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**Subject:** Sewer Use By-law Update and Revocation of Supporting Public Works Policies

**Report to:** Public Works Committee

**Report date:** Tuesday, August 13, 2024

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## **Recommendations**

1. That By-law No. 27-2014, A By-law to Regulate Discharges to the Sanitary and Storm Sewer Systems of The Regional Municipality of Niagara, (short title being the “Sewer Use By-law”), **BE REPEALED AND REPLACED** with the updated draft Sewer Use By-law provided as Appendix 1;
2. That the proposed Short Form Offences and Set Fines Schedule for the updated Sewer Use By-law, attached as Appendix 2, **BE FORWARDED** for the approval of the Chief Justice of the Ontario Court of Justice (Provincial Division), as required under Section 91.1(1) of the Provincial Offences Act in order to allow for enforcement of the updated By-law by the issuance of tickets;
3. That the Public Works Hauled Sewage Program policy PW4.H01.1a **BE REPEALED** and **REMOVED** from the Public Works Policy Manual; and
4. That the Public Works Sewer Use By-law, Enforcement Of policy PW4.S04 **BE REPEALED** and **REMOVED** from the Public Works Policy Manual.

## **Key Facts**

- This report seeks Council’s approval to repeal the existing Sewer Use By-law and Hauled Sewage and Sewer Use By-law Enforcement policies as described in the report recommendations and replace them with the proposed updated by-law (Appendix 1).
- The Region has had a Sewer-Use By-law in place since 1972 and it was last updated in 2014.
- The proposed draft by-law provides improvements to administration, sampling and analysis, storm sewer requirements, hauled sewage, construction dewatering permitting, and provisions to address non-compliance and includes general updates to bring it in-line with current best practices based on a comprehensive jurisdictional scan.
- The proposed by-law was posted publicly on the Region’s website for a 30-day consultation period and communicated to interested parties for review.

- Feedback from internal and external parties was reviewed and used to inform the recommended by-law.

## **Financial Considerations**

Fees collected from permits and agreements issued under the Sewer Use By-law are applied to directly offset costs related to the administration of this by-law. Such fees are included in the Fees and Charges By-law that is approved by Council each year.

Revenue generated from fines issued under this by-law (issued under the Provincial Offences Act) is expected to be minimal based on past records of violations and is subject to the Niagara Region Courts Intermunicipal Agreement. The focus of enforcement will be to achieve compliance as opposed to the imposition of fines. Voluntary compliance is the preferred method to resolve issues of non-compliance with the by-law.

## **Analysis**

### **Background**

Niagara Region provides collection and treatment of wastewater to eleven local area municipalities. The Niagara Region wastewater systems consist of trunk gravity sewers, sewage pumping stations, forcemains and wastewater treatment plants. In addition to this service, hauled sewage from rural areas of Niagara Region accepts hauled sewage from approved sewage haulers at seven (7) wastewater treatment plants. As a service to RV owners, sewage is accepted from recreational vehicles (RVs) at three (3) plants.

A Sewer Use By-law ensures that discharges to the sewer and treatment plant do not negatively impact the treatment process and that discharges do not interfere with the ability for a wastewater treatment plant to meet compliance with Provincial and Federal legislation. It also serves to protect the health and safety of the public and Niagara Region staff. The Sewer Use By-law also includes conditions for the acceptance of Hauled Sewage. Niagara Region has had a Sewer Use By-law in place since 1972. The current Sewer Use By-law 27-2014 was last updated and approved by Council in February 2014.

The recommended by-law updates were developed following a review of industry best practices and emerging issues, evaluation of the Region's current by-law in comparison to other municipalities' by-laws as well as comparable Regional by-laws, and identification of gaps, areas of opportunity and new pressures. Staff also reviewed the

associated Hauled Sewage Program Policy (PW4.H01.1a) and the Enforcement of the Sewer Use By-law policy (PW4.S04) and compared them with other municipal hauled sewage policies, procedures and by-laws to identify opportunities for improvement. The draft by-law was also posted on the Region's website for a 30-day public review period. Comments received from various internal and external parties were reviewed and used to inform the proposed by-law.

