

**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

**BY-LAW NO. 2005-28**

Being a By-law to prohibit, regulate and inspect the discharge of sewage into the municipal sewage system in the Town of Amherstburg

**WHEREAS** Section 11(1) of the *Municipal Act*, 2001, S.O. 2001, c. 25, authorizes a local municipality to regulate public utilities;

**AND WHEREAS**, pursuant Section 87 of the *Municipal Act*, 2001, S.O. 2001, c.25, a municipality may enter on land, at reasonable times, to inspect the discharge of any matter into the sewage system of the municipality or into any other sewage system the contents of which ultimately empty into the municipal sewage system and may conduct tests and take samples for this purpose;

**THEREFORE THE COUNCIL OF THE CORPORATION OF**

**THE TOWN OF AMHERSTBURG HEREBY ENACTS AS FOLLOWS:**

1. DEFINITIONS:

In this By-law:

- (1) "Average water usage" shall mean the total volume of water used over a given period of time as determined by taking water meter readings, subtracting the previous reading from the most recent, summing the differences, and dividing by the number of days between the two meter readings;
- (2) "Biochemical oxygen demand" means the 5 day biochemical oxygen demand as determined by Standard Methods;
- (3) "Combined sewer" means a sewer intended to function simultaneously as a storm sewer and a sanitary sewer;
- (4) "Composite sample" means a sample which is composed of a series of grab samples taken at intervals during the sampling period;
- (5) "Corporation" means the Corporation of the Town of Amherstburg;
- (6) "Cyanide" means total cyanide as determined by Methods 412B plus one of Method 412C or 412D in Standard Methods;
- (7) "Fuels" includes:
  - a) any ignitable liquid intended for use as a fuel with a flash point less than 61° Celsius as determined by one of the methods in Ontario Regulation 309 made under the *Environmental Protection Act*; and
  - b) gasoline, naphtha, diesel fuel or fuel oil;
- (8) "Grab sample" is an aliquot of the flow being sampled taken at one particular item and place;
- (9) "Hauled sewage" means waste removed from a cesspool, a septic tank system, a privy vault or privy pit, a chemical toilet, a portable toilet, a

sewage holding tank, or any other sewage system of a type regulated under Part VII of the *Environmental Protection Act*;

- (10) “Ignitable waste” means a material which is an ignitable waste within the meaning of Ontario Regulation 309, made under the *Environmental Protection Act*;
- (11) “Industrial” shall mean of or pertaining to industry, manufacturing, commerce, trade, business or institutions as distinguished from domestic or residential;
- (12) “Industrial process area” means any industrial building, property or land area which during manufacturing, processing or storage comes into direct contact with any raw material, intermediate product, finished product, by-product, or waste product;
- (13) “Kjeldahl Nitrogen” means organic nitrogen as determined by one of Method 420A or 420B in Standard Methods;
- (14) “Matter” includes any solid, liquid or gas;
- (15) “Medical Officer of Health” means a person appointed pursuant to the Public Health Act;
- (16) “Municipality” means the Corporation of the Town of Amherstburg or its designated representatives;
- (17) “Owner” or “Operator” means the owner or operator of any facility or activity subject to the provisions of this by-law;
- (18) “PCB” means any monochlorinated or poly-chlorinated biphenyl or any mixture of these or mixture that contains one or more of them;
- (19) “Person” includes an individual, association partnership, Corporation, Municipality, Provincial or Federal Agency, or an agent or employee thereof;
- (20) “Pesticides” means a pesticide regulated under the *Pesticides Act*;
- (21) “pH” means the logarithm to the base 10 of the reciprocal of the concentration of hydrogen ions in moles per litre of solution;
- (22) “Phenolic compounds” means those derivatives of aromatic hydrocarbons which have a hydroxyl group directly attached to the ring as determined by one of the Methods in Standard Methods;
- (23) “Phosphorus” means total phosphorus as determined by both Methods in Standard Methods;
- (24) “Public Works Manager” means the Public Works Manager of the Town or his/her designate;
- (25) “Sanitary sewer” means a sewer for the collection and transmission of domestic, commercial, institutional and industrial sewage, or any combination thereof;
- (26) “Sewage” means any liquid waste containing animal, vegetable or mineral matter in solution or in suspension, except uncontaminated water;
- (27) “Sewage works” means any works for the collection, transmission, treatment or disposal of sewage, or any part of such works;

