

Item XX, Public Works Committee
Authority: XX-
CM: Date

Bill No.

CITY OF HAMILTON

BY-LAW NO. 14-_____

**To regulate the discharge of any matter into the sewer works, including the sanitary,
combined and storm sewer systems of the City of Hamilton and to repeal
By-law No. 04-150, as amended**

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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 332/12, 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;

“hauled sewage” means one or more of the following;

- (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;
- (g) any leachate that is hauled from a waste disposal site;

“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;

“hauled 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 to 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 in a form approved by the General Manager 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 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 of water 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 This By-law applies to the discharge of matter into the sewer works, including the sanitary, combined and storm sewer systems of the City of Hamilton and to any connections to the sewer works and those systems.
- 2.2 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.
- 2.3 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.
- 2.4 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 a 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;
 - (iii) the discharge complies with a valid Sewer Discharge Permit; and
 - (iv) all fees required under the Sewer Discharge Permit are paid;
- (c) leachate from a waste disposal 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(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, signed and stamped by a qualified professional engineer licenced under the *Professional Engineers Act*, 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 determining compliance or non-compliance with this By-law, one grab sample is sufficient.
- 6.3 The owner of an industrial 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 for the observation, sampling and measuring of the 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 the 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 and analysis of the discharge from the premises to a sewer works, in accordance with subsections 6.1(a) and 6.1(b); and
 - (b) submit the results of such sampling and analysis 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 written notice from an Officer, 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 with 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 do 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 the grease control device; and
 - (d) keep all records evidencing the evacuation and disposal of matter from the grease control device.

OIL AND GREASE INTERCEPTORS

- 7.6 An owner or occupier of a premises where motor vehicles or other machinery are repaired at the premises, 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 or replaced 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, including but not limited to a vehicle wash 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 or replaced 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 section 7.14, an owner or occupier of a premises that 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 the dental amalgam separator; and
 - (d) keep all records evidencing the proper disposal of dental amalgam from the dental amalgam separator.
- 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 practices:
- (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 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 an 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 written notice from 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 treatable parameters:
 - (i) cBiochemical Oxygen Demand;
 - (ii) total suspended solids;
 - (iii) total phosphorus;
 - (iv) total Kjeldahl Nitrogen;
 - (v) oil and grease (animal/vegetable);
 - (d) in the case of dewatered hauled domestic sewage, 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) aluminum (total);
 - (ii) copper (total);
 - (iii) iron (total);
 - (iv) manganese (total);
 - (v) zinc (total);
 - (e) the discharge occurs at a hauled sewage receiving facility listed 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 domestic sewage at a hauled sewage receiving facility where,
- (a) the hauled domestic 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 the discharge of hauled domestic sewage from the holding tank of 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 for 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 form to the General Manager, together with:
- (a) a copy of the carrier's Canada Revenue Agency business number and valid 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) on 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 form to the General Manager, together with:
- (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; and
 - (d) any additional information that the General Manager considers necessary to determine whether or not a permit should be issued.
- 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;
 - (d) enter any confined space except in accordance with applicable laws and City procedures;

- (e) 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
 - (f) 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.
- 9.13 The General Manager may at any time take any of the following actions:
- (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;
 - (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 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; and
 - (e) corrective actions being taken to control the spill including work completed and any work still in progress in the mitigation of the spill.
- 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 the public, 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 detailed spill contingency plan incorporating all of the information required under section 10.4, together with a detailed explanation of how risk of future incidents will be reduced and how future incidents will be addressed; or
 - (b) an updated spill contingency plan, where the person has an existing spill contingency 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 written 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, and where applicable, the occupier, of the premises is an existing corporation and has not been dissolved;
 - (d) the Horizon Utilities account number for City water and wastewater/storm fees and 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) a Sewer Use By-law Assessment Report;
 - (ii) schematics of the premises including sewer and water lines and connections;
 - (iii) detailed information about the matter to be discharged including types, concentrations, and volumes, and method of measuring volume; and
 - (g) payment of the prescribed application fees.
- 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) 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:
- (i) cBiochemical oxygen demand;
 - (ii) total suspended solids;
 - (iii) total phosphorus;