The proposed by-law can be found at Appendix 1 of this report.

## **Summary of Significant Changes**

The draft by-law proposes the following changes:

### **1. Administration and Enforcement**

The administration and enforcement section has been updated to delegate tasks required to administer this by-law to the Commissioner (such as the imposition of forms and processes, permits and agreements).

A section has been included to allow the issuance of Orders where necessary to address a contravention of the by-law.

### **2. Use of Sanitary and Combined Sewers**

Discharge limits to a sanitary or combined sewer have been added for four (4) additional parameters:

- Total xylene
- Bis (2-ethylhexyl phthalate) or BEHP
- Chemical oxygen demand or COD
- Poly chlorinated biphenyl's or PCBs

These additions will further protect the wastewater treatment plant process and the continued beneficial re-use of biosolids.

### **3. Sampling and Analytical Requirements**

All testing required under this by-law is now to be completed by an accredited laboratory. Requiring testing to be completed by an accredited laboratory increases

confidence in the accuracy of sample results being used by staff to make decisions under the by-law.

The laboratory testing methods have been updated to reference Ministry of Environment, Conservation and Parks (MECP) sampling and testing protocol, consistent with testing methods used by Niagara Region wastewater treatment facilities.

#### **4. Storm Sewer Requirements**

The current by-law limits the use of storm sewers to normal urban run-off and surface water drainage. Several changes to this section are proposed that prohibit the discharge of specific contaminants to the storm sewer as opposed to the generic prohibition wording used in the current By-law. This keeps pace with industry best practices which will help the Region maintain compliance with the new consolidated linear infrastructure environmental compliance approvals for storm systems issued by the MECP to Niagara Region in 2023.

#### **5. Connections – Construction Dewatering Permits**

Based on a growing need to receive wastewater from dewatering at construction sites, additional wording has been proposed to allow for permitting of permanent and temporary connections to Regional sewers, such as construction related dewatering activities.

#### **6. Hauled Sewage**

The review identified an opportunity to consolidate all hauled sewage requirements from the existing Public Works policy within the Sewer Use By-law to improve clarity and simplicity. The existing Public Works Hauled Sewage Program Policy (PW4.H01.1a) will no longer be required, pending Council's approval of an updated Sewer Use By-law.

This will be accomplished through expansion of Section 11 - Hauled Sewage. Highlights of the proposed changes are as follows:

- Annual expiration and renewal requirements for Sewage Hauler Permits to ensure Sewage Hauler information is kept current and the appropriate insurance and regulatory approvals are maintained
- Specific insurance requirements for sewage haulers including the type and amount of insurance required
- On site requirements for using Niagara Region disposal sites

- A requirement for Sewage Haulers to wear personal protective equipment (PPE) while on site at a Niagara Region facility
- Provisions to address non-compliance with the hauled sewage program and hauler permits given the material risk to municipal infrastructure, legislated compliance requirements, and health and safety considerations.
- Authorities for enforcement together with an appropriate appeal mechanism

## **7. General Clarity and Accuracy**

Improvements were made to ensure clarity and ease of understanding, while making a stronger, more comprehensive by-law for continued protection of Niagara Region's sewer systems.

### **Jurisdictional Scan**

Staff reviewed by-laws from the City of Hamilton, Halton Region, Peel Region, City of Toronto, York Region, Durham Region, Region of Waterloo, City of Ottawa and City of Calgary (as summarized in Appendix 3) as these municipalities provide similar services and/or had recently amended or modernized their by-laws. No single by-law provided a "best fit" for Niagara Region. Staff adapted best practices from each by-law to the draft by-law for Niagara Region. Most of the updates included in the draft by-law are similar in nature to comparator municipalities apart from:

1. Inclusion of Chemical Oxygen Demand (COD) discharge limits and addition of this parameter as a parameter eligible for surcharge

COD can be used as a surrogate for the commonly use Biochemical Oxygen Demand (BOD) test. COD testing is easier and faster than BOD testing and can provide more accurate results where the discharge contains parameters that can influence the traditional BOD test. By including COD, the option to use this test in place of BOD provides flexibility. Inclusion of COD was only observed in the City of Calgary By-law making Niagara a leader in Ontario in this regard.

