

By-Law Number 21-036

of

The Regional Municipality of Waterloo

A By-law to Govern and Regulate the Discharge of Water and Wastewater into the Sanitary and Storm Systems in The Regional Municipality of Waterloo and to Repeal By-law 1-90 of The Regional Municipality of Waterloo, as amended

Whereas the Council of The Regional Municipality of Waterloo is authorized by Part II of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, to pass by-laws for regulating the collection and treatment of sanitary sewage and the collection of storm water within The Regional Municipality of Waterloo;

The Council of the Regional Municipality of Waterloo enacts as follows:

PART I – DEFINITIONS

1. The following terms are defined for purposes of this By-law:
 - (1) **“Biomedical Wastes”** means biomedical waste as defined in the Ontario Ministry of Energy and the Environment Guideline C-4 entitled "The Management of Biomedical Waste in Ontario" dated April 1994, as amended, or any successor guideline thereto;
 - (2) **“Building Code”** means the Building Code pursuant to the Building Code Act, 1992, S.O. 1992, c. 23, as amended, or any successor legislation thereto;
 - (3) **“Commissioner”** means the Commissioner of Transportation and Environmental Services of the Region, his or her designate, or any successor position thereto;
 - (4) **“Council”** means the Council of the Region;
 - (5) **“Environmental Officer”** means an Environmental Officer as appointed by the Commissioner;
 - (6) **“Environmental Protection Act”** means the Environmental Protection Act, R.S.O. 1990, c. E.19, as amended, or any successor legislation thereto;
 - (7) **“Fees and Charges By-law”** means the Region’s Fees and Charges By-law and any successor by-laws thereto;
 - (8) **“Fisheries Act”** means the Fisheries Act, R.S.C. 1985, c. F.14, as amended, or any successor legislation thereto;
 - (9) **“Fuels”** means alcohol, gasoline, naphtha, diesel fuel, fuel oil or any other ignitable substance intended for use as fuel;
 - (10) **“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, or any successor thereof;

- (11) **“Ignitable Wastes”** means ignitable waste as defined under Ontario Regulation 347 of the Environmental Protection Act, or any successor regulation;
- (12) **“Interceptor”** means a receptacle that is designed and installed to prevent oil, grease, sand or other materials from passing into a drainage system;
- (13) **“Listed Wastes”** means listed wastes as defined under Ontario Regulation 347 of the Environmental Protection Act, or any successor regulation;
- (14) **“Matter”** means any solid, liquid or gas, or a combination of any of them;
- (15) **“Multi-residential”** means a building or property that has three or more self-contained residential units;
- (16) **“Municipal Law Enforcement Officer”** means a Municipal Law Enforcement Officer as appointed by the Region;
- (17) **“Municipal Service”** means that part of the wastewater service from the Regional Sewer up to the property line;
- (18) **“Ontario Water Resources Act”** means the Ontario Water Resources Act, R.S.O. 1990, c. P.13, as amended, or any successor legislation thereto;
- (19) **“Operator”** means the Owner or other person who occupies a premises pursuant to a lease or licence and operates any commercial, industrial or institutional facility thereon;
- (20) **“Owner”** means the person or persons registered on title to a property as the owner or owners;
- (21) **“PCB”** means any monochlorinated or polychlorinated biphenyl or any mixture of them or any mixture that contains one or more of them;
- (22) **“Permit”** means a Surcharge Permit, Compliance Permit, Temporary Discharge Permit or General Discharge Permit;
- (23) **“person”** includes, but is not limited to, an individual and a corporation;
- (24) **“Pesticides”** means any substance or thing that is manufactured, represented, sold or used as a means of directly or indirectly controlling, preventing, destroying, mitigating, attracting or repelling any pest or of altering the growth, development or characteristics of any plant life that is not a pest and includes any substance or thing registered under the *Pest Control Products Act* (Canada), O. Reg. 298/94, s. 1., or any successor legislation thereto;
- (25) **“Planning Act”** means the Planning Act, R.S.O. 1990, c. P.13, as amended, or any successor legislation thereto;
- (26) **“Police Officer”** means a police officer as appointed by The Regional Municipality of Waterloo Police Service;

