

The Corporation of the Municipality of Leamington

By-law 56-25

By-law to regulate discharges into the municipal sewer works

Whereas Section 11 of the Municipal Act, 2001, S.O. c. 25 (the “Act”) states that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public and may pass by-laws respecting public utilities;

And Whereas Section 1 of the Act indicates that a “public utility” is a system that is used to provide a service to the public, including sewage works;

And Whereas section 391 of the Act authorizes a municipality to pass by-laws imposing fees or charges on Persons:

- (a) for services or activities provided or done by or on behalf of it;
- (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and
- (c) for the use of its property including property under its control;

and the costs included in a fee or charge may include costs incurred by a municipality related to administration, enforcement and the establishment, acquisition and replacement of capital assets;

And Whereas subsection 398(1) of the Act provides that such fees and charges imposed by a municipality on a Person constitute a debt of the Person to the municipality;

And Whereas Section 398(2) of the Act indicates that fees and charges for the supply of a public utility imposed by a municipality on a Person constitute a debt of the Person to the municipality and that such fees and charges may be added to the tax roll for the property in the municipality to which the public utility was supplied and be collected in the same manner as municipal taxes;

And Whereas Section 87 of the Act authorizes municipalities to enter on land, at reasonable times, to inspect the discharge of any matter into the sewage system of the municipality or into any other sewage system the contents of which ultimately empty into the municipal sewage system and may conduct tests and take samples for this purpose;

And Whereas Section 446(1) of the Act provides that if a municipality has the authority under a by-law to require a Person to do a matter or thing, the municipality may also provide that, in default of it being done by the Person required to do it, the matter or thing shall be done at the Person’s expense;

And Whereas Section 446(2), (3) and (4) of the Act further provide that for the purposes of subsection (1) a municipality may enter upon land and recover the costs of doing a matter or thing from the Person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes. The amount of the costs, including interest, constitutes a lien on the land upon the registration in the proper land registry office of a notice of lien;

And Whereas the Municipality deems it advisable to repeal By-law 259-01 and any amendments thereto.

Now Therefore the Council of The Corporation of the Municipality of Leamington enacts as follows:

Part 1 - Definitions

1. In this by-law:

“Authorized Municipal Representative” means a:

- a) Person authorized by the Municipality to carry out observations and inspections and take samples as prescribed by this by-law; and
- b) police officer; provincial offences officer, a municipal law enforcement officer or any other Person as may be appointed by Council to enforce this by-law;

“Best Management Practices (BMP)” means an integrated plan to control and reduce the release of those wastes which are restricted and prohibited pursuant to this by-law into the Sewage Works to a practicable extent, through methods including physical controls, a Pretreatment Process, operational procedures and staff training;

“Biochemical Oxygen Demand (BOD)” means the quantity of oxygen utilized during a five (5) day incubation period for the biochemical degradation of organic material and the oxygen used to oxidize inorganic material and reduced forms of nitrogen as determined in accordance with Standard Methods and expressed in milligrams per litre;

“Biomedical Waste” means biomedical waste as defined in the Ontario Ministry of the Environment, Conservation and Parks Guideline C-4 entitled “The Management of Biomedical Waste in Ontario” dated November 2009, as amended from time to time;

“Blowdown Water” means 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 impair the operation of the system;

“Combined Sewer” means a sewer intended to function simultaneously as a Storm Sewer and a Sanitary Sewer designed to carry sewage, Storm Water, or Uncontaminated Water;

“Combustible Liquid” means a liquid that has a flash point not less than 37.8 degrees Celsius and not greater than 93.3 degrees Celsius;

“Compliance Agreement” means an agreement setting out the necessary steps undertaken by a Person to bring the Wastewater discharged into the sewer into compliance with the terms and conditions of this by-law or Extra Strength Permit;

“Composite Sample” means a volume of Wastewater, Storm Water, Uncontaminated Water or effluent made up of three or more Grab Samples that have been combined automatically or manually and taken at intervals during the sampling period;

“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 and that has been circulated through the cooling device, but does not include Blowdown Water;

“Director” means the Director of Infrastructure Services or his or her designate;

“ECA” means an environmental compliance approval as described in section 2.1 of the EPA and issued pursuant to Part II.1 of the EPA;