2. Appeal mechanism for decisions to revoke, renew, issue or impose conditions on a Sewage Hauler Permit

During consultation, one submission noted a desire for an appeal mechanism regarding decisions on sewage hauler permit revocation, renewal, refusal or imposition of conditions. Currently, only the City of Calgary by-law allows for

appeals of decisions on this type of permit. The draft By-law presented for approval has included a provision for an appeal process.

## **Consultation and Feedback**

A [project page](#) communicating an update to the Sewer Use By-law was created and available on the Niagara Region website as of March 28, 2024. The draft Sewer Use By-law was posted on the project page for a 30-day consultation period starting May 31, 2024 and closing July 1, 2024. Interested parties were invited to provide feedback regarding the draft by-law using a link on the project page.

The consultation period was communicated using the following methods:

- Email communication to 152 interested parties including local area municipalities, industrial, commercial and institutional properties, Sewage Haulers with active permits, high volume Generators of Hauled Sewage, Ministry of Environment, Conservation and Parks (local office) and local environmental laboratories.
- Posted under the [Public Notice](#) page on the Niagara Region website (<https://www.niagararegion.ca/news/notices/default.aspx>)
- Shared through Niagara Region social media.
- Notice of the consultation period was posted at each hauled sewage disposal location.

## **Plan Moving Forward**

If Council approves the updated By-law, Staff will communicate the finalized Sewer Use By-law to interested parties. Supporting information will be created or updated to assist with the administration of the updated By-law.

Staff will also seek approval for the proposed set fines as outlined in Appendix 2 in accordance with Section 91.1 of the Provincial Offences Act to allow for potential enforcement of the by-law by the issuances of tickets as needed.

## **Alternatives Reviewed**

### **Do nothing; continue to use the current Sewer Use By-law 27-2014 and the Hauled Sewage Program Policy (PW4.H01.1a) – Not recommended**

If the existing 2014 Sewer Use By-law and 2006 Hauled Sewage Program policy remain in effect, requirements related to use of the Region's sewer system will not adequately

protect the Region's infrastructure, compliance obligations or health and safety obligations. Furthermore, the Region would miss an opportunity to improve the current policy framework and respond to evolving best practices, such as the updated stormwater discharge requirements, construction dewatering permitting and issuance of orders.

### **Relationship to Council Strategic Priorities**

By updating the Sewer Use By-law and revoking the Hauled Sewage Program Policy, we are supporting an 'Effective Region' by continuously improving and modernizing processes to ensure effective service delivery of Regional services and programs.

Public consultation of the draft Sewer Use By-law and communication with external interested parties also promotes an 'Equitable Region' allowing an opportunity to listen and respond to community needs.

### **Other Pertinent Reports**

#### [PW 13-2024 Sewer Use By-law and Hauled Sewage Program Policy Update](https://niagararegion.escribemeetings.com/Public%20Works%20Committee_May07_2024/Pages/VisitorView.aspx?itemID=14)

([https://niagararegion.escribemeetings.com/Public%20Works%20Committee\\_May07\\_2024/Pages/VisitorView.aspx?itemID=14](https://niagararegion.escribemeetings.com/Public%20Works%20Committee_May07_2024/Pages/VisitorView.aspx?itemID=14))

#### [PW 3-2023 Updates to the Hauled Sewage Program Policy](https://niagararegion.escribemeetings.com/Public%20Works%20Committee_Feb14_2023/Pages/VisitorView.aspx?itemID=12)

