear interest from the date the first demand for payment is made at the same rate as overdue taxes.
- 14.7 A sewer connection on public property between the sewer main and property line shall be installed by the Municipality according to the Municipality's standards at the expense of the owner.
- 14.8 Sewer connections on private property shall be installed by the owner, at the Owner's expense, pursuant to a Plumbing Permit having been issued for such purpose by the Municipality
- 14.9 Unless otherwise approved by the Municipality, all new buildings will require a

sump pump as per Section 15.7 of this Bylaw.

- 14.10 In the event that any person constructs a municipal sewer connection in a manner other than provided for in this section, the Municipality may order the re-excavation of the connection for the purpose of inspection and testing and, if necessary, reconstruction of the work, and the Municipality shall have these works performed at the expense of the owner or and may disconnect the sewer connection, in which case it shall not be reconnected except with the approval of the Municipality.
- 14.11 No person shall demolish any building until each private drain connection serving the property has been completely sealed at the property line to prevent the entry of storm water, debris, or any other contaminant. The owner of a building shall keep in good repair and be responsible for the maintenance and repair of the sanitary sewer connection or storm sewer connection between the building line and point of connection to the municipal sewer. Repairs or maintenance to sewers on public property caused by activities on private property will be at the expense of the Owner. The Owner shall be responsible for blockages caused by objects and any other matter or liquid placed in the sewer connection by occupants or users of the sewer connection.
- 14.12 Upon failure of the Owner to repair and/or unclog a sanitary sewer connection or storm sewer connection as required by this By-law, the sanitary sewer connection or storm sewer connection may be repaired or unclogged by the Municipality at the Owner's expense and the cost may be recovered in a like manner as municipal taxes.
- 14.13 A private sanitary sewer connection shall not be installed until the municipal sewer main to which the municipal sewer connection is to be made and the municipal sewer main is fully completed and operational.

## **15.0 STORM WATER DRAINAGE**

- 15.1 No owner of industrial, commercial or institutional premises shall do anything which may increase design peak flow rates of storm water or impair the quality of storm water discharged to a storm sewer.
- 15.2 Unless approved otherwise, the direct connection of any new private sewer connection to the municipal storm sewer is prohibited for any new or reconstructed residential, industrial, commercial or institutional buildings.
- 15.3 No direct connection or indirect interconnection between the private storm drainage system and the private sanitary drainage system is permitted.
- 15.4 Unless approved otherwise by the Municipality, no person shall construct, install or maintain, or cause or permit to be constructed, installed or maintained, drainage from any roof water leader or downspout that conveys storm water from any residential, industrial, commercial or institutional buildings directly or indirectly to a sanitary or storm sewer connection for the purpose of storm water drainage. Storm water shall be discharged at grade away from the building in such a manner that the storm water will not accumulate at or near the building and will not adversely affect adjacent properties, will not discharge directly onto the street, lane or sidewalk and will not create hazardous conditions.
- 15.5 Unless authorized otherwise by the Municipality, the owner of any building which has a roof water leader or sump pump discharging storm water or clear water from foundations, either directly or indirectly, into the sanitary sewer connection shall disconnect the down-pipe from the underground portions at grade and shall conduct the storm water or clear water from foundations away from the building in such a manner that the water will not accumulate at or near the building, will not adversely affect adjacent properties, will not discharge directly onto the street, lane, or sidewalk. Under no circumstances will the discharge be allowed to create hazardous conditions.
- 15.6 Where compliance with Subsection 15.4 or 15.5 compromises or creates a

hazardous situation, an application may be made to the Municipality for an exemption from the provisions of Subsections 15.4 and 15.5.