“EPA” means the Environmental Protection Act, R.S.O. 1990 c. E.19;

“Extra Strength” means Wastewater released to the sewer that is higher in concentration for one or more constituent concentrations set out in Schedule A or containing constituents identified in Schedule A;

“Extra Strength Permit” means a permit issued under Part 7 of this by-law to address Extra Strength Wastewater discharges;

“Fuel” means alcohol, gasoline, naphtha, diesel fuel, fuel oil or any other ignitable substance for use as a fuel;

“Grab Sample” means an aliquot of the flow being sampled, taken at one particular time and place;

“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 VIII of the EPA;

“Hauled Waste” means any Industrial waste which is transported to and deposited into any location in the Sewage Works excluding Hauled Sewage;

“Ignitable Waste” means a substance that:

- a) is a liquid, other than an aqueous solution containing less than 24 per cent alcohol by volume and has a flash point less than 93 degrees Celsius, as determined by the Tag Closed Cup Tester (ASTM D-56-97a), the Setaflash Closed Cup Tester (ASTM D-3828-97 or ASTM D-3278-96e1), the Pensky-Martens Closed Cup Tester (ASTM D-93-97), or as determined by an equivalent test method;
- b) is a solid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a danger;
- c) is an ignitable compressed gas (Class 2) as defined in the Transportation of Dangerous Goods Regulations ,
- d) is an oxidizing substance (Class 5, Divisions 1 and 2) as defined in the Transportation of Dangerous Goods Regulations

“Industrial” means of or pertaining to manufacturing, agriculture, greenhouses, food processing, commerce, trade, business, or institutions as distinguished from domestic or residential;

“Maintenance Access Point” means an access point, such as a chamber, in a private sewer connection to allow for observation, sampling and flow measurement of the Wastewater being discharged to the municipal sewage system;

“Municipality” means The Corporation of the Municipality of Leamington;

“Oil and Grease” means n-hexane extractable matter as described in Standard Methods;

“OWRA” means the Ontario Water Resources Act, R.S.O 1990 c. O.40;

“Pathological Waste” means a material which is a pathological waste within the meaning of Ontario Regulation 347 made under the EPA or any material which may be designated in writing by the Chief Medical Officer of Health;

“**PCB**” means any monochlorinated or polychlorinated biphenyl or any mixture of them or mixture that contains one or more of them;

“**PCB Waste**” means a PCB waste within the meaning of Ontario Regulation 352 made under the EPA;

“**Permit Holder**” means a Person who has been issued an Extra Strength Permit under Part 7 of this by-law.

“**Person**” includes an individual, association, partnership, corporation, municipality, provincial or federal agency or an agent or employee thereof;

“**Pesticide**” means a pesticide regulated under the Pesticides Act, R.S.O. 1990, c.P.;

“**pH**” means the logarithm to the base 10 of the reciprocal of the concentration of hydrogen ions in moles per litre of solution;

“**Phenolic Compounds**” means those derivatives of aromatic hydrocarbons which have a hydroxyl group directly attached to the ring as determined by Standard Methods;

“**Plant**” means any site capable of discharging to a Sewage Works covered by this by-law;

“**Pretreatment**” means the reduction, elimination, or alteration of pollutants in Wastewater prior to discharge into the Sanitary Sewer which may be obtained by physical, chemical or biological processes, through pollution prevention, or by other means, except by diluting the concentration of the pollutants;

“**Pretreatment Process**” means one or more treatment processes or devices designed to remove sufficient matter from Wastewater discharged into the municipal sewer to enable compliance with effluent limits established in this by-law used to prevent or reduce and control the discharge or deposit of matter from the premises into the Sewage Works;

“**Reactive Waste**” means a substance that,

- a) is normally unstable and readily undergoes violent changes without detonating,
- b) reacts violently with water,
- c) forms potentially explosive mixtures with water,

- d) when mixed with water, generates toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment,
- e) is a cyanide or sulphide bearing waste which, when exposed to pH conditions between 2 and 12.5 can generate toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment,
- f) is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement,
- g) is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure,
- h) is an explosive (Class 1) as defined in the Transportation of Dangerous Goods Regulations;