([https://niagararegion.escribemeetings.com/Public%20Works%20Committee\\_Feb14\\_2023/Pages/VisitorView.aspx?itemID=12](https://niagararegion.escribemeetings.com/Public%20Works%20Committee_Feb14_2023/Pages/VisitorView.aspx?itemID=12))

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**Prepared by:**

Dawn MacArthur, B.Sc., C.Chem.  
Supervisor, Wastewater Compliance  
and Enforcement  
Water-Wastewater Services

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**Recommended by:**

Terry Ricketts, P.Eng.  
Commissioner of Public Works  
Public Works Department

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**Submitted by:**

Ron Tripp, P.Eng.  
Chief Administrative Officer

This report was prepared in consultation with Jason Oatley, Manager, Wastewater Quality and Compliance, and reviewed by Robert Daw, Associate Director, Wastewater Operations, Maintenance and Laboratory Services; Phill Lambert, Director, Water and Wastewater Services; Dan Ane, Program Financial Specialist; Donna Gibbs, Director Legal and Court Services, Janet Rose, Communications Consultant.

**Appendices**

Appendix 1	Proposed updated draft Sewer Use By-Law
Appendix 2	Proposed Short Form Offences and Set Fines Schedule
Appendix 3	Municipal Comparison Table



# THE REGIONAL MUNICIPALITY OF NIAGARA

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## Sewer Use By-law

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By-law No.

Date

A By-Law To Regulate Discharges To The Sanitary And Storm Sewer Systems Of The Regional Municipality Of Niagara And To Repeal By-Law No. 27-2014.

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## THE REGIONAL MUNICIPALITY OF NIAGARA

## BY-LAW NO.

A BY-LAW TO REGULATE DISCHARGES  
TO THE SANITARY AND STORM SEWER SYSTEMS  
OF THE REGIONAL MUNICIPALITY OF NIAGARA  
AND TO REPEAL BY-LAW NO. 27-2014

WHEREAS pursuant to sections 8 and 11 of the Municipal Act, 2001, S.O. 2001, c. 25, Regional Council may pass By-laws respecting sanitary and storm sewage systems;

AND WHEREAS pursuant to sections 80 and 87 of the Municipal Act 2001, the municipality has a right of entry to inspect and take certain action with respect to sewage systems and public utilities it supplies;

AND WHEREAS pursuant to section 425 of the Municipal Act 2001, Regional Council may pass By-laws providing that any person who contravenes a By-law of the municipality passed under the Municipal Act, 2001 is guilty of an offence;

AND WHEREAS Regional Council is desirous of passing a By-law to regulate discharge to the sanitary and storm sewer systems and regulate the use of the wastewater treatment plant facilities of The Regional Municipality of Niagara in order to:

- a) maintain and protect the integrity of Regional infrastructure;
- b) control the quality of sewage entering sewage works and the resulting treated effluent; and
- c) prevent adverse effects to persons, property and the natural environment from discharges to Regional infrastructure;

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF NIAGARA HEREBY ENACTS AS FOLLOWS:

1. DEFINITIONS:

In this By-law unless the context specifically indicates otherwise:

“Accredited Laboratory” means a laboratory accredited in accordance with “ISO/IEC 17025: General Requirements for the Competence of Testing and Calibration Laboratories” established by the International Organization for Standardization, as amended or replaced from time to time, or an equivalent standard that is acceptable to the Commissioner;

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"Acute Hazardous Waste Chemical" means an acute hazardous waste chemical within the meaning of Regulation 347;

"Applicant" means any Person applying for a Permit or renewal of a Permit under this By-law;

"Biochemical Oxygen Demand" or "BOD" means the quantity of oxygen utilized in the biochemical oxidation of matter;

"Biosolids" means stabilized municipal sewage sludge as recovered from the Region's wastewater treatment plants;

"Blowdown Water" means re-circulating 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 might impair the operation of the system;

"Building Code Act" means the Building Code Act, 1992, S.O. 1992, c.23, as amended from time to time;