- (27) **“Private Service”** means that part of the Wastewater Service from the property line to the building or buildings discharging the sewage, storm water or other wastewater;
- (28) **“Radioactive Wastes”** means radioactive wastes as defined under Ontario Regulation 347 of the Environmental Protection Act, or any successor regulation;
- (29) **“Reactive Wastes”** means reactive wastes as defined under Ontario Regulation 347 of the Environmental Protection Act, or any successor regulation;
- (30) **“Region”** means The Regional Municipality of Waterloo as a municipal corporation its Council, members, employees, agents and representatives and, where the context requires, its geographic area;
- (31) **“Regional Sewer”** means a Sanitary Sewer that is owned and under the jurisdiction of the Region;
- (32) **“Regional Works”** includes any Sanitary Sewer, sewage works, storm sewer, wastewater treatment plant, pumping station, and any incidental valves, access chambers and other works, that is owned or under the jurisdiction of the Region;
- (33) **“Regional Standards”** means “Region of Waterloo and Area Municipal Design Guidelines and Supplemental Specifications for Municipal Services”, or any successor guidelines thereto;
- (34) **“Sanitary Sewer”** means any sewer in the Region that is owned and under the jurisdiction of a municipality for the collection and transmission of sewage;
- (35) **“Severely Toxic Waste”** means severely toxic wastes as defined under Ontario Regulation 347 of the Environmental Protection Act, or any successor regulation;
- (36) **“Sewer Rate”** means the unit price for the discharge of effluent into a Sanitary Sewer that is owned or under the jurisdiction of the Region as determined from time to time by Council;
- (37) **“Spill”, “Spills” and “Spilled”** means a discharge of Matter,
- (a) into a Sanitary Sewer or Storm Sewer,
 - (b) from or out of a structure, vehicle or other container, and
 - (c) that is abnormal in quality or quantity in light of all the circumstances of the discharge;
- (38) **“Storm Sewer”** means any sewer in the Region that is owned and under the jurisdiction of the Region for the collection and transmission of Storm Water;
- (39) **“Storm Water”** means water from rainfall, other natural precipitation, or from the melting of snow or ice;
- (40) **“Transportation of Dangerous Goods Act”** means the Transportation of Goods Act, 1992, S.C. 1992, c. 34, as amended, or any successor legislation thereto;
- (41) **“Treasurer”** means the Treasurer of the Region, his or her designate, or any successor position thereto;

- (42) **"Uncontaminated Water"** means potable water as supplied by a municipality or any other water to which no Matter has been added as a consequence of its use, or to modify its use; and
- (43) **"Wastewater Service"** means the permanent pipe, equipment and devices that carry effluent from a building or buildings upon a private property or a property not owned by the Region to the Regional Sewer.

PART II – CONNECTIONS TO REGIONAL SEWER

2. No municipality shall connect any sewer or watercourse to a Regional Sewer without the written approval of the Commissioner.
3. (1) Except as permitted in this By-law, no person shall, and no Owner or person who occupies or has possession of a property shall cause or permit a person to make, alter or remove a permanent or temporary connection to a Regional Sewer without the written approval of the Commissioner.
- (2) An Owner of a property may apply to the Region for a permanent or temporary connection to a Regional Sewer and the Commissioner may grant such an application if the Commissioner is satisfied that there is sufficient capacity in the Regional Sewer to serve the property.
- (3) Any application made pursuant to subsection (2) of this section shall include:
- (a) the class of occupancy of the property;
 - (b) the estimated quantity and quality of effluent to be discharged from the property, supported by effluent quantity calculations and effluent quality tests as required, if the connection is for, in whole or in part, a commercial, industrial, institutional or Multi-residential purpose;
 - (c) a plan of the building or buildings showing the interior piping up to the property line if the connection is for, in whole or in part, a commercial, industrial, institutional or Multi-residential purpose;
 - (d) any other information that the Commissioner requires to determine if there is sufficient capacity in the Regional Sewer to serve the property and to ascertain the effects of discharge on the Regional Sewer; and
 - (e) any fee as prescribed in the Fees and Charges By-law.
- (4) The Commissioner may impose terms and conditions upon any connection, which the Commissioner deems necessary in order to ensure the proper operation of the Regional Sewer and the Owner of the property that received the connection, and any subsequent Owners of the property thereafter, shall comply with all such terms and conditions.
- (5) Where the Commissioner is satisfied that there is sufficient capacity in the Regional Sewer to serve the property and the intended quality of effluent, the Commissioner shall determine the estimated cost for the municipality to install the Municipal Service, if applicable, and the Commissioner shall require that the