- (iv) total kjeldahl nitrogen;
 - (v) oil and grease (animal/vegetable).
 - (b) A person who has applied for a Sewer Discharge Permit for overstrength discharge shall already have installed and shall maintain, at their expense, a device acceptable to the General Manager that measures the flow of sewage, provided that where the General Manager is satisfied that the installation of a device is not possible, the use of water consumption records, or such other method as the General Manager considers appropriate for estimating the quantity of sewage discharged to the sewer works may be substituted.
- 11.7 Despite section 11.6, if in the opinion of the General Manager, the proposed discharge referred to 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) A Sewer Discharge Permit for **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.
- (b) A person who has applied for a Sewer Discharge Permit for surcharge discharge shall already have installed and shall maintain, at their expense, a device acceptable to the General Manager that measures the flow of sewage which contains water that has originated from a source other than the City's potable water supply, provided that where the General Manager is satisfied that the installation of a device is not possible, a Water Balance Study may be substituted.
- 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 to be outlined in the permit; or
 - (b) equal to or greater than 4000 milligrams/litre and not more than 5000 milligrams/litre.
- 11.14 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 **chlorides** discharge referred to in subsection 11.13(b) shall submit to the General Manager, an engineering study showing the likely reduction, if any, of the life span of the sewer works as a result of the proposed discharge, including but not limited to evidence of the condition of the sewer works at the point of discharge.
- 11.15 A Sewer Discharge Permit for **chlorides** discharge referred to in subsection 11.13(b) shall:
 - (a) contain a sampling and reporting program;
 - (b) only permit the discharge if payment of compensation is made to the City for any likely reduction of the life span of the sewer works as a result of the discharge; and
 - (c) prescribe the amount of compensation and timing for payment.
- 11.16 (a) A Sewer Discharge Permit for **temporary** discharge referred to in subsection 11.4(e) authorizes the non-routine and short term discharge of sewage for a time period of less than six months,
 - (i) that exceeds the limits for any one or more of the parameters contained in Schedule B; or
 - (ii) which contains water that has originated from a source other than the City's potable water supply.
- (b) A person who has applied for a Sewer Discharge Permit for temporary discharge shall have already complied with and shall continue to meet the

requirements of either subsections 11.6(b) or 11.8(b), as applicable to the proposed discharge.

- 11.17 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) leachate from a waste disposal site; 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.
- 11.18 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.
- 11.19 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 the approval of the General Manager.
- 11.20 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) where the permitted discharge is otherwise in compliance with this By-law; and
 - (e) after payment of the prescribed application fees.
- 11.21 (a) 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; and
- (b) In the case of a Sewer Discharge Permit for:
 - (i) overstrength discharge, the quantity of the discharge shall be determined by a device that measures the flow of sewage or where

- there is no such device, by the use of water consumption records, or such other method as the General Manager considers appropriate for estimating the quantity of sewage discharged to the sewer works;
- (ii) surcharge discharge, the quantity of the discharge shall be determined by a device that measures the flow of sewage which contains water that has originated from a source other than the City's potable water supply, or where there is no such device, by a Water Balance Study;
- (iii) temporary discharge, the quantity of the discharge shall be determined by the method in subsection (b)(i) or (b)(ii) as applicable.

11.22 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.

11.23 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 a permit 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 forthwith 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 registered 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) delivered registered by mail, on the fifth business 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 terms and conditions of the permit are fully complied with.

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/Storm 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 By-law; 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 By-law.

- 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.
- 13.23 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 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 sections.
- 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) subject to subsection (d), all of the following existing agreements and approvals under that by-law are deemed to be a Sewer Discharge Permit and shall continue to remain valid and in force as set out below;
 - (i) overstrength discharge agreements, for three years from the date of the original agreement;
 - (ii) sanitary sewer surcharge agreements, for three years from the date of the original agreement;
 - (iii) approvals for the discharge of sewage containing chlorides in excess of 1500 mg/L but less than 4000 mg/L, for three years from the date of the original approval;
 - (iv) chlorides discharge agreements, for three years from the date of the original agreement;
 - (v) letters of agreement for compliance program, until expiry of the term of the original agreement;
 - (d) if the date of an original agreement or approval referred to in subsections (c)(i) through (c)(iv) is prior to January 1, 2012, then such agreement or approval shall continue to remain valid and in force as a Sewer Discharge

- (e) subject to subsection (f), all of the terms of the agreements and approvals in subsections (c) and (d) will continue as terms and conditions of a Sewer Discharge Permit; and
- (f) all fees related to the agreements and approvals in subsections (c) and (d) 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/Storm Fees and Charges By-law, or as otherwise set and approved by Council from time to time.

PASSED this day of , 2014.

