THE REGIONAL MUNICIPALITY OF WATERLOO

BY-LAW NUMBER 1-90
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A By-law to Prohibit, Regulate and Control the Discharge of Waters and Wastes into Bodies of Water within the Regional Area or into the Regional Sanitary Trunk Sewers, Trunk Sewer System, or Sewage Treatment Works and all Tributary Sewer Systems and to Regulate and Control Extensions, Alterations or Enlargement to the Sewer System of any Area Municipality.

WHEREAS it is provided by Section 51 of The Regional Municipality of Waterloo Act that the Regional Council may pass By-laws for the maintenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area an adequate system of sewage and land drainage disposal, and may exercise the powers described in Section 210 paragraph 147 of the Municipal Act in respect of any sewer that mediately or immediately enters into sewers after the jurisdiction of the Region.

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF WATERLOO ENACTS AS FOLLOWS:
SECTION 1

DEFINITIONS

1. In this By-law:

(a) "acute hazardous waste chemical" means a material which is an acute hazardous waste chemical within the meaning of Ontario Regulation 309 made under the Environmental Protection Act (Ontario);

(b) "authorized representative of the owner or operator" means

(i) A principal executive officer of at least the level of vice president, if the owner or operator is a corporation; or

(ii) A general partner or proprietor if the owner or operator is a partnership or proprietorship, respectively; or

(iii) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the sewage discharge originates;

(c) "biochemical oxygen demand" means carbonaceous oxygen demand (biochemical) as determined by Method 507 in Standard Methods when an inhibiting chemical has been added to prevent ammonia oxidation;
(d) "blowdown" means the discharge of recirculating noncontact cooling water for the purpose of discharging materials contained in the water, the further build-up of which would cause concentrations in amounts exceeding limits established by best engineering practices;

(e) "combined sewer" means a sewer intended to function simultaneously as a storm sewer and a sanitary sewer;

(f) "commercial waste chemical" means a material which is a commercial waste chemical within the meaning of Ontario Regulation 309 made under the Environmental Protection Act (Ontario);

(g) "composite sample" means a sample which is composed of a series of grab samples taken at intervals during the sampling period;

(h) "cyanide (total)" means cyanide as determined by Methods 412B plus one of Method 412C or 412D in Standard Methods;

(i) "de minimis dose" means a dose of radiation to an individual of .05 millisieverts per year;

(j) "de minimis waste" means any waste radioactive material that will not result in a dose of radiation exceeding the de minimis dose regardless of the quantity of the material or how it is used or managed;
(k) "fuels" includes (i) any ignitable liquid intended for use as a fuel with a flash point less than 61°C as determined by one of the methods in Ontario Regulation 309 made under the Environmental Protection Act (Ontario) and (ii) gasoline, naphtha, diesel fuel or fuel oil;

(l) "grab sample" is an aliquot of the flow being sampled taken at one particular time and place;

(m) "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 (Ontario);

(n) "hazardous industrial waste" means a material which is a hazardous industrial waste within the meaning of Ontario Regulation 309 made under the Environmental Protection Act (Ontario);

(o) "hazardous waste chemical" means a material which is a hazardous waste chemical within the meaning of Ontario Regulation 309 made under the Environmental Protection Act (Ontario);

(p) "ignitable waste" means a material which is an ignitable waste within the meaning of Ontario Regulation 309 made under the Environmental Protection Act (Ontario);
(q) "industrial" shall mean of or pertaining to industry, manufacturing, commerce, trade, business, or institutions as distinguished from domestic or residential;

(r) "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, byproduct, or waste product;

(s) "Kjeldahl Nitrogen" means organic nitrogen as determined by one of Method 420A or 420B in Standard Methods;

(t) "matter" includes any solid, liquid or gas;

(u) "municipality" means The Corporation of the Regional Municipality of Waterloo or its designated representative;

(v) "noncontact 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;

(w) "once-through cooling water" means noncontact cooling water that has been circulated once through the cooling device;

(x) "owner" or "operator" means the owner or operator of any facility or activity subject to the provisions of this by-law;
(y) "pathological waste" means a material which is a pathological waste within the meaning of Ontario Regulation 309 made under the Environmental Protection Act (Ontario) or any material which may be designated in writing by the Chief Medical Officer of Health (Ontario);

(z) "PCB" means any monochlorinated or poly-chlorinated biphenyl or any mixture of these or mixture that contains one or more of them;

(aa) "PCB waste" means a PCB waste within the meaning of Ontario Regulation 148/86 made under the Environmental Protection Act (Ontario);

(bb) "person" includes an individual, association, partnership, corporation, municipality, Provincial or Federal agency, or an agent or employee thereof;

(cc) "pesticides" means a pesticide regulated under the Pesticides Act (Ontario);

(dd) "pH" means the logarithm to the base 10 of the reciprocal of the concentration of hydrogen ions in moles per litre of solution;

(ee) "phenolic compounds" means those derivatives of aromatic hydrocarbons which have a hydroxyl group directly attached to the ring as determined by one of Method 510B or 510C in Standard Methods;

(ff) "phosphorus" means total phosphorus as determined by both Method 424C plus one of Method 424D, 424E, 424F, or 424G in Standard Methods;
(gg) "reactive waste" means a material which is a reactive waste within the meaning of Ontario Regulation 309 made under the Environmental Protection Act (Ontario);

(hh) "sanitary sewer" means a sewer for the collection and transmission of domestic, commercial, institutional and industrial sewage or any combination thereof;

(ii) "severly toxic material" means any material listed in Schedule 3 of Ontario Regulation 309 made under the Environmental Protection Act (Ontario);

(jj) "sewage" means any liquid waste containing animal, vegetable or mineral matter in solution or in suspension, except uncontaminated water;

(kk) "sewage works" means any works for the collection, transmission, treatment or disposal of sewage, or any part of such works;

(ll) "SIC code" means Standard Industrial Classification Code contained in either the Standard Industrial Classification Manual published by the Minister of Supply and Services Canada, 1980 (Canadian SIC) or the Standard Industrial Classification Manual published by the Executive Office of the President, Office of Management and Budget, 1972 (U.S. SIC);

(mm) "solvent extractable matter of animal or vegetable origin" means grease and oil as determined by one of Methods 503A, 503B, 503C, or 503D in Standard Methods;
(nn) "solvent extractable matter of mineral or synthetic origin" means grease and oil as determined by Method 503E in Standard Methods;

(oo) "Standard Methods" means a procedure set out in Standard Methods for the Examination of Water and Wastewater published jointly by the American Public Health Association, American Water Works Association and Water Pollution Control Federation, 16th Edition (1985), 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;

(pp) "storm sewer" means a sewer for the collection and transmission of uncontaminated water, stormwater, drainage from land or from a watercourse or any combination thereof;

(qq) "stormwater" means water from rainfall or other natural precipitation or from the melting of snow or ice;

(rr) "suspended solids" means solid matter in or on a liquid which matter is removable by filtering and dried at 103-105°C as determined by Method 209C in Standard Methods;

(ss) "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;

(tt) "waste disposal site leachate" means leachate from any waste disposal site;
(uu) "waste radioactive materials" means any waste material exhibiting the property of spontaneous disintegration of atomic nuclei usually with the emission of penetrating radiation or particles;
SECTION 2

REGIONAL SEWER AND SOLID WASTE PROVISIONS

2(1) No person shall place, deposit, or use any land or structure for the placing or deposit of any garbage, refuse, or domestic or industrial waste of any kind provided that this shall not prevent:

(a) the carrying on of any lawful trade or business in its ordinary course;

(b) the use of any waste disposal site in accordance with the Environmental Protection Act;

(c) the use of any sewer, sewage system, drain, or watercourse in accordance with this by-law or the Environmental Protection Act or Ontario Water Resources Act;

(d) any use of any land or structure by a municipality.