- applicant provide security for this estimate, plus 25 per cent of the estimate for any contingency, in a form satisfactory to the Commissioner, before the connection is commenced.
- (6) The estimate in subsection (5) of this section may include the cost of labour, site supervision, machinery and parts for the Region, and any contractor to be retained by the Region, to complete the installation of the Municipal Service.
 - (7) When the installation of the Municipal Service is complete, the Commissioner shall establish the exact cost thereof, and the Commissioner shall either refund any excess monies from the security to the applicant or require that the applicant pay any outstanding balance, as the case may be.
 - (8) Notwithstanding subsections (5) and (6) of this section, the Commissioner may allow the Owner of the property to install the Municipal Service by using the Owner's own contractor provided that the Owner meets all of the terms and conditions imposed by the Commissioner.
 - (9) The Commissioner shall determine the location of the Municipal Service based on the criteria of using the shortest and most convenient location for the Region.
 - (10) The applicant shall install the Private Service at its own cost.
 - (11) No Private Service shall be less than 100 millimeters in diameter.
 - (12) The applicant shall ensure that the Private Service is:
 - (a) installed by a licensed plumber;
 - (b) two metres or more below ground level; and
 - (c) properly connected to the Municipal Service in accordance with Regional Standards.
 - (13) The Commissioner may allow the discharge of effluent from the applicant's property into the Regional Sewer after:
 - (a) all of the conditions pursuant to this section have been fully satisfied; and
 - (b) the applicant has paid all applicable fees or satisfied all applicable conditions that have been imposed by any Fees and Charges By-law of the Region specifically in relation to the property.
 - (14) This Part shall apply with necessary modification if any Owner of a property that is connected to the Regional Sewer wishes to alter the location or size of its Municipal Service.
 - (15) Where a property is subject to a plan of subdivision and the municipality is to assume any wastewater collection system pursuant to the Planning Act then any connection to the Regional Sewer shall be carried out in accordance with Regional Standards and this section shall not apply.
 - (16) Without limiting any other fees and charges that may be imposed pursuant to this or any other by-law, the sewer fee for each property that is connected to a Regional Sewer shall be based on

the Sewer Rate multiplied by the amount of water consumed for the property during the applicable period.

- (17) For the purposes of subsection (16) of this section, where the water supplied to a property is not from a municipal water distribution system pursuant to a Permit or is not metered then the quantity of water consumed for the property shall be estimated by the Commissioner based on the average consumption of water for properties of equivalent size, characteristics and occupancy during the prior applicable time period.
- (18) Every Owner of a property that is connected to a Regional Sewer shall pay the Region the sewer fee as determined pursuant to this section as well as any other fees and charges in relation thereto.
- (19) Every Owner of a property, and every person who occupies or has possession of a property, that is connected to a Regional Sewer shall ensure that the Private Service is maintained in a good state of repair at all times.
- (20) Every Owner of a property, and every person who occupies or has possession of a property, that is connected to a Regional Sewer shall immediately notify the Commissioner of any suspected infiltration or damage to the Private Service.
- (21) Every Owner of a property that is connected to a Regional Sewer shall notify the Treasurer 72 hours before the Owner transfers ownership of the property so that the Region can issue a final bill for the Owner, if applicable.
- (22) For greater certainty, this section shall not apply where a municipality connects any local combined sewer, sanitary sewer, sewage works or storm sewer to a Regional Sewer pursuant to section 2 of this By-law.