- (28) "Solvent extractable matter" means grease and oil as determined by one of the Methods listed in Standard Methods;
- (29) "Standard Methods" means a procedure set out in Standard Methods for the Examination of Water and Wastewater, published jointly by the American Water Works Association and Water Environment Federation, current at the date of testing, or a procedure published by the Ontario Ministry of the Environment as a standard method or the equivalent of a Standard Method;
- (30) "Storm sewer" means a sewer for the collection and transmission of uncontaminated water, storm water, drainage from land or from a watercourse or any combination thereof;
- (31) "Storm water" means water from rainfall or other natural precipitation or from the melting of snow or ice;
- (32) "Suspended solids" means solid matter in or on a liquid which matter is removable by filtering and dried at 103-105° Celsius as determined by a Method in Standard Methods;
- (33) "Town" shall mean the Corporation of the Town of Amherstburg;
- (34) "Uncontaminated water" means water to which no matter has been added as a consequence of its use, or to modify its use, by any person;
- (35) "Waste radioactive materials" means any waste materials exhibiting the property of spontaneous disintegration of atomic nuclei usually with the emission of penetrating radiation or particles;
- (36) "Watercourse" means a river or stream channel, or an artificial channel or ditch constructed as or resulting from the construction of municipal work in which a flow of storm water occurs either continuously or intermittently; road ditches and other natural depressions or watercourses draining into any such open channel or ditch, whether connected to a storm sewer or not.

## 2. DISCHARGE TO SANITARY SEWERS AND COMBINED SEWERS:

- (1) No person shall discharge or deposit, or cause or permit the discharge or deposit, of matter of a kind listed below into or in land drainage works, private branch drains or connections to any sanitary sewer or combined sewer:
  - a) Matter of any type, or at any temperature, or in any quantity which may be or may become a health or safety hazard to a sewage works employee, or which may be or may become harmful to a sewage works, or which may cause the sewage works effluent to contravene any requirement by or under the *Ontario Water Resources Act* or the *Environmental Protection Act*, or which may cause the sludge from sewage works to fail to meet the criteria relating to contaminants for spreading the sludge on agricultural lands under *Ontario's Guidelines for Sewage Sludge Utilization on Agricultural Lands* (as revised October 1992) unless the person has been advised in writing by the Public Works Manager that the sludge from the sewage treatment works will never be used on agricultural lands, or which may interfere with the proper operation of a sewage works, or which may impair or interfere with any sewage treatment process, or which is or may result in a hazard to any person, animal, property or vegetation; or

- b) Without limiting the generality of the foregoing, any of the following:
- i. Solid or viscous substances in quantities, or of such size as to be capable of causing obstruction to the flow in a sewer, including but not limited to ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, oil, grease, on ground garbage, animals or parts thereof, paunch manure, and whole blood;
  - ii. Sewage that may cause an offensive odour to emanate from a sewage works, and without limiting the generality of the foregoing, sewage containing hydrogen sulphide, carbon disulfide, other reduced sulphur compounds, amines or ammonia in such quantity that may cause an offensive odour;
  - iii. Except in the case of discharge into a combined sewer, storm water, water from drainage of roofs or land, water from a water course or uncontaminated water;
  - iv. Water other than storm water that has originated from a source separate from the water distribution system of the Municipality;
  - v. Sewage or uncontaminated water at a temperature greater than 65° Celsius;
  - vi. Sewage having a pH less than 5.5 or greater than 10.5;
  - vii. Sewage containing more than 120 milligrams per litre of solvent extractable matter, generally referred to as oil or grease;
  - viii. Sewage in which the biochemical oxygen demand exceeds 400 milligrams per litre;
  - ix. Sewage containing more than 500 milligrams per litre of suspended solids;
  - x. Sewage containing more than 30 milligrams per litre of phosphorus;
  - xi. Sewage containing more than 100 milligrams per litre of kjeldahl nitrogen;
  - xii. Sewage containing more than 1 milligrams per litre of phenolic compounds;
  - xiii. Sewage which consists of two or more separate liquid layers;
  - xiv. Sewage containing dyes or colouring materials which pass through a sewage works and discolour the sewage works effluent;
  - xv. Sewage containing any of the following in excess of the indicated concentrations in Column II if the average water usage is equal to or less than 500,000 litres per day; and in excess of the concentrations in Column III if the average water usage is greater than 500,000 litres per day respectively set out opposite:

Column I			Column II	Column III
Aluminum	expressed as	Al	50.0 mg/L	50.0 mg/L
Arsenic	expressed as	As	1.0 mg/L	1.0 mg/L
Antimony	expressed as	Sb	5.0 mg/L	1.0 mg/L
Barium	expressed as	Ba	5.0 mg/L	1.0 mg/L
Bismuth	expressed as	Bi	5.0 mg/L	1.0 mg/L
Cadmium	expressed as	Cd	2.0 mg/L	0.5 mg/L
Chloride	expressed as	Cl	1500.0 mg/L	1500.0 mg/L
Chromium	expressed as	Cr	5.0 mg/L	1.0 mg/L
Cobalt	expressed as	Co	5.0 mg/L	1.0 mg/L
Copper	expressed as	Cu	5.0 mg/L	1.0 mg/L
Cyanide	expressed as	HCN	2.0 mg/L	1.0 mg/L
Fluoride	expressed as	F	10.0 mg/L	3.0 mg/L
Lead	expressed as	Pb	5.0 mg/L	1.0 mg/L
Manganese	expressed as	Mn	5.0 mg/L	3.0 mg/L
Molybdenum	expressed as	Mo	5.0 mg/L	3.0 mg/L
Mercury	expressed as	Hg	0.1 mg/L	0.03 mg/L
Nickel	expressed as	Ni	5.0 mg/L	1.0 mg/L
Phenol			1.0 mg/L	0.3 mg/L
Selenium	expressed as	Se	5.0 mg/L	1.0 mg/L
Silver	expressed as	Ag	5.0 mg/L	1.0 mg/L
Sulphate	expressed as	SO4	1500.0 mg/L	1500.0 mg/L
Tin	expressed as	Sn	5.0 mg/L	1.0 mg/L
Titanium	expressed as	Ti	5.0 mg/L	1.0 mg/L
Vanadium	expressed as	V	5.0 mg/L	1.0 mg/L
Zinc	expressed as	Zn	5.0 mg/L	1.0 mg/L

- xvi. Any of the wastes or contaminates, other than those contained in the above Clause xv. and listed in Schedules 1, 2 and 3 of Ontario Regulation 347, made under the *Environmental Protection Act*, having a concentration greater than 200 times the respective Method Detection Limit for each waste or contaminant as listed in Schedule I of the Ontario Ministry of Environment's Draft Protocol for the Sampling and Analysis of Industrial/Municipal Waste Water, July 1992, as amended from time to time;
- xvii. Waste radioactive materials excepting those being discharged in accordance with a license from the Atomic Energy Control Board and a copy of the license has been provided to the Municipality or to the discharge of de minimis waste;
- xviii. The following materials or sewage containing any of the following in any amount:  
Fuels  
Ignitable Waste  
PCBs  
Pesticides
- xix. The following materials or sewage containing any of the following:  
Hauled Sewage  
Landfill Leachate

- (2) In determining whether the limit with respect to any matter prescribed in Subsection (1) is contravened, the volume of any water that has been added for the purpose of enabling the limit to be met and of any storm discharges to a combined sewer shall be disregarded for the purpose of calculating whether the limit has been met so that compliance of the limit cannot be attained by dilution.