"Building Sewer" means that part of a drainage system outside a building commencing at a point 0.9 meters from the outer face of the wall of the building and connecting the building drain to a public sewer or place of disposal of sewage;

"Chemical Oxygen Demand" or "COD" means a measure of the capacity of water to consume oxygen as a result of oxidation of inorganic chemicals and decomposition of organic matter;

"Colour of Liquid" means the appearance of a liquid from which the suspended solids have been removed;

"Combined Sewer" means a sewer intended to function simultaneously as a storm sewer and a sanitary sewer;

"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;

"Commissioner" means the Commissioner of Public Works for the Regional Corporation, or the person duly authorized to act in that person's place;

"Composite Sample" means two or more grab samples of a discharge to the sewage works taken at intervals during the sampling that have been combined automatically or manually;

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"Contact Cooling Water" means water that is used in a process for the purpose of removing heat and that has come into contact with any raw material, intermediate product, waste product or finished product;

"Council" means the elected council of The Regional Municipality of Niagara ;

"Dewatering Activity" means a temporary activity that is:

- (i) taking water from a well or otherwise extracting groundwater;
- (ii) draining water from a permanent or temporary pond or other surface water body, whether natural or man-made;
- (iii) releasing water previously stored in a tank, tanker truck, vessel, or other means of water storage;
- (iv) the permanent or temporary alteration of a natural or pre-existing drainage pattern; or
- (v) any combination of the above-noted activities, where the water from such activity would be discharged to a sewage works and such activity is related to a construction, land development, renovation, repair, maintenance or demolition activity at a property;

"Discharger" means a Person, association, partnership, corporation, municipality, or an agent or employee thereof, in occupation or having the charge, management or control of a premises, sewage, storm water, uncontaminated water or any combination thereof, to which this By-law applies;

"Domestic Sewage" means sewage derived from human activities and includes sewage from toilets and grey water from residential activities including but not limited to laundry, dish washing and showers, portable toilet waste or sewage from recreational vehicles, tour buses and other vehicle holding tanks designed for use by the occupants of the vehicle;

"Environmental Protection Act (Ontario) or EPA" means Environmental Protection Act, R.S.O. 1990, c. E.19 or as amended from time to time;

"Fees and Charges By-law" means a By-law passed by Council pursuant to section 391 of the Municipal Act, 2001 establishing fees and charges for services and activities provided by the Region and for the use of its property, as amended and replaced from time to time.

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"Fisheries Act" means the Fisheries Act (R.S.C., 1985, c. F-14) or as amended from time to time;

"Fuel" means alcohol, gasoline, naphtha, diesel fuel, fuel oil or any other ignitable substance intended for use as fuel;

"Garbage" means solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce;

"Grab sample" means a minimum sample of sewage, storm water, uncontaminated water, groundwater or effluent suitable for analytical testing which is collected over a period not exceeding 15 minutes;

"Groundwater" means subsurface water including water held in soil, in pores, cracks or crevices in rocks or as a free-standing body beneath the surface;

"Hauled Sewage" means wastewater removed from a wastewater system, and includes Domestic Sewage, Non-Domestic Sewage and/or Leachate that is transported to a wastewater treatment plant for disposal;

"Hauled Sewage Disposal Location" means a facility designated by the Niagara Region at a Regional Sewage Works to receive Hauled Sewage;

"Hauled Sewage Record" means a form, as provided by the Commissioner, used to record details of a Hauled Sewage discharge and may be in any format such as printed or electronic;

"Hazardous Industrial Waste" means hazardous industrial waste within the meaning of Regulation 347;

"Hazardous Waste Chemical" means a hazardous waste chemical within the meaning of Regulation 347;

"Ignitable Waste" means ignitable waste within the meaning of Regulation 347;

"Leachate" means liquid that has percolated through land disposed waste;