PART III – PROHIBITED DISCHARGES TO SANITARY SEWER

4. No person shall discharge or deposit, or cause or permit the discharge or deposit, of Matter of a kind listed below directly or indirectly into a Sanitary 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 any individual;
 - (2) Matter which may be or may become harmful or damaging to the Sanitary Sewer or Regional Works where treatment of the Matter may occur;
 - (3) Matter which may cause the effluent from the Regional Works where treatment of the Matter may occur to contravene any requirement by or under the Ontario Water Resources Act or the Environmental Protection Act;
 - (4) Matter which may cause the sludge from Regional Works where treatment of the Matter may occur to fail to meet the criteria relating to contaminants for spreading the sludge on agricultural lands under the Province of Ontario's Guidelines for the Utilization of Bio-solids and Other Wastes on Agricultural Land (March, 1996), or any successor thereto, unless the person has been

advised in writing by the Region that the sludge from the Regional Works will never be used on agricultural lands;

- (5) Matter which may interfere with the proper operation of a Sanitary Sewer or Regional Works where treatment of the matter may occur;
- (6) Solid or viscous Matter in quantities or of such size as to be capable of causing obstruction to the flow in a Sanitary Sewer;
- (7) Matter that may cause an offensive odour to emanate from the Sanitary Sewer;
- (8) Storm Water, water from drainage of roofs or land, water from a watercourse or Uncontaminated Water;
- (9) Water that has originated from a source separate from the water distribution system of a municipality;
- (10) Matter which consists of two or more separate liquid layers;
- (11) Matter containing dyes or colouring materials that cause, or may cause, discolour to the Sanitary Sewer;
- (12) Fuels;
- (13) Pesticides;
- (14) Severely Toxic Materials;
- (15) Listed Wastes;
- (16) Ignitable Wastes;
- (17) Biomedical Wastes;
- (18) Reactive Wastes;
- (19) Hauled Sewage; or
- (20) Radioactive Wastes.

5. (1) Subject to subsection (2) of this section, no person shall discharge or deposit, or cause or permit the discharge or deposit, of effluent containing any of the following Matter in excess of the concentrations or limits indicated in the following table directly or indirectly into a Sanitary Sewer:

Table Restricted Parameters	
Matter	Limit (mg/L) unless specified otherwise. Applies to total of dissolved and particulate.
Conventional Parameters	
Maximum Temperature (°C)	60
Minimum pH (unitless)	6

Maximum pH (unitless)	10.5
Sulphides, H ₂ S	1
Solvent extractable matter of mineral or synthetic origin	15
Solvent extractable matter of animal or vegetable origin	100
Carbonaceous Biological Oxygen Demand expressed as CBOD	300
Total Suspended Solids expressed as TSS	350
Phosphorus expressed as P	10
Total Kjeldahl Nitrogen expressed as TKN	100
Phenolic compounds	1
Chlorides expressed as Cl	1500
Cyanide expressed as CN	2
Sulphates expressed as SO ₄	1500
Fluoride expressed as F	10
Metals	
Aluminum expressed as Al	50
Antimony expressed as Sb	5
Arsenic expressed as As	1
Bismuth expressed as Bi	5
Cadmium expressed as Cd	0.5
Chromium expressed as Cr	2.8
Cobalt expressed as Co	5
Copper expressed as Cu	2
Iron expressed as Fe	50
Lead expressed as Pb	1
Manganese expressed as Mn	5
Mercury expressed as Hg	0.05
Molybdenum expressed as Mo	5
Nickel expressed as Ni	2
Selenium expressed as Se	1
Silver expressed as Ag	5
Tin expressed as Sn	5
Titanium expressed as Ti	5
Vanadium expressed as V	5
Zinc expressed as Zn	3
Organic Parameters	
Benzene	0.01
Chloroform / Trichloromethane	0.04
1,2-Dichlorobenzene	0.05
1,4-Dichlorobenzene	0.08
cis-1,2-Dichloroethylene, cis-1,2-DCE	4
Dichloromethane / Methylene chloride	2
trans-1,3-Dichloropropylene	0.14
Ethyl benzene	0.16
Nitrosodimethylamine- continuous discharge single analysis maximum	0.0004

