

**CITY OF HAMILTON**

**PUBLIC WORKS DEPARTMENT**  
**Hamilton Water Division**

<b>TO:</b> Chair and Members Public Works Committee	<b>WARD(S) AFFECTED:</b> CITY WIDE
<b>COMMITTEE DATE:</b> September 3, 2013	
<b>SUBJECT/REPORT NO:</b> Proposed New Sewer Use By-law (PW13061) - (City Wide)	
<b>SUBMITTED BY:</b> Gary Moore, P.Eng. Acting General Manager Public Works Department	<b>PREPARED BY:</b> Dan McKinnon (905) 546-2424, Extension 5941
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That Report PW13061, including the draft sewer use by-law attached as Appendix "A" to Report PW13061 ("Draft Sewer Use By-law"), and the proposed new fees and charges to be introduced as part of the Draft Sewer Use By-law, attached as Appendix "B" to Report PW13061 ("Proposed Fees and Charges"), be received;
- (b) That the Director of Hamilton Water be directed to seek public input on the Draft Sewer Use By-law and the Proposed Fees and Charges through the public consultation process outlined in Report PW13061 including:
  - (i) Four Public Information Centres;
  - (ii) Presentations to stakeholders; and
  - (iii) Posting on the City's website;
- (c) That Hamilton Water staff report back to the Public Works Committee to provide the results of the public consultation process together with recommendations respecting the Draft Sewer Use By-law and the Proposed Fees and Charges.

**EXECUTIVE SUMMARY**

The purpose of this report is to outline the rationale for a new Draft Sewer Use By-law to replace the existing Sewer Use By-law No. 04-150 (“Current By-law”), and to initiate a public consultation process.

The Current By-law was initially a Regional Municipality of Hamilton-Wentworth by-law which was based on a Ministry of the Environment 1988 model by-law. A consolidated City of Hamilton by-law was enacted in 2004 and has since been amended several times to reflect current standards, practices and requirements.

In 2009 the Canadian Council for Ministers of Environment (CCME) produced a new model sewer use by-law to assist municipalities with addressing sources of contaminants in wastewater, and includes several provisions that are considered to be “industry standard” that are not included in the Current By-law. As a result, a comprehensive review of the Current By-law was initiated, and the Draft Sewer Use By-law was drafted by Hamilton Water and Legal Services staff.

A new sewer use by-law is necessary to expand into previously unregulated areas, conform to new norms in sewer regulation, promote clarity, and fair and consistent administration and enforcement.

It is important to note that the prohibited substances, as well as the restricted substances and their maximum limits prescribed in the Current By-law are not proposed to change at this time; however staff will continue to review and assess both the prohibited and restricted substances on a regular basis to ensure they remain appropriate.

The sewer use by-laws of other municipalities were reviewed as part of the process to re-draft the Current By-law to determine best practices in neighbouring jurisdictions. The proposed Draft Sewer Use By-law builds upon the regulatory framework of the CCME Model By-law to better regulate and protect public health, the natural environment and the City’s sewage infrastructure with no increase to the current staff levels or budget.

The Current By-law includes a schedule for the fees and charges associated with that by-law. In the Draft Sewer Use By-law, the fees and charges have been removed and all fees and charges associated with the Draft Sewer Use By-law, which include existing fees under the Current By-law and the Proposed Fees and Charges, will only be contained in the City’s Water and Wastewater Fees and Charges By-law. The Proposed Fees and Charges will be subject to the public consultation process.

A public consultation process to present the Draft Sewer Use By-law is proposed, which includes four public open houses, presentations to stakeholder groups and local non-government agencies and posting the Draft Sewer Use By-law on the City’s website.

Once all comments are received and considered, and the Draft Sewer Use By-law has been edited as necessary, staff will return to Public Works Committee to provide the

results of the public consultation together with recommendations respecting the Draft Sewer Use By-law and the Proposed Fees and Charges.

**Alternatives for Consideration - See Page 10**

### **FINANCIAL / STAFFING / LEGAL IMPLICATIONS**

**Financial:** The Sewer Use By-law Program is fully funded through fees and charges collected from users of the program. Appendix B to this report contains all of the fees and charges associated with the Current By-law which will continue to apply under the Draft Sewer Use By-law, as well as new fees proposed to be introduced as part of the Draft Sewer Use By-law (i.e. Proposed Fees and Charges). The existing fees and charges are being revisited as part of the City's annual user fees and charges process and any proposed changes to those fees and charges will be addressed through the rate budget/fees and charges process in late 2013.

**Staffing:** Staffing levels in the Environmental Monitoring & Enforcement Unit in the Hamilton Water Division will remain unchanged.

**Legal:** A new Sewer Use By-law will not be enacted until the public consultation and reporting processes set out in the recommendations to this report are complete.

The Proposed Fees and Charges will be included in the public consultation process and an amending by-law for the Water & Wastewater User Fees and Charges By-law will be brought back to committee at a later date. Public notice will be given under the City's Public Notice Policy By-law 07-351.

### **HISTORICAL BACKGROUND**

#### Current By-law

The Current By-law is based on a 1988 model that was drafted by the Ontario Ministry of the Environment (MOE) and adopted by most Ontario municipalities over 25 years ago. The principal objectives of that by-law are as follows:

- Protect the operation of wastewater treatment plants
- Protect sewer infrastructure
- Protect the natural environment
- Reduce health risks to sewer workers and the public
- Protect biosolids quality

The Current By-law regulates the discharge of any matter into the sanitary, combined and storm sewer systems of the City of Hamilton by;

- Establishing maximum concentration limits for various restricted substances being discharged

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- Establishing list of prohibited substances that may have adverse impacts on sewer infrastructure and/or receiving waters
- Identifying requirements which industries have to meet to discharge wastewater
- Requiring notification of spills to a sewer works which enables the City to monitor spills and mitigate impact
- Enabling the City to monitor and control what is being discharged through sampling and analysis
- Enabling the City to inspect and sample a facility to assess risks associated with discharges
- Enabling the City to enter into sewer discharge agreements to recover treatment costs
- Establishes contraventions and penalties for contraventions

Since its inception, the Current By-law has been amended several times to accommodate changes to departmental structure and current industry practices and technologies. Most notably in 2004, a consolidated by-law was enacted in order to reflect the amalgamation of the City of Hamilton. Other notable amendments since then, but not exhaustively, include:

- An extensive three-phase consultant review that lead to the addition of restrictions of a variety of organic parameters as well as changes to the provisions on chlorides and sulphates (2004-2006)
- Changes to permitting and operating practices that allow for better management of hauled sewage and industrial wastes that enter the City's facilities (2009)
- The removal of phenols as a parameter for which to have an overstrength discharge agreement (2009)
- Expansion of the City's authority to enforce the by-law as per the *Municipal Act, 2001*, including provisions to issue orders for contraventions and power of entry (2010)

2009 New CCME Model By-law

In 2009, the Canadian Council of Ministers of the Environment (CCME) developed a new model sewer use by-law to harmonize the management of municipal wastewater throughout Canada and to assist municipalities with addressing sources of contaminants in wastewater. The new model sewer use by-law is based on the sewer use by-laws of several municipalities and is intended as guidance and as a reference model for municipalities to adapt applicable provisions to each of their unique circumstances surrounding treatment and collection capabilities as well as potential vulnerabilities in the receiving waters. The CCME model sewer use by-law suggests ways to deal with issues that have been faced collectively by the municipal wastewater sector.

Opportunities for Enhancement of the Current By-law

Upon review of the 2009 CCME model by-law, the recommendations provided by various consultants as well as through ongoing enforcement of the Current By-law, Hamilton Water staff have identified four guiding principles for enhancing the Current

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By-law, which are expanded upon in the “Analyses/Rationale for Recommendation” section of this report, and include the following:

- Improved Protection of Infrastructure and Environment
- Improved Clarity and Transparency
- Improved Administrative Flexibility
- Improved Enforcement Capabilities

As part of a comprehensive review of the Current By-law, staff identified an opportunity to address the following issues related to the proper management and administration of the City’s sewer systems, including but not limited to:

- the installation, operation and maintenance of food related grease control devices (grease traps) in restaurants and food premises;
- the installation, operation and maintenance of oil and grease interceptors in motor vehicle service shops and sediment interceptors in businesses such as car washes;
- the installation, operation and maintenance of Dental Amalgam Separators in dental offices;
- language to support the current Pollution Prevention Program;
- Improved hauled sewage provisions to support the current practices and policies; and
- a sewer discharge permitting system to replace the sewer discharge agreement program under the Current By-law which has become cumbersome to administer; and
- updating the structure and language used in the by-law.

The most effective method of implementing these improvements would be to enact a new Sewer Use By-law based on the principles of the 2009 CCME model by-law, including only those concepts that relate to and will benefit Hamilton’s own circumstances.

**POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS**

N/A

**RELEVANT CONSULTATION**

In developing the Draft Sewer Use By-law, Hamilton Water staff undertook a number of activities to communicate and consult with local municipalities, industry stakeholders and other interested parties.

The Sewer Use By-laws of other Ontario municipalities were reviewed as part of this process to ensure that the Draft Sewer Use By-law reflects best practices of

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neighbouring jurisdictions, such as Regions of Peel, Niagara and Halton, City of Toronto and City of Ottawa.

2009 OCETA/C2P2 Review of Hamilton's Current By-law

In July 2009 Hamilton Water staff retained the Canadian Centre for Pollution Prevention (C2P2) and the Ontario Centre for Environmental Technology Advancement (OCETA) to review and provide recommendations for implementing a Pollution Prevention (P2) Program.

OCETA/C2P2 recommended that the City implement a P2 program that supports Provincial and Federal P2 guidelines in order to decrease the input of industrial and commercial pollutants from small to medium sized enterprises that cannot be monitored with conventional methods such as in-sewer sampling.

In 2009 the recommendations made by OCETA were initiated by Hamilton Water by hiring a P2 Project Manager and creating a Pollution Prevention Program. The Draft Sewer By-law includes provisions that support the program so that it is fully effective.

2009/2010 Poisson Engineering Inc. Review of Hauled Sewage Program

In 2009, a review of the Hauled Sewage Program was conducted to recommend changes that would address the needs of the septic haulers and staff whom are administering and enforcing the program.

2010 CH2M Hill Review of Hamilton's Sewer Use By-law

In 2010, Hamilton Water staff retained CH2M HILL Canada Limited to review and provide recommendations for possible changes related to specific areas of the Current By-law.

The technical review examined whether the Current By-law restricted substance limits were valid and appropriate. It was determined that sanitary and combined sewer discharge limits for conventional parameters in the Current By-law are for the most part equal to other municipalities reviewed, although the CCME's 2009 model did provide some examples of more stringent discharge limits. The treatability for chloroform, phthalates and fats oils and grease (FOG) were also examined, since these substances were identified as a concern for treatability and enforcement and are discharged to the sanitary/combined sewer system commonly and frequently. Based on these evaluations, Current By-law restricted substances and their maximum limits are appropriate and will remain the same in the Draft Sewer Use By-law.

Recommendations resulting from the administrative review include revising the Current By-law's standard agreement forms that would allow for delegated signing authority, automatic renewal and a longer term of agreement to simplify the process to make staff time more efficient. Based on this evaluation, the new Sewer Discharge Permit process is being proposed to replace the agreements. It was also recommended that a well-documented, council approved, enforcement policy be developed. Additionally, the enforcement policy should include ticketing.

Internal Stakeholder Consultation 2011

In September 2011, consultations with many internal stakeholders were completed, including the following divisions: Building Services, Parking & By-law Services, Legal Services, Risk Management, Engineering Services, Environmental Services, and all sections within Hamilton Water. The comments received by staff from other Divisions and in Hamilton Water were considered in the preparation of the Draft Sewer Use By-law.

Preliminary Public Consultation Results - 2011

In November 2011, two Public Information Centres (“PICs”) were held where Hamilton Water staff provided conceptual information about the proposed changes to the Sewer Use By-law. At these PICs there was an opportunity for local businesses and residents to provide input on the proposed conceptual changes to the Current By-law.

Invitations for these PICs were sent to over 200 businesses and advertising was completed in local newspapers and on the City’s website. Thirty three businesses and two residents attended the PICs. At the time no formal comments were received with respect to the proposed conceptual changes to the Current By-law as most of the attendees felt the need to review the draft sewer use by-law prior to providing comments. However, informal comments received at the meetings on the concepts and approaches were for the most part positive and supported by the meeting attendees.

Proposed Public Consultation Process (Fall of 2013)

Staff propose the following public consultation process:

- Four PICs will be held at various locations around the City. Formal invitations will be sent to businesses who will be impacted by the proposed changes, including but not limited to:
  - restaurant owners and property managers;
  - dental offices;
  - vehicle service facility owners;
  - industries who are currently monitored by the Sewer Use Program;
  - current Sewer Discharge Agreement holders;
  - Septic haulers and generators.

Invitations will also be sent to local non-government agencies, such as Green Venture and Environment Hamilton, as well as business associations such as Hamilton Industrial Environmental Association, Canadian Restaurant and Foodservices Association (Ontario Chapter), Ontario Dental Association. Advertising for the PICs will be included in the local newspapers and on the City’s website.

