

# Township of Lucan Biddulph

## BY-LAW NO. 39-2021

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### A BYLAW TO PROHIBIT, REGULATE AND INSPECT THE DISCHARGE OF WASTES INTO THE PUBLIC SEWER WORKS AND TO PROVIDE FOR THE IMPOSITION OF SURCHARGES AND PENALTIES

**WHEREAS** the Council is authorized by section 10 as well as sections 78 to 93 of the Municipal Act, 2001 as amended, to pass by-laws for services that the municipality considered necessary or desirable for the public which includes public utility services including but are not limited to prohibiting, regulating and inspecting the discharge of any gaseous, liquid or solid matter into land drainage works, private branch drains and connections to any sewer system or sewage works for the carrying away of municipal sewage:

**NOW THEREFORE**, the Council of the Corporation of the Township of Lucan Biddulph hereby enacts as follows:

#### Part I - Definitions

- a) "Adverse impact" means impairment of or damage to the environment, human health, safety or property.
- b) "Approved" shall mean conforming to designs, standards, specifications, methods and materials as adopted by the Public Works Manager from time to time.
- c) "Biochemical oxygen demand" means the quantity of oxygen utilized in the biochemical oxidation of matter in five (5) days at twenty (20) degrees Celsius as defined in "Standard Methods". (BOD<sub>5</sub>)
- d) "Biomedical waste" means biomedical waste as defined in the Ontario Ministry of Environment Guideline C-4 entitled "The Management of Biomedical Waste in Ontario" dated April 1994, as amended from time to time.
- e) "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.
- f) "Colour of a liquid" means the appearance of a liquid from which the suspended solids have been removed and defined in "Standard Methods".
- g) "Connection" or "Drain" means that part of those or those parts of any pipe or system of pipes leading directly or indirectly to a sewage works.
- h) "Cooling water" means water that is used in a process for the purpose of removing heat and that has not, by design, come into contact with any raw material, intermediate product, waste product or finished product.
- i) "Public Works Manager" shall mean the Public Works Manager for the Township of Lucan Biddulph or his/her authorized deputy or representative.
- j) "Garbage" shall mean solid organic or putrescible waste from the storage, preparation, cooking, dispensing or consumption of food.
- k) "Ground Water" means water in a saturated zone or stratum beneath the surface of land or below a surface water body.
- l) "Hauled sewage" means wastewater removed from a wastewater system, septic tank system, a cesspool, a privy vault or privy pit, a chemical toilet, a portable toilet or a sewage holding tank that is transported to a sewage works for disposal.
- m) "Matter" includes any solid, liquid or gas.
- n) "Municipal Sewer" shall mean any sewer in the public road allowance, easements and the like and under the control of the Municipality or any public authority.

- o) "Municipality" means the Corporation of the Township of Lucan Biddulph.
- p) "Non-domestic wastes" means any liquid, solid or gaseous substance or combination thereof, other than sanitary sewage, resulting from any industrial, commercial or institutional process
- q) "pH" means the logarithm to the base of 10 of the reciprocal of the concentration of hydrogen ions in moles per litre of solution.
- r) "Phenolic compounds" means those derivatives of aromatic hydrocarbons which have a hydroxyl group directly attached to the ring.
- s) "ppb" shall mean parts per billion as defined in the Standard Methods".
- t) "ppm" shall mean parts per million as defined in the Standard Methods".
- u) "Sanitary sewer" means a sewer for the collection and transmission of domestic, commercial and industrial sewage or any of them.
- v) "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 sewers which may be present, and referred to at times as "wastewater".
- w) "Sewage works" means all sanitary sewer, sewer systems, sewage pumping stations, wastewater treatment plants and all other works for the collection, acceptance, transmission, treatment or disposal of sewage.
- x) "Spill" means a direct or indirect discharge or deposit to the sewage works or the natural environment which is abnormal in quantity or quality in light of all circumstances of the discharge.
- y) "Standard Methods" means a procedure set out in "Standard Methods for the Examination of Water and Wastewater" published jointly by American Public Health Association, American Water Works Association, and the Water Environment Federation, 20<sup>th</sup> edition, as amended from time to time.
- aa) "Storm Sewer" means a sewer for the collection of and transmission of uncontaminated water, storm water, drainage from land or from a watercourse or any of them.
- bb) "Storm Water" means water from rainfall or other natural precipitation or from the melting of snow or ice.
- cc) "Suspended Solids" means solid matter in or on a liquid which matter is removable by filtering as defined in "Standard Methods".
- dd) "Uncontaminated Water" means potable water as supplied by the municipality or any other water to which no matter has been added as a consequence of its use, or to modify its use.
- ee) "Fees By-law" means the Municipalities Fees By-law No. 19-2021, as amended or replaced from time to time.

## **Part 2 - Waste Water Services**

### **2.1 Required connection to the Municipal Sewer**

The Owner of a building located on land fronting a sanitary sewer main or on land abutting a street or alley through which access to a sanitary sewer main is available, shall connect the building to the sanitary sewer system of the Municipality.

### **2.2 Exemption from sewer servicing**

The Owner of a building which is existing as of the date of this by-law, and which building is affected by this bylaw may be exempted from the connection requirement providing that the owner of the building pay to the Municipality or authorized agent the capital monthly sewer charge as detailed in the Fees Bylaw.