2(2) No area municipality or person shall connect any local sewer or local watercourse to a Regional work or work tributary thereto or body of water without the approval of the Regional Corporation.

2(3) No person shall discharge any gaseous, liquid, or solid matter into any sewer which mediately or immediately enters into any sewer under the jurisdiction of the Regional Council except in accordance with this by-law.
2(4) No person shall discharge any gaseous, liquid or solid material into any Regional watercourse except in accordance with this by-law.

2(5) Subject to the approval of the Ministry of the Environment where it is required, permission may be granted to discharge materials not conforming to this by-law into a sewer or stream to meet an emergency or temporary situation warranting exemption in the opinion of Regional Council. Such permission shall be limited as to time or otherwise as Council sees fit.

2(6) The Commissioner is authorized to enforce this by-law and may cause prosecutions to be initiated hereunder or under the Ontario Water Resources Act or the Environmental Protection Act.
SECTION 3

REGIONAL SEWER AND SOLID WASTE PROVISIONS

3(1) Each area Municipality in the Regional Area shall file with the Regional Corporation any scheme for future development of its sewer system, including separation of combined sewers over a reasonable period, as it may now have prepared.

3(2) The area municipality or local board shall not proceed with any construction, extension, alteration or enlargement of any of its sanitary sewer systems until a detailed plan thereof has been submitted to the Commissioner and approval thereof obtained in writing. Area municipalities shall not permit sewer construction within any registered plan of subdivision to commence until the municipality has obtained approval in writing for such sanitary sewers from the Commissioner.

3(3) The Commissioner, with the approval of the Engineering Committee of Regional Council, may, from time to time, establish such standards as are necessary to govern the design and construction of all sewerage works in the Regional Area and all area municipalities, local boards, or persons must conform to such standards when initiating any new sewerage works. Adherence to these standards shall be the means by which the Commissioner shall judge if the sewerage works under review conform to this by-law.
3(4) The Commissioner shall have the power to inspect the plans and specifications of any work referred to in Section 3(2) to ensure that the construction of the sewerage systems connected to or to be connected to Regional Sewerage works comply with the standards established under Section 3(3).

3(5) Once plans and specifications for any work referred to in Section 3(4) have been approved by the Regional Corporation the Commissioner shall have the power to inspect the work during its construction, and to order such changes as are necessary to ensure that the standards referred to in Section 3(3) are being enforced.

3(6) No person, local board or area municipality shall be permitted to make a temporary connection to any Regional Sewer or system of sewers tributary thereto or treatment works within the Regional Area unless and until permission has been obtained from the Regional Council and an agreement in a form satisfactory to the Regional Solicitor has been executed.
SECTION 4

REGIONAL SEWER AND SOLID WASTE PROVISIONS

4(1) No person, local board or local municipality shall be permitted to connect directly or indirectly to a Regional sewer nor to any sewer or system of sewers tributary thereto, for the use in or about any building, land or premises or any part or parts thereof, situated outside the limits of the Regional Area unless and until permission has been obtained from the Regional Council and an agreement in a form satisfactory to the Regional Solicitor has been executed.
SECTION 5

REGIONAL SEWER AND SOLID WASTE PROVISIONS

5(1) The connection of building sewers to Regional sewers without a permit is prohibited. Permits will be granted only when there is no satisfactory alternative outlet.

5(2) All persons desiring to construct a building sewer which directly connects to a Regional sewer shall make written application for a permit to the Commissioner and no person shall construct a building sewer without having first procured a permit.

5(3) Upon approval of the application, the Regional Corporation may require the applicant to pay to the Treasurer of the Regional Corporation, the sum of $25.00 which fee will entitle the applicant to:

(a) An inspection by the Commissioner of the sewer and the connection to the Regional sewer or building sewer at the street line, and

(b) An examination of sewer joints and grade.

5(4) No existing building sewer connected to a Regional sewer shall be used for a connection to a new building unless it has first been examined and tested by the Commissioner and found to comply with all the requirements of the by-law.

5(5) All pipe materials, joints and jointing methods, slope requirements, trenching, bedding, backfilling, pipe laying and sealing methods in respect of such building sewers shall be carried out in accordance with standards established by the Commissioner.
5(6) All such building sewers shall be the responsibility of the property owner.
SECTION 6

DISCHARGES TO SANITARY SEWERS

DISCHARGES TO COMBINED SEWERS

6(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:

1. 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 (Ontario), 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 January, 1986) unless the person has been advised in writing by the operator of the sewage treatment works 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 and;
2. without limiting the generality of the foregoing, any of the following:

(a) 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, unground garbage, animal guts or tissues, paunch manure, and whole blood.

(b) Sewage that may cause an offensive odour to emanate from a sewage works, and without limiting the generality of the foregoing, sewage containing hydrogen sulphide, carbon disulphide, other reduced sulphur compounds, amines or ammonia in such quantity that may cause an offensive odour.

(c) Except in the case of discharge into a combined sewer, stormwater, water from drainage of roofs or land, water from a watercourse or uncontaminated water.

(d) Water other than stormwater that has originated from a source separate from the water distribution system of the municipality.

(e) Sewage or uncontaminated water at a temperature greater than 65°C.

(f) Sewage having a pH less than 5.5 or greater than 9.5

(g) Sewage containing more than 15 milligrams per litre of solvent extractable matter of mineral or synthetic origin.
(h) Sewage containing more than 100 milligrams per litre of solvent extractable matter of animal or vegetable origin.

(i) Sewage in which the biochemical oxygen demand exceeds 300 milligrams per litre.

(j) Sewage containing more than 350 milligrams per litre of suspended solids.

(k) Sewage containing more than 10 milligrams per litre of phosphorus.

(l) Sewage containing more than 100 milligrams per litre of Kjeldahl nitrogen.

(m) Sewage containing more than 1 milligram per litre of phenolic compounds.

(n) Sewage which consists of two or more separate liquid layers.

(o) Sewage containing dyes or colouring materials which pass through a sewage works and discolour the sewage works effluent.

(p) Sewage containing any of the following in excess of the indicated concentrations;

1500 milligrams/litre

Chlorides expressed as Cl
Sulphates expressed as SO₄
50 milligrams/litre

Aluminum expressed as Al
Iron expressed as Fe

10 milligrams/litre

Fluorides expressed as F

5 milligrams/litre

Antimony expressed as Sb
Bismuth expressed as Bi
Chromium expressed as Cr
Cobalt expressed as Co
Lead expressed as Pb
Manganese expressed as Mn
Molybdenum expressed as Mo
Selenium expressed as Se
Silver expressed as Ag
Tin expressed as Sn
Titanium expressed as Ti
Vanadium expressed as V

3 milligrams/litre

Copper expressed as Cu
Nickel expressed as Ni
Zinc expressed as Zn

2 milligrams/litre

Cyanide (total) expressed as CN
1 milligram/litre

Arsenic expressed as As

0.5 milligram/litre

Cadmium expressed as Cd

0.1 milligrams/litre

Mercury expressed as Hg

(q) The following materials or sewage containing any of the following in any amount;

Fuels
PCBs
Pesticides
Severely Toxic Materials
Waste Radioactive Materials

(r) The following materials or sewage containing any of the following in any amount;

Hauled Sewage
Waste Disposal Site Leachate

(s) The following hazardous wastes in any amount;

Acute Hazardous Waste Chemicals
Hazardous Industrial Wastes
Hazardous Waste Chemicals
Ignitable Wastes
Pathological Wastes
PCB Wastes
Reactive Wastes
6(2) In determining whether the limit with respect to any matter prescribed in subsection 6(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 sewer discharges to a combined sewer shall be disregarded for the purposes of calculating whether the limit has been met so that compliance with the limit cannot be attained by dilution.