“Sanitary Sewer” means a sewer for the collection and transmission of domestic, residential, commercial, institutional and industrial sewage or any combination thereof;

“Sewage” means any liquid, solid or gas containing organic, inorganic, animal, vegetable or mineral matter in solution or in suspension but does not include Storm Water or Uncontaminated Water;

“Sewage Works” means any works for the collection, transmission, treatment or disposal of sewage and contaminated water, including a Combined Sewer, Sanitary Sewer or Storm Sewer, or any part of such works, but does not include plumbing or other works to which the Building Code Act, 1992, S.O. 1992, c.23 and Regulations made thereunder apply;

“Spill” means a direct or indirect discharge or deposit to the Sewage Works or the natural environment which is abnormal in quantity in light of all the circumstances of the discharge;

“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 Environment Federation, current at the date of testing or a procedure published by the Ministry of the Environment, Conservation and Parks as a standard method or the equivalent of a standard method.

“Storm Sewer” means a sewer for the collection and transmission of Uncontaminated Water, Storm Water, drainage from land or from a Watercourse or any combination thereof;

“Storm Water” means the water running off the surface of a drainage area during and immediately after a period of rain or snow melt;

“Total Suspended Solids (TSS)” means insoluble matter in liquid that is removable by filtration, as determined by Standard Methods;

“Transportation of Dangerous Goods Regulations” means the Transportation of Dangerous Goods Regulations SOR/2001-286, as amended;

“Uncontaminated Water” means potable water as supplied by the Municipality or any other water to which no matter has been added as a consequence of its use;

“Waste Disposal Site Leachate” means leachate from any waste disposal site;

“Waste Radioactive Prescribed Substances” means uranium, thorium, plutonium, neptunium, deuterium, their respective derivatives and compounds and such other substances as the Atomic Energy Control Board may designate as being capable of releasing atomic energy or as being requisite for the production, use or application of atomic energy;

“Wastewater” means the composite of water and water-carried wastes from residential, commercial, industrial, agricultural or institutional premises or any other source;

“Watercourse” means an open channel or ditch constructed as or resulting from the construction of municipal work in which a flow of storm water occurs either continuously or intermittently, including other natural depressions or watercourses draining into any such open channel or ditch whether connected to a Storm Sewer or not.

Part 2 – Sanitary and Combined Sewer Requirements

2. No Person shall cause or permit the deposit or discharge of sewage into a land drainage work, private branch drain or connection to any sewer, sewer system or Sewage Works which are connected directly or indirectly to the sewage treatment plant of the Municipality if such sewage:
 - a) causes or may cause or results in any one or more of the following conditions:
 - i. a health or safety hazard to a Sewage Works Person authorized to operate, maintain, repair or otherwise work on a Sewage Works;
 - ii. a breach of the OWRA or the EPA, as amended from time to time, or any Regulation made thereunder from time to time;

- iii. biosolids from the Sewage Works to fail, either directly or indirectly as a result of the sewage discharge, to meet the objectives and criteria relating to contaminants for utilizing biosolids for beneficial use under the Nutrient Management Act, 2002, S.O. 2002, c.4 or Regulations made thereunder or of any other applicable statute, regulation, by-law, governmental guideline or approval in effect from time to time;
 - iv. an obstruction or restriction to the flow of the Sanitary Sewer or Combined Sewer;
 - v. an offensive odour to emanate from the Sanitary Sewer, Combined Sewer or Sewage Works;
 - vi. damage to the sanitary or Combined Sewer works infrastructure;
 - vii. interference with the operation and maintenance at a Sewage Works;
- b) contains any one or more of the following characteristics:
- i. a pH less than 6.0 or greater than 10.5;
 - ii. consisting of two or more separate liquid layers;
 - iii. having a temperature greater than sixty degrees Celsius;
 - iv. contains dye or colouring materials.
- c) contains one or more of the following:
- i. Biomedical Waste;
 - ii. Combustible Liquid;
 - iii. Fuel;
 - iv. Hauled Sewage, except where:
 - 1) the carrier of the Hauled Sewage is a waste management system operating under an ECA or is exempt from the requirement to have an ECA;
 - 2) a copy of the most recent ECA and any amendment is provided to the Municipality; and
 - 3) the carrier meets all conditions for discharge that are or may be required from time to time by the Municipality;

