



Town of Whitby

By-law # 6998-15

Storm Sewer By-law

Being a By-law to prohibit, regulate and control discharges of any gaseous, liquid, or solid matter into land drainage works, private branch storm sewers and connections to any storm sewer, sewer system or storm sewer works for the carrying away of domestic or industrial wastes or both, whether connected to a treatment works or not into bodies of waters within municipal boundaries or into the local storm sewers.

Whereas Section 11(3) of the Municipal Act, R.S.O. 2001, c.25, as amended, provides that the Council of a lower tier municipality may pass By-laws for storm sewer systems provided the sphere of jurisdiction is assigned to an upper-tier municipality non-exclusively as designated within Section 11(11) of the Municipal Act, 2001, S.O. 2001, c. 25;

And Whereas pursuant to the Ontario Water Resources Act, R.S.O. c. O-40, Section 16, every municipality which discharges, deposits, causes, or permits the discharge or deposit of any material of any kind into any well, lake, river, pond, spring, stream, reservoir or other water or watercourse that may impair the spring, stream, reservoir or other water or watercourses in guilty of an offence;

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

1. General

This by-law outlines controls for the discharge of pollutants to the storm sewer system. The objectives of the by-law are to:

- Protect the storm sewer collection system from undue deterioration, damage and obstruction; and
- Protect the public, workers and properties from hazardous materials and dangerous conditions; and
- Protect the environment from deleterious contaminants.

2. Definitions

- 2.1. "blowdown water" means recirculating water that is discharged from a cooling or heating water system for the purpose of controlling the level of water in the system or for the purpose of discharging from the system materials contained in the system, the further build-up of which would or may impair the operation of the system;
- 2.2. "calcification" means the deposit of calcium from water into pipes and drain lines;
- 2.3. "combustible liquid" means a liquid that has a flash point at or above 37.8 degrees Celsius and below 93.3 degrees Celsius;

- 2.4. "Commissioner" means the Commissioner of the Public Works Department of the Town or his or her designate;
- 2.5. "composite sample" means a sample made up of three or more grab samples that have been combined automatically or manually and taken at intervals during the sampling period;
- 2.6. "contact cooling water" means water that is used in a process of removing heat and that has direct contact with any raw material, intermediate product, waste product, or finished product, but does not include blowdown water;
- 2.7. "Council" means the Council of The Corporation of the Town of Whitby;
- 2.8. "discharge", when used as a verb, includes add, deposit, leak or emit and, when used as a noun, includes addition, deposit, emission or leak;
- 2.9. "EPA" means the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended from time to time, including any successor legislation;
- 2.10. "foundation" means the supporting portion of a structure below grade, including footings;
- 2.11. "foundation drain" means weeping tile or any arrangement or type of pipe placed along the perimeter of a building foundation for the collection of groundwater;
- 2.12. "grab sample" means a portion of the discharge from or deposit to the storm sewer works taken at a maintenance access hole or another location established pursuant to Section 4.28 through to Section 4.32 of this by-law;
- 2.13. "hailed sewage" means waste removed from a cesspool, a septic tank system, a privy vault or privy pit, a chemical toilet, a portable toilet, or a sewage holding tank within the meaning of O. Reg 347;
- 2.14. "hailed waste" means any industrial waste, other than hailed sewage, that is transported to and deposited into the storm sewer works;
- 2.15. "hazardous waste" means any,
 - 2.15.1. acute hazardous waste chemical;
 - 2.15.2. hazardous industrial waste;
 - 2.15.3. ignitable waste;
 - 2.15.4. pathological waste;
 - 2.15.5. reactive waste; or
 - 2.15.6. severely toxic waste,as defined in R.R.O. 1990, Regulation 347 (General-Waste Management), as amended from time to time, made under the EPA;