6(3) Subclauses 6(1) 2.(b) and 6(1) 2.(s) do not apply to prevent the discharge of human waste.

6(4) Subclause 6(1) 2.(d) does not apply to prevent the discharge of:

(a) Water taken in an amount greater than 50,000 litres per day from a separate source when the owner or operator of the premises has a Permit To Take Water issued by the Ontario Ministry of the Environment and a copy of such permit has been provided to the municipality, or

(b) Water taken in an amount less than 50,000 litres per day from a separate source when the owner or operator of the premises has provided the municipality with the following information:

( i ) Address of premises where the water is being used;
( ii ) Location of the water source; and
( iii ) Amount of water being taken.

6(5) Subclause 6(1) 2.(q) does not apply to prevent the discharge of waste radioactive materials where they are being discharged in accordance with a licence from the Atomic Energy Control Board and a copy of the licence has been provided to the municipality or to the discharge of de minimis waste.
6(6) Subclause 6(1) 2.(q) does not apply to prevent the discharge of PCBs when,

(a) the owner or operator of the premises has a certificate of approval relating to the premises from the Ontario Ministry of the Environment which expressly allows the discharge or written approval from the Director of the Ontario Ministry of Environment which expressly authorizes the discharge from the premises;

(b) the owner or operator of the premises has written approval from the municipality which expressly authorizes the discharge from the premises;

(c) the discharge contains a concentration of less than 5 micrograms per litre of PCBs; and

(d) a copy of the certificate of approval or written authorization referred to in clause (a) has been provided to the municipality.

6(7) Subclause 6(1) 2.(r) does not apply to prevent the discharge of waste disposal site leachate when,

(a) the waste disposal site leachate is being discharged pursuant to a certificate of approval or order relating to the premises under the Environmental Protection Act (Ontario) or the Ontario Water Resources Act which expressly allows the discharge;

(b) the owner or operator of the premises has written approval from the municipality which expressly authorizes the discharge from the premises; and
(c) a copy of the certificate of approval or written authorization referred to in clause (a) has been provided to the municipality.

6(8) Subclause 6(1) 2.(r) does not apply to prevent the discharge of hauled sewage when,

(a) the carrier of the hauled sewage is a waste transportation system operating under a license issued under Part VII of the Environmental Protection Act (Ontario);

(b) the carrier has written approval from the municipality which includes a specified time and location for the discharge; and

(c) the discharge occurs at the approved time and location.

6(9) Subclause 6(1) 2.(s) does not apply to prevent the discharge of pathological waste that has been decontaminated prior to discharge when,

(a) the owner or operator of the premises has a certificate of approval from the Ontario Ministry of the Environment which expressly allows the discharge or written approval from the Director of the Ontario Ministry of the Environment which expressly authorizes the discharge from the premises;

(b) the owner or operator of the premises has written approval from the municipality which expressly authorizes the discharge from the premises; and
(c) a copy of the certificate of approval or written authorization referred to in clause (a) has been provided to the municipality.
SECTION 7

DISCHARGES TO STORM SEWERS

7(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 storm sewer.

1. matter of any type or at any temperature or in any quantity which may:

(a) interfere with the proper operation of a storm sewer;

(b) obstruct a storm sewer or the flow therein;

(c) result in a hazard to any person, animal, property or vegetation;

(d) impair the quality of the water in any well, lake, river, pond, spring, stream, reservoir, or other water or watercourse; or

(e) result in the contravention of an approval, requirement, direction or other order under the Ontario Water Resources Act or the Environmental Protection Act (Ontario) with respect to the storm sewer or its discharge; and
2. without limiting the generality of the foregoing, any of the following:

(a) water at a temperature greater than 40°C;

(b) water having a pH less than 6.0 or greater than 9.0;

(c) water containing more than 15 milligrams per litre of suspended solids;

(d) water containing dyes or colouring material which discolour the water;

(e) water containing solvent extractable matter of animal or vegetable origin or of mineral or synthetic origin which causes a visible film, sheen or discolouration on the water surface;

(f) water containing any of the following in excess of the indicated concentrations:

500 micrograms/litre
Zinc expressed as Zn
Nickel expressed as Ni

200 micrograms/litre
Chromium expressed as Cr
50 micrograms/litre
Lead expressed as Pb
Cadmium expressed as Cd

1000 micrograms/litre
Copper expressed as Cu

1 microgram/litre
Mercury expressed as Hg

200 per 100 millilitres
Fecal coliforms

(g) the following matter in any amount:

Sewage
Once-through cooling water
Blowdown

(h) the following materials in any amount:

Automotive or Machine Oils and Greases
Fuels
Paints and Organic Solvents
PCBs
Pesticides
Severely Toxic Materials
Waste Disposal Site Leachate
Waste Radioactive Materials

(i) the following hazardous wastes in any amount:

Acute Hazardous Waste Chemicals
Hazardous Industrial Wastes
Hazardous Waste Chemicals
Ignitable Wastes
Pathological Wastes
PCB Wastes
Reactive Wastes
7(2) Subclause 7(1) 2.(g) does not apply to prevent the discharge of once-through cooling water or blowdown when,

(a) the once-through cooling water or blowdown is being discharged pursuant to a certificate of approval or order relating to the premises under the Environmental Protection Act (Ontario) or the Ontario Water Resources Act which expressly allows the discharge;

(b) the owner or operator of the premises has written approval from the municipality which expressly authorizes the discharge from the premises; and

(c) a copy of the certificate of approval or order referred to in clause (a) has been provided to the municipality.

7(3) The provisions of Clause 7(1) 2. apply only to (1) the discharge of stormwater runoff from industrial process areas to a storm sewer, and (2) to any stormwater discharge to a storm sewer to which the matter prohibited by subsection 1 has been added for the purpose of disposing of the matter.
7(4) The provisions of Subclauses 7(1) 2., (c), (d), (e), and (f) do not apply to prevent the discharge of stormwater runoff from industrial process areas to a storm sewer when,

(a) the owner or operator of the premises has a certificate of approval or order relating to the premises under the Environmental Protection Act (Ontario) or the Ontario Water Resources Act which expressly allows the discharge and a copy of the certificate of approval or order has been provided to the municipality; or

(b) the owner or operator of the premises has written approval from the municipality for a Best Management Practices Plan (BMP) which has been prepared in accordance with Schedule A.
SECTION 8

REPORTS

8(1) Notwithstanding sections 6 and 7, the owner or operator of any industrial premises or class of industrial premises listed in Schedule B shall not discharge or deposit or cause or permit the discharge or deposit of sewage into or in land drainage works, private branch drains or connections to any sanitary sewer, combined sewer or storm sewer, after the first day of 1990.