- v. Hauled waste, except where;
 - 1) the carrier of the hauled waste is a waste management system operating under an ECA or is exempt from the requirement to have an ECA;
 - 2) a copy of the most recent ECA and any amendment is provided to the Municipality;
 - 3) hauled waste meets the conditions set out in clauses 23(3)(c) and 25(5)(b) of Ontario Regulation 347 made under the EPA; and
 - 4) the carrier meets all conditions for discharge that are or may be required from time to time by the Municipality;
- vi. Ignitable waste;
- vii. Pathological Waste;
- viii. PCB waste, except where:
 - 1) an ECA for a mobile site or PCB mobile waste disposal system or if an exemption, is being claimed, it has been demonstrated to the Municipality that the conditions of the exemption are met;
 - 2) a copy of the most recent ECA and any amendment is provided to the Municipality;
 - 3) written approval has been given by the Municipality for the discharge of the PCB Waste to the Sewage Works; and
 - 4) all requirements of Ontario Regulation 352 made under the EPA are met;
- ix. Pesticides;
- x. Reactive Waste;
- xi. Waste Radioactive Prescribed Substances, except where:
 - 1) the Waste Radioactive Prescribed Substances are being discharged under a valid and current license issued by the Atomic Energy Control Board or its successor; and

- 2) a copy of the license has been provided to the Municipality; or
- xii. Waste Disposal Site Leachate, except where:
 - 1) written approval has been given by the Municipality which authorizes the discharge or deposit of the Waste Disposal Site Leachate to the Sewage Works; and
 - 2) where an ECA or order has been issued which includes a provision for the disposal of Waste Disposal Site Leachate, a copy of the ECA or order is provided to the Municipality or where an exemption is being claimed the Municipality is satisfied that the conditions of the exemption are being met;
- d) contains a concentration, expressed in milligrams per litre, in excess of any one of more of the limits in Schedule A attached hereto and forming part of this by-law entitled "Limits for Sanitary and Combined Sewers", unless the Person is a Permit Holder.
3. No Person shall cause or permit the discharge of Cooling Water, storm water and/or Uncontaminated Water into a Sanitary Sewer except where:
 - a) the Municipality has approved, in writing, the discharge prior to any discharge and the Sewage is discharged in compliance with the approval.
4. No Person shall cause or permit the discharge of water which originates from a source separate from the potable water supplied by the Municipality to a Combined Sewer or Sanitary Sewer except where the following is met:
 - a) the amount of water, location of the water source, and address of the premises where the water is being used is provided to the Municipality;
 - b) in the case where the amount of water taken is greater than 50,000 litres per day and a copy of the Permit to Take Water issued under the OWRA is required, a copy of the Permit to Take Water is provided to the Municipality;
 - c) in the case where a Person is claiming exemption from the requirement to have an ECA, the Person has demonstrated to the Municipality that all conditions of the exceptions are met; or
 - d) the Municipality has approved, in writing, the discharge prior to any discharge and the discharge is in compliance with the approval.

Part 3 – Storm Sewer Requirements

- a) No Person shall cause or permit the deposit or discharge of any substance into a Storm Sewer unless:
- b) the discharged substance is Cooling Water or storm water or Uncontaminated Water;
- c) the discharged substance does not interfere with the proper operation of a Storm Sewer;
- d) the discharged substance does not obstruct or restrict a Storm Sewer or the flow therein;
- e) the discharged substance does not result in any hazard or other adverse impact, to any Person, animal, property, or vegetation;
- f) the discharged substance does not impair the quality of the water in any well, lake, river, pond, spring, stream, reservoir or other water or Watercourse;
- g) the discharged substance does not contravene or result in the contravention of an ECA;
- h) the discharged substance does not have one or more of the following characteristics:
 - i. two or more separate layers;
 - ii. a pH less than 6.5 or greater than 8.5;
 - iii. a temperature greater than forty degrees Celsius;
 - iv. contains dye or colouring materials.
- i) the discharged substance does not contain one or more of the following:
 - i. Biomedical Waste;
 - ii. Combustible Liquid;
 - iii. Fuel
 - 1) Hauled Sewage;
 - 2) Hauled Waste;
 - 3) Ignitable Waste;
 - 4) Pathological Waste;