- Staff will present the proposed changes to the Current By-law and there will be opportunity for businesses and residents to provide input on the proposed changes to the Draft Sewer Use By-law. Copies of the proposed Draft Sewer Use By-law will be available for attendees to take and review.

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- Prior to the sessions noted above, copies of the proposed Draft Sewer Use By-law will be made available on the City's website for review and a comment sheet will be available for download that can be mailed, faxed or emailed to staff. The review period following the PICs will be at least one month.

Once staff have received and considered all comments, the proposed By-law will be further revised, as required, and presented to the Public Works Committee for consideration.

The timeline for this review will depend on public and Council response to the proposed By-law. Should only minor revisions be required, staff anticipates that the revised proposed By-law will be brought back for Committee consideration by December 2013.

### **ANALYSIS / RATIONALE FOR RECOMMENDATION**

The underlying framework for the Draft Sewer Use By-law remains largely unchanged from the Current By-law, but several improvements have been incorporated.

The key changes proposed from the Current By-law are summarized below under each of the 4 guiding principles:

#### **1. Improved Protection of Infrastructure and Environment**

- The inclusion of provisions for the installation, maintenance, evacuation and record keeping of grease, oil and sediment interceptors and dental amalgam separators - see Appendix "C" attached to Report PW13061 for a detailed explanation on why these provisions were added.
- The addition of "Conditional Discharge Permits" where premises discharging prohibited substances are granted approval by higher levels of government, the proposed language will give the City more awareness and control over those discharges.
- Clearer regulation of acceptable discharges to storm sewers, including new prohibitions such as any raw material, intermediate or finished product or by-product, and carpet cleaning waste.
- The addition of language supporting the existing Pollution Prevention (P2) Program, which enable an officer to request a P2 plan where a premises has failed to comply with the By-law, or a permit and provisions on deadlines for submitting the plan.
- The addition of hauled sewage provisions will enable City staff to better control, monitor and restrict hauled sewage that enters the City sewer works and the new language better supports the existing program.
- The addition of language to "Part 10 - Spills" outlines more specific reporting requirements and prescribes mitigation and follow-up requirements.



**2. Improved Clarity and Transparency**

- New definitions have been added and existing definitions have been clarified.
- A new Part 3 - General Prohibitions section has been added to highlight the importance of specific prohibitions that are imbedded in various locations throughout the Current By-law.
- Language to ensure monitoring access points are available and safe for monitoring staff has been clarified.
- Language in many of the sections was re-worded and clarified for ease of interpretation and any commonalities were categorized.
- Restricted substances and limits were removed from the body of the Current By-law and added in a table format as a schedule to the Draft Sewer Use By-law for ease of use.

**3. Improved Administrative Flexibility**

- Sewer Discharge Agreements have been replaced with streamlined Sewer Discharge Permits, which will be easier for staff to administer and for businesses to navigate. Changes to the program include additional requirements for insurance and a new method for applying the quarterly administrative fees and charges. Permits will expire every three years and the discharger will reapply, paying an application fee to cover processing costs. Language has also been included to accommodate transition periods for current agreement holders and authorizes the Director of Hamilton Water to issue, suspend or revoke permits for various prescribed reasons.
- New fees and charges (Proposed Fees and Charges) will be prescribed to recover costs for administering the Sewer Discharge Permit Program as attached in Appendix "B" to Report PW13061. The schedule of fees will now only be included in the Water & Wastewater Fees and Charges By-law and will be subject to regular review and updating. The quarterly administrative fee for a Sewer Discharge Permit will be applied as an additional charge per quarter rather than as a minimum charge per quarter as it is currently applied. The administrative fee will apply to all types of permits, rather than how they are currently applied to only overstrength, surcharge and chloride agreements. An application fee will also be applied at the time of application, which is every three years while the permit is necessary. If a permit is to be amended prior to the three year expiry, an amendment fee will apply.
- The removal of schedules to the Current By-law that were redundant or contained forms such as the Waste Survey Reports, which permits flexibility to set and amend the form without undertaking amendments to the by-law.
- Language has been added that requires a discharger to provide specific information about the discharge, within a limited timeframe, that allows for the

assessment of potential impact and risk as well as to assess whether to issue or deny a sewer discharge permit and/or apply any conditions

#### **4. Improved Enforcement Capabilities**

- The powers of enforcement officers to enter onto property for purposes related to the Sewer Use By-law have been expanded and clarified.
- In general, many of the sections were re-worded to augment and refine enforcement powers.

### **ALTERNATIVES FOR CONSIDERATION**

In the event that Council elects not to approve the recommendations in this report, there remain two possible options to be considered.

#### **Option A: No new Sewer Use By-law**

This option would continue to utilize the Current By-law that was enacted in 2004 and based on the 1988 MOE model by-law. This would mean that there would be no improvements to the protection of the infrastructure and environment; clarity and transparency; administrative flexibility or enforcement capabilities. Some of the gaps that were identified could be managed and changed through various amendments to the Current By-law. This is not recommended as it becomes cumbersome for users and enforcement staff to navigate.

#### **Option B: Change the scope of the proposed Sewer Use By-law**

The scope of the proposed Draft Sewer Use By-law could be reduced.

One means to reduce the scope of the By-law is to remove the provisions for the installation, maintenance, evacuation and record keeping of Grease and Sediment Interceptors and Dental Amalgam Separators. However, this would limit staff's ability to enforce the By-law with respect to the substances of concern, and continue to pose a risk for the City's sewer works and the environment. Further, this approach would mean Hamilton would continue to be one of the only Ontario municipalities of its size to not have these types of requirements.

Alternatively, the provisions could be made stricter, requiring the installation, maintenance, evacuation and record keeping of Grease and Sediment Interceptors and Dental Amalgam Separators regardless of the risk assessment results, and simply based on the assumption that any business in those particular sectors would produce the substances of concern and would require a device to keep them from entering the sewers. This is the approach that the neighbouring municipalities that we surveyed have used. However, this approach would require more staff resources in order to implement and administer in a fair and consistent manner, and may also prove to be more taxing on small business owners that may not present a risk to the sewer system.

**ALIGNMENT TO THE 2012 - 2015 STRATEGIC PLAN**

**Strategic Priority #2**

Valued & Sustainable Services

*WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.*

**Strategic Objective**

2.1 Implement processes to improve services, leverage technology and validate cost effectiveness and efficiencies across the Corporation.

**APPENDICES / SCHEDULES**

Appendix A - Proposed Draft Sewer Use By-law

Appendix B - Draft Sewer Use By-law Fees and Charges

Appendix C - Rationale for Grease and Sediment Interceptors and Dental Amalgam Separators

Item, Public Works Committee  
Authority: Report (Staff report number)  
CM: Date

Bill No.

CITY OF HAMILTON  
BY-LAW NO. \_\_\_\_\_  
For XXX

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**WHEREAS** sections 8 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6, 7, 8 and 10 of subsection 10(2) authorize by-laws respecting: the economic, social and environmental well-being of the City; the health, safety and well-being of persons; services and things that the municipality is authorized to provide under subsection 10(1); the protection of persons and property; and structures, including fences and signs;

**AND WHEREAS** it is desirable to regulate the discharge of all matter into the City of Hamilton's storm, sanitary and combined sewer systems;

**AND WHEREAS** section 425 of the *Municipal Act, 2001* authorizes the City of Hamilton to pass by-laws providing that a person who contravenes a by-law of the City of Hamilton passed under that Act is guilty of an offence;

**AND WHEREAS** section 87 of the *Municipal Act, 2001* authorizes the City of Hamilton to enter on land, at reasonable times, to inspect the discharge of any matter into the City's sewage system or into any other sewage system the contents of which ultimately empty into the City's sewage system and authorizes the City to conduct tests and take samples for this purpose;

**AND WHEREAS** the *Municipal Act, 2001* further authorizes the City of Hamilton, amongst other things, to delegate its authority, to impose fees or charges, to provide for inspections, and to make orders to discontinue activity or to do work;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

## PART 1

### DEFINITIONS

1.1 In this By-law:

**“accredited laboratory”** means a laboratory accredited in accordance with “ISO/IEC/EN 17025: General Requirements for the Competence of Testing and Calibration Laboratories” established by the International Organization for Standardization, or with a standard based on “CAN-P-1585: Requirements for the Accreditation of Environmental Testing Laboratories” established by the Standards Council of Canada, both as amended or replaced from time to time;

**“Annual Carrier Permit to Discharge Hauled Sewage”** means a carrier permit to discharge hauled sewage issued under Part 9 of this By-law;

“**biosolids**” means the product of stabilized organic solid material recovered from the sewage treatment process;

“**blowdown water**” means 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 matter contained in the system, the further build-up of which would or might impair the operation of the system;

“**Building Code**” means Ontario Regulation 350/06, made under the *Building Code Act, 1992*;

“**business day**” means 8:30 a.m. to 4:30 pm on any day on which the City’s administrative offices are open for business;

“**carrier**” means any person who transports hauled sewage in a vehicle other than in a recreational vehicle;

“**cBiochemical Oxygen Demand**” or “**cBOD**” means the five day carbonaceous biochemical oxygen demand;

“**CSA B-481**” means standard CSA B-481, published by the Canadian Standards Association and entitled “Grease Interceptors”, as amended or replaced from time to time;

“**City**” means the municipality of the City of Hamilton or the geographic area of the City of Hamilton as the context requires;

“**combined sewer**” means a sewer intended to function simultaneously as a storm sewer and a sanitary sewer;

“**compliance program**” means a program approved by the General Manager to bring a premises into compliance with this By-law within a specific time frame, required as a condition of a Sewer Discharge Permit in order to reduce the release of high strength discharges into a sewer works or into a connection to a sewer works, and includes but is not limited to investigative actions, pretreatment processes, physical controls and operational procedures;

“**composite sample**” means a sample of sewage which is composed of a series of grab samples taken at intervals during the sampling period and combined automatically or manually;

“**connection**” or “**drain**” means that part of any pipe, or those parts of a system of pipes;

“**contact cooling water**” means water which is used to reduce temperature for the purpose of cooling and which comes into direct contact with any raw material, intermediate product other than heat, or finished product, or otherwise becomes contaminated;

“**Council**” means the council of the City of Hamilton;

“**DDT**” means dichloro-diphenyl-trichloroethane and its derivatives;

“**dental amalgam**” means a dental filling material consisting of an amalgam of mercury, silver and other materials such as copper, tin or zinc;

“**dental amalgam separator**” means an ISO 11143 certified receptacle that prevents dental amalgam particles from passing into a sewer works;

“**discharge**” when used as a verb, includes add, deposit, leak or emit and, when used as a noun, includes addition, deposit, emission or leak;

“**domestic sewage**” means waste that is human body waste, toilet or other bathroom waste, waste from showers or bathtubs, liquid or water borne culinary or sink waste or residential laundry waste;

“**evacuation**” or “**evacuated**” means the removal of 100% of the intercepted substances from a grease control device, oil and grease interceptor, sediment interceptor or dental amalgam separator;

“**F.O.G.**” means fats, oils and grease found in food waste;

“**food premises**” means a premises where food or drink for human consumption is manufactured, processed, prepared, stored, handled, displayed, distributed, transported, sold or offered for sale, not including a food premises that is a dwelling unit, except a dwelling unit used as a food premises home business;

“**foundation drain**” means a perforated groundwater collection system located at the footing of a building and designed for the purpose of protecting the building;

“**fuel**” means alcohol, gasoline, naphtha, diesel fuel, fuel oil or any other ignitable substance intended for use as a fuel;

“**generator**” means any person who produces hauled sewage;

“**Generator Permit to Discharge Hauled Sewage Sludge or Industrial Sewage**” means a generator permit to discharge hauled sewage sludge or industrial sewage issued under Part 9 of this By-law;



**“General Manager”** means the General Manager of Public Works for the City, his or her successor, or the persons the General Manager may designate from time to time to act in his or her stead for purposes of this By-law;

**“grab sample”** means an aliquot of sewage sampled at one particular place and time;

**“grease control device”** means a receptacle that prevents F.O.G. and solids from a food premises from passing into a sewer works, and includes a grease trap and a grease interceptor;

**“groundwater”** means water from beneath the earth’s surface accumulating as a result of seepage;

**“hailed sewage”** means;

- (a) waste removed from a cesspool, a septic tank, a privy vault or privy pit, a chemical toilet, a portable toilet, a sewage holding tank or other container for human excretion;
- (b) any hauled sewage defined in O. Reg. 347;
- (c) any hauled sewage from a sewer works under Part 8 of the Building Code;
- (d) any hauled domestic sewage;
- (e) any hauled industrial sewage;
- (f) any hauled sewage sludge; or
- (g) any hauled waste disposal site leachate;

**“Hauled Sewage Discharge Declaration”** means the document to be completed by a carrier of hauled sewage;

**“Hauled Sewage Procedures”** means the City of Hamilton Hauled Sewage Procedures, as approved by the General Manager from time to time;

**“hailed sewage receiving facility”** means that part of the sewer works designated by the City to receive hauled sewage;

**“industrial”** means of or pertaining to industry, manufacturing, commerce, trade, business, or institutions as distinguished from domestic or residential;

**“industrial sewage”** means sewage from any agricultural, commercial, industrial or institutional premises or any other premises where the sewage includes significant quantities of sewage of non-human origin or differs significantly from domestic sewage;