(2) Subsection (1) does not apply with respect to any industrial premises for which a current Waste Survey Report prepared in accordance with Subsections (3) and (4) has been filed at the municipality.

(3) The Waste Survey Report shall contain the following information and shall be signed by an authorized representative of the owner or operator:

(a) name and address of the premises, and names of its owner and operator;

(b) description of process operations, including waste discharge rates and contaminant concentrations, hours of operation, and Canadian or U.S. Standard Industrial Classification codes;

(c) a schematic process diagram indicating waste discharge points and waste descriptions;
(d) the generator registration number, if any assigned with respect to the premises under Ontario Regulation 309 made under the Environmental Protection Act (Ontario); and

(e) the waste class, hazardous waste number, primary and secondary characteristics and analytical data and the name of the laboratory, if any, furnished to the Ontario Ministry of the Environment under Ontario Regulation 309 made under the Environmental Protection Act (Ontario) relating to any material discharged into or in land drainage works, private branch drains or connections to any sanitary, combined or storm sewer.


(5) Where a change occurs in the information required under Clause (3) (a) contained in a Waste Survey Report, the owner or operator of the premises shall submit the new information within 30 days of the change.

(6) Where a change occurs in any information required under Clauses (3) (b), (c), (d), or (e) described in a Waste Survey Report, the owner or operator of the premises shall not discharge or deposit or cause or permit the discharge or deposit of sewage into or in land drainage works, private branch drains or connections to any sanitary sewer, combined sewer or storm sewer, after 60 days after the change occurs unless a new Waste Survey Report has been submitted setting out the change.
SECTION 9

AGREEMENTS

9(1) Subject to subsections (2), (3), and (4), the discharge or deposit of sewage that would otherwise be prohibited by this by-law may be permitted into or in any connection to any sanitary sewer or combined sewer to an extent fixed by agreement with the municipality under such conditions with respect to payment of additional sewage service rates or otherwise as may be necessary to compensate for any additional costs of operation, repair, and maintenance of the sewage works.

(2) An agreement can only be made for discharge of the following parameters in sewage: suspended solids, biochemical oxygen demand, phenolic compounds, solvent extractable matter of animal or vegetable origin, Kjeldahl nitrogen, and phosphorus.

(3) The agreement shall be in the form attached as Schedule C and, upon recommendation of the Commissioner of Engineering who is authorized to execute such agreements under authority of this by-law.

(4) Where the operating authority for the sewage treatment plant which is receiving sewage defined in the agreement is not the municipality, an agreement under this section does not become effective unless the operating authority has reviewed and approved the agreement.
(5) A person who has entered into an agreement with the municipality shall not be prosecuted under Section 6 of this by-law for the discharge or deposit of sewage containing the matters specified in the agreement and in compliance with the agreement during the period within which the agreement is applicable and so long as the agreement is being fully complied with.

(6) No agreement shall be made until the applicant has paid a fee of $25.00. Every agreement shall be executed by the proper signing officers of the industry under its corporate seal and by the Commissioner of Engineering on behalf of the Region.

(7) The holder shall pay four times per year on the last day of periods consisting of three (3) months, a surcharge for the cost of treating the overstrength wastes during the said period.
SECTION 10

COMPLIANCE PROGRAM

10(1) A compliance program may be issued as set out in subsections (2) to (6) and (9) for the discharge of a non-complying effluent during the period of planning design, construction or installation of facilities to eliminate the non-compliance.

(2) The owner or operator of industrial premises may submit to the municipality a program to prevent or to reduce and control the discharge or deposit of sewage into or in land drainage works, private branch drains or connections to any sanitary sewer or combined sewer from premises.

(3) The owner or operator of industrial premises may submit to the municipality a program to prevent or to reduce and control the discharge or deposit of uncontaminated water or stormwater or eliminate the discharge or deposit of sewage into or in land drainage works, private branch drains or connections to any storm sewer from the premises.

(4) The municipality may issue an approval for a compliance program to the person who submitted the program.
(5) Every compliance program shall be for a specified length of time during which the facilities are to be installed and shall be specific as to the remedial actions to be implemented, the dates of commencement and completion, and the materials or other characteristics of the sewage, uncontaminated water or stormwater to which it relates. The final activity completion date shall not be later than the final compliance date in the compliance program.

(6) The compliance program shall be in the form attached as Schedule D and, upon recommendation of the Commissioner of Engineering who is authorized to execute such compliance programs under the authority of this by-law.

(7) A person to whom a compliance program has been issued shall submit a compliance program progress report within 14 days after the scheduled completion date for each activity listed in the compliance program.

(8) The compliance program progress report shall be in the form attached as Schedule E.

(9) Where the operating authority for the sewage treatment plant, land drainage works, or storm sewer which is receiving sewage, uncontaminated water or stormwater from the premises identified in the letter of compliance program is not the municipality, the compliance program does not become effective unless the operating authority has reviewed and approved the compliance program.
(10) A person to whom a compliance program has been issued shall not be prosecuted under section 6 or 7 of this by-law for the discharge or deposit of sewage, uncontaminated water or stormwater containing the matters specified in the compliance program and in compliance with the compliance program during the period within which the compliance program is applicable and so long as the compliance program is being fully complied with.
SECTION 11

SAMPLING AND ANALYSIS

11(1) Where a sample is required for the purpose of determining the characteristics or contents of the sewage, uncontaminated water or stormwater 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 stormwater, shall be carried out in accordance with Standard Methods; and

(c) for each one of the following metals: aluminum, antimony, arsenic, bismuth, cadmium, chromium, cobalt, copper, iron, lead, manganese, mercury, molybdenum, nickel, selenium, silver, tin, titanium, vanadium and zinc whose concentration is limited in Subclauses 6(1) 2.(p) and 7(1) 2.(f), the analysis shall be for the quantity of total metal, which includes all metal both dissolved and particulate.

(d) The owner of any property served by a building sewer carrying industrial wastes shall install one or more suitable sampling service ports in the building sewer to facilitate observation, sampling and measurement of the wastes.
(e) Such service ports shall be easily accessible and safely located and shall be constructed in accordance with plans approved by the Commissioner.

(f) Such service ports shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.
SECTION 12

SPILLS

12(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 municipality or the agency responsible for operating the sewage works receiving the discharge or deposit.

(2) Every person who discharges or deposits or causes or permits the discharge or deposit of uncontaminated water or stormwater 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 municipality or agency responsible for managing the land drainage works or storm sewer.

(3) Every person who discharges or deposits or causes or permits the discharge or deposit of any of the items listed in subclauses 6(1) 2.(q) and (s) into or in land drainage works, private branch drains or connections to any sanitary sewer or combined sewer shall, forthwith notify the municipality or the agency responsible for operating the sewage works receiving the discharge or deposit.
(4) Every person who discharges or deposits or causes or permits the discharge or deposit of any of the items listed in Subclauses 7(1) 2.(h) and (i) into or in land drainage works, private branch drains or connections to any storm sewer shall forthwith notify the municipality or agency responsible for managing the land drainage works or storm sewer.

(5) For any of the discharges in subsections 12(1), (2), (3) and (4) for which the person is required to forthwith notify the municipality or agency, the notification shall include the following information:

(a) name of the company and the address or location of spill;
(b) name of 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; and
(e) corrective actions being taken to control the spill.