### **2.3 Sewer Connection/Alteration Permit**

The Owner shall obtain a Sewer Connection/Alteration Permit (Plumbing Permit) prior to the installation, repair, renewal, removal, plugging, capping or disconnection of a sewer lateral or a sewer except where such a sewer connection has been specifically provided for and approved through the Municipalities Subdivision or Site Plan Approval process or Municipalities sewage works rehabilitation project.

#### **2.4 Requirements for permit**

Applicants for a Sewer Connection/Alteration Permit shall complete and submit the appropriate forms, provide the required drawings and information, and pay the stipulated fees or charges to the satisfaction of the Operating Authority. The installation or disconnection of a sewer lateral or a sewer shall not commence until a Sewer Connection/Alteration Permit is issued and all required payments have been made.

#### **2.5 Process for a permit**

Sewer Connection/Alteration Permit forms shall be available from the Municipal and are to be circulated to the Operating Authority along with any plans or drawings detailing the proposed connection, any other supporting information and required fees as noted in the appropriate Fees and Service Charges Bylaw. The Operating Authority shall review the proposed alteration/connection proposed and shall impose any condition that is deemed advisable and appropriate to ensure the integrity and safety of the sewage works. This includes the requirement to disconnect any non-municipal water supply discharging to the sewer and connect to the municipal water system in accordance with the terms of the Water Bylaw. The permit will then be returned to the Municipal Building Department where any noted conditions will be identified in writing forming part of the approved permit and said conditions shall be complied with.

#### **2.6 Sewer Connection**

Except as may otherwise be approved by the Operating Authority, no person shall connect a building to the sewage works until all required permits have been issued and all required inspection fees, permit costs, and other related costs have been paid in full.

#### **2.7 Sewer Charges – Owner to pay**

Charges for the use of sewer services as well as any work or services performed by the Operating Authority will be determined by the Operating Authority as indicated in the Fees Bylaw as amended from time to time and will be paid by the Owner.

#### **2.8 Extensions and Connections**

Extensions of and connections to the sewage works shall only be permitted where they conform to the Official Plan of the Municipality.

#### **2.9 Capital Works**

New sewer laterals and sewage works made in association with a capital works project of the Municipality shall be subject to the permit requirements of this by-law and to the charges and fees set out in applicable by-laws.

If an Owner requests an additional sewer service, it is at their risk and does not fetter the judgment of the Committee of Adjustment in consideration of such application for severance/development and the Owner shall pay the cost to install the additional service based on tender unit prices.

#### **2.10 Sewer lateral stub replacements**

As part of a sanitary sewer rehabilitation project, the Municipality shall renew sewer lateral stubs on public property at its expense and to its specifications when:

- a) piping is deemed by the Operating Authority to be beyond repair and
- b) replace the sewer lateral stub with a pipe of the same diameter.

Replacement piping shall conform to the specifications of the Municipality. If an Owner requests a larger pipe size, the Owner shall pay the difference in material and labour costs.

#### **2.11 Installation – Municipal Specifications**

All sanitary sewer pipes and sewer laterals located within Municipal property shall be

constructed according to the Municipal standards. All sewer laterals located on private property shall be constructed in accordance with the Ontario Building Code as revised from time to time and in accordance with good practices and shall be approved by the Chief Building Official. Where the Ontario Building Code is silent, the Municipal specifications shall be applied and shall prevail.

**2.12 Installation inspection – by Municipality**

All sewers and appurtenances installed, including those required by a Subdivision, Site Plan or Development Agreement must be approved by the Municipality or by persons authorized by the Municipality.

**2.13 Installation – access for inspection**

The Municipality and persons authorized by the Municipality for inspection shall be, at all times, entitled to enter upon any lands or any buildings for the purpose of examining pipes, connections and fixtures which are used in connection with the sewer service pipe and/or sewer lateral.

**2.14 Installation – notification**

Prior to backfilling a trench containing a sewer lateral or storm sewer lateral notification to the Municipality shall be provided.

**2.15 Disconnection of service – temporary**

When an Owner temporarily discontinues the use of a sewer lateral to a building, the Owner shall pay to the Municipality the monthly capital charge as indicated in the Fees Bylaw.

**2.16 Disconnection of service – permanent**

When an owner permanently discontinues the use of a sewer lateral to a building or buildings, the sewer lateral must be disconnected at the sanitary sewer and removed at the Owner's expense. All work must be inspected by the Operating Authority and the Owner shall pay for such inspection as required in the Fees Bylaw. Should the building remain, applicable monthly capital sewer charges will apply in accordance with the Fees Bylaw.

**2.17 Multiple Sewer Laterals – prohibited**

Only one sewer lateral per lot shall be permitted to connect to the sanitary sewer. In situations where a shared sewer lateral would result from a division of land the shared sewer lateral shall be eliminated and a separate sewer lateral from each lot to the sanitary sewer shall be installed at the Owner's expense. Notwithstanding the foregoing, where separate sewer laterals for each lot is impractical, the Owner shall create reciprocal easements for maintenance purposes over each lot.

**2.18 Cross Connections – prohibited**

No owner, occupant or person shall use or cause to be used or permit a cross connection to occur.

**2.19 Connections – capacity**

Connection of a building to a sewer is only permissible where in the sole opinion of the Operating Authority there is sufficient capacity in the sewage works for handling sewage from the building.