- 2.16. “industrial” means of or pertaining to manufacturing, commerce, trade, business, or institutions as distinguished from domestic or residential;
- 2.17. “inlet control device” means a device that is installed on a stormwater management facility to control the flow of stormwater released into the Town’s storm sewer system;
- 2.18. “land drainage works” means works of any sort for the drainage of land in the Town including drainage channels for receiving water in its natural flow on or from any hills or other lands, and works diverting or damming the same to prevent its overflow on to any other lands at a lower level, as well as drainage channels for carrying off water from any land;
- 2.19. “maintenance access hole” means an access point in a sewer connection to allow for observation, sampling and flow measurement of the sewage, uncontaminated water or stormwater therein;
- 2.20. “matter” includes solid, liquid or gas or any combination thereof;
- 2.21. “non-contact cooling water” means water that is used in a process for the purpose of removing heat and that has not, by design, come into contact with any raw material, intermediate product, waste product, or finished product, but does not include blowdown water;
- 2.22. “nuclear substances” means,
 - 2.22.1. deuterium, thorium, uranium or an element with an atomic number greater than 92;
 - 2.22.2. a derivative or compound of deuterium, thorium, uranium or of an element with an atomic number greater than 92;
 - 2.22.3. a radioactive nuclide;
 - 2.22.4. a substance that is prescribed as being capable of releasing nuclear energy or as being required from the production or use of nuclear energy; or
 - 2.22.5. a radioactive substance or radioactive thing that was used for the development or production, or in connection with the use, of nuclear energy; as defined under the Nuclear Safety and Control Act, 1997, c. 9;
- 2.23. “officer” means a police officer or a municipal law enforcement officer appointed by the Town for the purpose of enforcing this by-law;
- 2.24. “oil/grit separator” means a water quality treatment unit designed to prevent oil, grease, sediment or grit and other matter from passing from a source into a storm sewer system;
- 2.25. “O. Reg. 347” means R.R.O. 1990, Regulation 347 (General-Waste Management) made under the EPA;

- 2.26. "owner" means the registered owner of a property and includes, the owner's representative, a tenant, or the property manager;
- 2.27. "PCBs" means any monochlorinated or polychlorinated biphenyl or any mixture of them or mixture that contains one or more of them;
- 2.28. "PCB waste" means PCB waste within the meaning of Ontario Regulation 362 made under the EPA;
- 2.29. "permit" means any review or approval process by a regulatory agency and includes, but is not limited to, building permits, Central Lake Ontario Conservation Authority permits and Ministry of the Environment and Climate Change permits;
- 2.30. "person" means any individual, firm, partnership, company or corporation or any trustee, manager or other person, either individually or jointly with others, owning, occupying, or having the management or supervision of any building or property, and shall also include any agent, workman, servant, employee, or authorized representative of such individual, firm, partnership, company or corporation;
- 2.31. "pesticide" means a pesticide regulated under the Pesticides Act, R.S.O. 1990, c.P.11, as amended from time to time, including any successor legislation;
- 2.32. "pollution prevention" means the use of processes, practices, materials, products or energy that avoids or minimizes the creation of pollutants and waste, at the source;
- 2.33. "pollution prevention plan" means a five (5) year plan that identifies operations or activities of an industrial user and specific pollution prevention methods to be implemented within the five (5) year period;
- 2.34. "private swimming pool water" means water or backwash water from a swimming pool, wading pool or hot tub/spa, but does not include salt water;
- 2.35. "private sewer connection" means that part of any drain or system of drains, including drains or subsurface drainage pipes for surface or subsurface drainage of the land in or adjacent to a building, lying within the limits of the private lands and leading to a Town sewer connection;
- 2.36. "Town sewer connection" means that part of any drain leading from a private sewer connection connected to a Town storm sewer and located within the limits of the public road allowance or other public lands or public land interests held for sewerage purposes;
- 2.37. "sewage" means any liquid containing domestic or industrial waste;
- 2.38. "sewer" means a pipe, conduit, drain, open channel, or ditch for the collection and transmission of sewage, stormwater and/or uncontaminated water, or any combination thereof;