(6) Within five days following a discharge to which subsection (5) applies, the person shall submit to the municipality or agency a detailed written report describing the cause of the spill and the actions taken or to be taken to prevent a recurrence.
SECTION 13

GENERAL

13(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 Laboratory Superintendent of the municipality.

(2) The manhole or alternate device shall be located on the property of the owner or operator of the premises, unless the Laboratory Superintendent of the municipality 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 municipality, and shall be constructed and maintained by the owner or operator of the premises at his expense.

(4) The owner or operator of 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 municipality 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 municipality.

(6) For the purpose of the administration of this by-law, a person appointed by council for the purpose may, upon production of his identification, enter any industrial premises, to observe, to measure the flow of sewage to any sewer and to collect any samples required.

(7) 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.

(8) The agreement contemplated by Section 9 and the compliance program contemplated by Section 10 may be terminated by the municipality on 30 days written notice if the discharge of sewage covered by such agreement or compliance program is causing contravention of Clauses 6(1)1. and 7(1)1. of the by-law.

(9) The agreement contemplated by Section 9 and the compliance program contemplated by Section 10 may be terminated by the municipality by written notice at any time where there is an emergency situation of immediate threat or danger to any person, property, plant or animal life, or waters.
SECTION 14

OFFENCES

14(1) Every person other than a corporation who contravenes any provision of this by-law is guilty of an offence and on conviction is liable for every day or part thereof upon which such offence occurs or continues to a fine of not more than $5,000 for a first offence and $10,000 for any subsequent conviction.

(2) Every corporation which contravenes any provision of this by-law is guilty of an offence and on conviction is liable for every day or part thereof upon which such offence occurs or continues to a fine of not more than $25,000 for a first offence and $50,000 for any subsequent conviction.

(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.
SECTION 15

REPEAL BY-LAW NUMBERS 62-87 AND 65-89

15(1) By-law Numbers 62-87 and 65-89, of the Regional Municipality of Waterloo are hereby repealed.

By-law 1-90 is read a first and second time this 11th day of January, 1990.

Read a third time and finally passed at the Council Chambers in the Regional Municipality of Waterloo this 11th day of January, 1990.

CLERK

CHAIRMAN
BEST MANAGEMENT PRACTICES (BMP) PLAN

A Best Management Practices Plan is a plan agreed to by the municipality with guidance from the Ontario Ministry of the Environment and is developed for activities which are associated with or ancillary to industrial manufacturing or treatment processes. The ancillary sources addressed in BMP plan are material storage areas; loading and unloading areas; plant site runoff; in-plant transfer, process, and material handling areas; and sludge and hazardous waste disposal areas. In general, the BMP Plan will include practices used by industry for pollution control from these sources, safety programs, fire protection, protection against loss of valuable raw materials or products, etc. The following elements must be included in a BMP.

General

1. Name and location of facility
2. Statement of BMP policy and objectives
3. Review by plant manager

Specific

1. Establishment of BMP Committee
2. Risk Identification and Assessment
3. Reporting of BMP Incidents
4. Materials Compatibility
5. Good Housekeeping
6. Preventive Maintenance
7. Inspection and Records
8. Security
9. Employee Training
## SCHEDULE "B"

### INDUSTRIAL SECTORS

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SCHEDULE "B1"

WASTE SURVEY REPORT

THE REGIONAL MUNICIPALITY OF WATERLOO

SECTION 1 - General Information

(a) Name of Person Submitting Report: ________________________ (name)

(company name, corporation, owner) ________________________ (telephone no.)

(address) ____________________________________________ (postal code)

(b) Company Officer responsible for effluent control:

______________________ (name) ________________________ (telephone no.)

(c) Location of Premises:

______________________ (number, street, or road, municipality)

THE INFORMATION CONTAINED IN THIS REPORT TO THE BEST OF MY
KNOWLEDGE AND BELIEF IS TRUE, COMPLETE AND ACCURATE.

______________________ (authorized representative)

______________________ (title) ________________________ (date)
"SCHEDULE "B1" - CONT'D

SECTION 2 - Product or Service Information

(a) Canadian or Standard Industrial Classification Codes (SIC)

[ ] Canadian SICs or [ ] SICs.

(b) Brief description of manufacturing or service activities:

(c) Principal products produced or services rendered:

(d) Number of employees:

plant: [ ] office: [ ]

(e) Number of shifts per day: [ ] Number of days per week: [ ]

(f) Are major processes:

[ ] batch [ ] continuous [ ] both

If batch, average number of batches per 24-hour day: [ ]

(g) Is the production subject to seasonal variation:

[ ] yes [ ] no

If yes, briefly describe seasonal production cycle:

(h) Is there a special clean-up period: [ ] yes [ ] no

If yes, briefly describe clean-up period activities:
SECTION 3 - Waste Characteristics

(a) List all sources of water supply: 

(b) Type of waste discharged (check all that apply):

<table>
<thead>
<tr>
<th>TYPE</th>
<th>AVE. FLOW/DAY (m³/day)</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] sanitary</td>
<td>[ ] estimated [ ] measured</td>
</tr>
<tr>
<td>[ ] noncontact cooling</td>
<td>[ ] estimated [ ] measured</td>
</tr>
<tr>
<td>[ ] contact cooling</td>
<td>[ ] estimated [ ] measured</td>
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<tr>
<td>[ ] process</td>
<td>[ ] estimated [ ] measured</td>
</tr>
<tr>
<td>[ ] other</td>
<td>[ ] estimated [ ] measured</td>
</tr>
</tbody>
</table>

(c) Wastes are discharged to (check all that apply):

<table>
<thead>
<tr>
<th>TYPE</th>
<th>AVE. FLOW/DAY (m³/day)</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] sanitary #1</td>
<td>[ ] estimated [ ] measured</td>
</tr>
<tr>
<td>[ ] sanitary #2</td>
<td>[ ] estimated [ ] measured</td>
</tr>
<tr>
<td>[ ] storm sewer #1</td>
<td>[ ] estimated [ ] measured</td>
</tr>
<tr>
<td>[ ] storm sewer #2</td>
<td>[ ] estimated [ ] measured</td>
</tr>
<tr>
<td>[ ] ground water</td>
<td>[ ] estimated [ ] measured</td>
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<tr>
<td>[ ] surface water</td>
<td>[ ] estimated [ ] measured</td>
</tr>
<tr>
<td>[ ] evaporation</td>
<td>[ ] estimated [ ] measured</td>
</tr>
</tbody>
</table>

(attach additional list as necessary)

(d) Expected characteristics of wastes discharged to sanitary and storm sewers (complete Pollutant Information Sheets for the discharge to each sewer).

SECTION 4 - Physical Lay-out

Layout sketch of property (to scale or approximate) to co-ordinate buildings, pretreatment works, property boundaries, effluent lines, and sanitary and storm sewer connections. (Number sewers so that they can be related to Pollutant Information Sheets).

SECTION 5 - Regulation 309 Information

for wastes discharged into or in connections to any sanitary sewer or combined sewer or storm sewer.

(a) Generator registration number: 

SECTION 6 - Regulation 309 Information

For wastes discharged into or in connections to any sanitary sewer or combined sewer or storm sewer (complete Section 6 for each sewer).