- 5) PCB Waste;
 - 6) Pesticides;
 - 7) Reactive Waste;
 - 8) Waste Radioactive Prescribed Substances;
 - 9) Waste Disposal Site Leachate; and
 - 10) The discharged substance does not contain contaminants from raw materials, intermediate or final products or Wastewater from an Industrial operation.
5. A Person who discharges a substance into a Storm Sewer may be required, upon receipt of notice from the Municipality, to complete one or more of the following:
- a) a study on Storm Water quality and/or quantity;
 - b) modification and/or construction of Storm Water facilities;
 - c) development and implementation of BMP;
 - d) adoption and implementation of pollution prevention techniques and measures;
 - e) development and adoption of an environmental management system; or
 - f) any other requirement as specified by the Municipality.

Part 4 – Prohibition of Dilution

6. No Person shall add water or any other material from any source to a Wastewater discharge for the purposes of dilution to achieve compliance with Part 2 or Part 3 of this by-law.

Part 5 – Reporting Requirements

7. Every Person shall, prior to discharging Sewage, Storm Water, Cooling Water, Uncontaminated Water or any combination thereof, into a Sewage Works from an Industrial Plant, submit information to the Director, which is, in the sole opinion of the Director, sufficient to ensure that such discharge will not have a significant impact on the Sewage Works or require an Extra Strength Permit.
8. Upon receipt of notice in writing from the Municipality, any Person who discharges Sewage, Storm Water, Cooling Water, Uncontaminated Water or any combination

thereof, from an Industrial Plant into Sewage Works shall submit the information required under section 8 to the Municipality.

9. Written notification to the Municipality of any change to the information required under section 8 shall be provided within thirty (30) days of the change. Part 6 –Self-Monitoring

Part 6 –Self-Monitoring

10. Upon receipt of notice in writing from the Municipality, any Person who discharges Sewage or Storm Water into a Sewage Works shall, at his or her own expense, complete any monitoring or sampling of discharges as required by the Municipality, and provide the results to the Municipality as stipulated in such notice.

Part 7 – Extra Strength Permit

11. The Director may issue an Extra Strength Permit to permit discharge to a Sanitary Sewer or Combined Sewer, Sewage containing any substance set out in Schedule B in excess of the limit with respect to that substance as set out in Schedule A.
12. No Person shall discharge to a Sanitary Sewer or Combined Sewer, Sewage containing any substance set out in Schedule A in excess of the limit with respect to that substance as set out in Schedule A, except where the Person is a Permit Holder.
13. No Permit Holder shall discharge to a Sanitary Sewer or Combined Sewer, Sewage except in accordance with the conditions of an Extra Strength Permit.
14. An Extra Strength Permit shall include and be subject to the following conditions:
 - a) the substance and the limits for discharge of the substance;
 - b) the required characteristics of the Sewage;
 - c) the maximum quantity of the Sewage;
 - d) the fee required to be paid as determined by the “Extra Strength Fee Calculation” as set out in Schedule B;
 - e) the installation and maintenance of a Sewage meter to the satisfaction of the Municipality, at the expense of the Permit Holder
 - f) the requirement that all Sewage be discharged through the meter;
 - g) in the event that Sewage is not discharged through the meter, the calculation of the applicable charges be as follows; the same volume of water supplied

to the Permit Holder be deemed to be the unmetered volume of Sewage discharged;

- h) the payment by the Permit Holder, a sum, as liquidated damages in the amount of five thousand dollars (\$5,000) per day for each day after two (2) consecutive days or the fifth day in a thirty (30) day period that the Sewage has concentration or loading that exceeds the requirements of the Extra Strength Permit for each parameter.
15. In addition to any other remedies available to the Municipality in respect of a breach of a condition of an Extra Strength Permit, the Director may alter the conditions or revoke the Extra Strength Permit.