- 2.39. “spill” means a direct or indirect discharge into a private storm sewer system, storm sewer works, or natural environment, which is abnormal in quality or quantity in light of all circumstances of the discharge;
- 2.40. “Spills Action Centre” means the 24-hour Spills Action Centre of the Ontario Ministry of the Environment and Climate Change;
- 2.41. “Standard Methods” means a procedure or method 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 the Water Environment Federation, latest edition;
- 2.42. “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;
- 2.43. “storm sewer works” means any works of the Town used for the collection, transmission, treatment and disposal of stormwater or uncontaminated water including a storm sewer or any part of such works, but does include plumbing or other works to which the Building Code Act, 1992, S.O. 1992, c.23 applies;
- 2.44. “stormwater” means water from rainfall, other natural precipitation, drainage, or from the melting of snow or ice;
- 2.45. “stormwater management facility” means a facility for the treatment, retention, infiltration or control of stormwater including ponds, underground storage, parking lot storage and rooftop storage;
- 2.46. “Town” means The Corporation of the Town of Whitby or the geographic jurisdiction of the Town of Whitby as the context requires;
- 2.47. “turbidity” means the measurement of the suspended particulate matter in water, which affects the clarity or degree of transparency of the water by interfering with the passage of a beam of light through the water and such turbidity values are generally reported in Nephelometric Turbidity Units (NTU);
- 2.48. “uncontaminated water” means potable water or any water to which no matter has been added as a consequence of its use, intentionally or unintentionally;
- 2.49. “waste disposal site leachate” means a liquid containing dissolved or suspended contaminants which emanates from waste and is produced by water percolating through waste or by liquid in waste; and
- 2.50. “watercourse” means an open channel, ditch or depression either natural or artificial, in which the flow of water occurs either continuously or intermittently.

3. Interpretation

- 3.1. Unless otherwise specified, references in this by-law to parts, sections, subsections, clauses and schedules are references to parts, sections, subsections, clauses and schedules in this by-law;

- 3.2. References in this by-law to any statute or statutory provision include references to that statute or statutory provision as it may from time to time be amended, extended or re-enacted;
- 3.3. This by-law shall be read with all changes in gender or number as the context requires;
- 3.4. References in this by-law to items in the plural include the singular, and references to the singular include the plural, as applicable; and
- 3.5. The words “include”, “includes” or “including” are not to be read or interpreted as limiting the words, phrases or descriptions that precede them.

Severability

- 3.6. If a court of competent jurisdiction declares any section, or any part of any section, of this by-law to be invalid, or to be of no force or effect, it is the intention of the Town that every other provision of this by-law be applied and enforced in accordance with its terms to the extent possible according to law.

Application

- 3.7. The provisions of this by-law apply to all property within the Town.

Compliance with Other Laws

- 3.8. This by-law and the provisions contained within are intended to be complimentary to Provincial statutes and to other by-laws passed by Council, in the event that any other applicable law requires a higher standard than this by-law requires, the higher standard shall apply.

Confidential Information

- 3.9. All information submitted to and collected by the Town that is contained in plans, reports, surveys, monitoring and inspection and sampling activities will, except as otherwise provided in this section, be available for disclosure to the public in accordance with the Municipal Freedom of Information and Protection of Privacy Act.
- 3.10. In the event that any person is submitting information in any form as required by this by-law, where such information is confidential or proprietary or otherwise, believes that they are exempt from disclosure under the Municipal Freedom of Information and Protection of Privacy Act, the person submitting the information shall so identify that information upon its submission, providing sufficient details as to the reason for the purported exemption from disclosure.

4. Regulation

General

- 4.1. No person shall discharge or cause or permit the discharge into a storm sewer, watercourse, municipal or private sewer connection to any storm sewer any matter that,
 - 4.1.1. interferes with or could cause interference with the proper operation of a storm sewer;
 - 4.1.2. obstructs or restricts or could obstruct or restrict a storm sewer or the flow therein;
 - 4.1.3. damages or could damage a storm sewer;
 - 4.1.4. impairs the quality of the water in any well, lake, river, pond, spring, stream, reservoir or other watercourse;
 - 4.1.5. results in any hazard or other adverse impact or could result in a hazard or other adverse impact, to any person, animal, property, or vegetation;
 - 4.1.6. contravenes or results in the contravention of a Certificate of Approval or provisional Certificate of Approval or an Environmental Compliance Approval issued under the Ontario Water Resources Act or the EPA, as amended, with respect to the storm sewer and/or its' discharge from the storm sewer into a watercourse; or
 - 4.1.7. contravenes or results in the contravention of the Fisheries Act with respect to the storm sewer and/or its' discharges from the storm sewer into a watercourse.
- 4.2. No person shall discharge or cause or permit the discharge into a storm sewer, watercourse, municipal or private sewer connection to any storm sewer any matter that has one or more of the following characteristics,
 - 4.2.1. a visible film, sheen or discolouration;
 - 4.2.2. two or more separate layers;
 - 4.2.3. a pH less than 6.0 or greater than 9.0;
 - 4.2.4. dyes or colouring material or other matter which discolours the water;
 - 4.2.5. a temperature greater than 40 degrees Celsius, or a temperature greater than 20 degrees Celsius in locations that could cause harm or harm aquatic life, including cold water fish species; or
 - 4.2.6. a turbidity greater than 25 NTUs during normal weather conditions, or greater than 100 NTUs during significant precipitation events of greater than 25 mm of rainfall in a 24 hour period.
- 4.3. No person shall discharge or cause or permit the discharge into a storm sewer, watercourse, municipal or private sewer connection to any storm sewer any matter that contains,