**Part 3 - Operation and Maintenance**

**3.1 Maintenance of sewer lateral - Municipality**

The sewer lateral stub located in the road allowance shall be maintained by the Municipality at the Municipality's expense providing that the property owner has installed a clean-out at property line and completed the initial maintenance (flushing or rodding) related to the obstruction. If subsequent flushing or rodding of a sewer lateral in the road allowance is required to remove an obstruction caused solely by a

structural defect in the sewer lateral stub, the Municipality shall be responsible for the cost of removing the obstruction providing that the use of the sewer is in conformance with **Section 4.1 Deposit or Discharge of Sewage**.

**3.2 Maintenance of sewer lateral - Owner**

Every Owner of a property to which sewer service is provided shall be responsible for the maintenance, repair and replacement of the sewer lateral from the building to the property line. Any and all structural defects of a sewer lateral shall be repaired by the Owner of the property being serviced. Should the Municipality become aware of any such structural defect, and upon written notification to the Owner, the said structural defect is not repaired with thirty (30) days of the date of the notification or within such time as the Operating Authority may deem necessary, then the Municipality may turn off the municipal water supply to the property.

The Municipality agrees to use reasonable diligence in providing a regular and uninterrupted sewer service, but does not guarantee a constant service and is not liable for damages to an Owner or Occupant caused by the breaking of any sewer, sewer lateral or a blockage of a sewer or sewer lateral. Where planned work on the sanitary sewer system is contemplated, the Operating Authority will make reasonable effort to provide two (2) days' notice, delivered to the lands affected, of the intention to disrupt or terminate service, save and except for emergency shut downs.

**3.3 Unauthorized operation or interference – offence**

No person, other than persons authorized by the Operating Authority for that purpose shall remove, tamper with or in any way interfere with any sanitary sewer or sewer lateral stub or appurtenances in the sanitary sewer system, nor tap off or make any connection to a sanitary sewer.

**3.4 Work on the system**

The Operating Authority shall perform all work having to do with the Municipal sanitary sewer system and with installation, repair, renewal or removal of the Municipal in-service sewer collection system. The Operating Authority may delegate to any person the authority to perform work on the sanitary sewer system, on conditions acceptable to the Operating Authority.

**3.5 Shut off – repair**

The Municipality shall have the right at any time and without notice to shut off the supply of municipal water to any building if, in the opinion of the Operating Authority, the sewer lateral located on the property is not being properly maintained, develops a significant leak, is structurally defective or permits significant infiltration or in any way compromises the integrity of the Municipal sewage system, and not restore the water service until such condition has been rectified to the satisfaction of the Operating Authority.

**3.6 Damage to Sanitary Sewer System – Offence**

No person shall break, damage, destroy, deface or tamper with, or cause or permit the breaking, damaging, destroying, defacing or tampering with any part of the sewage works.

**3.7 Discharge to the Sewers**

No person shall discharge sewage into the Municipal sewage works except in accordance with this By-law.

**3.8 Unauthorized discharge sanitary sewer – offence**

No person shall discharge or permit to be discharged anything other than sewage into a sanitary sewer.

**3.9 Sanitary Sewer – Water not originating from the Municipal Water Supply**

No person shall directly or indirectly discharge or cause or permit the discharge of sewage containing water originating from a source other than the Municipalities water

supply, into a sanitary sewer, municipal or private sewer connection to any sanitary sewer unless:

- a) The connection is for a residential commercial/industrial/institutional/multi-unit property in which the property does not have access to municipal water supply and the Owner has entered into a Sanitary Sewer Discharge Agreement which specifies the following:
  - i. Reason why the variance of this by-law is requested
  - ii. The method of determination of surcharge for additional sewage rates payable, as a result of engineering studies, in accordance with the Fees By-law or otherwise as may be necessary to compensate for any additional costs of operating and maintaining the sewage works.

### **3.10 Connections Prohibited – offense**

No person shall directly or indirectly permit the connection of a rain water leader, storm water leader and/or ground water drainage system (sump pump) to the sanitary sewer system.

- a) For the purposes of this section:
  - 1) "directly" means by any physical connection or series of connections between rain water lead, storm water leader or ground water drainage system (sump pump) and the sanitary sewer system; and
  - 2) "indirectly" means in any manner whatsoever whereby Storm Water or Ground Water enters the Sewage Works, and for greater certainty includes any situation where open joints in underground Sewer Connections on private property permit Storm Water or Ground Water to infiltrate the Sewage Works

### **3.11 Owner – notice to perform**

An owner or operator of an industrial, commercial, institutional or multi-residential building may be required, by written notice from the Operating Authority, to complete or perform one or more of the following activities addressing the discharge of storm water or sewage from the Owners land or building:

- d) To complete a study on storm water or sewage quality and / or quantity;
- e) To develop and implement a best management plan;
- f) To install and maintain a pre-treatment facility or holding tank on the premises so that the effluent will be reduced accordingly for any building discharging or proposing to discharge into the municipal sewage works effluent exceeding the strength, nature, quantity or quality parameters;
- g) To design, construct and maintain at his expense the pre-treatment facility or holding tank in accordance with good engineering practice and the requirements of the Municipality, and shall be constructed and maintained by the owner or occupant of the building or land at his or her expense.
- h) To install and maintain at the owners or occupants expense, devices to monitor sewage, uncontaminated water or storm water discharges and to submit to the Operating Authority regular reports regarding the quantity of discharges to the sewage works.