Nitrosodimethylamine - batch discharge maximum	0.0002
Nitrosodimethylamine - continuous discharge maximum of any five consecutive analysis	0.0002
PCBs / Chlorobiphenyls	0.004
1,1,2,2-Tetrachloroethane	1.4
Tetrachloroethylene, PCE	1.0
Toluene	0.27
Trichloroethylene, TCE	0.4
Xylenes (Total)	1.4

- (2) The prohibition in subsection (1) of this section shall not apply to the discharge or deposit of Carbonaceous Biological Oxygen Demand, Total Suspended Solids, Phosphorus and Total Kjeldahl Nitrogen if:
- (a) the discharge or deposit is less than 0.5% on average and no more than 1% at any time of the loading coming into the receiving wastewater treatment plant as part of the Regional Works; and
 - (b) the discharge or deposit of effluent has no negative impact on either the receiving Sanitary Sewer or Regional Works.
6. No person shall add or cause the addition of water or any other Matter to effluent for the purpose of dilution to achieve compliance with section 5 of this By-law.
7. Nothing in this Part shall prevent the discharge or deposit of:
- (1) human waste; or
 - (2) Matter or effluent by the Region as part of its operations and as approved by the Commissioner.

PART IV - PROHIBITED DISCHARGES TO STORM SEWER

8. No person shall discharge or deposit, or cause or permit the discharge or deposit, of Matter directly or indirectly to a Storm Sewer unless the discharge or deposit:
- (1) is uncontaminated cooling water, Storm Water or Uncontaminated Water;
 - (2) does not interfere with the proper operation of a Storm Sewer;
 - (3) does not obstruct or restrict a Storm Sewer or the flow therein;
 - (4) does not result in any hazard or other adverse impact, to any person, animal, property, or vegetation;
 - (5) does not impair the quality of the water in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse;
 - (6) does not contravene or result in the contravention of an approval issued under the Ontario Water Resources Act, the Environmental Protection Act or any other Provincial legislation

with respect to the Storm Sewer or any discharge from the Storm Sewer into a watercourse; and

- (7) does not contravene or result in the contravention of the Fisheries Act with respect to the Storm Sewer and/or its discharge from the Storm Sewer into a watercourse.

PART V – PERMITS

9. (1) The Commissioner may issue a Surcharge Permit, Compliance Permit, Temporary Discharge Permit or General Discharge Permit to an Operator to allow a discharge of Matter that varies or exceeds the limits prescribed in Part III of this By-law provided that:
 - (a) the discharge will not have an adverse impact on any Sanitary Sewer or Regional Works where treatment of the discharge may occur;
 - (b) the Sanitary Sewer and Regional Works where treatment of the discharge may occur has capacity to accept the discharge;
 - (c) the Operator is otherwise in compliance with all other terms and conditions of this By-law; and
 - (d) the specific criteria for the applicable Permit as prescribed in this Part is satisfied.
- (2) The Commissioner may issue a Surcharge Permit to an Operator to allow the discharge of Carbonaceous Biological Oxygen Demand, Total Suspended Solids, Phosphorus and Total Kjeldahl Nitrogen.
- (3) The Commissioner may issue a Compliance Permit to an Operator if the discharge is necessary on a temporary basis to allow the Operator to come into compliance with this By-law.
- (4) The Commissioner may issue a Temporary Discharge Permit to an Operator if the discharge is for temporary de-watering related to construction activities on the Operator's property and there are no other reasonable disposal options for the discharge.
- (5) The Commissioner may issue a General Discharge Permit if the discharge is for:
 - (a) water that originated from a private well or rain harvesting process on the Operator's property;
 - (b) the purposes of a federal or provincial licence, permit, approval or order and there are no other reasonable disposal options for the discharge; or
 - (c) the purposes of a municipal operation and there are no other reasonable disposal options for the discharge.
10. Any Operator who applies for a Permit shall provide the Commissioner with the following information, as applicable:
 - (1) the address for the property where the requested discharge will