- 4.3.1. bio-medical waste;
- 4.3.2. blowdown water;
- 4.3.3. combustible liquid;
- 4.3.4. contact cooling water;
- 4.3.5. E.coli colonies in excess of 200 CFUs per 100 ml;
- 4.3.6. fat, oil or grease;
- 4.3.7. floating debris;
- 4.3.8. food waste or effluent thereof;
- 4.3.9. fuel;
- 4.3.10. hauled sewage;
- 4.3.11. hauled waste;
- 4.3.12. hazardous waste;
- 4.3.13. nuclear substances;
- 4.3.14. paints and organic solvents;
- 4.3.15. PCBs;
- 4.3.16. PCB waste;
- 4.3.17. pesticides;
- 4.3.18. sewage;
- 4.3.19. waste radioactive prescribed substances;
- 4.3.20. waste disposal site leachate;
- 4.3.21. a substance from raw materials, intermediate or final product, used or produced in, through or from an industrial process;
- 4.3.22. a substance used in the operation or maintenance of an industrial site;
- 4.3.23. contaminants from raw materials, intermediate or final products or wastewater from an industrial operation;
- 4.3.24. materials that have or cause an offensive or nuisance odour; or
- 4.3.25. a concentration, expressed in milligrams per liter, in excess of any one or more of the limits in "Schedule 1 - Limits for Storm Sewer Discharge" of this by-law.

- 4.4. No person shall discharge or cause or permit the discharge into a storm sewer, watercourse, municipal or private sewer connection to any storm sewer any matter that may or could result in the discharge of effluent, cooling water, blowdown water or stormwater from industrial process areas unless all of the following conditions are met,
 - 4.4.1. the cooling water, blowdown water or stormwater is being discharged pursuant to a Certificate of Approval or provisional Certificate of Approval or Environmental Compliance Approval issued under the EPA or the Ontario Water Resources Act, as amended, which expressly authorizes the discharge; and
 - 4.4.2. the person owning or operating the premises has written approval from the Town which expressly authorizes the discharge from the premises; and
 - 4.4.3. a copy of the Certificate of Approval or provisional Certificate of Approval or Environmental Compliance Approval referred to in clause 4.4.1. has been provided to the Town.
- 4.5. No person shall discharge or cause or permit the discharge of sewage into a storm sewer or into a municipal or private sewer connection to any storm sewer in circumstances where water has been added to the discharge for the purposes of dilution to achieve compliance with this by-law.
- 4.6. Every owner shall maintain any storm sewer infrastructure and repair any damage to storm sewer infrastructure on private property when such damage is caused by, including but not limited to, root intrusion, aging and calcification, and any such repairs shall be at the sole cost of the owner.

Storm Sewer Connections

- 4.7. Any person making or requiring a connection to a storm sewer shall apply to and receive written permission from the Commissioner prior to making the connection.
- 4.8. All connections between the Town's storm sewers and private storm sewer infrastructure or foundation drains shall be made in accordance with the Town's design criteria and engineering standards.
- 4.9. No person shall connect or cause or permit the connection of a private storm sewer infrastructure or foundation drain to a storm sewer without first obtaining written permission from the Commissioner.

Oil/Grit Separators

- 4.10. Every owner shall install and maintain oil/grit separators on their property when the installation of oil/grit separators is a condition of the site plan agreement or permit for the property.

- 4.11. Every owner shall install and maintain oil/grit separators on their property when the Commissioner determines that such equipment is necessary and issues an order requiring the installation of such equipment.
- 4.12. Every owner shall maintain oil/grit separators required by this by-law in good working order and in accordance with the manufacturer's specifications.
- 4.13. Every owner shall regularly inspect oil/grit separators required by this by-law to ensure that they are performing in accordance with the manufacturer's specifications.
- 4.14. Every owner shall maintain inspection and maintenance logs related to any oil /grit separators required by this by-law for a minimum of the previous two (2) years and shall provide those logs to the Town for review upon request.
- 4.15. No person shall fail to install or maintain, or permit the failure to install or maintain oil/grit separators required by this by-law.