“**ISO 11143**” means standard ISO 11143, published by the International Organization for Standardization and entitled “Dentistry - Amalgam Separators”, as amended or replaced from time to time;

“**joined sanitary-foundation drain sewer**” means a privately-owned sewer constructed under a permit issued by the City or a predecessor municipality for the collection and transmission of domestic sewage and groundwater from a foundation drain;

“**matter**” includes any solid, liquid or gas, unless the context requires otherwise;

“**monitoring access point**” means an access point, such as a sewer manhole, that allows for observation, sampling and flow measurement of sewage;

“**non-contact cooling water**” means 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, but does not include blowdown water;

“**occupier**” includes,

- (a) any person who is in physical possession of a premises, or
- (b) any person who has responsibility for and control over the condition of a premises or the activities carried thereon, or control over persons allowed to enter the premises;

“**Officer**” means a person appointed by Council, by the General Manager, or under this By-law, to administer or enforce this By-law and includes a person employed by the City whose duties are to enforce this By-law, and also includes, for the purposes of exercising any power of entry under this By-law, a police officer;

“**O. Reg. 347**” means Ontario Regulation 347 made under the *Environmental Protection Act*;

“**oil and grease**” means solvent extractable matter of animal or vegetable origin, mineral or synthetic origin, or a combination of both;

“**oil and grease (animal/vegetable)**” means solvent extractable matter of animal or vegetable origin;

“**oil and grease (mineral/synthetic)**” means solvent extractable matter of mineral or synthetic origin;

“**oil and grease interceptor**” means a receptacle that prevents oil and grease from passing into a sewer works;

“**owner**” means the registered owner or owners of a premises or their authorized agents, but does not include a mortgagee unless the mortgagee is in possession of the premises;

“**PCBs**” means total polychlorinated-biphenyls;

“**permit**” includes any one or more of the following:

- (a) Annual Carrier Permit to Discharge Hauled Sewage;
- (b) Generator Permit to Discharge Hauled Sewage Sludge or Industrial Sewage;
- (c) Sewer Discharge Permit;

“**person**” includes an individual, association, partnership, corporation, municipality, regional municipality, provincial or federal agency, or an agent or employee of any one of these entities;

“**pesticides**” means a pesticide regulated under the *Pesticides Act*;

“**Pollution Prevention Plan**” means a plan that identifies operations or activities of a person at an industrial premises and specific pollution prevention methods to be implemented by that person within a specific time frame;

“**potable water**” means water that is fit for human consumption;

“**premises**” means lands and structures or either of them, including but not limited to:

- (a) water;
- (b) ships and vessels;
- (c) trailers and portable structures;
- (d) trains, railway cars, vehicles and aircraft;

“**pretreatment process**” means a process or facility designed to remove matter from sewage discharged into the sewer works;

“**recreational vehicle**” means a vehicle, including a trailer, designed as a living space and which contains a permanently mounted holding tank that stores domestic sewage generated within that vehicle;

“**reference method**” means a method or test published in the latest edition of international, regional, or national standards, textbooks, journals or manufacturers specifications and includes the latest edition of “Standard Methods for the Examination of Water and Wastewater”, an Ontario Ministry of the Environment approved procedure, or a U.S. Environmental Protection Agency method;

“**sanitary sewer**” means a sewer for the collection and transmission of sewage;

“**sediment interceptor**” means a receptacle that separates and retain solids that may cause harm or a risk of harm to a sewer works;

“**sewage**” means the composite of water and water-carried matter from agricultural, commercial, industrial, institutional or residential premises or any other source but does not include stormwater;

“**Sewer Discharge Permit**” means a permit issued under Part 11 of this By-law;

“**sewage sludge**” means semi-solid material recovered from the sewage treatment facility process;

“**sewage treatment facility**” means that part of a sewer works used for the physical, chemical, biological or radiological treatment of sewage including but not limited to sewage sludge storage and disposal facilities;

“**sewer works**” means any City-owned works for the collection, acceptance, transmission, treatment or disposal of sewage or stormwater, including a combined sewer, sanitary sewer, storm sewer, pumping station, sewage treatment facility, or any part of such works, but does not include plumbing or other works to which the *Building Code Act, 1992* applies;

“**sewer**” means a connection, drain, open channel or ditch for the collection and transmission of sewage or stormwater;

“**Sewer Use By-law Assessment Report**” means a report on the industrial processes and discharges from a premises;

“**spill**” means a direct, or indirect discharge that has entered, or could enter, into a sewer works or sewer which is abnormal in quantity or quality in light of all the circumstances of the discharge;

“**storm sewer**” means a sewer for the collection and transmission of any one or more of stormwater, or drainage from land or a watercourse;

“**stormwater**” means water from rainfall or other natural precipitation or from the melting of snow or ice or drainage from land or a watercourse;

“**total PAHs**” means the total of all of the following polycyclic aromatic hydrocarbons: anthracene, benzo(a)pyrene, benzo(a)anthracene, benzo(e)pyrene, benzo(b)fluoranthene, benzo(j)fluoranthene, benzo(k)fluoranthene, benzo(g,h,i)perylene, chrysene, dibenzo(a,h)anthracene, dibenzo(a,i)pyrene, dibenzo(a,j)acridine, 7H-dibenzo(c,g)carbazole, fluoranthene, indeno(1,2,3-c,d)pyrene, perylene, phenanthrene and pyrene;

**“waste radioactive prescribed substances”** means uranium, thorium, plutonium, neptunium, deuterium, their respective derivatives and compounds and such other substances as the Canadian Nuclear Safety Commission, or its successor, may designate as being capable of releasing atomic energy or as being requisite for the production, use or application of atomic energy;

**“Water Balance Study”** means a study of a premises used for the purposes of calculating flow differential between incoming volume and discharges to the sewer works, natural environment and all hauled sewage;

**“watercourse”** means an open channel, ditch or depression, either natural or artificial, in which flow of water occurs either continuously or intermittently, including but not limited to any well, lake, harbour, river, pond, spring, stream, or reservoir.

## PART 2

### APPLICATION OF BY-LAW

- 2.1 Nothing in this By-law is to be construed as permitting anything which is prohibited under federal or provincial legislation, and where there is a conflict in this respect between federal or provincial legislation and this By-law, the federal or provincial legislation prevails.
- 2.2 A discharge which is permitted under a current and valid Sewer Discharge Permit is not prohibited under this By-law so long as there is full compliance with that permit.
- 2.3 The following Schedules are attached to and form part of this By-law:
- Schedule A: Joined Sanitary-Foundation Drain Sewer Lands;
  - Schedule B: Limits for Sanitary Sewer and Combined Sewer Discharge;
  - Schedule C: Limits for Storm Sewer Discharge;
  - Schedule D: City Locations for Discharge of Hauled Sewage; and
  - Schedule E: Risk Assessment for Food Premises.

## PART 3

### GENERAL PROHIBITIONS

- 3.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law.

- 3.2 No person shall discharge or permit the discharge of matter into a sewer works or into a connection to a sewer works where water has been added to the matter for the purposes of dilution to achieve compliance with this By-law.
- 3.3 No person shall damage, tamper with or permit the damaging of or tampering with:
- (a) any part of a sewer works; or
  - (b) any permanent or temporary device installed in a sewer works or in a connection to any sewer works for the purpose of measuring the flow of, sampling or otherwise monitoring sewage, stormwater, or drainage from land or a watercourse.
- 3.4 No person shall provide false or inaccurate information in an application for a permit issued under this By-law or in any document or thing required to be submitted by this By-law.

## PART 4

### DISCHARGES TO SEWER WORKS

- 4.1 No person shall, directly or indirectly, discharge or permit the discharge of matter into a sewer works or into a connection to a sewer works where to do so may result in:
- (a) a health or safety hazard to a person authorized by the General Manager to work on the sewer works, including but not limited to a person authorized to inspect, operate, maintain or repair the sewer works;
  - (b) an offence under any federal or provincial legislation, including but not limited to, the *Ontario Water Resources Act*, the *Environmental Protection Act*, the *Fisheries Act* or a regulation thereunder;
  - (c) failure of biosolids from the sewage treatment facility to meet the requirements set out in the *Nutrient Management Act, 2002* or a regulation thereunder;
  - (d) interference with the proper operation or maintenance of the sewer works;
  - (e) interference with any treatment process at a sewage treatment facility;
  - (f) a hazard to or harm of any person, animal, property or vegetation;
  - (g) impairment of the quality of the water in any watercourse;
  - (h) solid or viscous substances in a quantity or of such size as to be capable of causing obstruction to the flow in the sewer works;
  - (i) an offensive odour to emanate from the sewer works, including but not limited to sewage containing hydrogen sulphide, carbon disulphide, or other reduced sulphur compounds, amines or ammonia in such quantity as may cause an offensive odour;
  - (j) damage to the sewer works; or

- (k) failure of any discharge from the sewer works to comply with the requirements of an environmental compliance approval or with federal or provincial legislation.
- 4.2 No person shall, directly or indirectly, discharge or permit the discharge of matter into a sewer works or into a connection to a sewer works which has one or more of the following characteristics:
- (a) a pH of less than 5.5 or greater than 9.5;
  - (b) two or more separate liquid layers;
  - (c) a temperature greater than 65°C.
- 4.3 No person shall, directly or indirectly, discharge or permit the discharge of matter into a sewer works or into a connection to a sewer works where the discharge contains any:
- (a) dye or colouring material which discolours the discharge from the sewer works, except where the dye is used as a tracer and is authorized by the City;
  - (b) dental amalgam;
  - (c) fuel;
  - (d) hauled sewage, except in accordance with Part 9 of this By-law;
  - (e) hazardous waste as defined under O. Reg. 347;
  - (f) ignitable substance not intended for use as a fuel;
  - (g) pathological waste as defined under O. Reg. 347; or
  - (h) pesticides, except for those pesticides permitted within the limits set out in Schedule B.
- 4.4 No person shall, directly or indirectly, discharge or permit the discharge of matter into a sewer works or into a connection to a sewer works, where the discharge contains any of the following except in accordance with the conditions set out below:
- (a) PCBs in excess of the limits set out in Schedule B, where:
    - (i) the person has a valid environmental compliance approval for a *Mobile PCB Destruction Facility Waste Disposal Site* issued under the *Environmental Protection Act* or has an exemption under a regulation thereunder and has demonstrated to the General Manager that the conditions of the exemption have been met;
    - (ii) a copy of the environmental compliance approval and any exemptions referred to in subsection 4.4(a)(i) are provided to the General Manager prior to the discharge;
    - (iii) the discharge complies with a valid Sewer Discharge Permit; and
    - (iv) all fees required under the Sewer Discharge Permit are paid;
  - (b) waste radioactive prescribed substances, where:
    - (i) the person has a valid licence issued by the Canadian Nuclear Safety Commission or successor for the discharge of the substance;

- (ii) a copy of the licence referred to in subsection 4.4(b)(i) has been provided to the General Manager prior to the discharge; and
  - (iii) the discharge complies with a valid Sewer Discharge Permit; and
  - (iv) all fees required under the Sewer Discharge Permit are paid;
- (c) waste disposal site leachate, where:
- (i) the person has a valid environmental compliance approval under the *Environmental Protection Act* or the *Ontario Water Resources Act* which expressly allows the discharge;
  - (ii) a copy of the environmental compliance approval referred to in subsection 4.4(c)(i) has been provided to the General Manager prior to the discharge;
  - (iii) the discharge complies with a valid Sewer Discharge Permit; and
  - (iv) all fees required under the Sewer Discharge Permit are paid.
- (d) water from a groundwater remediation unit or site where:
- (i) the person has a valid environmental compliance approval under the *Environmental Protection Act* or the *Ontario Water Resources Act* which expressly allows the discharge;
  - (ii) a copy of the environmental compliance approval referred to in subsection 4.4(d)(i) has been provided to the General Manager prior to the discharge;
  - (iii) the discharge complies with a valid Sewer Discharge Permit; and
  - (iv) all fees required under the Sewer Discharge Permit are paid.

#### DISCHARGES TO SANITARY OR COMBINED SEWERS

- 4.5 No person shall, directly or indirectly, discharge or permit the discharge of matter into a sanitary sewer or a combined sewer or into a connection to a sanitary sewer or a combined sewer where the discharge contains:
- (a) a concentration, expressed in milligrams/litre, in excess of any one or more of the limits for any one or more of the parameters in Schedule B, except where:
    - (i) the discharge complies with a valid Sewer Discharge Permit; and
    - (ii) all fees required under the Sewer Discharge Permit are paid;
  - (b) water originating from a source other than the City's potable water supply, except where:
    - (i) the discharge complies with a valid Sewer Discharge Permit; and
    - (ii) all fees required under the Sewer Discharge Permit are paid;
  - (c) stormwater, water from drainage from roofs or land, water from a watercourse, groundwater or non-contact cooling water, except where:
    - (i) the discharge is from a premises that is connected to a combined sewer;
    - (ii) the non-contact cooling water originated from the City's potable water supply; or
    - (iii) the discharge complies with a valid Sewer Discharge Permit and all fees required under the Sewer Discharge Permit are paid.