- occur;
- (2) the waste characterizations, volume, timing and frequency of the requested discharge;
 - (3) the operating process that will generate the requested discharge;
 - (4) the treatment, if any, as part of the operating process to eliminate or reduce the requested discharge; and
 - (5) such other information that the Commissioner requires to determine if the Operator satisfies the applicable criteria for the Permit.
11. (1) The Commissioner may issue a Permit that includes special conditions in relation to:
- (a) the type, volume and timing of the discharge;
 - (b) the Operator's obligation to carry out sampling and reporting of the discharge to the Region on a periodic basis; and
 - (c) such other conditions that the Commissioner deems necessary to eliminate or reduce any potential adverse impact on any Sanitary Sewer or Regional Works where treatment of the discharge may occur.
- (2) The Commissioner may suspend or revoke a Permit if the Operator fails to comply with any special condition imposed pursuant to subsection (1) of this section or if the Operator otherwise fails to comply with the terms and conditions of this By-law.
 - (3) The Commissioner, before suspending or revoking a Permit pursuant to subsection (2) of this section, shall give the Permit holder 30 days written notice by regular mail, effective five days after mailing, to the address listed on the Permit and afford the Permit holder the opportunity within the 30 days to either correct the non-compliance or make written submissions to the Commissioner as to why the Commissioner should not suspend or revoke the Permit.
 - (4) No Operator shall fail to comply with a special condition as prescribed in a Permit.
12. (1) The fee for a Permit shall be in accordance with the Fees and Charges By-law.
- (2) In addition to the fee in subsection (1) of this section, the fee for the discharge of Carbonaceous Biological Oxygen Demand, Total Suspended Solids, Phosphorus and Total Kjeldahl Nitrogen that exceeds the limits prescribed in Part III of this By-law shall be calculated periodically, and paid by the Operator, in accordance with Schedule "A" of this By-law together with the rates as set out in the Fees and Charges By-law and shall apply to each Permit.
13. A Permit shall be for a period as determined by the Commissioner not to exceed one year commencing on the date as specified by the Commissioner in the Permit.

14. The Commissioner may renew a Permit provided that the renewal meets all of the conditions as set out in this Part.
15.
 - (1) The Commissioner may amend, suspend or revoke a Permit on 30 days written notice by regular mail, effective five days after mailing, to the address listed on the Permit if the Commissioner deems that it is necessary to ensure the proper operation of any Sanitary Sewer or Regional Works where treatment of the discharge may occur.
 - (2) Notwithstanding subsection (1) of this section, the Commissioner may immediately amend, suspend or revoke a Permit on written notice by personal service to any person in charge or control of the address listed on the Permit if there is an immediate need relating to the proper operation of any Regional Works, a risk to the health and safety of any person or other emergency.

PART VI - INTERCEPTORS

16. Every Operator of a restaurant or other institutional or commercial building or establishment where food is cooked, processed or prepared that discharges directly or indirectly to a Sanitary Sewer shall install and maintain an Interceptor in accordance with the most current requirements of the Building Code to prevent any food oils or greases from entering the Sanitary Sewer.
17. Every Operator of a motor vehicle service station, mechanical repair shop or any other establishment where motor vehicles are repaired, lubricated or maintained that discharges directly or indirectly to a Sanitary Sewer shall install and maintain an Interceptor in accordance with the most current requirements of the Building Code to prevent any mechanical oils or greases from entering the Sanitary Sewer.
18. Every Operator of an establishment where sand, grit or similar material is used in a commercial or industrial process that directly or indirectly discharges to a Sanitary Sewer shall install and maintain an Interceptor in accordance with the most current requirements of the Building Code to prevent any sand, grit or similar material from entering the Sanitary Sewer.

PART VII – SPILLS

19.
 - (1) Every person having the charge, management and control of Matter that is Spilled into a Sanitary Sewer or Storm Sewer and every person who Spills or permits the Spill of Matter into a Sanitary Sewer or Storm Sewer shall immediately notify and provide any requested information with regard to the Spill to the Region by contacting the Service First Call Centre, or a successor call centre thereto, the Owner of the premises where the Spill occurred, and any other person who may be directly affected by the Spill.
 - (2) When notifying the Region as set out in subsection (1) of this section, the person shall, where applicable, provide the details of when the Spill was reported to the Ontario Ministry of the Environment Spills Action Centre, or any successor agency thereto, including the date and time and the incident number provided by the agency.
 - (3) The person required under subsections (1) and (2) of this section

to give notice shall, upon request by the Region, submit a detailed written report on the Spill to the Commissioner within five days of the Spill, containing the following information to the best of their knowledge:

- (a) name of the company and the address or location where Spill occurred;
 - (b) name and telephone number of the person who reported the Spill;
 - (c) date and time of the Spill;
 - (d) characteristics, composition, and volume of Matter Spilled and any associated hazards;
 - (e) corrective actions being taken to control the Spill including work completed and any work still in progress in the mitigation of the Spill; and
 - (f) a Spill contingency plan to indicate how risk of future incidents will be reduced and how future incidents will be addressed.
- (4) The person required under subsections (1) and (2) of this section to give notice shall do everything practicable to contain the Spill, protect the health and safety of citizens, minimize damage to property, protect the environment, clean up the Spill and restore the affected area to its condition prior to the Spill.

PART VIII – SAMPLING

20. (1) Every Operator of a commercial, institutional, industrial or Multi-residential building with one or more connections to a Sanitary Sewer shall install and maintain in each connection a sample port at or adjacent to the property line to a municipal roadway to allow the Commissioner to observe, sample and measure the flow within that connection.
- (2) Notwithstanding subsection (1) of this section, where installation of a sample port is not physically possible, the Commissioner may authorize in writing the use of an alternative sampling access point provided that it allows for the same access and achieves the same purpose as a sample port.
- (3) Every Operator who is required to install and maintain a sample port pursuant to this section shall at all times ensure that the sample port is safe, in good repair and accessible to the Commissioner for the purposes of separately observing, sampling and measuring the flow of the effluent therein.
- (4) No person shall break, damage, destroy, deface or tamper or cause or permit the breaking, damaging, destroying, defacing or tampering with any permanent or temporary device installed for the purpose of measuring, sampling and testing of sewage flow pursuant to this section in any sample port or an alternative sampling access point.
21. All samples taken to determine compliance with this By-law:
- (1) shall be by a grab sample or a composite sample;

- (2) may contain additives for its preservation;
 - (3) may be collected manually or by using an automatic sampling device; and
 - (4) shall be tested by an ISO 17025 accredited laboratory in accordance with those methods determined by the Commissioner as appropriate for the type of test, measurement, analysis, or examination undertaken, which may include but not limited to methods developed or approved, or both, by the Ontario Ministry of the Environment and Climate Change, Environment Canada, the United States of America Environmental Protection Agency or any successor agencies thereto.
22. The Commissioner may require any Operator to submit a Wastewater Discharge Characterization Report to the Commissioner within 30 days of the request that sets out the process and wastewater characterization for the Operator's facility.

PART IX – ORDER

23. (1) If the Commissioner, a Municipal Law Enforcement Officer, or an Environmental Officer is satisfied that a contravention of this By-law has occurred, the Commissioner, Municipal Law Enforcement Officer or Environmental Officer may make an order requiring the person who contravened this By-law or who caused or permitted the contravention to discontinue the contravening activity.
- (2) An order under subsection (1) of this section shall set out,
- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
 - (b) the date by which there must be compliance with the order.

PART X– ENFORCEMENT

Enforcement

24. This By-law may be enforced by the Commissioner, a Municipal Law Enforcement Officer, an Environmental Officer or a Police Officer.

Offence

25. Every person who contravenes a section of this By-law or an order made pursuant to Part IX of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention by the corporation, is guilty of an offence and on conviction shall be liable to a fine not exceeding \$50,000 exclusive of costs for each offence.
26. Every person who contravenes a section of this By-law or an order made pursuant to Part IX of this By-law where the contravention is continuing, and every director or officer of a corporation who knowingly concurs in the contravention by the corporation, is guilty of a continuing offence and on conviction shall be liable to a minimum fine of \$500 and a maximum fine of \$10,000 for each day or part of a day that the offence continues.