### **3.12 Owner – damage prevention**

Every owner or operator of a commercial, industrial, or institutional premise from which large objects and/or material may directly or indirectly enter a sewer shall install and maintain a screen or grate device with openings no larger than 6.0 mm to prevent objects and/or materials from entering the sewer and possibly obstruct or restrict the flow in the sewage works or damage equipment at pumping stations and treatment facilities. Records or annual cleaning and maintenance of all such devices are to be retained by the Owner on site for review by the Operating Authority.

## **Part 4 - Control of Waste Discharges**

### **4.1 Deposit or discharge of sewage - prohibited**

No person shall discharge or deposit or cause or permit the discharge or deposit into land drainage works, private branch drains, or connections to any sanitary sewer, combined sewer, or any public sewage works, matter of type or at any temperature or in any quantity which in the opinion of the Manager of Public Works may be or may become harmful to the sewage works, or which may interfere with the proper operation of the sewage works, or which may impair or interfere with any sewage treatment process, or which may be or may become a hazard to persons, animals or property, and without limiting the generality of the foregoing, any of the following:

- a) Sewage volumes or matter whose daily discharge exceeds five percent (5%) of the annual average daily flow or loadings to the receiving WWTP component of the sanitary sewage works, unless otherwise approved in writing by the Public Works Manager.
- b) Sewage that may cause an offensive odour to emanate from a sewage works, and without limiting the generality of the foregoing, sewage containing hydrogen sulphide, carbon disulphide other reduced sulphur compounds, amines or ammonia or sewage which due to its nature may cause offensive odours to be generated during the treatment process.
- c) Storm water, water from drainage of roofs or land or from watercourse, or an uncontaminated water;
- d) Sewage at a temperature greater than 65 degrees Celsius;
- e) Sewage containing pesticides;
- f) Sewage containing dyes or colouring materials which pass through a sewage works and discolour the sewage works effluent;
- g) Sewage having 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;
- h) Flammable or explosive matter, and without limiting the generality of the foregoing, gasoline, benzene, naphtha, fuel oil, acetone or other solvents or sewage containing any of these in any quantity;
- i) Sewage which contains of two or more separate liquid layers;
- j) Sewage containing pathological waste, except that which is decontaminated prior to discharge or is otherwise approved by the Director of Environmental Services;
- k) Sewage containing animal waste, and without limiting the generality of the foregoing, sewage containing intestines, stomach casings, intestinal contents, hides, hooves, toenails, horns, bones, poultry heads, hair, wool, fur, feathers, paunch manure or fleshings in a quantity sufficient to interfere with the proper operation of the sewage works;
- l) Any garbage, except from approved garbage disposal units or grinders, or any food which has not been properly shredded so that all particles will be carried freely under flow conditions normally prevailing in public sewers;
- m) Sewage containing 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;
- n) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with sewage treatment or constitute a hazard to humans, animals, fish or fowl;
- o) Any waters or wastes containing substances of such character that unusual expenses or attention is required to handle such material at the sewage treatment plant;
- p) Any waters or wastes in excess of the quantity for which the receiving sanitary sewer was designed unless approved by the Director of Environmental Services;

- q) Any water or waste containing radioactive material unless prior approval has been obtained from the Atomic Energy Control Board of Canada and the Department of Health of the Province of Ontario.
- r) PCB waste, except where:
  - 1) the Person has a Certificate of Approval for a mobile site or PCB mobile waste disposal system issued under the Environmental Protection Act or where the Person is claiming exemption under a regulation and has demonstrated to the Public Works Manager that the conditions of the exemption are met;
  - 2) a copy of the most recent Certificate of Approval or Provisional Certificate of Approval and any amendments are provided to the Public Works Manager; and
  - 3) the Person has written approval from the Public Works Manager for the discharge of the PCB to the Sewage Works;
- s) Regardless of any limitations set forth in this by-law, any volume or quantity of matter which may cause the sewage treatment plant to exceed the limits within its current Certificate of Approvals as issued by the province of Ontario;
- t) Regardless of any limitations set forth in this bylaw, any volume or quantity of matter which may cause the discharged effluent from the sewage treatment plant to exceed any limits set forth by any regulatory body.
- u) Sewage containing any material that may have a detrimental effect on the private drain connection servicing the private property or the downstream municipal sewer such that there is a loss in structural capability-integrity and/or wall thickness of the sewer pipe.
- v) Sewage containing any of the following matter in excess of the concentrations indicated in Table 1:

Table 1 – Limits for Sanitary Sewers

PARAMETER	LIMIT (mg/L)
Aluminum, Total.....	50
Antimony, Total.....	5.0
Arsenic, Total.....	1.0
Barium, Total.....	5.0
Benzene.....	0.01
Biochemical Oxygen Demand.....	300
Cadmium, Total.....	0.7
Chloride.....	3000
Chloroform.....	0.04
Chromium, Total.....	5.0
Cobalt, Total.....	5.0
Copper, Total.....	3.0
Cyanide, Total.....	1.0
1,4-dichlorobenzene.....	0.08
Ethylbenzene.....	0.16
Fluoride.....	10
Iron, Total.....	50
Kjeldahl Nitrogen, Total.....	50
Lead, Total.....	2.0
Manganese, Total.....	5.0
Mercury.....	0.01
Methylene Chloride.....	0.21
Molybdenum, Total.....	5.0
Nickel, Total.....	3.0
Xylenes, Total.....	1.4
Phenolics (4AAP).....	1.0
Phosphorus, Total.....	10
Selenium, Total.....	5.0
Silver, Total.....	5.0
Solvent Extractables- animal or vegetable in origin	100
Solvent Extractables- mineral or synthetic in origin	15
Sulphate.....	1500
Sulphides, Total.....	1.0
Suspended Solids, Total.....	300
1,1,2,2 - Tetrachloroethane.....	0.04
Tetrachloroethylene.....	0.05
Tin, Total.....	5.0
Toluene.....	0.27
Trichloroethylene.....	0.07
Zinc, Total.....	5.0