- 4.6 No person shall, directly or indirectly, discharge or permit the discharge of matter from a joined sanitary-foundation drain sewer into a sanitary sewer where the discharge contains stormwater, water from drainage from roofs or land, water from a watercourse, groundwater from other than a foundation drain or non-contact cooling water, except from those joined sanitary-foundation drain sewers located within the lands shown in Schedule A.

#### DISCHARGES TO STORM SEWERS

- 4.7 No person shall, directly or indirectly, discharge or permit the discharge of matter into a storm sewer or into a connection to a storm sewer where the discharge contains:
- (a) sewage;
  - (b) *E. coli* in excess of 2400 colony forming units per 100 milliliters;
  - (c) contact cooling water;
  - (d) oil and grease (mineral/synthetic) which causes a visible film, sheen or discolouration on the water's surface;
  - (e) any raw material, intermediate product, finished product, by-product or waste product of an industrial process;
  - (f) paint or organic solvent;
  - (g) liquid or solid matter generated by carpet or furniture cleaning that is collected in a holding tank; or
  - (h)
    - (i) a concentration, expressed in milligrams/litre, in excess of any one or more of the limits for any one or more of the parameters in Schedule C; or
    - (ii) blowdown water; except as permitted in section 4.8.
- 4.8 Despite subsection 4.7(h), a person may discharge or permit the discharge of matter into a storm sewer or into a connection to a storm sewer where the discharge contains any of the following only in accordance with the conditions set out below:
- (a) a concentration, expressed in milligrams/litre, in excess of any one or more of the limits for any one or more of the parameters in Schedule C, where:
    - (i) the discharge is in accordance with a valid environmental compliance approval or order issued pursuant to the *Environmental Protection Act* or *Ontario Water Resources Act* which expressly allows the discharge;
    - (ii) a copy of the environmental compliance approval or order referred to in subsection 4.8(a)(i) has been provided to the General Manager;
    - (iii) the discharge complies with a valid Sewer Discharge Permit; and
    - (iv) all fees required under the Sewer Discharge Permit are paid;
  - (b) blowdown water, where:

- (i) the discharge is in accordance with a valid environmental compliance approval or order issued pursuant to the *Environmental Protection Act* or *Ontario Water Resources Act* which expressly allows the discharge;
- (ii) a copy of the environmental compliance approval or order referred to in subsection 4.8(b)(i) has been provided to the General Manager;
- (iii) the discharge complies with a valid Sewer Discharge Permit; and
- (iv) all fees required under the Sewer Discharge Permit are paid.

## PART 5

### SEWER USE BY-LAW ASSESSMENT REPORTS AND WATER BALANCE STUDIES

- 5.1 If required by written notice from an Officer, the owner or occupier of a premises shall complete and submit to the Officer:
- (a) a Sewer Use By-law Assessment Report, no more than 60 days after delivery of the written notice;
  - (b) a Water Balance Study, prepared by a third party professional engineer, no more than six months after delivery of the written notice, except where an extension to the six months deadline is granted in writing by an Officer.
- 5.2 Where a change occurs in the information contained in a Sewer Use By-law Assessment Report or Water Balance Study, the owner or occupier of a premises shall submit to the Officer, no more than 30 days after the change:
- (a) information and documentation regarding the change; or
  - (b) where the Officer determines it is necessary to do so, a new or updated Sewer Use By-law Assessment Report or Water Balance Study, as required.

## PART 6

### MONITORING AND ANALYZING DISCHARGES FOR QUALITY AND QUANTITY

- 6.1 A person carrying out sampling or analysis under this By-law shall ensure that:
- (a) the sampling is conducted in accordance with guidelines approved by the General Manager, as amended or replaced from time to time; and
  - (b) the analysis, except where otherwise approved in writing by the General Manager:
    - (i) is performed by an accredited laboratory;
    - (ii) uses a reference method which is within the laboratory's scope of accreditation;
    - (iii) for each of the metals in Schedule B or Schedule C, measures the quantity of total metal including both dissolved and particulate metal; and

- (iv) is of a grab sample or a composite sample which may be collected manually or by an automatic sampling device.
- 6.2 Where the City is conducting sampling for the purposes of the determining compliance or non-compliance with this By-law, one grab sample is sufficient.
- 6.3 The owner of a premises with one or more connections to a sewer works shall, at their expense:
  - (a) install and maintain in each connection a suitable monitoring access point to allow observation, sampling and measuring flow of sewage or stormwater provided that where installation of a monitoring access point is not possible, an alternative location for the monitoring access point or alternative device or facility may be substituted with the prior written approval of the General Manager;
  - (b) ensure that the monitoring access point, alternative location, device or facility under subsection 6.3(a) is constructed, installed and maintained in accordance with good engineering practices and the requirements of the City; and
  - (c) ensure that the monitoring access point, alternative location, device or facility under subsection 6.3(a) is at all times safely accessible for purposes of observing, sampling and measuring flow of sewage or stormwater.
- 6.4 Upon written notice from an Officer, the owner or occupier of a premises shall, at their expense:
  - (a) install a device to monitor the quality or quantity or both of sewage or stormwater discharges; and
  - (b) submit to the Officer records of calibration and maintenance of a device installed under subsection 6.4(a).
- 6.5 Upon written notice from an Officer, the owner or occupier of a premises shall, at their expense:
  - (a) complete any sampling or analysis of discharge from the premises to a sewer works, pursuant to subsections 6.1(a) and 6.1(b); and
  - (b) submit the results of such monitoring or sampling to the Officer.
- 6.6 Upon written request, the City will provide sampling and analysis services to an owner or occupier of a premises for the purposes of fulfilling a requirement of this By-law, however, sampling and analysis services are subject to:
  - (a) the availability of City resources; and
  - (b) the payment of the prescribed fees.

- 6.7 Where a discharge originates from more than one location on a premises into a single connection to a sewer works, the owner of the premises shall complete any installation of a monitoring access point, device or facility in the single connection, or any sampling or analysis of the discharge from the premises as required under this Part 6.

## PART 7

### GREASE CONTROL DEVICES, OIL AND GREASE AND SEDIMENT INTERCEPTORS, AND DENTAL AMALGAM SEPARATORS

- 7.1 No owner or occupier of a premises shall dispose of or permit the disposal of any matter collected by a grease control device, oil and grease interceptor, sediment interceptor or dental amalgam separator into a sewer works or into a connection to a sewer works.

#### Grease Control Devices – Food Premises

- 7.2 The owner or occupier of a food premises that discharges sewage which contains F.O.G. or solids shall install a grease control device in all drains or in all connections into which F.O.G. or solids pass from the food premises to a sewer works, within 6 months upon being provided notice in writing by the City, where:
- (a) the sewage discharged from the food premises fails to comply with Part 4 of this By-law; or
  - (b) a blockage has occurred in any drain or in any connection from the food premises to a sewer works.
- 7.3 Where, upon inspection of a food premises, an Officer has determined that the food premises is low risk, medium risk or high risk in accordance Schedule E, the owner or occupier of the premises shall install a grease control device in all drains or in all connections into which F.O.G. or solids pass from the food premises to a sewer works within the time frame specified in Schedule E.
- 7.4 Every person who installs, replaces, relocates or repairs a grease control device at a food premises as required under this By-law or otherwise, shall ensure that the grease control device is:
- (a) installed in accordance with the requirements of the Building Code;
  - (b) of sufficient capacity and appropriate design to intercept all F.O.G. and other solids that may flow into the grease control device, including under peak flow conditions;
  - (c) located so as to be readily accessible for inspection and evacuation; and
  - (d) evacuated on a regular basis so that F.O.G. and other matter does not pass into a sewer works or into a connection to a sewer works in excess of the limits set out in Schedule B.

- 7.5 An owner or occupier of a food premises which has a grease control device shall:
- (a) maintain the grease control device in accordance with the manufacturer's recommendations or the requirements outlined in the CSA B-481;
  - (b) post the maintenance requirements in proximity to the grease control device;
  - (c) keep a maintenance schedule and record of maintenance for any grease control device; and
  - (d) keep all records evidencing the evacuation and disposal of matter from any grease control device.

### Oil and Grease Interceptors

- 7.6 An owner or occupier of a premises who repairs motor vehicles or other machinery at the premises and who discharges sewage which contains any oil and grease shall install and maintain an oil and grease interceptor in all drains or in all connections into which oil and grease passes from the premises to a sewer works.
- 7.7 Every person who installs, replaces, relocates or repairs an oil and grease interceptor as required under this By-law or otherwise, shall ensure that the oil and grease interceptor is:
- (a) installed in accordance with requirements of the Building Code;
  - (b) of sufficient capacity and appropriate design to intercept all oil and grease that may flow into the oil and grease interceptor, including under peak flow conditions;
  - (c) located so as to be readily accessible for inspection and evacuation; and
  - (d) evacuated at least once every 12 months, or at such greater frequency as is necessary to prevent oil and grease and other matter from passing into a sewer works or into a connection to a sewer works in excess of the limits set out in Schedule B.
- 7.8 An owner or occupier of a premises which has an oil and grease interceptor shall:
- (a) post the maintenance requirements for the oil and grease interceptor in proximity to the oil and grease interceptor;
  - (b) maintain the oil and grease interceptor in accordance with the manufacturer's specifications or the Canadian Petroleum Products Institute's Best Management Practices dated March 2004 for Automotive Repair Operations that Discharge to a Sanitary Sewer System, as amended from time to time;
  - (c) inspect the oil and grease interceptor monthly to ensure that it is in proper working order and that the oil and grease and sediment levels do not exceed those recommended by the manufacturer or the Canadian Fuels Association;

- (d) keep a maintenance schedule and record of maintenance for the oil and grease interceptor; and
- (e) keep all records evidencing the evacuation and disposal of matter from the oil and grease interceptor.

### **Sediment Interceptors**

- 7.9 An owner or occupier of a premises that discharges sewage which contains quantities of sediment that may cause harm or a risk of harm to a sewer works shall install, operate and maintain a sediment interceptor in all drains or in all connections into which sediment passes from the premises to a sewer works.
- 7.10 Every person who installs, replaces, relocates or repairs a sediment interceptor required under this By-law or otherwise shall ensure that the sediment interceptor is:
- (a) installed in accordance with the requirements of the Building Code;
  - (b) of sufficient capacity and appropriate design to intercept all sediment that may flow into the sediment interceptor, including under peak flow conditions;
  - (c) located so as to be readily accessible for inspection and evacuation; and
  - (d) evacuated at least once every 12 months, or at such greater frequency as is necessary to prevent sediment from passing into a sewer works or into a connection to a sewer works resulting in a discharge of matter in excess of the limits set out in Schedule B.
- 7.11 An owner or occupier of a premises which has a sediment interceptor shall:
- (a) maintain the sediment interceptor in accordance with the manufacturer's recommendations;
  - (b) inspect the sediment interceptor monthly to ensure that it is in proper working order and that the sediment levels do not exceed those recommended by the manufacturer;
  - (c) keep a maintenance schedule and record of maintenance for the sediment interceptor; and
  - (d) keep all records evidencing the evacuation and disposal of matter from the sediment interceptor.

### **Dental Amalgam Separators**

- 7.12 An owner or occupier of a premises that discharges sewage which contains any dental amalgam shall install, operate, and maintain an appropriately sized dental amalgam separator in all drains or in all connections into which dental amalgam passes from the premises to a sewer works.
- 7.13 Every person who installs, replaces, relocates or repairs a dental amalgam separator required under this By-law or otherwise shall ensure that the dental amalgam separator is:

- (a) installed in accordance with the requirements of International Organization for Standardization (ISO) 11143: Dental Equipment - Amalgam Separators, as amended from time to time;
  - (b) of sufficient capacity and appropriate design to separate all dental amalgam that may flow into the dental amalgam separator at all times including under peak flow conditions;
  - (c) located so as to be readily accessible for inspection and evacuation; and
  - (d) evacuated on a regular basis so that the dental amalgam separator does not exceed its maximum capacity and dental amalgam does not pass into a sewer works or into a connection to a sewer works.
- 7.14 An owner or occupier of a premises that has a dental amalgam separator shall:
- (a) install spill containment for any spills or leaks from the dental amalgam separator; or
  - (b) cap all floor drains into which liquid spilled from the dental amalgam separator may flow.
- 7.15 In addition to the requirements in subsection 7.14, an owner or occupier of a premises which has a dental amalgam separator shall:
- (a) maintain the dental amalgam separator in accordance with the manufacturer's recommendations;
  - (b) post the maintenance requirements for the dental amalgam separator in proximity to the dental amalgam separator;
  - (c) keep a maintenance schedule and record of maintenance for any dental amalgam separator; and
  - (d) keep all records evidencing the proper disposal of dental amalgam.
- 7.16 The provisions of this Part 7 relating to dental amalgam separators do not apply to a premises that is comprised solely of one or more of the following:
- (a) orthodontics and dentofacial orthopaedics;
  - (b) oral and maxillofacial surgery;
  - (c) oral medicine and pathology;
  - (d) periodontics; or
  - (e) a mobile dental practitioner who visits any patients and who ensures that no dental amalgam is released into a sewer works.
- 7.17 Any records relating to any of the devices or interceptors referred to in this Part 7 shall be kept at the premises to which the records relate for a minimum of three years, and where requested to do so by the Officer, the owner or occupier of the premises shall produce such records for inspection.