Stormwater Management Facilities

- 4.16. Every owner shall install and maintain stormwater management facilities when the installation of stormwater management facilities is a condition of the site plan agreement or permit for the property.
- 4.17. Every owner shall install and maintain stormwater management facilities on their property when the Commissioner determines that such facilities are necessary and issues an order requiring the installation of such facilities.
- 4.18. Every owner required to construct and install a stormwater management facility shall,
 - 4.18.1. ensure that the stormwater management facility is constructed in conformity with the design drawings and engineering standards of the Town and those of the Ministry of the Environment and Climate Change; and
 - 4.18.2. keep the stormwater management facility in good operating condition, and shall service, maintain and repair the stormwater management facility as required by the Operation and Maintenance Manual and the Ministry of the Environment and Climate Change Compliance Approval; and
 - 4.18.3. keep records of the service, maintenance and repairs of the stormwater management facility as required by the Operation and Maintenance Manual and the Ministry of the Environment and Climate Change Compliance Approval for a minimum period of the previous five (5) years; and
 - 4.18.4. report any change(s) in the ownership, name, location, contact person, telephone number or fax number of the business registered under the site plan agreement or permit or Ministry of the Environment

and Climate Change Compliance Approval to the Commissioner within thirty (30) days of the date that such change(s) took effect; and

- 4.18.5. report any change(s) in the discharging operation registered under the Operation and Maintenance Manual which results in the operation no longer meeting the definition applicable to that type of discharging operation within thirty (30) days of the change(s) by submitting a completed form approved by the Town to the Commissioner describing the change(s); and
 - 4.18.6. provide the Commissioner with a copy of all approved Ministry of the Environment and Climate Change Approvals for the stormwater management facility within thirty (30) days of receiving such approvals.
- 4.19. No person shall fail to install or maintain, or permit the failure to install or maintain stormwater management facilities required by this by-law.

Inlet Control Devices

- 4.20. Where any inlet control devices or other type of surface or rooftop storage quantity control devices are installed on a property, every owner of the property shall maintain such devices in good repair.
- 4.21. No person shall remove any inlet control devices or other type of surface or rooftop storage quantity control devices without the provision of adequate alternative storage and the written approval of such alternative storage by the Commissioner.
- 4.22. Every owner of a property is responsible for ensuring the adequacy of all proposed surface or rooftop controls, including but not limited to all damages resulting from the designed operating conditions and any downstream damages resulting from the removal, modification or lack of maintenance to any on-site controls.

Private Swimming Pool Water/Salt Water

- 4.23. No person shall discharge private swimming pool water or salt water;
 - 4.23.1. in a manner that may cause or causes the private swimming pool water or salt water to flow onto an adjoining property; or
 - 4.23.2. over a valley or ravine wall or slope in a manner that may cause or causes the erosion or instability of the valley or ravine wall or slope.
- 4.24. A person is permitted to discharge private swimming pool water by way of a controlled discharge to the owner's property such that the discharge is at all times contained within the owner's property until it evaporates or infiltrates into the ground.
- 4.25. A person is permitted to discharge salt water,

- 4.25.1. by way of a connection to the Regional sanitary sewer system, and
- 4.25.2. by way of a controlled discharge to the owner's property such that the discharge is at all times contained within the owner's property until it evaporates or infiltrates into the ground.
- 4.26. A person is permitted to discharge private swimming pool water and/or salt water to a storm sewer provided that all of the following conditions, where applicable, are met,
 - 4.26.1. there are no algaecides in the private swimming pool water; and
 - 4.26.2. the private swimming pool water is held in the pool for one week after the last dosage of chlorine and the pool water chlorination is at or below 0.01 mg/L; and
 - 4.26.3. the owner of the swimming pool or hot tub/spa or wading pool, directly, or through a tenant, operator or service contractor, complies with all other provisions contained in Section 4 of this by-law.
- 4.27. Rainwater resting on a tarp which covers a swimming pool or hot tub/spa or wading pool may be discharged to a storm sewer, provided the discharge complies with all other provisions contained in Section 4 of this by-law.