3. DISCHARGE TO STORM SEWERS:

(1) No person shall discharge or deposit, or cause or permit the discharge or deposit, of matter of a kind listed below into or in land drainage works, private branch drains or connection to any storm sewer:

- a) Matter of any type, or at any temperature, or in any quantity which may:
  - i. interfere with the proper orientation of a storm sewer;
  - ii. obstruct a storm sewer or the flow therein;
  - iii. result in a hazard to any person, animal, property or vegetation;
  - iv. impair the quality of the water in any well, lake, river, pond, spring, stream, reservoir or other water or water course; or
  - v. result in the contravention of an approval, requirement, direction or other order, under the *Ontario Water Resources Act*, or the *Environmental Protection Act* with respect to the storm sewer or its discharge; and
  
- b) Without limiting the generality of the foregoing, any of the following:
  - i. water at a temperature greater than 40° Celsius;
  - ii. water having a pH less than 6.0 or greater than 9.0;
  - iii. water containing more than 15 milligrams per litre of biochemical oxygen demand;
  - iv. water containing more than 15 milligrams per litre of suspended solids;
  - v. water containing dye or a colouring material which discolours the water;
  - vi. water containing more than 15 milligrams per litre of solvent extractable matter;
  - vii. water containing any of the materials set out in Column I in excess of the concentration respectively set out opposite each material in Column II.

Column I			Column II
Aluminum	expressed as	Al	5.0 mg/L
expressed			
Ammonia	expressed as	NH <sub>3</sub>	0.2 mg/L
(Unionized)			
Arsenic	expressed as	As	0.5 mg/L
Barium	expressed as	Ba	0.5 mg/L
Cadmium	expressed as	Cd	0.1 mg/L
Chlorine	expressed as	Cl <sup>2</sup>	1.0 mg/L
Chromium	expressed as	Cr	1.0 mg/L
Copper	expressed as	Cu	1.0 mg/L
Cyanide	expressed as	HCN	0.1 mg/L
Fecal Coliform			200.0 colonies/100mL
Fluoride	expressed as	F	1.0 mg/L
Iron	expressed as	Fe	5.0 mg/L
Lead	expressed as	Pb	1.0 mg/L

Manganese	expressed as	Mn	1.0 mg/L
Mercury	expressed as	Hg	0.001 mg/L
Nickel	expressed as	Ni	1.0 mg/L
Phenol			0.2 mg/L
Phosphorus	expressed as	P	1.0 mg/L
Selenium	expressed as	Se	1.0 mg/L
Silver	expressed as	Ag	1.0 mg/L
Sulphate	expressed as	SO <sub>4</sub>	150.0 mg/L
Tin	expressed as	Sn	1.0 mg/L
Zinc	expressed as	Zn	1.0 mg/L

viii. Any of the wastes or contaminants listed in Schedules 1, 2 and 3 of Ontario Regulation 347, made under the *Environmental Protection Act*, having a concentration greater than 10 times the respective Method of Detection Limit of each waste or contaminant listed in Schedule I of the Ontario Ministry of the Environment's Draft Protocol for the Sampling and Analysis of Industrial/Municipal Waste Water, July 1992, as amended from time to time.

(2) The provisions of Clauses b)iii., iv., v. and vi. to this section do not apply to prevent the discharge of storm water run-off from industrial process areas to a storm sewer when the owner or operator of the premises has a certificate of approval, or order relating to the premises under the *Environmental Protection Act*, or the *Ontario Water Resources Act* which expressly allows the discharge, and a copy of the certificate of approval or order has been proved to the Municipality.

#### 4. SAMPLING AND ANALYSIS:

- (1) The Public Works Manager may enter on land, at reasonable times to inspect the discharge of any matter in to the sewage works and may conduct tests and take samples for this purpose.
- (2) Where a sample is required for the purpose of determining the characteristics or contents of the sewage, uncontaminated water or storm water to which reference is made in this by-law:
  - a) one sample alone is sufficient and, without limiting the generality of the foregoing, the sample may be a grab sample or a composite sample, may contain additives for its preservation and may be collected manually or by using an automatic sampling device;
  - b) except as otherwise specifically provided in this by-law, all tests, measurements, analyses and examinations of sewage, uncontaminated water and storm water, shall be carried out in accordance with Standard Methods; and
  - c) for each of the metals listed in Section 2 and 3 the analysis shall be for the quantity of total metal, which includes all metal both dissolved and particulate.