## **PART 8**

### **POLLUTION PREVENTION PLANNING**

- 8.1 An Officer may require an owner or occupier of a premises to develop a Pollution Prevention Plan for the discharge of any matter designated by the Officer where the person has:
- (a) failed to comply with Part 4 of this By-law;
  - (b) failed to comply with a Sewer Discharge Permit; or
  - (c) spilled, permitted a spill or has had the charge, management and control of matter that is spilled.
- 8.2 A Pollution Prevention Plan required under section 8.1 shall be completed and submitted by the owner or occupier of a premises within 12 months of notification by an Officer or within such other time frame specified by an Officer.
- 8.3 In addition to section 8.1, the General Manager may require a person to submit a Pollution Prevention Plan as part of their application for a Sewer Discharge Permit.
- 8.4 A person who is required to submit a Pollution Prevention Plan under this Part 8 shall also submit an updated Pollution Prevention Plan to an Officer or the General Manager, as the case may be:
- (a) containing any change to the information in the Pollution Prevention Plan, no more than 30 days after the change occurs; and
  - (b) where otherwise required under this By-law, in accordance with the time frame as specified therein.
- 8.5 In the event that a Pollution Prevention Plan required under this Part 8 is not acceptable to the Officer or the General Manager, as the case may be, a person may be required to submit a revised plan within a time frame specified by the Officer or the General Manager.

## **PART 9**

### **HAULED SEWAGE**

#### **Acceptable Hauled Sewage**

- 9.1 No person shall, directly or indirectly, discharge or permit the discharge of hauled sewage into a sewer works or into a connection to a sewer works, except where:
- (a) the hauled sewage originates from a generator located within the geographical boundaries of the City of Hamilton;
  - (b) the person has complied with the requirements set out in section 23 of O. Reg. 347 (Manifests – Transport within Ontario), where applicable;
  - (c) the hauled sewage complies with all of the limits for the parameters contained in Schedule B, except for one or more of the following parameters:
    - (i) cBiochemical Oxygen Demand;



- (ii) oil and grease (animal/vegetable);
  - (iii) total suspended solids;
  - (iv) total phosphorus;
  - (v) total Kjeldahl Nitrogen;
  - (d) the hauled sewage consists of only dewatered hauled domestic sewage which complies with all of the limits for the parameters contained in Schedule B, except for one or more of the following parameters:
    - (i) aluminum (total);
    - (ii) copper (total);
    - (iii) iron (total);
    - (iv) manganese (total);
    - (v) zinc (total);
  - (e) the discharge occurs at a hauled sewage receiving facility contained in Schedule D;
  - (f) the person complies with the Hauled Sewage Procedures; and
  - (g) all of the prescribed fees for the discharge of the hauled sewage are paid.
- 9.2 Despite section 9.1, a person may discharge or permit the discharge of hauled sewage at a hauled sewage receiving facility where,
- (a) the hauled sewage is from the holding tank of a recreational vehicle;
  - (b) the person complies with the Hauled Sewage Procedures; and
  - (c) all of the prescribed fees for a recreational vehicle are paid.

### Carriers of Hauled Sewage

- 9.3 No carrier shall, directly or indirectly, discharge or permit the discharge of hauled sewage into a sewer works or into a connection to a sewer works, except where the carrier:
- (a) has a valid Annual Carrier Permit to Discharge Hauled Sewage;
  - (b) is operating under a valid environmental compliance approval or is registered under the Environmental Activity and Sector Registry under the *Environmental Protection Act* or a regulation thereunder which expressly allows the transportation of the hauled sewage, or is exempt from the requirement to have an environmental compliance approval or be registered under the Environmental Activity and Sector Registry; and
  - (c) prior to each discharge, submits a signed, completed and legible Hauled Sewage Discharge Declaration to the City at the hauled sewage receiving facility.
- 9.4 A person applying for an Annual Carrier Permit to Discharge Hauled Sewage shall submit a completed application to the General Manager, together with:
- (a) a copy of the carrier's Canada Revenue Agency business number and commercial vehicle operator's registration;
  - (b) a copy of any environmental compliance approval or copy of the registration under the Environmental Activity and Sector Registry referred to in subsection 9.3(b), and any amendments or exemptions;

- (c) evidence of insurance coverage satisfactory to the General Manager;
  - (d) any additional information that the General Manager considers necessary to determine whether or not a permit should be issued; and
  - (e) payment of the prescribed application fee.
- 9.5 An Annual Carrier Permit to Discharge Hauled Sewage shall expire:
- (a) December 31 in the year of issuance;
  - (b) on an earlier date as set out in the Permit; or
  - (c) upon written notice of revocation by the General Manager under Part 12 of this By-law.

### Generators of Hauled Sewage

- 9.6 No generator of sewage sludge or industrial sewage shall, directly or indirectly, discharge or permit the discharge of hauled sewage sludge or hauled industrial sewage into a sewer works or into a connection to a sewer works, except where the generator:
- (a) has a valid Generator Permit to Discharge Hauled Sewage Sludge or Industrial Sewage; and
  - (b) is operating under a valid environmental compliance approval issued under the *Environmental Protection Act* or a regulation thereunder which expressly allows the generator to operate a waste management system, or is exempt from the requirement to have an environmental compliance approval.
- 9.7 A generator applying for a Generator Permit to Discharge Hauled Sewage Sludge or Industrial Sewage shall submit a completed application to the General Manager, including:
- (a) a copy of the generator's Canada Revenue Agency business number;
  - (b) a copy of any environmental compliance approval referred in subsection 9.6(b) and any amendments or exemptions;
  - (c) evidence of insurance coverage satisfactory to the General Manager;
  - (d) any additional information that the General Manager considers necessary to determine whether or not a permit should be issued; and
  - (e) payment of the prescribed application fee.
- 9.8 In addition to section 9.7, the General Manager may, at any time, for the purpose of determining whether a Generator Permit to Discharge Hauled Sewage Sludge or Industrial Sewage should be issued, collect samples of hauled sewage for analysis from a generator's hauled sewage storage containers.
- 9.9 A Generator Permit to Discharge Hauled Sewage Sludge or Industrial Sewage shall expire:
- (a) three years from the date of issuance;

- (b) on an earlier date as set out in the permit; or
- (c) upon written notice of revocation by the General Manager under Part 12 of this By-law.

### Hauled Sewage Receiving Facilities

- 9.10 Every person who, directly or indirectly, discharges or permits the discharge of hauled sewage at a hauled sewage receiving facility shall:
- (a) discharge only at the times and locations as approved by the General Manager;
  - (b) enter the hauled sewage receiving facility only in a motor vehicle;
  - (c) enter and exit the hauled sewage receiving facility only by the designated access and exit routes;
  - (d) ensure that the hauled sewage is contained in a fully enclosed vehicle tank that is free from leaks;
  - (e) ensure that any hoses that are used to discharge hauled sewage are free from leaks;
  - (f) at all times obey all signs and directions of City staff and authorized staff of City contractors monitoring the hauled sewage receiving facility;
  - (g) prominently display on the vehicle a windshield sticker issued by the City evidencing a valid Annual Carrier Permit to Discharge Hauled Sewage;
  - (h) keep a safe distance from unauthorized areas and equipment; and
  - (i) discharge and exit the hauled sewage receiving facility in a timely fashion.
- 9.11 Every person who discharges hauled sewage at a hauled sewage receiving facility, other than from the holding tank of a recreational vehicle, shall wear personal protective equipment acceptable to the General Manager while outside their vehicle, including but not limited to:
- (a) gloves;
  - (b) hard hat;
  - (c) safety glasses;
  - (d) safety footwear; and
  - (e) high-visibility safety clothing.
- 9.12 No person, while at a hauled sewage receiving facility, shall:
- (a) indulge in any, riotous, violent, threatening or illegal conduct, or use profane or abusive language;
  - (b) create a nuisance or in any way interfere with the use of the hauled sewage receiving facility by any other person;
  - (c) enter a vehicle tank or any other confined space;
  - (d) operate a vehicle or do any other thing without exercising due care and attention or in a manner that causes or is likely to cause injury or harm to any person or damage to any property; or
  - (e) allow any child, who is under the age of fourteen years, and is under the person's care, custody or control, to be outside of their vehicle at a hauled sewage receiving facility.

- 9.13 The General Manager may at any time:
- (a) require a carrier or generator to provide a sample of its hauled sewage;
  - (b) refuse any hauled sewage at a hauled sewage receiving facility if there is reason to believe that the hauled sewage is prohibited by this By-law or may cause harm to a sewer works;
  - (c) direct a carrier to discharge any or all hauled sewage at a specific hauled sewage receiving facility;
  - (d) modify the days or hours of operation at a hauled sewage receiving facility without notice;
  - (e) refuse entry into a hauled sewage receiving facility to any person suspected of violating this By-law; or
  - (f) direct any person suspected of violating this By-law to leave a hauled sewage receiving facility.
- 9.14 In addition to General Manager's powers to suspend or revoke a permit under Part 12, the General Manager may revoke or suspend for up to 30 calendar days, any permit issued under this Part 9, where the General Manager is of the opinion that the hauled sewage being discharged under the permit no longer complies with subsection 9.1(c) or (d).
- 9.15 The General Manager may require a generator of hauled sewage to enter into a Sewer Discharge Permit for the disposal of certain types of sewage.
- 9.16 A generator's records relating to all hauled sewage discharges referred to in this Part 9 shall be kept at the generator's premises for a period of three years, and where requested to do so by the General Manager, the generator shall produce such records for inspection.

## **PART 10**

### **SPILLS**

- 10.1 Every person having the charge, management and control of matter that is spilled and every person who spills or permits the spill of matter shall immediately notify and provide any requested information with regard to the spill to the City of Hamilton by contacting the City spills reporting number 905-540-5188, the owner of the premises where the spill occurred, and any other person who may be directly affected by the spill.
- 10.2 When notifying the City as set out in section 10.1, the person shall, where applicable, provide the details of when the spill was reported to the Ontario Ministry of the Environment Spills Action Centre (SAC), including the date and time and the incident number provided by the SAC.

- 10.3 The duty imposed by sections 10.1 and 10.2 comes into force in respect of each of the persons having the charge, management and control of matter involved in a spill and the person who spills or permits the spill of matter immediately when the person knows or ought to know that the matter is spilled.
- 10.4 The person required under sections 10.1 and 10.2 to give notice shall, upon request, submit a detailed written report on the spill to the General Manager within five days of the spill, containing the following information to the best of their knowledge:
- (a) name of the company and the address or location where spill occurred;
  - (b) name and telephone number of the person who reported the spill;
  - (c) date and time of spill;
  - (d) characteristics, composition, and volume of matter spilled and any associated hazards;
  - (e) corrective actions being taken to control the spill including work completed and any work still in progress in the mitigation of the spill; and
  - (f) a spill contingency plan to indicate how risk of future incidents will be reduced and how future incidents will be addressed.
- 10.5 The person required under sections 10.1 and 10.2 to give notice shall do everything practicable to contain the spill, protect the health and safety of citizens, minimize damage to property, protect the environment, clean up the spill and restore the affected area to its condition prior to the spill.
- 10.6 The owner or occupier of a premises where a spill has occurred shall submit to the Environmental Monitoring and Enforcement Unit of the Compliance and Regulations Section of the City's Public Works Department within 30 days of the spill:
- (a) a Pollution Prevention Plan developed pursuant to Part 8 of this By-law where the person does not have an existing Pollution Prevention Plan; or
  - (b) an updated Pollution Prevention Plan and summary incorporating the information set out in section 10.4 where the person has an existing Pollution Prevention Plan.

## **PART 11**

### **SEWER DISCHARGE PERMITS**

- 11.1 No person shall, directly or indirectly, discharge or permit the discharge of sewage into a sewer works or into a connection to a sewer works that would otherwise be prohibited under this By-law unless the discharge is permitted under a valid Sewer Discharge Permit.
- 11.2 A person who has received notice from an Officer that a Sewer Discharge Permit is required for the discharge of sewage into a sewer works or into a connection to a

sewer works shall submit a completed application as set out in section 11.3 to the General Manager within 60 days of the date of the notice.

- 11.3 A person applying for a Sewer Discharge Permit shall submit a completed application to the General Manager, including:
- (a) a completed Sewer Discharge Permit application form;
  - (b) a parcel register for property identifier (PIN) printout for the premises;
  - (c) a Certificate of Status, or other equivalent document acceptable to the General Manager, which indicates that the owner of the premises is an existing corporation and has not been dissolved;
  - (d) the Horizon Utilities account number for City water/sewer charges;
  - (e) evidence of insurance coverage satisfactory to the General Manager;
  - (f) such other information as the General Manager may require to determine if a Sewer Discharge Permit should be issued, including but not limited to:
    - (i) schematics of the premises including sewer and water lines and connections; or
    - (ii) detailed information about the matter to be discharged including types and volumes, and method of measuring volume; and
  - (g) payment of the prescribed application fee.
- 11.4 The General Manager may issue a Sewer Discharge Permit to the owner of a premises for any one or more of the following types of discharges:
- (a) overstrength;
  - (b) surcharge;
  - (c) compliance program;
  - (d) chlorides;
  - (e) temporary;
  - (f) conditional.
- 11.5 In addition to section 11.4, where the General Manager is of the opinion that it is appropriate to do so, the General Manager may issue a Sewer Discharge Permit jointly to the owner and occupier of a premises.
- 11.6 A Sewer Discharge Permit for **overstrength** discharge referred to in subsection 11.4(a) authorizes the discharge of sewage containing any one or more of the following treatable parameters in excess of the limits permitted under Schedule B:
- (a) cBiochemical oxygen demand (cBOD);
  - (b) total suspended solids (TSS);
  - (c) total phosphorus;
  - (d) total kjeldahl nitrogen (TKN);
  - (e) oil and grease (animal/vegetable).
- 11.7 Despite section 11.6, if in the opinion of the General Manager, the proposed discharge in an application for a Sewer Discharge Permit for overstrength discharge will harm any person, animal, property, sewer works, watercourse or vegetation, the General Manager will refuse to issue such permit.