(a) Description of waste: ____________________________________________

(b) Description of generating process: ________________________________

(c) Primary characteristic: ________________________________
   Analytical data (if applicable): ________________________________
   Name of Laboratory (if applicable): ________________________________
   Waste Class: _______ Hazardous Waste Number: _______

(d) Secondary characteristic: ________________________________
   Analytical data (if applicable): ________________________________
SCHEDULE "B1" cont'd

SECTION 7 - Pretreatment

Pretreatment devices or processes used for treating wastes or sludges before discharge to the sanitary sewer system (check as many as appropriate):

[ ] Air flotation
[ ] Centrifuge
[ ] Chemical precipitation
[ ] Chlorination
[ ] Cyclone
[ ] Filtration
[ ] Flow Equalization
[ ] Grease or oil separation, type
[ ] Grease trap
[ ] Grit Removal
[ ] Ion Exchange
[ ] Neutralization, pH correction
[ ] Ozonation
[ ] Reverse Osmosis
[ ] Screening
[ ] Sedimentation
[ ] Septic tank
[ ] Solvent Separation
[ ] Spill protection
[ ] Sump
[ ] Biological treatment, type
[ ] Rainwater diversion or storage
[ ] Other chemical treatment, type
[ ] Other physical treatment, type
[ ] Other, type
[ ] No pretreatment provided

SECTION 8 - Pollutant Information Sheet (Controlled Matter)

Information for: [ ] sanitary sewer [ ] storm sewer

sewer number

Indicate by placing an "x" in the appropriate box for each listed parameter whether it is "suspected to be absent", "known to be absent", "suspected to be present" or "known to be present" and the known or expected concentration in milligrams per litre.
<table>
<thead>
<tr>
<th>PARAMETER</th>
<th>KNOWN PRESENT</th>
<th>KNOWN ABSENT</th>
<th>SUSPECTED PRESENT</th>
<th>SUSPECTED ABSENT</th>
<th>CONCENTRATION mg/litre</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. chlorides</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
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<tr>
<td>2. sulphates</td>
<td>[ ]</td>
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<tr>
<td>3. aluminum</td>
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<td>4. iron</td>
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<td>5. fluoride</td>
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<tr>
<td>6. phosphorus</td>
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<tr>
<td>7. antimony</td>
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<tr>
<td>8. bismuth</td>
<td>[ ]</td>
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<tr>
<td>9. chromium</td>
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<tr>
<td>10. cobalt</td>
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<td>11. lead</td>
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<tr>
<td>12. manganese</td>
<td>[ ]</td>
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<td>13. molybdenum</td>
<td>[ ]</td>
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<tr>
<td>14. selenium</td>
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<td>15. silver</td>
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<tr>
<td>16. tin</td>
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<tr>
<td>17. titanium</td>
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<td>18. vanadium</td>
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<td>19. copper</td>
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<tr>
<td>20. cyanide</td>
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<tr>
<td>PARAMETER</td>
<td>KNOWN PRESENT</td>
<td>SUSPECTED PRESENT</td>
<td>KNOWN ABSENT</td>
<td>SUSPECTED ABSENT</td>
<td>CONCENTRATION mg/litre</td>
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<tr>
<td>21. nickel</td>
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<tr>
<td>22. zinc</td>
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<tr>
<td>23. arsenic</td>
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<td>24. cadmium</td>
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<tr>
<td>25. phenolic</td>
<td>[ ]</td>
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<tr>
<td>compounds</td>
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<td>26. mercury</td>
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<td>27. BOD</td>
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<td>28. TSS</td>
<td>[ ]</td>
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<tr>
<td>29. oil &amp; grease</td>
<td>(animal/veg)</td>
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<tr>
<td>(mineral/syn)</td>
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<tr>
<td>30. Kjeldahl</td>
<td>[ ]</td>
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<tr>
<td>nitrogen</td>
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</tbody>
</table>
### SCHEDULE "B1" cont'd

**SECTION 9 - Pollutant Information Sheet (No Discharge)**

Information for:  [ ] sanitary sewer number ______

Indicate by placing an "x" in the appropriate box for each listed parameter whether it is "suspected to be absent", "known to be absent", "suspected to be present" or "known to be present" and the known or expected quantity in kg/month.

<table>
<thead>
<tr>
<th>PARAMETER</th>
<th>KNOWN PRESENT</th>
<th>SUSPECTED PRESENT</th>
<th>KNOWN ABSENT</th>
<th>SUSPECTED ABSENT</th>
<th>QUANTITY kg/month</th>
</tr>
</thead>
<tbody>
<tr>
<td>32. pesticides</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
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<td>______</td>
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<tr>
<td>33. acute hazardous waste chemicals</td>
<td>[ ]</td>
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<td>______</td>
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<tr>
<td>34. fuels</td>
<td>[ ]</td>
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<td>______</td>
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<tr>
<td>35. hazardous industrial wastes</td>
<td>[ ]</td>
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<td>______</td>
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<tr>
<td>36. hazardous waste chemicals</td>
<td>[ ]</td>
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<td>______</td>
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<tr>
<td>37. ignitable wastes</td>
<td>[ ]</td>
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<td>______</td>
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<tr>
<td>38. pathological wastes</td>
<td>[ ]</td>
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<td>______</td>
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<tr>
<td>39. PCB wastes</td>
<td>[ ]</td>
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<td>______</td>
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<tr>
<td>40. reactive wastes</td>
<td>[ ]</td>
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<td>______</td>
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<tr>
<td>41. severely toxic materials</td>
<td>[ ]</td>
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<td>[ ]</td>
<td>______</td>
</tr>
<tr>
<td>42. waste radioactive materials</td>
<td>[ ]</td>
<td>[ ]</td>
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<td>[ ]</td>
<td>______</td>
</tr>
</tbody>
</table>
SCHEDULE "C"
AGREEMENT FORM

THIS AGREEMENT made
this __________ day of __________ A.D. 19___.

BETWEEN

(hereinafter called the Municipality)

OF THE FIRST PART

- and -

(hereinafter called the Company)

OF THE SECOND PART.

WHEREAS the Municipality enacted By-law Number 1-90 on
the 11th day of January, 1990, relating to the discharge of
sewage in the Municipality; and

WHEREAS the said By-law prohibits the discharge of
industrial sewage containing certain substances in quantities
in excess of the limits set by the By-law but provides that the
Municipality may permit the discharge of industrial waste which
would otherwise be prohibited by the said By-law to an extent
fixed by agreement with the Municipality under such conditions
with respect to payment or otherwise as may be necessary to
compensate for any additional costs of treatment; and
WHEREAS the Company carries on an industrial activity within the Municipality at premises known as ____________ which activity produces a sewage discharge in which the quantity of one or more of Suspended Solids, Biochemical Oxygen Demand (hereinafter referred to as B.O.D.), Phenolic Compounds, Kjeldahl nitrogen, Phosphorus, or solvent extractable matter of animal and vegetable origin (hereinafter referred to as Grease) is above the permissible limits set out in the said By-law which results in materially adding to the cost of treatment at the municipal sewage works.

NOW THEREFORE THIS INDENTURE WITNESSETH that the parties hereto mutually covenant and agree as follows:

1. (1) During the currency of this agreement the QUANTITY OF SEWAGE DISCHARGED by the Company from its premises at ____________ to the sanitary sewer or combined sewer system shall not exceed ____________ cubic metres per day and the RATE OF SUCH DISCHARGE OF SEWAGE from the said premises shall not exceed ______ cubic metres per hour.