#### 5. SPILLS:

In addition and notwithstanding any other obligations imposed by law:

- (1) Every person who discharges or deposits, or causes or permits the discharge or deposit, of sewage into or in land drainage works, private branch drains or connections to any sanitary sewer or combined sewer shall, if such

discharge or deposit is not in the ordinary course of events forthwith notify the Public Works Manager.

- (2) Every person who discharges or deposits, or causes or permits the discharge or deposit, of uncontaminated water or storm water into or in land drainage works, private branch drains or connections to any storm sewer shall, if such discharge or deposit is not in the ordinary course of events forthwith notify the Public Works Manager.
- (3) For any of the discharges in Subsection (1) and (2), for which the person is required to forthwith notify the Public Works Manager, the notification shall include the following information:
  - a) Name of the company and the address of location of spill;
  - b) Name of the person reporting the spill and telephone number where that person can be reached;
  - c) Time of the spill;
  - d) Type and volume of material discharged and any associated hazards;
  - e) Corrective actions being taken to control the spill.
- (4) Within five days following a discharge, to which Subsection (3) applies, the person shall submit to the Public Works Manager and the Ministry of the Environment a detailed written report describing the cause of the spill and the action taken or to be taken to prevent reoccurrence.

6. GENERAL:

- (1) The owner or operator of industrial premises, with one or more connections to a sewage works, shall install and maintain in good repair, in each connection, a suitable manhole to allow observation and sampling of the sewage and measurement of the flow of sewage therein, provided that where installation of a manhole is not possible, an alternative device or facility may be substituted with the written approval of the Public Works Manager and the Ministry of the Environment.
- (2) The manhole or alternate device shall be located on the property of the owner or operator of the premises, unless the Public Works Manager has given written approval for a different location.
- (3) Every manhole, device or facility installed, as required by Subsection (2), shall be designed and constructed in accordance with good engineering practice and the requirements of the Town, and shall be constructed and maintained by the owner or operator of the premises at his expense.
- (4) The owner or operator of commercial or industrial premises shall at all times ensure that every manhole, device or facility installed, as required by Subsection (2), is at all times accessible for purposes of observing and sampling the sewage and measuring the flow of sewage therein.
- (5) The Public Works Manager may require the owner or operator of industrial premises to install and maintain devices to monitor sewage discharges and to submit regular reports regarding the discharges to the Town.



- (6) No person shall break, damage, destroy, deface or tamper or cause or permit the breaking, damaging, destroying, defacing or tampering with:
  - a) any part of a sewage works; or
  - b) any permanent or temporary device installed in a sewage works for the purpose of measuring, sampling and testing of sewage.

7. ENFORCEMENT:

This by-law shall be administered and enforced by the Public Works Manager.

8. OFFENCES:



- (1) Every person, other than a Corporation, who contravenes any provisions of this by-law is guilty of an offence and upon conviction is liable for every day or part thereof, upon which such offence occurs or continues, to a fine of not more than \$10,000.00 for a first offence and \$25,000.00 for any subsequent conviction.
- (2) Every Corporation which contravenes any provisions of this by-law is guilty of an offence and upon conviction is liable for every day or part thereof, upon which such offence occurs or continues, to a fine of not more than \$50,000.00 for a first offence and \$100,000.00 for any subsequent conviction.
- (3) In this by-law, subsequent conviction means a conviction for an offence which occurs after the date of conviction for an earlier offence under this by-law.

9. REPEAL:

That the Town of Amherstburg By-law No. 1419, being a by-law to regulate the use of sewers in the Town of Amherstburg, be and the same is hereby repealed.

This by-law shall come into force and take effect on the date of final passage thereof.

Passed this 18<sup>th</sup> day of July, 2005.

  
MAYOR  
  
CLERK

1<sup>st</sup> Reading: July 18, 2005  
2<sup>nd</sup> Reading: July 18, 2005  
3<sup>rd</sup> Reading: July 18, 2005

Certified to be a true copy of By-law  
No. 2005-28 passed by Council of the  
Town of Amherstburg on the 18<sup>th</sup>  
day of July, 2005.

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Clerk