Sampling and Analytical Requirements

- 4.28. The sampling and analysis required by this by-law shall be in accordance with the procedures as described in Standard Methods, the United States Environmental Protection Agency Methods, Ministry of the Environment and Climate Change "Protocol for the Sampling and Analysis of Industrial/Municipal Wastewater" or any accredited procedure followed by the Town.
- 4.29. Compliance or non-compliance with this by-law may be determined by the analysis of a grab sample or a composite sample.
- 4.30. Wherever possible, grab samples shall be obtained at the point of control closest to the property boundary.
- 4.31. Wherever possible, samples shall be taken from a maintenance access hole, where there is no maintenance access hole, the Town may use an alternate device or facility for the purpose of obtaining a representative sample of the discharge into the storm sewer.
- 4.32. For each of the metals limited in concentration pursuant to "Schedule 1 – Limits for Storm Sewer Discharge", the analysis shall be for the quantity of total metal, which includes all metal both dissolved and particulate.

Spills and Spill Response

- 4.33. Every person who causes or permits a spill shall notify the Town, the Spills Action Centre and the Region of Durham immediately with the following information,
 - 4.33.1. name of the company and the address and location of the spill; and
 - 4.33.2. date, time and duration of the spill event; and
 - 4.33.3. complete description of the spill, including type and volume of material(s) discharged and any associated hazards; and
 - 4.33.4. a material safety data sheet (MSDS) if available for the type of material(s) discharged; and
 - 4.33.5. details of clean-up actions that have been initiated, completed or are in progress including corrective actions being taken to control the spill, and actions taken to prevent the material from leaving the property; and
 - 4.33.6. the name(s) of any contractors that may be on site to assist with the clean-up; and
 - 4.33.7. if spilled material is being vacuumed or captured by another method, and the destination of the captured material; and
 - 4.33.8. agencies notified of the spill and corresponding notification times; and
 - 4.33.9. name or person reporting the spill and the telephone number and location where that person can be reached; and
 - 4.33.10. name of the person(s) in charge of cleaning up the spill and the telephone number and location where that person can be reached.
- 4.34. The person responsible for the spill and the person having charge, management and control of the spill shall also notify other government agencies, including federal and provincial agencies as required and as appropriate for the material and circumstance of the spill.
- 4.35. In the event of a spill, the owner or occupant or the person having charge, management or control of the spill shall,
 - 4.35.1. do everything reasonably possible to contain the spill, protect the health and safety of citizens, minimize damage to property, and protect the environment; and
 - 4.35.2. clean up the spill and contaminated residue and restore the affected area to its condition prior to the spill; and
 - 4.35.3. at the request of the Commissioner, provide a report, within five (5) days of the spill, containing the following information,

- 4.35.3.1 location where spill occurred; and
 - 4.35.3.2 name and phone number of the person who reported the spill and where they can be contacted; and
 - 4.35.3.3 date and time of spill; and
 - 4.35.3.4 material(s) spilled; and
 - 4.35.3.5 characteristics of material(s) spilled; and
 - 4.35.3.6 volume of material(s) spilled; and
 - 4.35.3.7 duration of spill event; and
 - 4.35.3.8 work completed and/or in progress in the mitigation of the spill; and
 - 4.35.3.9 preventive actions being taken to ensure the spill does not occur again.
- 4.36. The Town has the right to compensation from the owner and any person having charge, management or control of the spill for all reasonable costs and expenses incurred, including, but not limited to,
- 4.36.1. any measures or operational activities undertaken to mitigate or reduce the effect of any spill, and;
 - 4.36.2. any tests, samples, reports or other documents undertaken by or on behalf of the Town including any third party review of reports, surveys or documents.
- 4.37. The owner and any person responsible for the spill shall be liable for all costs associated with the response to and clean-up and restoration of the spill affected area to its condition prior to the spill including any damage to the storm sewer works as a result of a discharge or a spill.
- 4.38. The Commissioner may request that the owner of any industrial, commercial or institutional establishment prepare, implement and maintain a spill prevention or spill response plan for all possible contaminates on site that may gain access into the land drainage works or storm sewer connection.