#### **4.2 Termination of Privileges – emergency**

The Operating Authority may terminate at its sole discretion privileges granted to discharge to the sewage treatment works 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, waters or the sewage works and the termination will be effective immediately.

#### **4.3 Extra Strength Surcharge Agreement**

The provisions of subsection 4.1 (v) related to Biochemical Oxygen Demand, Total Suspended Solids, Total Phosphorous and Total Kjeldahl Nitrogen do not apply to those parameters allowed by an Extra Strength Surcharge Agreement where the discharge is in accordance with an Extra Strength Agreement or expressly authorized in writing by the Operating Authority in accordance with this by-law prior to the discharge.

### **Part 5 - Discharge To Storm Sewers**

#### **5.1 Deposit or Discharge of Sewage - prohibited**

No person shall, directly or indirectly, discharge or deposit or cause or permit the discharge or deposit into or in any storm sewer or storm sewer lateral matter of any type which may:

- a) Interfere with the proper operation of a storm sewer;
- b) Obstruct or restrict a storm sewer or the flow therein;
- c) Damage the storm sewer;
- d) Result in any hazard or other adverse impact, to any person, animal, property, or vegetation;
- e) Impair or is likely to 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 a certificate or provisional certificate of approval or order issued under the Ontario Water Resources Act or the Environmental Protection Act with respect to the storm sewer and or its discharge;
- g) Have one or more of the following characteristics:
  - i. Two or more separate layers;
  - ii. A pH less than 6.0 or greater than 9.0;
  - iii. A visible film, sheen or discoloration; or
  - iv. A temperature greater than 40 degrees Celsius.
- h) Contain one or more of the following:
  - i. Acute hazardous waste chemicals;
  - ii. Blowdown;
  - iii. Combustible liquids;
  - iv. Floating debris;
  - v. Fuel;
  - vi. Hauled sewage;
  - vii. Hauled waste;
  - viii. Hazardous industrial waste;
  - ix. Hazardous waste chemicals;
  - x. Ignitable waste;
  - xi. Pathological waste;
  - xii. PCBs
  - xiii. Pesticides;
  - xiv. Reactive waste;
  - xv. Severely toxic waste;
  - xvi. Sewage;
  - xvii. Waste radioactive prescribed substances;
  - xviii. Waste disposal site leachate;
  - xix. A substance from raw materials, intermediate or final materials, used or produced in, through or from an industrial process; or
  - xx. A substance used in the operation or maintenance of an industrial site.
- i) Contain E. coli colonies in excess of 100 per 100 mL;
- j) Contain any of the following matter in excess of the concentrations

indicated in Table 2: Table 2 – Limits for Storm Sewers

PARAMETER	LIMIT
	(mg/L)
Arsenic, Total.....	0.2
Benzene.....	0.002
Biochemical Oxygen Demand.....	15
Cadmium, Total.....	0.008
Chloride.....	3000
Chloroform.....	0.002
Chromium, Total.....	0.08
Copper, Total.....	0.04
Cyanide, Total.....	0.02
Ethylbenzene.....	0.002
Lead, Total.....	0.12
Manganese, Total.....	1.0
Mercury.....	0.0004
Methylene Chloride.....	0.006
Nickel, Total.....	0.08
Phenolics (4AAP).....	0.008
Selenium, Total.....	0.02
Silver, Total.....	0.12
1,1,2,2 - Tetrachloroethane.....	0.017
Tetrachloroethylene.....	0.004
Toluene.....	0.002
Trichloroethylene.....	0.007
Xylenes, Total.....	0.004
Zinc, Total.....	0.04

**Part 6 - Prohibition of Dilution**

**6.1 Dilution – offense**

No person shall discharge directly or indirectly or deposit or cause or permit the discharge or deposit of sewage into a sanitary sewer, storm sewer, sewer lateral or storm sewer lateral in circumstances where water has been added to the discharge for the purposes of dilution to achieve compliance with this By-law.

**Part 7 - Extra-Strength Surcharge Agreements**

**7.1 Agreement**

- a) The municipality may enter into an Agreement with any person respecting the discharge or deposit of sewage in excess of the limits set forth in this bylaw, upon such terms as the municipality may see fit to impose;
- b) Where an Agreement as provided in the previous paragraph is in place, the Public Works Manager may grant a permit to discharge or permit to discharge wastes in excess of the limits provided this Bylaw, provided that such permit shall stipulate the flow quantities and suspended solid levels, phosphorus and BOD<sub>5</sub> levels permitted to be discharged, which shall not exceed those set forth in the Agreement;
- c) Where an Agreement and a permit are in place, the owner or occupant of the premises may exceed the limits otherwise provided in this bylaw, in accordance with the Agreement and permit;

**7.2 Billing**

The holder of a permit shall pay twelve times per year on the last day of periods consisting of one (1) month, a surcharge of the cost of treating the over-strength wastes during said period. The surcharge shall be calculated in accordance with the special terms of an agreement signed under the terms of this Bylaw.