- 11.8 A Sewer Discharge Permit for a **surcharge** discharge referred to in subsection 11.4(b) authorizes the discharge of sewage which contains water that has originated from a source other than the City's potable water supply.
- 11.9 A Sewer Discharge Permit for **compliance program** discharge referred to in subsection 11.4(c) authorizes the discharge of sewage that exceeds the limits for any one or more of the parameters contained in Schedule B in accordance with a compliance program.
- 11.10 In addition to submitting a completed application for a Sewer Discharge Permit required under section 11.3, a person applying for a Sewer Discharge Permit for **compliance program** discharge shall submit to the General Manager, information regarding the proposed compliance program, including but not limited to:
- (a) details of the activities, such as investigative and remedial actions, to be undertaken by the owner of the premises that would result in the prevention or reduction and control of the proposed discharge and how such activities would bring the proposed discharge into compliance with the requirements of this By-law; and
  - (b) the dates of commencement and completion of each activity and the Schedule B parameter to which each activity relates.
- 11.11 A Sewer Discharge Permit for **compliance program** discharge shall:
- (a) only permit the discharge set out in the permit for a specified length of time during which time activities such as investigative and remedial actions are to be undertaken in accordance with the compliance program; and
  - (b) set out the dates of commencement and completion of each activity to be undertaken under the compliance program and the Schedule B parameter to which each activity relates, the final completion dates of which shall not be later than the expiry date of the Sewer Discharge Permit.
- 11.12 The holder of a Sewer Discharge Permit for **compliance program** discharge shall submit a progress report to the General Manager, within 14 days after the scheduled completion date of each activity listed in the permit.
- 11.13 A Sewer Discharge Permit for **chlorides** discharge referred to in subsection 11.4(d) authorizes the discharge of sewage containing chlorides:
- (a) in excess of 1500 milligrams/litre but less than 4000 milligrams/litre, subject to a sampling and reporting program approved by the General Manager being carried out; or
  - (b) equal to or greater than 4000 milligrams/litre and not more than 5000 milligrams/litre, upon submission of the following to the General Manager:
    - (i) an engineering study showing the likely reduction, if any, of the life span of the sewer works;

- (ii) a sampling and reporting program to be outlined in the permit; and
- (iii) payment of compensation to the City for any likely reduction of the lifespan of the sewer works as a result of the discharge.

11.14 A Sewer Discharge Permit for **temporary** discharge referred to in subsection 11.4(e) authorizes the non-routine and short term discharge of sewage that exceeds the limits for any one or more of the parameters contained in Schedule B for a time period of less than six months.

11.15 A Sewer Discharge Permit for **conditional** discharge referred to in subsection 11.4(f) authorizes the discharge of sewage containing:

- (a) the following matter, as set out in section 4.4:
  - (i) PCBs in excess of the limits set out in Schedule B;
  - (ii) waste radioactive prescribed substances;
  - (iii) waste disposal site leachate; or
  - (iv) water from a groundwater remediation unit or site;
- (b) the following matter, as set out in section 4.8:
  - (i) in a concentration in excess of any one or more of the limits for any one or more of the parameters in Schedule C; or
  - (ii) blowdown water;

subject to the restrictions as set out in such a permit.

11.16 The holder of an existing Sewer Discharge Permit shall apply forthwith for an amendment to the permit where the characteristics of the discharge for which the permit has been issued have changed.

11.17 Where a request is made for an amendment to an existing Sewer Discharge Permit prior to the expiry date of the permit, the permit holder shall pay a prescribed amendment fee and the amendment will be subject to approval of the General Manager.

11.18 The General Manager may issue a Sewer Discharge Permit:

- (a) after receipt of a completed application and any additional information required under this Part 11;
- (b) in the case of the expiry of an existing permit, after receipt of a completed application at least 30 days prior to the expiry date of the permit;
- (c) where the General Manager is satisfied that the permitted discharge will not,
  - (i) harm any person, animal, property, sewer works, watercourse or vegetation;
  - (ii) cause the City to violate applicable legislation or its environmental compliance approvals for a sewer works;
- (d) the permitted discharge is otherwise in compliance with this By-law; and
- (e) after payment of the prescribed application fee.



- 11.19 A person who is issued a Sewer Discharge Permit shall pay all prescribed discharge and administration fees in relation to the Sewer Discharge Permit and the discharge authorized by that Permit.
- 11.20 A Sewer Discharge Permit shall not be issued to any person who is in arrears to the City for municipal property taxes, or for fees and charges related to the supply of potable water or the use of the City's sewer works, including any fees and charges referred to in this By-law.
- 11.21 A Sewer Discharge Permit shall expire:
- (a) three years from the date of issuance;
  - (b) on an earlier date as set out in the permit; or
  - (c) upon written notice of revocation by the General Manager under Part 12 of this By-law.

## **PART 12**

### **PERMITS – GENERAL**

- 12.1 Any permit issued under this By-law is the property of the City and is not transferable.
- 12.2 A holder of any permit issued under this By-law shall forthwith inform the General Manager of any change to:
- (a) the information contained in an application for a permit;
  - (b) the information contained in a permit that has been issued; or
  - (c) the characteristics of the discharge for which the permit has been issued.
- 12.3 The General Manager may, on his or her own initiative,
- (a) alter or revoke the terms and conditions of a permit after it has been issued; or
  - (b) impose new terms and conditions in a permit.
- 12.4 The General Manager may impose conditions as a requirement for obtaining or continuing to hold a permit issued under this By-law that he or she considers appropriate for the protection of a sewer works or of any person, animal, property, watercourse or vegetation.
- 12.5 The General Manager may immediately suspend or revoke a permit issued under this By-law, in writing, where the General Manager is satisfied that a suspension or revocation is necessary in an emergency situation of immediate threat or danger to a sewer works or to any person, animal, property, watercourse or vegetation.

- 12.6 The General Manager may suspend for up to 30 days, or revoke a permit, where the permit holder:
- (a) fails to comply with the conditions of a permit or with any of the provisions of this By-law;
  - (b) fails to notify the General Manager forthwith of any of the changes referred to in section 12.2;
  - (c) fails to apply for an amendment to a permit where the characteristics of the discharge for which the permit has been issued have changed;
  - (d) is in arrears to the City for municipal property taxes, or for fees and charges related to the supply of potable water or the use of the City's sewer works, including any fees and charges referred to in this By-law; or
  - (e) provides false or inaccurate information in an application for a permit under this By-law.
- 12.7 Before taking action under section 12.3 or 12.6, the General Manager shall notify the permit holder, in writing, 30 days in advance of the proposed action, and give the holder an opportunity to make written submissions about the proposed action, and the holder has 15 days from deemed receipt of the written notice to provide submissions to the General Manager.
- 12.8 If the General Manager decides, after consideration of any written submissions made by a permit holder under section 12.7, to proceed with or discontinue the proposed action under section 12.3 or 12.6, the General Manager shall notify the permit holder, in writing, and set out the reasons for the decision.
- 12.9 The General Manager shall consider submissions permitted under section 12.7, but shall not hold a hearing into the matter, and the General Manager's decision suspending or revoking a permit is final and not subject to appeal.
- 12.10 Notice under section 12.7 and section 12.8 is sufficiently given if,
- (a) it is delivered by mail addressed to the permit holder at the last known address of the permit holder;
  - (b) it is sent by fax to the person at the latest fax number provided by the permit holder to the City; or
  - (c) it is delivered personally to the permit holder.
- 12.11 Service under section 12.10 shall be deemed to have taken place where the notice was,
- (a) given by mail, on the fifth day after it was mailed;
  - (b) sent by fax, on the first business day after it was sent; and
  - (c) delivered personally, upon delivery to the permit holder.
- 12.12 The General Manager may reinstate a suspended or revoked permit, subject to any terms or conditions, where the General Manager is satisfied that the discharge no longer poses a threat or danger to a sewer works or to any person,

animal, property, watercourse or vegetation, and that the permit holder is no longer in violation of any of the provisions of section 12.6.

12.13 A person who has been issued a permit under this By-law authorizing a discharge that is otherwise prohibited by this By-law shall not be prosecuted under the provisions of this By-law prohibiting the discharge so long as the permit remains valid and the conditions of the permit are fully complied with.

12.14 The General Manager may permit exceptions to the provisions of this By-law where the General Manager is satisfied that such an exception does not create an unreasonable risk of harm to a sewer works or to any person, animal, property, watercourse or vegetation.

## **PART 13**

### **ADMINISTRATION AND ENFORCEMENT**

#### **General**

13.1 The General Manager is authorized to administer and enforce this By-law including but not limited to:

- (a) arranging for:
  - (i) the assistance or work of City staff, City agents or the assistance of police officers;
  - (ii) the making of orders or other requirements and the imposition of conditions as authorized under this By-law;
  - (iii) the obtaining of court orders or warrants as may be required;
  - (iv) the commencement of such actions on behalf of the City to recover costs or restrain contravention of this By-law as deemed necessary; and
- (b) prescribing the format and content of any forms or other documents required under this By-law.

13.2 The General Manager may assign Officers to enforce this By-law and Officers so assigned or appointed by Council to enforce this By-law shall have the authority to:

- (a) carry out inspections;
- (b) make orders or other requirements as authorized under this By-law; and
- (c) give immediate effect to any orders or other requirements made under this By-law.

13.3 The City's Director of Hamilton Water, the City's Manager of Compliance and Regulations, and all City employees in the Environmental Monitoring and Enforcement Unit of the Hamilton Water Division of the Public Works Department

of the City of Hamilton are appointed as Officers for the purposes of the administration and enforcement of this By-law and the applicable sections of the *Municipal Act, 2001*.

- 13.4 The General Manager may assign duties or delegate tasks under this By-law to be carried out in the General Manager's absence or otherwise and without limiting the General Manager's authority to assign such duties or delegate tasks, the Director of Hamilton Water is authorized to issue, suspend or revoke any permit under this By-law.
- 13.5 All information submitted under this By-law, including all information submitted for any permit issued under this By-law, may be made available to any member of the public subject to the *Municipal Freedom of Information and Protection of Privacy Act*, if requested.

### Fees

- 13.6 All fees referred to in this By-law, including fees for services provided, shall be as set out in the City's Water and Wastewater Fees and Charges By-law, or as otherwise set and approved by Council from time to time.

### Entry and Inspections

- 13.7 The General Manager or an Officer may enter on land at any reasonable time to inspect the discharge of any matter into a sewer works or into a connection to a sewer works and may conduct tests and take samples for this purpose.
- 13.8 The General Manager or an Officer may enter on land at any reasonable time and in accordance with the conditions set out in sections 435 and 437 of the *Municipal Act, 2001* for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- (a) this By-law;
  - (b) an order or other requirement made under this By-law;
  - (c) a condition of a permit issued under this By-law; or
  - (d) an order made under section 431 of the *Municipal Act, 2001*.
- 13.9 The General Manager or an Officer, for the purposes of the inspection under section 13.8 and in accordance with the conditions set out in section 436 of the *Municipal Act, 2001*, may:
- (a) require the production for inspection of documents or things relevant to the inspection;
  - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - (c) require information in writing or otherwise as required by an Officer from any person concerning a matter related to the inspection;

- (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

13.10 The General Manager or an Officer may undertake an inspection pursuant to an order issued by a provincial judge or justice of the peace under section 438 of the *Municipal Act, 2001*, in accordance with the conditions set out in that section, where he or she has been prevented or is likely to be prevented from carrying out an inspection under section 13.8.

### Orders and Other Documents Including Delivery

13.11 If an Officer is satisfied that a contravention of this By-law has occurred, he or she may make an order requiring the owner or occupier of a premises on which the contravention occurred to discontinue the contravening activity.

13.12 An order under section 13.11 shall set out:

- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the premises on which the contravention occurred; and
- (b) the date or dates by which there must be compliance with the order, which may be of immediate effect should the Officer determine that the circumstances warrant.

13.13 If an Officer is satisfied that a contravention of this By-law has occurred, he or she may make an order requiring the person who has contravened this By-law or who caused or permitted the contravention or the owner or occupier of a premises on which the contravention occurred to do work to correct the contravention.

13.14 An order under section 13.13 shall set out:

- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the premises on which the contravention occurred;
- (b) the work to be completed which may include but is not limited to requiring:
  - (i) prior to performing any work, all necessary permits or other approvals be applied for and obtained;
  - (ii) examinations or tests be conducted or samples be taken for the purpose of determining the cause of the contravention and the remedial measures that are necessary to correct the contravention, and that such examinations, tests or samples be supplied to the Officer together with any accompanying reports required in the order;
  - (iii) appropriate treatment or plan for a discharge that does not comply with this By-law be provided;
- (c) the date or dates by which the work must be completed; and

- (d) notice that if the order is not complied with, then the work may be done at the expense of the owner or occupier of the premises on which the contravention occurred.