R. Caterini
City Clerk

SCHEDULE A

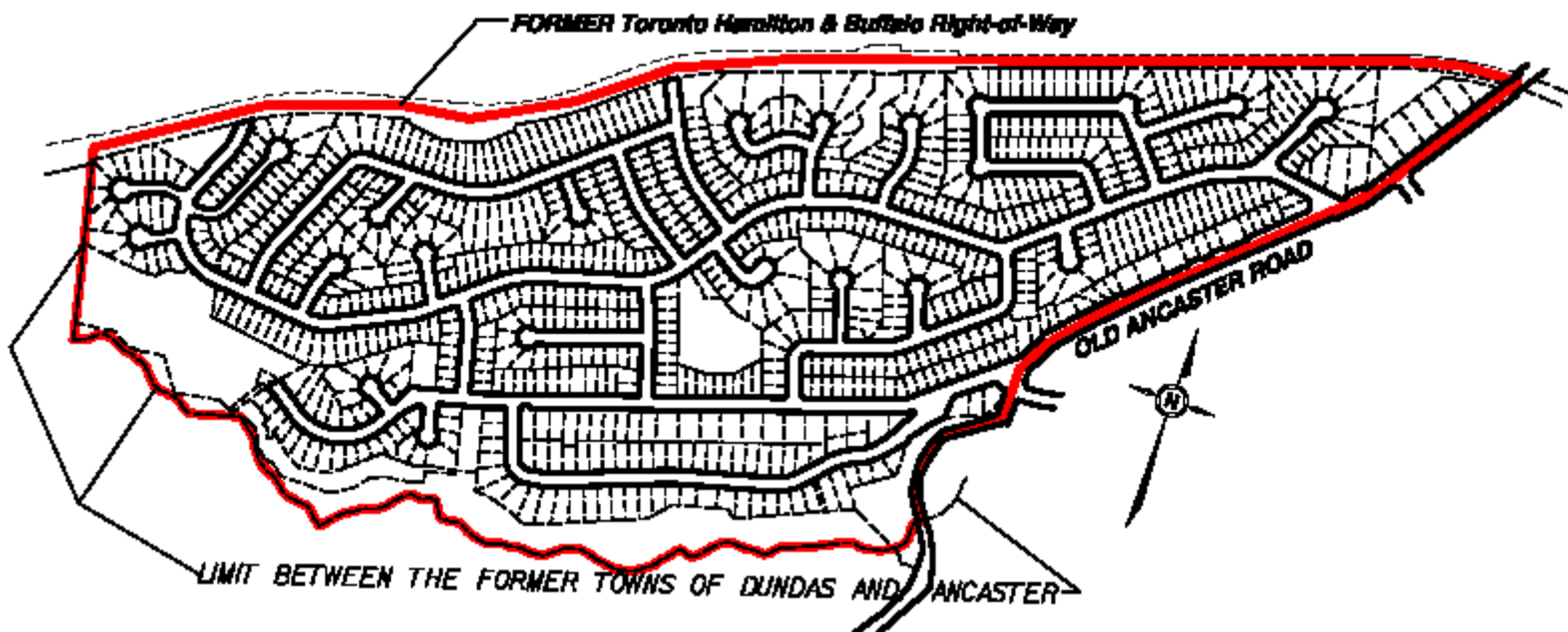
JOINED SANITARY-FOUNDATION DRAIN SEWER LANDS

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 (cBOD)	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

SCHEDULE D

CITY LOCATIONS FOR DISCHARGE OF HAULED SEWAGE

The following are hauled sewage receiving facilities:

- 1. Woodward Avenue Wastewater Treatment Plant**
700 Woodward Avenue, Hamilton, Ontario
- 2. Mountain Transfer Station**
Kilbride Road Hamilton, Ontario

SCHEDULE E

RISK ASSESSMENT FOR FOOD PREMISES

This schedule sets out the steps to be followed by an Officer 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:
<u>Priority #1 food premises:</u> Restaurant of 30 or more seats Food Takeout Bakery Movie theatre	5	
<u>Priority #2 food premises:</u> Restaurant of less than 30 seats Ice cream/yogurt facility Supermarket Butcher shop Commissary Banquet Hall (where cooking facilities are onsite)	3	

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

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

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

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	
<u>STEP 2 SUBTOTAL:</u>		points

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 written notice from an Officer.

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 written notice from an Officer.

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 written notice from an Officer.