Part 8 – Compliance Agreements

16. The Director may authorize a Compliance Agreement.
17. The Compliance Agreement shall:
- a) be for a fixed term;
 - b) include a plan to address the non-compliance, including a description of the Pretreatment Processes or other measures which are to be installed or implemented and the dates of commencement and completion;
 - c) include reporting requirements to the Municipality on significant stages in the progress towards compliance as determined by the Municipality; and
 - d) list the non-complying situation and include a maximum interim limit for the parameter or parameters covered by the Compliance Agreement.
18. During the term of the Compliance Agreement, Part 2 of this by-law or the provisions of Extra Strength Permit, as the case may be, shall not apply to those Persons and/or premises specified in the Compliance Agreement provided that all of the conditions of the Compliance Agreement are met.
19. A Compliance Agreement shall be subject to the condition that the Director may terminate the Compliance Agreement in the following circumstances:
- a) if there may be a threat to the health and safety of any Person;
 - b) if there may be damage to the sewers, increasing maintenance costs or dangerous conditions;
 - c) if there may be damage to the Sewage treatment Process or dangerous conditions in the Sewage Works;

- d) biosolids from the Sewage Works to fail, either directly or indirectly as a result of the sewage discharge, to meet the objectives and criteria relating to contaminants for utilizing biosolids for beneficial use under the Nutrient Management Act, 2002, S.O. 2002, c.4 or Regulations made thereunder or of any other applicable statute, regulation, by-law, governmental guideline or approval in effect from time to time
 - e) if Sewage Works effluent contravenes any requirement of the Sewage Works ECA, the OWRA or the EPA;
 - f) if discharge is contrary to terms of this by-law in any way other than provided for in Extra Strength Permit or Compliance Agreement;
 - g) for non-payment of any fees or charges required by the permit or agreement; and
 - h) for regular and materially late payment of any fees or charges required by the permit or agreement.
20. If the Compliance Agreement is terminated, the provisions of Part 2 of this by-law or the provisions of Extra Strength Permit, as the case may be, shall immediately apply.

Part 9 – Pretreatment

- 21. Where required by an Authorized Municipal Representative, the owner or operator shall install on the premises, and prior to the Maintenance Access Point, a Wastewater Pretreatment facility.
- 22. The owner or operator shall ensure the design, operation and maintenance of the Pretreatment facility achieves the treatment objectives and is in accordance with the manufacturer's recommendations.
- 23. The owner or operator shall ensure any waste products from the Pretreatment facility are disposed of in a safe manner.
- 24. The maintenance records and waste disposal records shall be available to the authorized municipal representative upon request.
- 25. The owner or operator shall keep documentation pertaining to the Pretreatment facility and waste disposal for at least two years.

Part 10 – Sampling and Analytical Requirements

- 26. The Council of the Municipality may establish procedures for the sampling and analysis of Sewage in the Municipality's Sewage Works and all samples required

by this by-law shall be collected in compliance with the procedures established pursuant to this Section.

27. In the case of sampling a discharge to a Combined Sewer, any Storm Water or Uncontaminated Water which is discharged at the time of sampling, is not to be considered a component of the sample for determining compliance.
28. The owner or occupant of commercial or 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, sampling and measurement of the flow of Sewage therein, provided that where installation of a manhole is not possible, an alternate device or facility may be substituted with the approval of the Director:
 - a) every manhole, device or facility installed as required by this by-law shall be designed, constructed and situated in accordance with good engineering practice and the requirements of the Municipality, and shall be constructed and maintained on the lands of the owner or occupant of the premises at his expense;
 - b) the owner or occupant of commercial or Industrial premises shall at all times ensure that every manhole, device or facility installed as required by this by-law is accessible for the purposes of observing, sampling and measuring the flow of Sewage therein.
29. Where sampling is required for the purposes of determining the concentration of any one or more of the parameters in Schedule A is within the prescribed limits in the Wastewater, Storm Water or Uncontaminated Water, the sample may:
 - a) be collected manually or by using an automatic sampling device;
 - b) be collected as a grab or Composite Sample; and
 - c) contain additives for its preservation.
30. For the purposes of determining compliance with Schedule A, discrete Wastewater streams within the site may be sampled at the discretion of the Authorized Municipal Representative.
31. Any single grab or Composite Sample may be used to determine compliance with Schedule A.