"Maintenance Access Point" means an access point in a private sewer connection to a municipal sewage works, that may be in the form of a maintenance hole or alternative device approved by the Commissioner, that allows for the observation, monitoring, sampling, flow measurement, maintenance and other related activities of the sewage, stormwater, uncontaminated water or other substance therein or permitted by the Commissioner to discharge effluent into;

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"Matter" means any solid, liquid or gas;

"MISA Protocol" means the Protocol for the Sampling and Analysis of Industrial/Municipal Wastewater, Version 2.0 January 1, 2016, PIBS 2724e02, as may be amended from time to time by the Ministry of the Environment and Climate Change;

"Municipal Act" means the Municipal Act, 2001, S.O.2001, c. 25, as amended from time to time;

"By-law Enforcement Officer" means a by-law enforcement officer appointed by Council, or an officer, employee or agent of the Region whose responsibilities include the enforcement of this By-law;

"Municipality" includes a local board, as that term is defined in the Municipal Act;

"Non-Contact Cooling Water" means water that is used in an industrial process, for the purpose of removing heat, that has not come into contact with any raw material, intermediate product, waste product or finished product of the industrial process other than heat, but does not include blowdown water;

"Non-Domestic Sewage" means other liquid waste, that is not Domestic Sewage, which is suitable, in the opinion of the Commissioner, for disposal and treatment at a Wastewater Treatment Plant. Any mixture of Non-Domestic Sewage and Domestic Sewage shall be considered Non-Domestic Sewage for the purposes of this By-law;

"Officer" means By-law Enforcement Officer, Licensing Officer, or Police Officer;

"Ontario Water Resources Act or OWRA" means Ontario Water Resources Act, R.S.O. 1990, c. O.40 or as amended from time to time;

"Pathological Waste" means pathological waste within the meaning of R.R.O. 1990 Reg.347, as amended from time to time, made under the *Environmental Protection Act*;

"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 R.R.O.1990 Reg.362, as amended, made under the *Environmental Protection Act*;

"Permit" means an authorization issued under this By-law to carry on an activity specified therein and the document, certificate or card issued shall provide evidence of such authority as the content may allow;

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"Permit Holder" means a Person holding a Permit in accordance with this By-law;

"Person" includes an individual, association, organization, partnership, municipality or other corporation and includes an agent or employee of any of them;

"Pesticide" means a pesticide or herbicide regulated under the *Pesticides Act*, R.S.O. 1990, c. P.11, as amended;

"Phenolics, 4AAP" means those organic compounds that contain a hydroxyl group directly bound to a carbon atom in a benzene ring which can be identified by the 4-Aminoantiprene method (4-AAP);

"Reactive Waste" means a reactive substance within the meaning of Regulation 347;

"Recreational Vehicle Holding Tank Waste" or "RV Waste" means waste produced in a vehicle that is derived from human activities including but not limited to human body waste, toilet or other bathroom waste, waste from other showers or tubs, liquid or water borne culinary or sink waste, laundry waste or similar waste that would normally be carried away by a sewer connected to a residential property if it were not produced in a vehicle;

"Regional Corporation", "Region", or "Niagara Region" means The Regional Municipality of Niagara;

"Regional Sewer or Regional Sewage Works or Regional Storm Sewer" means respectively a sewer, sewage works, or storm sewer, under the ownership or control of the Regional Corporation;

"Sanitary Sewer" means a sewer for the collection and transmission of sewage and to which storm water, surface water and ground water are not intentionally added;

"Severely Toxic Waste" means any contaminant listed in Schedule 3 of Regulation 347 or waste containing such a contaminant;

"Sewage" means any one or combination of Domestic Sewage or Non-Domestic Sewage or water borne wastes from residences, businesses, institutions or industries, together with such ground, surface and storm waters which may be present, and referred to at times as "Wastewater";

"Sewage Generator" or "Generator" means the owner or operator of a facility or property generating Sewage that is to be transported to a Regional Sewage Works;



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"Sewage Hauler" means any Person who carries Hauled Sewage in a vehicle, other than a recreational vehicle, from the Sewage Generator to a Regional Sewage Works and includes an employee of the Person;