- 15.7 Sump pumps are to be installed for the purpose of discharging clear water from foundation drains and ground infiltration and shall discharge onto the surface of the ground and flow overland away from the building in such a manner that the storm water will not accumulate at or near the building, will not adversely affect adjacent properties, will not discharge directly onto the street, lane or sidewalk and will not create hazardous conditions.
- 15.8 Where available, the municipal storm sewer may be used as an outlet for a sump pump.
- 15.9 Sump pump discharge in any manner other than as specified by this ordinance shall constitute a violation thereof and shall subject the offender to penalties as set forth in this By-law.
- 15.10 A violation of this ordinance shall occur where the discharge from rain water leaders, downspout, or sump pump discharge creates icing problems on Municipality roads and walkways, or creates a situation causing damages to Municipality roads or to Municipality's property, or creates ponds of standing water, or flows over adjoining properties. If such condition exists or is created, the Municipality shall require the owner of the property discharging the water in such a manner to make corrections such that water will not accumulate at or near the building, will not adversely affect adjacent properties, will not discharge directly onto the street, lane or sidewalk and will not create hazardous conditions.

## **16.0 ACCESS TO INFORMATION / CONFIDENTIAL INFORMATION**

- 16.1 All information submitted to and collected by the Municipality that is contained in plan summaries, reports, surveys, monitoring and inspection and sampling activities will, except as otherwise provided in this section, be available for disclosure to the public in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)
- 16.2 In the event that any person in submitting information to the Municipality in any form, as required under this bylaw, 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 Municipality and shall provide sufficient details as to the reason for its purported exemption from disclosure.
- 16.3 The Municipality shall have access to information contained in the approval of any wastewater dischargers to the Municipality sewer system.

## **17.0 OFFENCES**

- 17.1 Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 for the first offence every day or part thereof upon which such offence occurs or continues and to a fine of not more than \$10,000 for any subsequent conviction as provided for in the Provincial Offences Act, R.S.O. 1990, Chap. P.33, as amended.
- 17.2 Every corporation which contravenes any provision of this By-law is guilty of an offence and on conviction is liable for every day or part thereof upon which such offence occurs or continues to a fine of not more than \$25,000 for a first offence and to a fine of not more than \$100,000 for any subsequent conviction.
- 17.3 In this By-law, subsequent conviction means a conviction for an offence that occurs after the date of conviction for an earlier offence under this By-law.

## **18.0 REPEAL**

- 18.1 Town of Kincardine By-law 107 of 1987 is hereby repealed.

18.2 Village of Tiverton By-law 25 of 1991 is hereby repealed.

18.3 Township of Kincardine By-law 22 of 1992 is hereby repealed.

18.4 Town of Kincardine By-law 53 of 1997 is hereby repealed.

**19.0 CONFLICT WITH ANOTHER MUNICIPAL BY-LAW**

19.1 In the event of a conflict between the provisions of this By-law and any other bylaw of the Municipality, the provision that establishes the higher Standard to protect the health, safety and welfare of the general public shall prevail.

**20.0 VALIDITY**

20.1 If a court of competent jurisdiction declares any subsection, section or part of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.

**21.0 SEVERANCE**

21.1 The clauses, schedules and parts of schedules of this By-law shall all be severable and any part of any of the schedules hereto annexed may be by By-law altered by adding thereto or deleting therefrom.