**7.3 Sewage Flow Measurement**

Any person obtaining a permit under this bylaw shall install a flow measuring, sampling and recording device satisfactory to the Public Works Manager and shall discharge all sewage through such device. In the event that any person does not

install and maintain a device as stated above, the person shall pay a charge based upon the same number of cubic meters of sewage as the number of cubic meters of water supplied, as shown by the water meter or as may otherwise be supplied to the person. If the water is unmetered, the Public Works Manager shall determine an appropriate method to calculate the quantity of water supplied in any manner or method practicable and the quantity of water so determined shall be used in computing the applicable charges.

#### **7.4 Deemed Compliant**

A person who has entered into an Extra Strength Surcharge Agreement shall be deemed not to have contravened the provisions of Section 4 of this By-law with respect to those parameters specified in the agreement provided that all of the terms and conditions of the Extra Strength Surcharge Agreement are complied with, but in all other respects, this By-law shall continue to apply to the person's waste.

#### **7.5 Sewage Service rates - Lien**

In accordance with subsection 221(27) of the Municipal Act, the sewage service rate and the extra strength sewage surcharge rate is a lien and charge upon the land against which it is assessed and if any Owner and/or occupant of the land fails to pay the said rate on or before the due date, the amount unpaid may be collected by distress upon the goods and chattels of such Owner and/or occupant, or by action in any competent court and shall be charged against the property and collectable in the same way, as nearly as may be, as municipal taxes are collectable.

### **Part 8 - Sampling and Analysis**

#### **8.1 Access for Sampling - required**

The Owner or occupant of industrial, commercial or institutional premises with one or more connections to a sewage works shall install and maintain in good repair in each connection a suitable maintenance access hole to allow observation, sampling and measurement of the flow of sewage, uncontaminated water or storm water therein, provided that where installation of a maintenance access hole is not possible, an alternative device or facility may be substituted with the written approval of the Operating Authority.

#### **8.2 Access for Sampling – location**

The maintenance access hole or alternative device shall be located on the property of the premises, as close to the property line as possible, unless the Operating Authority has issued written approval for an alternate location.

#### **8.3 Access for Sampling – standards**

Each maintenance access hole, device or facility installed as required by subsection 8.1 shall be designed and constructed in accordance with good engineering practice and the requirements of the municipal standard, as established by the Municipality from time to time, and shall be constructed and maintained by the Owner or occupant of the premises at his expense.

#### **8.4 Access – unrestricted**

The Owner or occupant of the commercial, institutional or industrial premises shall at all times ensure that every maintenance access hole, alternative device or facility installed as required by subsection 8.1 is accessible to the Operating Authority for purposes of maintaining, observing, sampling and flow measurement of the sewage, uncontaminated water or storm water therein.

#### **8.5 Sampling – standards**

The sampling and analysis required by this By-law shall be carried out in accordance with the procedures, modified or unmodified, as described in Standard Methods or the "Guidance Document for the Sampling and Analysis of Wastewater for the 1999

Model Sewer Use By-law”.

### **8.6 Compliance Programs**

Compliance or non-compliance with this By-law may be determined by the analysis of a grab sample or a composite sample done in accordance with Standard Methods and may contain additives for its preservation and may be collected manually or by using an automatic sampling device. For the purpose of this bylaw, the strengths of the wastes shall be deemed to be determined by tests conducted or authorized by the Director of Environmental Services.

## **Part 9 - Spills**

### **9.1 Notification**

In the event of a spill to a sewage or storm works, the person responsible and/or the person having the charge, management and control of the spill shall immediately notify the Ontario Spills Action Centre, the Municipality and the Operating Authority and provide the following information:

- a) Company name and address and location of the spill;
- b) Date, time and duration of the spill event;
- c) Complete description of the spill, including type and volume of material discharged and any associated hazards as would be outlined on a MSDS;
- d) A copy of the MSDS for the spilled material if available;
- e) Details of clean up actions that have been initiated including actions taken to prevent the material from leaving the property, and the name(s) of any contractors that may be on site assisting with clean up;
- f) If spilled material is being vacuumed or captured by another method, the destination of the captured material;
- g) Agencies notified of the spill and corresponding notification times;
- h) Name and phone number of the person reporting the spill and location where that person can be reached;
- i) Name and phone number of the person in charge of cleaning up the spill and location where that person can be reached.

### **9.2 Reporting – requirement**

The person reporting the spill shall provide a written report containing the above information with respect to the spill to be received by the Operating Authority within 5 days after the spill. The written report shall also include the following:

- a) Detailed description of clean-up procedures on or off the property including dates, times and a list of the names of any contracted assistance utilized during the clean-up;
- b) Weather conditions at the time of the spill and clean-up;
- c) Corrective actions to prevent a similar occurrence in the future.

### **9.3 Corrective Action**

- a) The person responsible for the spill and / or 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.
- b) If a person fails to comply with 9.3(a), they shall be given notice in writing from the Public Works Manager indicating the particulars of the contravention, the location, required action to repair or restore and a specific time wherein compliance must be achieved. If the required action is not completed within the specified time frame, the Municipality may do the work or arrange for the work to be done and may recover all expenses, including administrative fees, from the person by action, or collect them in the same manner as municipal taxes.