Prohibition Order

27. If any section of this By-law or an order made pursuant to Part IX of this By-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the By-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

Remedial Action

28. Where any person contravenes this By-law or an order made pursuant to Part IX of this By-law, the Region may take remedial actions at the sole cost of the person contravening this By-law or an order made pursuant to Part IX of this By-law to ensure that this By-law is complied with, and the Region may recover the costs of such remedial work, by court action or in like manner as property taxes.

Fees and Charges

29. The Commissioner shall have all necessary authority to request that the treasurer of the area municipality add any outstanding fees and charges owing pursuant to this By-law to the tax roll to the property that was connected to the Sanitary Sewer and collect them in the same manner as municipal taxes.
30. The Commissioner may cause the reduction or shut off of the supply of water from a water distribution system that is owned or under the jurisdiction of the Region on 14 calendar days notice if any outstanding fees and charges owing pursuant to this By-law have not been paid in full after the due date shown on the invoice. Any notice required pursuant to this subsection shall be served by personal service or by prepaid mail or by posting the notice on the property in a conspicuous location.

PART XI – GENERAL

Administration

31. (1) The Commissioner is responsible for the administration of this By-law and shall have all necessary authority to administer this By-law.
- (2) Without limiting subsection (1) of this section, the Commissioner shall have the authority to:
- (a) prescribe administrative forms;
 - (b) impose special conditions for any Permit;
 - (c) approve a connection to a Regional Work; and
 - (d) appoint Environmental Officers.

Schedules

32. The Schedule to this By-law shall form an integral part of this By-law.

Conflict of Laws

33. Where a provision of this By-law conflicts with a provision of another By-law in force in the Region, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

Severability

34. If any provision of this By-law is declared invalid for any reason by a court of competent jurisdiction, only that invalid portion of the By-law shall be severed and the remainder of the By-law shall still continue in force.

Cumulative

35. The various restrictions and remedies of this By-law are cumulative and not mutually self-exclusive.

Short Title of Bylaw

36. This By-law may be cited as the "Sewer Use By-law".

Force and Effect Date

37. (1) This By-law shall come into force and effect on January 1, 2022.
- (2) Bylaw 1-90, as amended, of the Region shall be repealed effective on the coming into force of this By-law.
- (3) Notwithstanding subsection (2) of this section, By-law 1-90, as amended, of the Region shall continue to apply to proceedings in respect of offences that occurred before their repeal, as applicable.
- (4) Notwithstanding subsections (1) and (2) of this section, any surcharge agreement, compliance agreement or other agreement entered into pursuant to Bylaw 1-90, as amended, or in relation to any predecessor by-law thereof, with a term that exceeds January 1, 2022 shall remain in effect until terminated or expired pursuant to the terms and conditions of the agreements.
- (5) Notwithstanding subsection (1) of this section, Part V of this By-law, and all necessary provisions ancillary thereto, shall come into effect on August 1, 2021 and the Commissioner may process an application for and issue a Permit provided that the Permit comes into effect on January 1, 2022 or thereafter.

By-law read a first, second and third time and finally passed in the Council Chamber in the Regional Municipality of Waterloo this 30th day of June, A.D., 2021.



Regional Clerk



Regional Chair

Schedule "A"
Surcharge Formula

$$ODF = \frac{((S_i - S_n)R_s + (B_i - B_n)R_b + (P_i - P_n)R_p + (K_i - K_n)R_k) \times V}{1000}$$

Where:

ODF = overstrength discharge fee in \$

V = quantity of sewage in m³

S_i = TSS (total suspended solids) in mg/L

B_i = CBOD (carbonaceous biochemical oxygen demand) in mg/L

P_i = P (phosphorus) in mg/L loading

K_i = TKN (total kjeldhal nitrogen) in mg/L

S_n = by-law limit for TSS in mg/L = 350

B_n = by-law limit for BOD in mg/L = 300

P_n = by-law limit for P in mg/L = 10

K_n = by-law limit for TKN in mg/L = 100

R_s = Unit cost per kilogram of TSS being treated in \$/kg

R_b = Unit cost per kilogram of CBOD being treated in \$/kg

R_p = Unit cost per kilogram of P being treated in \$/kg

R_k = Unit cost per kilogram of TKN being treated in \$/kg