**22.0 MISCELLANEOUS**

22.1 This by-law may be cited as the "Sewer Use By-law"

**READ a FIRST and SECOND TIME** this 16<sup>th</sup> day of November, 2016.

**READ a THIRD TIME and FINALLY PASSED** this 16<sup>th</sup> day of November, 2016.

Original Signed By  
Mayor – Anne Eadie

Original Signed by  
Clerk – Donna MacDougall



**SCHEDULE A — LIMITS FOR SANITARY SEWER DISCHARGE**

**Proposed**

<b>Substance</b>	<b>Concentration Limit– [mg/L, except as noted]</b>
Aluminum, total	-
Antimony, total	-
Arsenic, total	1.0
Benzene	0.01
Biochemical Oxygen Demand	300
Bismuth, total	-
Cadmium, total	0.7
Carbon Tetrachloride	0.0
Chemical Oxygen Demand	600
Chlorides (as Cl)	-
Chloroform	0.0
Chromium, total	2.8
Cobalt, total	5.0
Copper, total	2.0
Cyanide, total	1.2
Dichlorobenzene (1,2-)	0.05
Dichlorobenzene (1,4)	0.08
Dioxane (1,4)	0.0
Ethylbenzene	0.06
Fluorides (as F)	-
Hexachlorobenzene	0.0001
Iron, total	-
Lead, total	0.7
Manganese, total	-
Mercury	0.01
Methylene Chloride (Dichloromethane)	0.0
Molybdenum, total	5.0
Nickel, total	2.0
Nitrogen, Total Kjeldahl	50
Oil and grease - animal and vegetable	150
Oil and grease - mineral and synthetic/hydrocarbon	15
PCBs (chlorobiphenyls)	0.004
Pentachlorophenol	0.0
pH	6.5 – 9.0 (unitless)
Phenols, Total (or Phenolic compounds)	0.1
Phosphorus, total	10
Polycyclic Aromatic Hydrocarbons (PAH's)	0.0
Selenium, total	0.8
Silver, total	0.4
Sulphates (as SO <sub>4</sub> )	-
Sulphide (as H <sub>2</sub> S)	1.0
Temperature	60 Degrees Celsius
Tetrachloroethane (1,1,2,2 - )	0.06
Tetrachloroethylene (PCE)	0.0
Tin, total	-
Titanium, total	-
Toluene	0.02
Total Suspended Solids (TSS)	300
Trichloroethylene	0.0
Vanadium, total	-
Vinyl Chloride	0.0
Xylenes, total	0.3
Zinc, total	2.0

**SCHEDULE B — LIMITS FOR STORM SEWER DISCHARGE**

1,1,2,2-tetrachloroethane	0.0117
1,2-dichlorobenzene	0.0056
1,4-dichlorobenzene	0.0068
3,3'-dichlorobenzidine	0.0008
Aldrin/dieldrin	0.00008
Aluminum	-
Ammonia (as N)	-
Arsenic, total	0.02
Barium, total	-
Benzene	0.002
Biochemical oxygen demand	15
Bis (2-ethylhexyl) phthalate	0.0088
Cadmium, total	0.008
Carbon Tetrachloride	0.0
Chlordane	0.04
Chlorine (as Cl <sub>2</sub> )	-
Chloroform	0.002
Chromium (hexavalent)	0.04
Chromium, total	0.08
Cis-1,2-dichloroethylene	0.0056
Copper, total	0.04
Cyanide, total	0.02
DDT	0.00004
Di-n-butyl phthalate	0.015
Dioxane (1,4)	0.0
Ethyl benzene	0.002
Fecal Coliform	200 per 100ml
Fluoride (as F)	-
Hexachlorobenzene	0.00004
Hexachlorocyclohexane	0.04
Iron, total	-
Lead, total	0.12
Manganese, total	0.05
Mercury, total	0.0004
Methylene chloride (Dichloromethane)	0.0
Mirex	0.04
Nickel, total	0.08
Nonylphenol ethoxylates	0.01
Nonylphenols	0.001
PCBs	0.0004
Pentachlorophenol	0.002
pH	6.5 - 9.0 (unitless)
Phenolic Compounds	-
Phenolics (4AAP)	0.008
Phosphorus, total	0.4
Polycyclic Aromatic Hydrocarbons (PAH's)	0.0
Selenium, total	0.02
Silver, total	0.12
Solvent Extractable Matter (Oil and grease)	-
Temperature	40 Degrees Celsius
Tetrachloroethylene	0.0044
Tin	-
Toluene	0.002
Total Suspended Solids (TSS)	15
Trans-1,3-dichloropropylene	0.0056
Trichloroethylene	0.0076
Vinyl Chloride	0.0
Xylenes, total	0.0044
Zinc, total	0.04

**SCHEDULE C — MAXIMUM WASTEWATER STRENGTH LIMITS UNDER EXTRA  
STRENGTH SURCHARGE AGREEMENT**

<b>Substance</b>	<b>Maximum Concentration Limits under an Extra Strength Surcharge Agreement [mg/L]</b>
Biochemical Oxygen Demand (BOD)	1500
Total Suspended Solids (TSS)	2000
Oil and grease - animal and vegetable (O&G)	450
Total Phosphorus (TP)	10
Total Kjeldahl Nitrogen (TKN)	100

**SCHEDULE D — DIAGRAM FOR WATER AND SEWER CONNECTIONS**