13.15 Delivery of an order to discontinue a contravening activity made under section 13.11 or an order to do work made under section 13.13 or of any other document under this By-law may be given personally or by registered mail to the last known address of:

- (a) in the case of order to discontinue a contravening activity made under section 13.11 or an order to do work made under section 13.13, the owner or occupier of a premises where the contravention occurred;
- (b) such other persons affected by the order or other document as an Officer determines; and

delivery by registered mail shall be deemed to have taken place five business days after the date of mailing.

13.16 In the case of an order to discontinue a contravening activity made under section 13.11 or an order to do work made under section 13.13, in addition to delivery given in accordance with section 13.15, delivery may be given by an Officer placing a placard containing the order or other document in a conspicuous place on the premises where the contravention occurred.

13.17 Where delivery cannot be given in accordance with section 13.15, sufficient delivery is deemed to have taken place when given in accordance with section 13.16.

13.18 Where a time frame is set out in an order or other document for carrying out any action, an Officer may extend the time for compliance beyond the established time frame provided such extension is required and is acceptable to the Officer.

### **City Carrying Out Work**

13.19 Where an owner or occupier of a premises does not comply with a direction or a requirement, including an order under this By-law to do a matter or thing, the General Manager, with such assistance by others as may be required, may carry out such direction, requirement or order at the person's expense.

13.20 Where the costs of doing a matter or thing under section 13.19 are estimated to be:

- (a) up to but not including \$100,000, the General Manager may proceed without further approval and in accordance with the City's Procurement Policy; or
- (b) \$100,000 or greater, the General Manager may proceed with approval of an authorized person or of Council and in accordance with the City's Procurement Policy.

- 13.21 The City may recover the costs of doing a matter or thing under section 13.19 by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes and such costs shall include an annual interest rate of 15 per cent commencing on the day the City incurs the costs and ending on the day the costs, including the interest, are paid in full.
- 13.22 The amount of the City's costs, including interest to the date payment is made in full, constitutes a lien upon the land, upon the registration of a notice of lien upon the land.

## **PART 14**

### **PENALTIES**

- 14.1 Every person other than a corporation who contravenes any provision of this By-law is, upon conviction, guilty of an offence and is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$10,000 for a first offence and not more than \$25,000 for a subsequent offence.
- 14.2 Every corporation that contravenes any provision of this By-law is, upon conviction, guilty of an offence and is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$50,000 for a first offence and not more than \$100,000 for a subsequent offence.
- 14.3 In this By-law, subsequent conviction means a conviction for an offence, which offence occurs after the date of conviction for an earlier offence under this By-law, under By-law No. R89-049 or under By-law No. 04-150.
- 14.4 Any person who contravenes an order made under this By-law, or an officer or director of a corporation who knowingly concurs in such a contravention by the corporation, is guilty of a continuing offence and upon conviction is liable to a daily fine or penalty of a maximum of \$10,000 for each day or part of a day that the offence continues, and despite section 14.1 and section 14.2, the total of all the daily fines imposed for an offence is not limited by the fine amounts listed in those paragraphs.
- 14.5 Where a person has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition

to any other remedy and to any penalty imposed by this By-law, make an order prohibiting the continuation or repetition of the offence by the person convicted.

- 14.6 Where any person contravenes any provision of this By-law, such person shall be responsible for all costs incurred by the City related to the contravention.

## **PART 15**

### **GENERAL PROVISIONS**

- 15.1 This By-law may be referred to as the Sewer Use By-law.
- 15.2 If a court of competent jurisdiction declares any provision or part of a provision of this By-law invalid, the provision or part of a provision is deemed severable from this By-law and it is the intention of Council that the remainder of this By-law shall continue to be in force.

## **PART 16**

### **REPEAL, TRANSITION AND ENACTMENT**

- 16.1 City of Hamilton By-law No. 04-150 to regulate the discharge of any matter into the sanitary, combined or storm sewer systems of the City of Hamilton, as amended, is repealed.



- 16.2 Despite the repeal of By-law No. 04-150 under section 16.1:
- (a) that by-law shall continue to apply to proceedings in respect of offences that occurred before its repeal;
  - (b) all approvals issued under that by-law that are in effect at the time of the repeal shall be deemed to be approvals issued under this By-law with all necessary modifications, and all the rules, requirements and regulations of this By-law shall apply;
  - (c) all of the following existing agreements under that by-law shall continue to remain valid and in force as set out below:
    - (i) overstrength discharge agreements, for three years from the date of the agreement;
    - (ii) sanitary surcharge agreements, for three years from the date of the agreement;
    - (iii) chlorides agreements, for three years from the date of the agreement; and
    - (iv) letters of agreement for compliance program, until expiry of the term of the agreement;except that all fees related to the agreements shall be those fees required to be paid in relation to a Sewer Discharge Permit under this By-law, including any new or amended fees, as set out in the City's Water and Wastewater Fees and Charges By-law, or as otherwise set and approved by Council from time to time.

16.3 This By-law shall come into force on the date of its passing.

**PASSED** this      day of      , 2013.

\_\_\_\_\_  
R. Bratina  
Mayor

\_\_\_\_\_  
R. Caterini  
City Clerk

SCHEDULE A

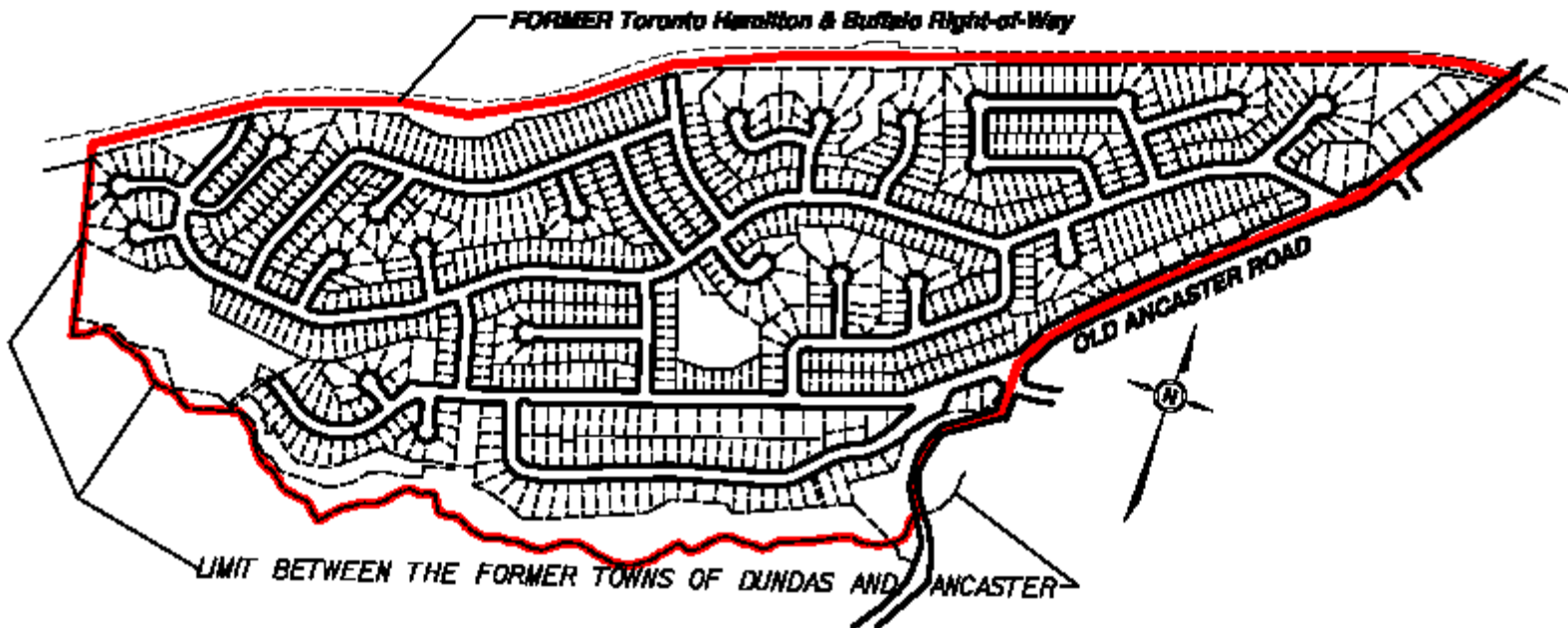
JOINED SANITARY-FOUNDATION DRAIN SEWER LANDS

COMMENCING in the former Area Municipality of the Town of Dundas at the intersection of Old Ancaster Road and the Toronto, Hamilton and Buffalo Railway Right-of-way,

THENCE southerly along Old Ancaster Road to the former Town of Dundas boundary limits,

THENCE westerly and northerly along the former Town of Dundas boundary limits to the Toronto, Hamilton and Buffalo Railway Right-of-way,

THENCE easterly along the Toronto, Hamilton and Buffalo Railway Right-of-way to the point of commencement.



## SCHEDULE B

## LIMITS FOR SANITARY SEWER AND COMBINED SEWER DISCHARGE

Parameter *	Limit (milligrams/litre)
cBiochemical Oxygen Demand	300
Total Suspended Solids (TSS)	350
Total Phosphorus	10
Total Kjeldahl Nitrogen (TKN)	100
Oil and Grease (animal/vegetable)	150
Oil and Grease (mineral/synthetic)	15
Phenolic Compounds	1
Chlorides	1500
Sulphates	1500
Aluminum (total)	50
Iron (total)	50
Fluorides	10
Antimony (total)	5
Bismuth (total)	5
Chromium (total)	5
Cobalt (total)	5
Manganese (total)	5
Silver (total)	5
Tin (total)	5
Titanium (total)	5
Vanadium	5
Zinc (total)	3
Cyanide (total)	2
Copper (total)	2
Lead (total)	2
Nickel (total)	2
Arsenic (total)	1
Molybdenum (total)	1
Selenium (total)	1
Cadmium (total)	0.7
Mercury (total)	0.01
Aldrin/Dieldrin**	0.0002
Benzene	0.01
Bis(2-ethylhexyl)phthalate	0.012

Parameter (cont'd)	Limit (milligrams/litre)
Chlordane**	0.1
Chloroform	0.04
DDT**	0.0001
1,2-Dichlorobenzene	0.05
1,4-Dichlorobenzene	0.08
3,3-Dichlorobenzidine**	0.002
cis-1,2-Dichloroethylene	4
trans-1,3-Dichloropropylene	0.14
Di-n-butyl phthalate	0.08
Ethylbenzene	0.16
Hexachlorobenzene	0.0001
Hexachlorocyclohexane**	0.1
Methylene Chloride	2
Mirex**	0.1
PCBs	0.001
Pentachlorophenol	0.005
1,1,2,2-Tetrachloroethane	1.4
Tetrachloroethylene	1
Toluene	0.016
Total Xylenes	1.4
Total PAHs	0.005
Trichloroethylene	0.4

\* as defined by a reference method of an accredited laboratory

\*\*for the purposes of section 4.3, parameters as marked are pesticides

SCHEDULE C

LIMITS FOR STORM SEWER DISCHARGE

Parameter*	Limit (milligrams/litre)
Total Suspended Solids (TSS)	15
Oil and Grease (animal/vegetable)	10
Zinc (total)	3
Chromium (total)	1
Lead (total)	1
Nickel (total)	1
Copper (total)	1
Cadmium (total)	1
Phenolic Compounds	0.02

\* as defined by a reference method of an accredited laboratory

DRAFT

**SCHEDULE D**

**CITY LOCATIONS FOR DISCHARGE OF HAULED SEWAGE**

**1. Woodward Avenue Wastewater Treatment Plant**  
700 Woodward Avenue, Hamilton, Ontario

**2. Mountain Transfer Station**  
Kilbride Road Hamilton, Ontario

**DRAFT**

SCHEDULE E

RISK ASSESSMENT FOR FOOD PREMISES

This schedule sets out the steps to be followed by the City during the inspection of a food premises to determine whether or not it is a low risk, medium risk or high risk as set out in section 7.3 of the Sewer Use By-law.