   (2) In calculating the quantity of sewage for the purposes of this agreement, stormwater shall be excluded.
SCHEDULE "C" cont'd

2. During the currency of this agreement only, the QUALITY OF THE SEWAGE discharged by the Company from the said premises to the sanitary sewer or combined sewer system MAY EXCEED THE LIMITS SET BY THE BY-LAW with respect to the quantity of Suspended Solids, B.O.D., Phenolic Compounds, Grease*, Phosphorus and Kjeldahl Nitrogen provided that they SHALL NOT EXCEED THE FOLLOWING LIMITS AT ANY TIME.

   (a) Suspended Solids - ______ milligrams/litre
   (b) B.O.D. - ______ milligrams/litre
   (c) Phenolic Compounds - ______ milligrams/litre
   (d) Grease* - ______ milligrams/litre
   (e) Phosphorus - ______ milligrams/litre
   (f) Kjeldahl Nitrogen - ______ milligrams/litre

3. THE DISCHARGE OF SEWAGE BY the Company from the said premises containing Suspended Solids, B.O.D., Phenolic Compounds, Grease, Phosphorus or Kjeldahl Nitrogen, IN EXCESS OF THE ABOVE LIMITS shall constitute a contravention of this agreement and thus a contravention of the By-law.

4. In determining the quality of sewage for the purposes of this agreement, the volume of any stormwater or any water which is required to be deducted for the purposes of Section 9(1) of By-law Number 1-90 shall be deducted and Standard Methods as defined in the by-law shall be used.

* for surcharge grease of animal or vegetable origin only will be considered.
5. THIS AGREEMENT SHALL REMAIN IN FORCE from ______________ until December 31st, ____.

6. THIS AGREEMENT MAY BE Terminated by the MUNICIPALITY at any time on 30 days written notice sent by registered mail addressed to the Company at the said premises, if:

   (a) The sewage is causing a health or safety hazard to a sewage works employee; or

   (b) The sewage is causing damage to the sewers, materially increasing their maintenance costs or causing a dangerous condition; or

   (c) The sewage is causing damage to the sewage treatment process or causing a dangerous condition in the treatment works; or

   (d) The sewage is causing the sludge from the sewage works, to fail to meet criteria relating to contaminants for spreading the sludge on agricultural lands under Ontario's Guidelines for Sewage Sludge Utilization on Agricultural Lands (as revised January, 1986); or
SCHEDULE "C" cont'd

(e) The sewage is causing the sewage works effluent to contravene any requirement by or under the Ontario Water Resources Act or the Environmental Protection Act (Ontario); or

(f) The sewage is causing a hazard to any person, animal, property, or vegetation; or

(g) The sewage is contrary to By-law Number 1-90 in any way other than as provided herein.

7. THIS AGREEMENT MAY BE TERMINATED BY THE MUNICIPALITY at any time where there is an emergency situation of immediate threat or danger to any person, property, plant or animal life, or waters.

8. THIS AGREEMENT MAY BE TERMINATED BY THE COMPANY at any time on 30 days written notice sent by registered mail addressed to the Clerk of the Municipality.

9. IN THE EVENT OF A RENEWAL IF THE MUNICIPALITY GIVES WRITTEN NOTICE sent by registered mail to the Company as aforesaid at any time within 30 days before or after the start of each calendar year, THAT THE AMOUNT OF THE FEE OR ANY OF THE LIMITS HEREBEFOR SET OUT ARE TO BE CHANGED and no new agreement can be reached between the Municipality and the Company, this agreement may be terminated at the option of the Municipality at any time without notice 90 days after the registered notice was sent.
10. EXCEPT AS HEREBIN OTHERWISE EXPRESSLY PROVIDED THE COMPANY SHALL CONFORM TO THE PROVISIONS OF THE SAID BY-LAW of the Municipality relating to the discharge of sewage and in the event of termination of this agreement the Company shall conform to the provisions of the said By-law.

11. THE COMPANY HEREBY CONVENANTS AND AGREES TO PAY TO THE MUNICIPALITY a fee based on the following formula:

\[ C = QR_i \text{ where } R_i = \]
\[ R_n \left( \frac{[S_i - S_n]}{S_n} + \frac{[B_i - B_n]}{B_n} + \frac{[\Phi_i - \Phi_n]}{\Phi_n} + \frac{[P_i - P_n]}{P_n} + \frac{[G_i - G_n]}{G_n} + \frac{[K_i - K_n]}{K_n} \right) \]
Where:

C  = Surcharge in Cents
Q  = Quantity of sewage in thousands of imperial gallons
Ri = Excess costs of treatment per thousand Imp. gallons in cents
Rn = Operating costs of sewage treatment in cents per thousand Imperial gallons of sewage to be applied in each year on the basis of the previous year's experience
fs = Cost allocation factor for suspended solids = 0.5
fB = Cost allocation factor for biological oxygen demand = 0.5
fph = Cost allocation factor for phenols = 0.15
fp = Cost allocation factor for phosphorous = 0.1
fg = Cost allocation factor for grease = 0.2
fk = Cost allocation factor for Kjeldahl Nitrogen = 0.2
Si = Suspended solids in mg/L
Bi = Biochemical oxygen demand in mg/L
Phi = Phenol equivalent in mg/L
Pi = Total phosphorous in mg/L
Gi = Grease in mg/L
Ki = Kjeldahl nitrogen in mg/L
Sn = By-law limit for Suspended Solids in mg/L = 350 mg/L
Bn = By-law limit for B.O.D. in mg/L = 300 mg/L
Phn = By-law limit for Phenolic equiv. in mg/L = 1 mg/L
Pn = By-law limit for Phosphorous in mg/L = 10 mg/L
Gn = By-law limit for grease in mg/L = 100 mg/L
Kn = By-law limit for Kjeldahl Nitrogen = 100 mg/L

NOTE THAT ALL TERMS MUST BE POSITIVE TO BE INCLUDED IN THE EXPRESSION.
SCHEDULE "C" cont'd

12. (1) THE COMPANY COVENANTS AND AGREES TO PAY TO THE MUNICIPALITY on demand interest on overdue amounts at the prime rate existing for the day on which such amount is due and calculated from such date to the date of payment.

(2) In Subsection (1), "Prime rate" means the lowest rate of interest quoted by chartered banks to the most creditworthy borrowers for prime business loans as determined and published by the Bank of Canada in the periodic publication entitled the Bank of Canada Review.

13. THE MUNICIPALITY MAY TERMINATE THIS AGREEMENT at its option without notice if the Company fails for more than two months to pay an overdue amount but such termination shall not relieve the Company from its liability to make such payment.

14. (1) Where the Company has substantially reduced the quantity of the substances discharged under the terms of this agreement by reason of the installation of pretreatment facilities or a change in its processes or operations, the Company shall be entitled to a reduction in the charge so that the payments shall be based on the reduced quantity discharged.

(2) A reduction under Subsection (1) in the amount of the charge shall not take effect until 30 days from the date that the Company notifies the Municipality in writing of the change and until the Municipality has had such additional time as may be necessary in the circumstances to take samples and re-evaluate the waste being discharged.
SCHEDULE "C" cont'd

(3) Where it is determined that the quantity of the substances discharged under the terms of this agreement has substantially increased, the Municipality shall be entitled to increase the charge so that payments shall be based on the increased quantity discharged.

(4) An increase under Subsection (3) shall not take effect until the Municipality notifies the Company in writing of the increase in the amount of the charge, and the effective date of the increase.