Part 11 – Maintenance Access Points

32. The Municipality may require in written notification, the installation of Maintenance Access Points or the upgrading of existing Maintenance Access Points, for each

connection to the Sewage Works at any site from which discharges occur, for the purpose of monitoring or sampling discharges as set out in Part 10.

33. Maintenance Access Points required under Part 11 shall be:
- a) located on the property from which the discharge originates unless the Municipality permits an alternative location;
 - b) accessible at all times by the Municipality;
 - c) constructed in accordance with good engineering practice and the requirements of the Municipality;
 - d) maintained to ensure access and structural integrity; and
 - e) maintained and constructed at the expense of the Person responsible for the discharge.

Part 12 – Spills

34. In the event of a Spill, the Person having the charge, management or control of the Spill shall:
- a) do everything reasonably possible to contain the Spill;
 - b) protect the health and safety of citizens;
 - c) minimize damage to property;
 - d) protect the environment;
 - e) clean up the Spill and contaminated residue; and
 - f) restore the affected area to its condition prior to the Spill.
35. Notwithstanding section 35, the Person having the charge, management or control of the Spill shall:
- a) immediately notify the Municipality;
 - b) provide any information with respect to the Spill which the Municipality advises it requires; and
 - c) complete any work the Municipality requires to mitigate, clean up the Spill and contaminated residue and restore the affected area to its condition prior

to the Spill.

- a) The Person having the charge, management or control of the Spill shall provide a report on the Spill to the Director, within seven (7) days after the Spill, containing the following information:
 - b) location where Spill occurred;
 - c) name and phone number of Person who reported the spill and location where they can be contacted;
 - d) date and time of Spill;
 - e) material Spilled;
 - f) characteristics of material Spilled;
 - g) volume of material Spilled;
 - h) duration of Spill event;
 - i) work completed and/or still in progress in the mitigation of the Spill; and
 - j) preventative actions being taken to ensure the situation does not occur again.
36. Nothing in this by-law relieves any Persons from complying with any notification or reporting provisions for other government agencies, including federal and provincial agencies, as required and appropriate for the material and circumstances of the Spill.

Part 13 – Authorized Municipal Representatives

37. Authorized Municipal Representatives have the authority to carry out any inspection reasonably required to ensure compliance with this by-law, including but not limited to:
- a) Inspecting, observing, sampling and measuring flow in any private drainage system, Wastewater disposal system, Storm Water management facility and flow monitoring point;
 - b) Determine water consumption by reading water meters or Sewage flows by reading Sewage meters;
 - c) Test and calibrate flow measuring devices and recover associated costs from the customer and request calibration reports;

- d) Collect and analyze samples of Wastewater, Storm Water or Uncontaminated Water being released from the premises or flowing within a private system;
 - e) Collect and analyze samples of hauled Wastewater;
 - f) Complete inspections of the types and quantities of chemicals being handled or used on the premises in relation to possible release to a Sewage Works;
 - g) Request information from any Person concerning a matter related to the discharge to Sewage Works;
 - h) Inspect and copy documents or remove documents from the premises to make copies concerning a matter related to the discharge to Sewage Works;
 - i) Inspect the premises where a release of a prohibited or restricted waste or of water containing prohibited or restricted waste has been made or is suspected of having been made, and to sample any or all matter that is in his/her opinion could have been part of the release.
38. No Person shall hinder or prevent any Authorized Municipal representative from carrying out any of his/her powers or duties.

Part 14 – Entry Upon Lands

39. Where a Person fails to do what is required by this by-law or fails to do anything as he or she may be directed by the Municipality to do pursuant to this by-law, the Municipality may enter upon any lands and do what is required or what has been directed to be done and may recover the costs by adding the costs to the tax roll and collecting them in the same manner as property taxes.

Part 15 – Offences

40. Every Person who contravenes any section of this by-law is guilty of an offence and, upon conviction, is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, c.P. 33.
41. A corporation that contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable for a fine not exceeding \$100,000.00.