#### **9.4 Costs**

All costs incurred by the Municipality as a result of such discharge shall be borne by the person responsible for the spill.

### **Part 10 - Grease/Sediment Interceptors**

#### **10.1 Interceptors for oil and grease - required**

Every Owner or occupant of a restaurant or other industrial, commercial or institutional premises where food is cooked, processed or prepared, which premises is connected directly or indirectly to a sewer, shall take all necessary measures to ensure that oil and grease are prevented from entering the sewer and, without limiting its generality, shall install, operate and properly maintain a grease interceptor in any piping system at its premises that connects directly or indirectly to a sewer.

#### **10.2 Interceptors for oil and lubricating grease - required**

Every Owner or occupant of a commercial, industrial or institutional premise at which floor drains of a service garage are connected directly or indirectly to a sewer shall install and maintain an oil interceptor designed to prevent motor oil and lubricating grease from passing into drainage piping which is connected directly or indirectly to a sewer.

#### **10.3 Interceptors for sediment - required**

Every Owner or occupant of a commercial, industrial or institutional premises from which sediment may directly or indirectly enter a sewer, including, but not limited to premises using ramp drains or area drains, and car and vehicle washing establishments shall take all necessary measures to ensure that such sediment is prevented from entering the sewer.

#### **10.4 Interceptors - maintenance and inspection required**

Every grease interceptor and sediment interceptor shall be installed, operated and maintained in accordance with the manufacturer's instructions, and shall be inspected and cleaned frequently to ensure that it is operating effectively.

#### **10.5 Interceptors – records required**

Owners or occupants of premises having grease or sediment interceptors shall keep a record of interceptors maintenance including the date(s) on which cleaning / maintenance occurred, the person or contractor responsible, and the method and destination of waste disposal, and upon request these records shall be made available to the Municipality.

### **Part 11 - Inspection and access to property**

#### **11.1 Inspection powers**

The Operating Authority or any person designated by it as inspector for purposes of this by-law may, at reasonable times enter onto any land on which the Municipality supplies sewer services for the following purposes:

- a) to inspect, repair, alter, or disconnect the sewer lateral or storm sewer lateral, machinery, equipment and other works used to supply sewer services to the building or land;
- b) to inspect, install, repair, replace or alter any related metering equipment;
- c) to inspect the discharge of any matter into the sewage system of the Municipality or into any other sewage system the contents of which ultimately empty into the municipal sewage system and may conduct tests, measure flow and take samples for this purpose; or
- d) to investigate or determine if this by-law, an order, or condition to any permit or agreement is being complied with.

#### **11.2 Reduce supply of water**

For the purpose of carrying out an installation, inspection, repair, disconnection or

other work the Municipality may shut off or reduce the supply of water to any building or land.

### **11.3 Access to dwellings**

An inspector shall not enter a place being used as a dwelling unless:

- 11.3.1 the consent of the occupier is first obtained, ensuring the occupier is first advised that entry may be denied and in such circumstance, entry can only occur thereafter under authority of a warrant;
- 11.3.2 a warrant under section 158 of the Provincial Offences Act is obtained;
- 11.3.3 the delay necessary to obtain a warrant or the consent of the occupier would result in the immediate danger to the health or safety of any person; or
- 11.3.4 the entry is for the purpose of section 4.1 and the notice provisions of this by-law have been complied with.

### **11.4 Entry on land – notice requirements**

Whenever an inspector exercises a power of entry pursuant to this By-law, the inspector shall:

- 11.4.1 provide reasonable notice of the proposed entry to the occupier of the land by personal service or prepaid mail or by posting the notice on the land in a conspicuous place for three consecutive days prior to entry;
- 11.4.2 where the proposed entry is an inspection to determine compliance with this By-law the inspector must provide reasonable notice by means of personal service only;
- 11.4.3 in so far as is practicable, restore the land to its original condition where any damage is caused by the inspection; and
- 11.4.4 provide compensation for any damage caused and not remedied.

### **11.5 Municipality expenses**

All costs incurred by the Municipality to perform work required by this by-law shall be charged to the Owner of the property where such work is performed and shall be collected according to law, and until paid, such cost shall remain a lien on such property, and may also be collected in the like manner as taxes. The Municipality shall not be held responsible for the cost of restoration.

### **11.6 Access – industrial-commercial property**

The Operating Authority or any person designated by it as inspector for purposes of this by-law may upon production of his or her identification enter any industrial or commercial building or land on which the Municipality supplies sewer services for the following purposes:

- 11.6.1 to inspect, repair, alter, or disconnect the sewer lateral or storm sewer lateral, machinery, equipment and other works used to supply sewer services to the building or land;
- 11.6.2 to inspect, install, repair, replace or alter any related metering equipment;
- 11.6.3 to inspect the discharge of any matter into the sewage system of the Municipality or into any other sewage system the contents of which ultimately empty into the municipal sewage system and may conduct tests, measure flow and take samples for this purpose; or
- 11.6.4 to investigate or determine if this by-law, and order, or condition to any permit or agreement is being complied with.