15. ANY PERSON having an agreement under this By-Law shall install a sewage meter satisfactory to the Regional Corporation and shall discharge all sewage through such meter. In default of the person installing and maintaining a sewage meter, the person shall be charged for the same number of gallons of sewage as the number of gallons of water supplied, as shown by the water meter of any area municipality supplying water or as may be otherwise supplied to the person. If the supply of water is unmetered, the Regional Corporation shall determine the amount of water supplied in any manner or method practicable and the quantity of water so determined shall be used in computing the applicable charges.

16. THIS AGREEMENT shall enure to the benefit of, and be binding upon the heirs, executors, administrators, successors and assigns of the parties hereto.
17. **THIS AGREEMENT** has been reviewed and is acceptable to the operating authority of the Sewage Treatment Plant.

18. **THIS AGREEMENT** has been reviewed and is acceptable to The Corporation of The ________________________________
of ________________________________.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their Corporate Seals attested to by the hands of their respective proper officers in that behalf duly authorized.

SIGNED, SEALED AND DELIVERED in the presence of:  

- MUNICIPALITY
  - Municipal Official
  - Treasurer
  - Operating Authority of STP
  - Company Name
  - Company Official
SCHEDULE "D"

LETTER OF COMPLIANCE PROGRAM

Address: __________________________ Date: __________________________

Attention of: __________________________

COMPLIANCE PROGRAM NUMBER __________________________

In accordance with the provision of Section 10 of The Regional Municipality of Waterloo's By-law Number 1-90, you are hereby granted a compliance program for the attached program subject to the following conditions:
1. During the period covered by this compliance program only, the quality of the ________________ (sewage, uncontaminated water, or stormwater) discharged by your Company from the said premises to the ________________ (sanitary, combined or storm) sewer system or land drainage works may exceed the limits set by By-law Number 1-90 with respect to the parameters listed below provided that they shall not exceed the following limits at any time:

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Limit (mg/litre)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td></td>
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<tr>
<td>(b)</td>
<td></td>
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<td>(c)</td>
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</tbody>
</table>

2. The discharge of ________________ (sewage, uncontaminated water or stormwater) by your company from the said premises containing the parameters listed in Item 1 in excess of the limits listed in Item 1 shall constitute a contravention of this compliance program and thus a contravention of the said by-law.

3. The compliance program may be terminated at any time on 30 days written notice sent by registered mail addressed to the Company at the said premises, if

(a) The sewage is causing a health or safety hazard to a sewage works employee; or
SCHEDULE "D" cont'd

(b) The sewage is causing damage to the sewers, materially increasing their maintenance costs or causing a dangerous condition; or

(c) The sewage is causing damage to the sewage treatment process or causing a dangerous condition in the treatment works; or

(d) The sewage is causing the sludge from the sewage works, to fail to meet criteria relating to contaminants for spreading the sludge on agricultural lands under Ontario's Guidelines for Sewage Sludge Utilization on Agricultural Lands (as revised January, 1986); or

(e) The sewage is causing the sewage works effluent to contravene any requirement by or under the Ontario Water Resources Act or the Environmental Protection Act (Ontario); or

(f) The sewage is causing a hazard to any person, animal, property, or vegetation; or

(g) The sewage is contrary to By-law Number 1-90 in any way other than as provided herein.

(The above clauses should be appropriately changed if the compliance program is being issued for the discharge of stormwater.)
4. The compliance program may be terminated at any time where there is an emergency situation of immediate threat or danger to any person, property, plant or animal life, or waters.

5. This compliance program shall remain in force until ________ provided the following timetable is adhered to:

<table>
<thead>
<tr>
<th>COMPLIANCE PROGRAM ACTIVITIES</th>
<th>SCHEDULED COMMENCEMENT DATE</th>
<th>SCHEDULED COMPLETION DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Select Engineer</td>
<td></td>
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<tr>
<td>b. Engineering Investigation</td>
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<tr>
<td>of Plant Conditions</td>
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<tr>
<td>(Industrial Process Review &amp; Wastewater Characterization)</td>
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<tr>
<td>c. Select Treatment Process &amp; Design Criteria</td>
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<tr>
<td>(Treatability Studies)</td>
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<tr>
<td>d. Detailed Design of Treatment System (Plans &amp; Specifications)</td>
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<tr>
<td>e. Preparation of Operations Manual</td>
<td></td>
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</tbody>
</table>
SCHEDULE "D" - cont'd

f. Select Contractor For Installation/Construction


g. Commence Construction

   i. Site Preparation
      (survey, excavation, etc.)

   ii. Foundation Work & Underground Utilities
       (slabs, sewer, etc.)

   iii. Structural Work
        (bldgs., etc.)

   iv. Mechanical Work
        (control panels, etc)

   v. Electrical Work
      (control panels, etc)

   vi. Site Finish Work
       (fences, clean-up etc.)

h. Pretreatment System Start Up

6. You must, however, take all necessary steps to ensure that all other conditions and parameters listed in the By-law are not exceeded, as there are no other exemptions.

7. This Compliance Program has been reviewed and is acceptable to the operating authority of the Sewage Treatment Plant.
SCHEDULE "D" cont'd

8. This Compliance Program has been reviewed and is acceptable to the Corporation of The _________ of _________. (This section is only used where the contaminants dealt with may have an effect on sewers of a second municipality eg., where the sewage first runs through an area municipality's collector sewers before entering a regional municipality's sewage works).

9. You must acknowledge your acceptance of this compliance program by returning a signed copy of this letter of compliance program within 30 days of your receipt of the letter.

__________________________________________
Municipal Officer

__________________________________________
Operating Authority of STP

Signed and Accepted by:

__________________________________________
Authorized Representative

__________________________________________
Company Name
SCHEDULE "E"

COMPLIANCE PROGRAM PROGRESS REPORT*

COMPANY NAME: ___________________  ADDRESS: ___________________

DATE SUBMITTED: __________  AUTHORIZED REPRESENTATIVE: ______

1. COMPLIANCE PROGRAM ACTIVITY DESCRIPTION: ___________________
   _________________________________________________________________
   _________________________________________________________________

2. SCHEDULED COMPLETION DATE FOR ABOVE ACTIVITY: _______________
   _________________________________________________________________

3. ACTIVITY COMPLETED ON SCHEDULE?  YES [ ]  NO [ ]

4. IF NOT ON SCHEDULE, INDICATE ANTICIPATED COMPLETION
   DATE: __________________________________________________________

5. STATE REASON FOR DELAY, IF APPLICABLE: _______________________
   _________________________________________________________________
   _________________________________________________________________

6. WHAT ACTION HAS BEEN INITIATED TO RETURN PROJECT TO ORIGINAL
   SCHEDULE?
   _________________________________________________________________
   _________________________________________________________________

* Report is to be submitted within 14 days after scheduled completion of each Activity listed in the Compliance Program.
BY-LAW NUMBER 1-90
OF
THE REGIONAL MUNICIPALITY OF WATERLOO

A By-law of The Regional Municipality of Waterloo to prohibit, regulate and control the discharge of waters and wastes into bodies of water within The Regional Area or into the Regional Sanitary Trunk Sewers, Trunk Sewer Systems or Sewage Treatment Works and all tributary sewer systems and to regulate and control extensions, alterations or enlargement to the Sewer Systems of any Area Municipality

ELMER L. MOORE,
Regional Solicitor,
Marsland Centre,
Waterloo, Ontario,
N2J 4G7