42. Every director or officer of a corporation who concurs in such contravention by the corporation is guilty of an offence and on conviction is liable to a fine not exceeding \$50,000.00.
43. Should any contravention of this by-law continue for more than one (1) day then each day during which such contravention continues constitutes a separate offence.
44. The court in which a 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, and such order shall be in addition to any other remedy and to any penalty imposed on the Person convicted.
45. If the fine remains unpaid the fine shall be deemed to be unpaid taxes.

Part 16 – Access to Information

46. All information submitted to and collected by the Municipality that is contained in plan summaries, 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 Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56.
47. In the event that any Person in submitting information to the Municipality, as required under this article, where such information is confidential or proprietary or otherwise, may be exempt from disclosure pursuant to this legislation, the Person submitting the information shall so identify that information upon its submission to the Municipality or the Municipality and where such information is confidential or proprietary or otherwise, may be exempt from disclosure.
48. The authorized municipal representative shall have access to information contained in the ECA of any Wastewater dischargers to the sewer system.

Part 17 - Repeal

49. That by-law 259-01 and all amendments thereto be and is hereby repealed.

Read a first, second and third time this 10th day of June 2025.



Hilda MacDonald, Mayor



Roberta Baines, Deputy Clerk

This By-law was approved by Leamington Council on June 10, 2025. Written approval of the by-law was given by Mayoral Decision MD-005-25 dated June 10, 2025.

Schedule A – Limits for Sanitary and Combined Sewers

<i>Parameter</i>	<i>Limit (mg/L)</i>
pH (pH units)	6.0 – 10.5
Temperature (degrees C)	60
BOD	300
Cyanide, Total	2
Kjeldahl Nitrogen, Total	100
Phosphorus, Total	10
TSS	350
Phenolics (4AAP)	1
Chloride	1500
Fluoride	10
Sulphate	1500
Sulphide, as H ₂ S	1
Oil and Grease - mineral or synthetic in origin	15
Oil and Grease - animal or vegetable in origin	150
Aluminum, Total	50
Antimony, Total	5
Arsenic, Total	1
Barium, Total	5
Bismuth, Total	5
Cadmium, Total	0.7
Chromium, Total	5
Cobalt, Total	5
Copper, Total	3
Lead, Total	2
Manganese, Total	5
Mercury, Total	0.05
Molybdenum, Total	5
Nickel, Total	3
Selenium, Total	5
Silver, Total	5
Tin, Total	5
Titanium, Total	5
Vanadium, Total	5
Zinc, total	3
Benzene	0.01
Chloroform	0.04
1,2 - Dichlorobenzene	0.05
1,4 - Dichlorobenzene	0.08
Ethylbenzene	0.06
Methylene chloride	0.09
1,1,2,2 - Tetrachloroethane	0.06

Tetrachlorethylene	0.06
Trichloroethylene	0.05
Toluene	0.02
Xylene, total	0.3

Schedule B – Extra Strength Permit Parameters and Fee Calculation

An Extra Strength Permit may be issued by the Director to permit discharge to a Sanitary Sewer or Combined Sewer, Sewage with exceedances of any one or more of the following parameters:

Parameter
BOD
Phenolics (4AAP)
Kjeldahl Nitrogen, Total
Phosphorus, Total
TSS

EXTRA STRENGTH FEE CALCULATION

$$S = \frac{F \times Q \times R}{1000}$$

Where:

S = Extra Strength Fee in dollars;

F = Actual measured concentration of the Permit Holder's Sewage, measured in milligrams per litre, as determined by the Municipality from samples taken by the Municipality at the point of discharge of the Permit Holder's Sewage, minus the allowable concentration in milligrams per litre, of the parameter, or parameters identified in the above table, in excess of their respective limits as set out in the by-law.

Q = Total measured volume in excess of allowable concentration of the parameter or parameters, discharged by the Permit Holder to the Pollution Control Centre, as measured in cubic metres and.

R = Cost of treatment of the parameter or parameters being the operating cost of the Sewage treatment works directly impacted by the Extra Strength Sewage discharge expressed in dollars per kilogram of waste for the parameter or parameters in excess of their respective by-law limits, based on the previous year's operating and maintenance costs for the Pollution Control Centre. The cost of treatment may be amended from time to time at the sole discretion of the Municipality provided that sixty (60) days' notice in writing is provided to the Permit Holder.