## **Part 12 - Prohibition**

### **12.1 Prohibitions under this by-law**

No person shall:

- a) contravene any provision of this by-law or agreement or any order or

- notice issued pursuant to this by-law;
- b) hinder or interrupt, or cause or procure to be hindered or interrupted, the corporation or any of its officers, contractors, agents, servants or workers, in the exercise of any of the power conferred by this by-law;
  - c) discharge or permit to be discharged anything other than sewage into a sanitary sewer;
  - d) discharge or permit to be discharged anything other than sewage into a combined sewer;
  - e) deposit or discharge any injurious or offensive matter into the sewage that is not in compliance with this By-law or objects or material that will impede or obstruct the collection or flow of sewage in the sewers;
  - f) alter any meter placed upon any service pipe or connected therewith, within or without any building or other place, so as to lessen or alter the amount of water registered.

### **Part 13 - Enforcement**

#### **13.1 Fine – for contravention**

Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the *Provincial Offences Act*.

#### **13.2 Continuation – repetition – prohibited – by order**

The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

#### **13.3 Offence – additional – damage to sewage works**

Every person who, by act, default, neglect or omission occasions any loss, damage or injury to the sewage works, or to any sewer works plant, machinery, fitting or appurtenance thereof is liable to the Municipality for all damages caused.

#### **13.4 Offence – additional – willful damage**

Every person who damages or causes or permits to be damaged any meter, sewer lateral, conduit, wire, rod or fitting belonging to the Municipality or impairs or causes or permits the same to be altered or impaired, so that the meter indicates less than the actual amount of the material that passes through it, is guilty of an offence and on conviction is liable to a fine, to the use of the Municipality, and for any expenses of repairing or replacing the meter, sewer lateral, conduit, wire, rod or fitting all of which is recoverable under the *Provincial Offences Act*.

#### **13.5 Offence – additional – injuring sewage works**

Every person who removes, destroys, damages, alters or in any way injures any sewage works, conduit, wire, or other apparatus or thing belonging to the Municipality is guilty of an offence and on conviction is liable to a fine, to the use of the Municipality, and is also liable for all damages occasioned thereby, which are recoverable under the *Provincial Offences Act*.

### **Part 14 - Offences – fines**

#### **14.1 Offence - person**

Every person, other than a corporation, who contravenes any provision of Section 4, Section 5, or Section 6 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 \$10,000.00 for the first offence and \$20,000.00 for any subsequent conviction.

#### **14.2 Offence - corporation**

Every corporation that contravenes any provision of Section 4, Section 5, or Section

6 of the By-law and every officer or director of a corporation that concurs in such contravention 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 \$50,000.00 for the first offence and \$100,000.00 for any subsequent conviction.

**14.3 Offence – person**

Every person who contravenes any provision of any other section 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 \$5000.00., by act, default, neglect or omission occasions any loss, damage or injury to the sewage works, or to any sewer works plant, machinery, fitting or appurtenance thereof is liable to the Municipality for all damages caused.

**Part 15 - Severability**


Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended

Every person shall comply with any Order or Notice issued under the authority of this bylaw.

**Part 16 - Effective Date**

This By-law shall come into force and take effect on May 18, 2021.

Read a **FIRST, SECOND and THIRD** time and **FINALLY PASSED** May 18, 2021.

  
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Mayor

  
\_\_\_\_\_  
Clerk



THE CORPORATION OF THE TOWNSHIP OF LUCAN  
BIDDULPH

BYLAW No. 39-2021: SEWER WORKS

PART 1 PROVINCIAL OFFENCES ACT

Item	Short Form Wording	Provision creating or defining offence	Set Fine
1	Discharge/deposit/cause/permit the discharge or deposit of Matter into a Sanitary Sewer or into a Connection to a Sanitary Sewer where to do so may cause/result in an obstruction or restriction to the flow in the sewage works.	4.1(m)	\$250.00
2	Connect/permit the connection of a Rain Water Leader/Storm Water Leader/Ground Water Drainage System to the sanitary sewer.	3.10	\$250.00
3	Discharge/deposit/cause/permit the discharge or deposit of any Matter of any type which may contain hauled sewage into any storm sewer system or storm sewer lateral.	5.1(h)(vi)	\$250.00
4	Discharge/deposit/cause/permit the discharge or deposit of any Matter of any type which may contain hauled waste into any storm sewer system or storm sewer lateral.	5.1(h)(vii)	\$250.00
5	Discharge/deposit/cause/permit the discharge or deposit of Matter of any type which may contain sewage into any storm sewer system or storm sewer lateral.	5.1(h)(xvi)	\$250.00
6	Discharge/deposit/cause/permit the discharge or deposit of Matter of any type which may contain contaminants from raw material, intermediate product, finished product, by-product, or waste product of an industrial process into any storm sewer system or storm sewer lateral.	5.1(h)(xix)	\$250.00
7	Discharge/deposit/cause/permit the discharge or deposit of Sewage into a Sanitary Sewer/Storm Sewer/Combined Sewer/Municipal Sewer Connection/Multiple Municipal Sewer Connection where water has been added to the discharge for the purposes of dilution to achieve compliance with Part 4 or Part 5.	6.1	\$250.00
8	Fail to immediately notify the Township of Lucan Biddulph of a spill and provide any information with respect to the spill as requested.	9.1	\$250.00

9	Fail to complete any work the Municipality may require to mitigate the spill	9.3	\$250.00
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The general penalty provision for the offences listed above is section 15 of Bylaw 39-2021 a certified copy of which has been filed and Section 61 of the *Provincial Offences Act*, R.S.O. 1990, Chapter P 33, as amended