Pollution Prevention Plans

- 4.39. The Commissioner may require the owner of any industrial, commercial or institutional establishment to develop a pollution prevention plan for the discharge of any parameter designated by the Town where the industrial, commercial or institutional establishment has,
- 4.39.1. failed to comply with Section 4 of this by-law; and
 - 4.39.2. has been responsible for one or more spills.

- 4.40. Every owner of any industrial, commercial or institutional establishment who is required to develop a pollution prevention plan shall ensure that the pollution prevention plan complies with any guidelines established by the Town or any other applicable standards.
- 4.41. Every owner of any industrial, commercial or institutional establishment who is required to develop a pollution prevention plan shall complete the pollution prevention plan and make the plan available for review by the Town at the site related to the plan within eighteen (18) months of notification by the Commissioner.
- 4.42. The Commissioner may exempt the owner of any industrial, commercial or institutional establishment from developing a pollution prevention plan where the industrial, commercial or institutional establishment has in place an ISO 14001 Program which is currently registered by a third party auditor accredited by the Standard Council of Canada or the Registrar Accreditation Board.
- 4.43. The owner of any industrial, commercial or institutional establishment shall be responsible for all costs incurred in the development of a pollution prevention plan.
- 4.44. The Commissioner may, at his or her discretion, undertake a review of any property's pollution prevention plan and any costs associated with the review shall be the responsibility of the owner of the property.
- 4.45. The Commissioner may terminate any pollution prevention plan by written notice at any time in the event that the owner fails or neglects to carry out or diligently pursue the activities required of them under its' approved pollution prevention plan.

Monitoring Manholes

- 4.46. Any person, as the owner or operator of a commercial, institutional or industrial premises, or multi-residential buildings with one or more connections to the storm sewer works may be required to install and maintain in good repair in each connection, a suitable monitoring manhole to allow observation, sampling and flow measurement of the stormwater therein, provided that where installation of a monitoring manhole is not possible, an alternative device or facility may be substituted with the prior written approval of the Commissioner.
- 4.47. Any monitoring manhole or alternate device shall be located at the property line of the owner's property and in accordance with Town standards.
- 4.48. No person shall structurally modify any monitoring manhole or alternate device, or install devices which may result in interfering with the Town's access or the installation and observation of the Town's devices used for the purpose of observation, sampling and flow measurement of the stormwater without the prior written approval of the Commissioner.

5. Schedule(s)

- 5.1. Schedule 1 – Limits for Storm Sewer Discharge is attached to and forms part of this by-law.

6. Enforcement and Penalties

- 6.1. This by-law may be enforced by an officer.
- 6.2. Pursuant to the Municipal Act, an officer may enter upon any property at any reasonable time without a warrant for the purpose of inspecting a property to determine whether or not there is compliance with the standards prescribed in this by-law.
- 6.3. When conducting an inspection pursuant to Section 6.2 of this by-law and the Municipal Act, an officer may,
- 6.3.1. require the production for inspection of documents or things, including drawings, specifications, Certificates of Approval, compliance programs, hazardous waste manifests, maintenance and inspection logs, material safety data sheets, Provincial Officer's Orders, spill reports and past action requests that may be relevant to the property or any part thereof; and
 - 6.3.2. inspect and remove documents or things relevant to the property or part thereof for the purpose of making copies or extracts; and
 - 6.3.3. require information from any person concerning a matter related to a property or part thereof; and
 - 6.3.4. be accompanied by a person who has special or expert knowledge in relation to a property or part thereof; and
 - 6.3.5. alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs for the purposes of the inspection; and
 - 6.3.6. order the owner of the property to take and supply at the owner's expense such tests and samples as are specified in the order.

Orders

- 6.4. Pursuant to the Municipal Act, an officer who finds that a property does not conform with any of the provisions of this by-law may make an Order,
- 6.4.1. stating the municipal address or the legal description of the property; and
 - 6.4.2. giving reasonable particulars of the work, tests, samples required to be completed by the owner or occupant; and

- 6.4.3. indicating the time for complying with the terms and conditions of the Order and giving notice that, if the work is not carried out within that time, the Town may carry out the work at the owner's expense.
- 6.5. An Order shall be served by regular and registered mail, on the owner of the property and such other persons affected by it as the officer determines, and a copy of the Order may be posted on the property.