**Step 1: Identify the priority risk of the food premises being inspected**

Priority of food premises	Points	Points to be assigned to food premises being inspected:
<p><b><u>Priority #1 food premises:</u></b></p> <p>Restaurant of 30 or more seats</p> <p>Food Takeout</p> <p>Bakery</p> <p>Movie theatre</p>	5	
<p><b><u>Priority #2 food premises:</u></b></p> <p>Restaurant of less than 30 seats</p> <p>Ice cream/yogurt facility</p> <p>Supermarket</p> <p>Butcher shop</p> <p>Commissary</p> <p>Banquet Hall (where cooking facilities are onsite)</p>	3	

<b><u>Priority #3 food premises:</u></b>	<b>1</b>	
<b>Institutional servery</b>		
<b>Long term care facility</b>		
<b>Food bank</b>		
<b>Bar</b>		
<b>Child Care - catered</b>		
<b>Convenience/Variety Store</b>		
<b>Flea market vendor</b>		
<b>Banquet hall (where there are no cooking facilities onsite)</b>		
<b>Cafeteria</b>		
<b>Hotel</b>		
<b><u>STEP 1 SUBTOTAL:</u></b>	[REDACTED]	<b>points</b>

**Step #2: Identify the risk of additional fats, oils and grease being potentially discharged to City sewer system from the food premises being inspected**

<b>Potential fats, oil and grease sources:</b>	<b>Points per source</b>	<b>Points to be assigned to food premises being inspected – identify all that apply:</b>
<b>Commercial deep fryer</b>	<b>10</b>	
<b>Soup kettle</b>	<b>1</b>	
<b>Rotisserie</b>	<b>1</b>	
<b>Commercial or combination oven</b>	<b>1</b>	
<b>Grill or griddle</b>	<b>1</b>	
<b>Mixers, slicers, meat grinders</b>	<b>1</b>	
<b>Food garbage disposal</b>	<b>3</b>	



unit		
Commercial type sink – washing dishware	3	
Residential type sink – washing dishware	1	
Pre rinse sink	2	
Commercial dishwasher	1	
Self-cleaning exhaust hood	1	
Exhaust hood or filters washed onsite	2	
Food premises on a high end of a sewer	3* one time point allocation per food premises	
Other kitchen equipment that discharges fats, oils and greases	1	
Other operations at a food premises that have the potential to discharge fats, oils and grease	1 per other operation	
<b><u>STEP 2 SUBTOTAL:</u></b>		<b>points</b>

TOTAL (Step 1 subtotal + Step 2 subtotal) = \_\_\_\_\_ points

If Total is between 0-7 points, then food premises is deemed to be no risk; and no grease control device is required to be installed.

If Total is between 8-15 points, then food premises is deemed to be a low risk; and grease control device is to be installed within 24 months of the date specified in the notice by the General Manager.

If Total is between 16-23 points, then food premises is deemed to be a medium risk, and grease control device is to be installed within 18 months of the date specified in the notice by the General Manager.

If Total is between 24 points or greater, then food premises is deemed to be a high risk, and grease control device is to be installed within 12 months of the date specified in the notice by the General Manager.

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**Draft Sewer Use By-law Fees and Charges**

**APPENDIX B  
REPORT PW13061**

Existing Fees and Charges	Existing Fee	New Fees and Charges for Public Consultation ("Proposed Fees and Charges")	Proposed Fee
Annual Permit to discharge hauled sewage	\$289.83		
<u>Discharge fees for hauled sewage generated:</u> <b>Inside the City - Compliant</b> up to 1000 imperial gallons (4.54 m3) or any part thereof greater than 1000 (4.54 m3) but less than or equal to 3500 imperial gallons (15.9m3) greater than 3500 (15.9 m3) but less than or equal to 5000 imperial gallons (22.7 m3) greater than 5000 (22.7 m3) but less than or equal to 8000 Imperial gallons (36.3 m3) greater than 8000 (36.3 m3) but less than or equal to 10000 imperial gallons (45.43 m3) <b>Inside the City - Non-Compliant</b> up to 1000 imperial gallons (4.54 m3) or any part thereof greater than 1000 (4.54 m3) but less than or equal to 3500 imperial gallons (15.9m3) greater than 3500 (15.9 m3) but less than or equal to 5000 imperial gallons (22.7 m3) greater than 5000 (22.7 m3) but less than or equal to 8000 imperial gallons (36.3 m3) greater than 8000 (36.3 m3) but less than or equal to 10000 imperial gallons (45.43 m3)	\$43.62 \$43.62 \$87.24 \$130.86 \$174.48 \$43.62 \$87.24 \$130.86 \$218.10 \$261.72		
Holding Tanks of Recreational Vehicles	\$5.75		
<u>Overstrength Discharge Fees:</u> biochemical oxygen demand suspended solids solvent extractable matter (animal/vegetable) Kjeldahl Nitrogen Phosphorus	\$0.6958 \$0.5566 \$0.5844 \$2.1188 \$1.4904		

**Draft Sewer Use By-law Fees and Charges**

**APPENDIX B  
REPORT PW13061**

<u>Administrative Fees for Sewer Use Agreements:</u> (charges per quarter)  Overstrength Discharge Agreement Sanitary Sewer Surcharge Agreement  Chloride Discharge Agreement	\$285.83 \$285.83  \$285.83	<u>Application Fees for Sewer Discharge Permits</u> (paid once every 3 years upon re-application) *Application Fee (Overstrength, Surcharge, Conditional) \$450 *Application Fee (Compliance) \$650 *Application/Administrative Fee (Temporary) \$150 -*Where City staff obtain Certificate of Status (optional) \$87 -*Where City staff obtain PIN printout (optional) \$70 -*Wastewater Characterization deposit (optional) \$1500 *Amendment Fee (all types) \$250 <u>Administrative Fees for Sewer Discharge Permits (per quarter)</u> *Overstrength Discharge Permit \$325 *Surcharge Discharge Permit \$310 *Compliance Program Permit \$810 *Chloride Discharge Permit \$310 *Conditional Discharge Permit \$810 Note: multiple permit holders pay one admin fee per Qtr based on highest fee	
Spills Response fee (per hour)	\$61.81		
Information Requests	\$131.50		
<u>Wastewater Sampling Fees:</u> Wastewater Sampling Vehicle Fee (per hour) Wastewater Sampling Equipment Fee (per day) Wastewater Sampling Technician Fee (per hour)	\$5.87 \$16.00 \$41.37	<u>Wastewater Sampling Fees:</u> Wastewater Sampling Vehicle Fee (*per km) \$1.08  Wastewater Sampling Technician Fee (per hour, *Mon-Fri) \$42.21 *Wastewater Sampling Technician Fee (per hour, Saturday) \$63.32 *Wastewater Sampling Technician Fee (per hour, Sunday) \$84.42	

\*denotes new fee

\*\*multiple permit holders pay the higher application fee (ex: if permit holder requests an Overstrength and Compliance permit they will pay \$650)

\*\*\*multiple permit holders pay the higher administrative fee (ex: if permit holder has Overstrength and Compliance they will pay \$810/quarter)

### **Rationale for Grease and Sediment Interceptors and Dental Amalgam Separators**

The Building Code, Ontario Regulation 350/06 (“Building Code”) requires grease control devices to be installed in commercial establishments where a fixture discharges sewage that includes fats, oils or grease (F.O.G.) and is located in an area where food is cooked, processed or prepared. Similarly, the Building Code requires oil interceptors to be installed in commercial establishments where motor vehicles are repaired, lubricated or maintained. This may include service stations, repair shops and garages or any establishment which uses oily or flammable liquids. A sediment interceptor is required at commercial establishments where discharges may contain sand, grit or similar materials. Ontario Regulation 205/94 under the *Dentistry Act, 1991* (“O. Reg. 205/94”) requires that every dental office in which any dental amalgam is placed, repaired or removed has a properly installed dental amalgam device. The Royal College of Dental Surgeons of Ontario has created a Standard of Practice for Amalgam Waste Disposal to prevent amalgam waste from being discharged into municipal sewer and private septic systems, however, enforcement of this practice is minimal.

Hamilton’s Building Services Section enforces the Building Code as it relates to new builds or facilities undergoing change of use. However, there is currently no City by-law that enables inspections of existing premises to ensure compliance with the requirements of the Building Code with respect to interceptors and grease control devices if the owner of a premises has never applied for a building permit. Similarly, there is no City by-law that enables staff to ensure proper operation and maintenance of interceptors and grease control devices which have already been installed in a premises. The proposed Draft Sewer Use By-law enables Sewer Use By-law officers to order non-complying premises to install devices where necessary, and also requires proper maintenance, monitoring and evacuation of these devices.

Hamilton is one of the few municipalities in Ontario that does not currently have grease control device, oil and grease and sediment interceptor, and dental amalgam separator requirements prescribed in the Sewer Use By-law. The CCME model by-law and Sewer Use By-laws of comparable jurisdictions contain similar provisions to the ones proposed in the Draft Sewer Use By-law, and have included these provisions for well over a decade.

The new provisions proposed for the Draft Sewer Use By-law require the installation, operation and proper maintenance of the following:

1. Food related grease control devices (grease traps) in food premises, such as restaurants, to prevent F.O.G. from entering the sewer works.

When F.O.G. enters the sewer works a build-up of grease can impede the flow of sewage through the City’s infrastructure; ultimately leading to issues such as back-ups causing basement flooding and spills that require expensive clean-up. The exposure to FOG in the sewer works results in high maintenance costs in the sewer pipes, pumping stations, lift stations and at the wastewater treatment plants. This problem exists throughout the sewer works but is particularly evident in areas where there are high concentrations of food premises. A grease control device is a plumbing device installed within the food premises, designed to trap and prevent

## **Rationale for Grease and Sediment Interceptors and Dental Amalgam Separators**

grease from entering the sewer works. It is essentially a box installed in the private portion of a drain or connection from a sink in the kitchen of a food premises that connects to a sewer works. Toilets and other plumbing are not connected to the trap. Grease control devices can range in size from 35 litre capacity to 4,000 litres and can be located above ground, below ground, inside the kitchen or outside the building. The cost of installing a grease control device ranges from approximately \$1800 - \$3000, depending on the size of the device and the layout of the kitchen and plumbing. The cost associated with cleaning out the device is typically \$100 to \$300 per evacuation. Evacuation frequency depends on various factors but is typically done once per month in order for the device to work effectively.

Hamilton's Dundas WWTP has been experiencing high levels of F.O.G. in the influent, which can cause plant upsets and may lead to violations of the City's Environmental Compliance Approval for the Dundas plant issued by the MOE.

Hamilton Water staff have visited all of the restaurants in downtown Dundas and determined that 40% of them did not have a grease control device installed. In contrast, when staff visited the restaurants of Waterdown, which are typically newer facilities, it was determined that only 2% did not have grease control devices installed.

Hamilton Water staff visited over 650 restaurants located on the Woodward Ave WWTP collection system and determined that approximately 50% of them did not have a grease control device installed, and of the 50% that did have a device installed, 40% were not maintaining the devices in accordance with appropriate standards.

The provisions in the proposed Draft Sewer Use By-law require a grease control device to be installed within 6 months of written notice if a food premises has caused a blockage in any drain or connection to a sewer works, or has violated discharge limits prescribed in the by-law. This will enable officers to issue orders on-site when a sewer works blockage is identified and can be traced to a specific premises that has caused the blockage.

For those food premises that have not caused a blockage or violation, but still pose a risk, a risk assessment matrix has been developed and is attached as Schedule E to the Draft Sewer Use By-law. This tool will assist staff in determining which food premises pose a higher level of risk to the sewage works, and will establish an installation timeframe for low, medium and high risk premises. Food premises that have been identified as presenting a high risk must comply within 12 months of receiving written notice, while medium risk premises must comply within 18 months, and low risk premises within 24 months.

## **2. Motor Vehicle Service Related Oil & Grease and Sediment Interceptors**

Oil, grease, sand, heavy metals and other debris that can be present in discharges from motor vehicle service facilities, garages and car washes can block sewer pipes

### **Rationale for Grease and Sediment Interceptors and Dental Amalgam Separators**

and damage the sewer works resulting in overall higher maintenance costs. Waste fuel and solvents are explosive and toxic and can cause potentially hazardous conditions. These substances are currently prohibited from being discharged into the City's sewers in the Current By-law. Substances that can originate from motor vehicle service facilities include antifreeze, windshield washer glycol, brake fluid, oil and grease, total suspended solids (TSS), and gasoline and diesel components such as benzene, toluene, ethylbenzene, xylene and polycyclic aromatic hydrocarbons (PAHs).

While a single motor vehicle service facility may contribute only small quantities of these substances, collectively all facilities are a significant contributor. It is therefore critical that every business takes necessary and proactive steps to reduce restricted and prohibited substances prior to discharging into a sewer works.

Hamilton Water staff conducted a survey of these types of facilities and determined that the majority of legitimately operating businesses in this sector already have interceptors installed. However, the Draft Sewer Use By-law enables Sewer Use By-law officers to order non-complying premises to install devices where necessary, and also requires proper maintenance, monitoring and evacuation of these devices.

#### **3. Dental Amalgam Separators**

Most dental practices have a liquid waste stream that contains amalgam. Amalgam is dental filling material which consists of mercury, silver and other materials such as copper tin or zinc.

Elevated levels of heavy metals discharged to a sewer system pose a significant risk to the environment. Mercury is of particular concern as it can lead to the formation of Methylmercury, a deadly neurotoxin most commonly associated with 'Minamata disease'. Amalgam is very dense and will accumulate in the sewage works and in biosolids. According to the Ontario Dentist Association (ODA), dental practices may contribute between 8 to 14 percent of the total mercury in a sewer system. Dental waste may contain up to 500 mg/L of mercury. On average, dental offices produce approximately 1.0 litre per day per dentist of water contaminated with mercury. A dental amalgam separator system installed and properly maintained in every dental office is critical to prevent amalgam from being discharged to the sewer works.

Hamilton Water staff conducted a survey of dental offices and determined that the majority of offices already have dental amalgam separators installed. However, the Draft Sewer Use By-law enables Sewer Use By-law officers to order non-complying premises to install dental amalgam separators where necessary, and also requires proper maintenance, monitoring and evacuation of these devices.