Offences and Penalties

- 6.6. No person shall uncover, make any connection with, break, alter, destroy, damage, deface or tamper or cause or permit the breaking, damaging, destroying, defacing or tampering with,
 - 6.6.1. any part of a storm sewer works; or
 - 6.6.2. any permanent or temporary device installed in a storm sewer works for the purposes of flow measuring, sampling and testing uncontaminated water or stormwater.
- 6.7. No person shall enter any storm sewer works unless they have received prior permission from the Town.
- 6.8. Every person discharging water or stormwater to storm sewer works shall be responsible for ensuring that such discharge conforms at all times with the provisions of this by-law, and shall be liable for any damage or expense arising out of the failure to properly check and control such discharge, including the cost of investigation, repair and replacement of any part of any storm sewer works damaged thereby.
- 6.9. Every person who fails to comply with an Order issued pursuant to this by-law or who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable,
 - 6.9.1. if a person, to a fine of not more than \$10,000 for a first offence and \$25,000 for any subsequent offence; or,
 - 6.9.2. if a Corporation, to a fine of not more than \$50,000 for a first offence and \$100,000 for any subsequent offence,pursuant to Section 429 of the Municipal Act.
- 6.10 In addition to the penalties prescribed in clauses 6.9.1. and 6.9.2. of this by-law, every person or Corporation who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to an additional fine of not more than \$5,000 for every day or part thereof upon which such offence occurs or continues to occur.
- 6.11 In addition to any other remedy or penalty imposed by this by-law, where materials are being discharged into storm sewer works in contravention of this by-law, or in cases where outstanding Orders are not complied with, the Commissioner may,

- 6.11.1 at the cost of the owner of the property, sever the storm sewer connection for the property from which the material is being discharged, upon 30 days written notice, and
- 6.11.2 refuse reconnection of the property to the storm sewer system by the owner until authorized by the Commissioner.
- 6.12 The Town shall not be held liable for any damages caused by the severing of a connection to storm sewer works as provided for in this by-law.
- 6.13 In the situation of a discharge of material containing one or more substances restricted by this by-law, each exceedance of a restricted matter or material constitutes a separate offence.
- 6.14 Any person who fails to comply with an Order issued pursuant to this by-law is guilty of an offence.
- 6.15 Any person who obstructs or hinders an officer or who otherwise obstructs the provisions of this by-law is guilty of an offence.
- 6.16 Any person who knowingly provides false information in any report or return required under this by-law or who wilfully withholds information required under this by-law is guilty of an offence.

Exceptions

- 6.17 This by-law does not apply to the discharge of any material or sewage in an emergency, as determined by the Medical Officer of Health in the exercise of their authority under the Health Protection and Promotion Act, R.S.O. 1990, c. H.7. 10.
- 6.18 This by-law shall not prohibit the discharge of stormwater or material expressly permitted by an agreement between a person and the Town existing at the time this by-law comes into force.

7. Short Title

- 7.1. This by-law may be referred to as the Storm Sewer By-law.

8. Effective Date

- 8.1. This by-law shall come into full force and effect on the day it is passed.

By-law read and passed this 11th day of May, 2015.

Don Mitchell, Mayor

Debi A. Wilcox, Town Clerk

Schedule 1 To By-Law 6998-15
Limits for Storm Sewer Discharge

Parameter	Limit (mg/L)	Parameter	Limit (mg/L)
BOD	15	Benzene	0.002
Cyanide (total)	0.02	Chloroform	0.002
Total Kjeldahl Nitrogen	1	1,2-dichlorobenzene	0.0056
Phenolics	0.008	1,4-dichlorobenzene	0.0068
Phosphorus (total)	0.4	Cis-1,2-dichloroethylene	0.0056
Suspended Solids (total)	15	Trans-1,3-dichloropropylene	0.0056
Arsenic (total)	0.02	Ethylbenzene	0.002
Cadmium (total)	0.008	Methylene chloride	0.0052
Chromium (total)	0.08	1,1,2,2,-tetrachloroethane	0.017
Copper (total)	0.05	Tetrachloroethylene	0.0044
Lead (total)	0.12	Toluene	0.002
Manganese (total)	0.15	Trichloroethylene	0.008
Mercury	0.0004	Xylenes (total)	0.0044
Nickel (total)	0.08	Di-n-butyl phthalate	0.015
Selenium (total)	0.02	Bis (2-ethylhexy) phthalate	0.0088
Silver (total)	0.12	PCBs	0.0004
Zinc (total)	0.04		