"Sewage Hauler Permit" means authorization granted by the Region to a Sewage Hauler annually for the deposit of Hauled Sewage issued under Section 11 of this By-law;

"Sewage Works" means all sanitary sewers, sewer systems, sewage pumping stations, wastewater treatment plants and all other works for the collection, acceptance, transmission, treatment or disposal of sewage but does not include plumbing or other works to which the Building Code Act applies;

"Sewer" means a pipe or conduit for the collection and transmission of sewage or stormwater or groundwater;

"Spill" means a direct or indirect discharge or deposit to the Regional Sewage Works which is abnormal in quality or quantity in light of all the circumstances of the discharge;

"Storm Sewer" means a sewer for the collection and transmission of uncontaminated water, storm water, groundwater, drainage from land or from a watercourse or any combination thereof;

"Storm Water" means water from rainfall, other natural precipitation, or from the melting of snow or ice;

"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, or to modify its use;

"Waste Radioactive Prescribed Substances" means uranium, thorium, plutonium, neptunium, deuterium, their respective derivatives and compounds and such other substances as the Canadian Nuclear Safety Commission may by regulation designate as being capable of releasing atomic energy or as being requisite for the production, use or application of atomic energy;

"Wastewater Treatment Plant" or "WWTP" means any arrangement of devices and structures used by the Region for treating sewage for which a Provincial approval was issued;

"Watercourse" means an open channel, canal or ditch constructed as or resulting from the construction of a municipal work in which a flow of storm water occurs either continuously or intermittently, including road ditches, other natural depressions or

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watercourses draining into any such open channel or ditch whether connected to a storm sewer or not.

## 2. LIMITATION:

- 2.1. Nothing in this By-law shall be so construed as to permit anything, which by the provisions of any applicable Act, Regulation or By-law is otherwise prohibited.
- 2.2. This By-law shall not apply to discharges, activities or matters undertaken by the Region.

## 3. ADMINISTRATION AND ENFORCEMENT:

- 3.1. The Commissioner is responsible for the administration of this By-law and shall have all the necessary authority to administer this By-law.
- 3.2. Without limiting subsection 1 of this section, the Commissioner shall have the authority to:
  - a) Prescribe administrative forms and processes related to the issuance of Permits and agreements hereunder;
  - b) Impose or modify special conditions for any Permit, approval or agreement issued under this By-law; and
  - c) Approve connections to a Regional Sewage Works which are permanent or temporary.
- 3.3. The Commissioner may assign duties or delegate tasks to other Regional employees under this By-law.
- 3.4. An Officer, the Commissioner, or any person authorized by the Commissioner may, at all reasonable times, enter upon and inspect any land and buildings for the purposes of inspection or enforcing this By-law; including but not limited to determining compliance with this By-law, determining compliance with the terms and conditions of a permit, written approval or discharge agreement under this By-law, or laying charges under this By-law.
- 3.5. No Person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this this by-law. Any Person who hinders or obstructs, or attempts to hinder or obstruct, an Officer, the Commissioner, or any person authorized by the Commissioner, in the discharge of his or her duties under this By-law, shall be considered in violation of this By-law.

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## 4. USE OF SANITARY AND COMBINED SEWERS:

No Person shall discharge or deposit or cause or permit the discharge or deposit into any Sanitary or Combined Sewer or into any Sewer or Sewer system connected directly or indirectly with any Regional Sanitary Sewer any of the following:

- 4.1. Any Matter or quantity of Matter which may be harmful to or may become harmful to the Sewage Works;
- 4.2. Matter which may interfere with the proper operation of the Sewage Works;
- 4.3. Matter which may impair or interfere with any Sewage treatment process;
- 4.4. Matter which may obstruct or may tend to obstruct any Sewer or the flow of the Sewer;
- 4.5. Matter which may become a hazard to persons, property or animals;
- 4.6. Sewage volumes or matter whose daily discharge exceeds twenty percent (20%) of the annual average daily flow or loadings to the receiving Regional WWTP component of the Sanitary Sewage Works, unless otherwise approved in writing by the Commissioner;
- 4.7. Sewage containing Pesticides, except where used for the control of vector borne diseases as authorized by the Medical Officer of Health;
- 4.8. Sewage containing dyes or colouring materials which pass through a Sewage Works and discolour the Sewage Works effluent;
- 4.9. Sewage at a temperature in excess of 60 degrees Celsius;
- 4.10. Flammable or explosive matter;
- 4.11. Any quantity of matter capable of obstructing the flow in or interfering with the proper operation or capacity of any part of the Sewage Works, or resulting in increased maintenance activities and without limiting the generality of the foregoing:
  - a) any such quantity of ashes, cinders, sand, straw, mud, shavings, metal, glass, garbage, wipes, rags, feathers, plastic, wood or cellulose;
  - b) waste from catch basins, grit traps, floor troughs, oil/water separators;
  - c) waste from dissolved air flotation (DAF) units;
  - d) waste from directional boring activities;
  - e) waste containing surfactants, foam, or steam in such a quantity that interferes with the proper operation of any part of the sewage works;
  - f) Hauled Sewage except in accordance with Section 11 of the By-law; or
  - g) RV Waste except at a location and time as designated by the Commissioner;

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- 4.12. Sewage containing pathological waste, except that which is decontaminated prior to discharge or is otherwise approved by the Commissioner;
- 4.13. Sewage having a pH less than 6 or greater than 11 or which due to its nature or content becomes less than 6 or greater than 11 within a Sewage Works;
- 4.14. Sewage that may cause an offensive odour to emanate from a Sewage Works, and without limiting the generality of the foregoing, Sewage containing hydrogen sulphide, carbon disulphide, reduced sulphur compounds, amines, or ammonia, in such quantity that may cause an offensive odour to emanate from the Sewage Works;
- 4.15. Sewage containing animal waste, and without limiting the generality of the foregoing, Sewage containing intestines, stomach casings, intestinal contents, hides, hooves, toenails, horns, bones, poultry heads, hair, wool, fur, feathers, paunch manure or fleshings in a quantity sufficient to interfere with the proper operation of the Sewage Works;
- 4.16. Any garbage or any food waste which has not been properly shredded so that all particles will be carried freely under typical flow conditions in the Sewage Works;
- 4.17. Sewage containing any of the following matter in excess of the concentrations indicated in Table 1. Where the parameter listed in column one of Table 1 is a metal, the limit in column two is based on the total for that metal unless otherwise specified:

Table 1 – Limits for Sanitary and Combined Sewers

Parameter	Limit (mg/L)
Antimony	5
Arsenic	1
Benzene	0.01
Biochemical Oxygen Demand	300
BEHP – Bis (2-ethylhexyl phthalate)	0.28
Cadmium	0.7
Chemical Oxygen Demand	600
Chloroform	0.04
Chromium	3
Cobalt	5
Copper	3
Cyanide	1

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Parameter	Limit (mg/L)
1,2-dichlorobenzene	0.05
1,4-dichlorobenzene	0.08
Ethylbenzene	0.16
Fluoride	10
Lead	1
Mercury	0.01
Methylene Chloride	0.21
Molybdenum	5
Nickel	2
o-Xylene	0.52
PCBs	0.0001
Phenolics (4AAP)	1
Selenium	1
Silver	5
Solvent Extractables – animal or vegetable in origin	150
Solvent Extractables – mineral or synthetic in origin	15
Sulphate	1500
Sulphides	1
1,1,2,2 – Tetrachloroethane	0.04
Tetrachloroethylene	0.05
Tin	5
Toluene	0.2
Total Kjeldahl Nitrogen	100
Total Phosphorus	10
Total Suspended Solids	350
Trichloroethylene	0.05
Xylenes	1.4
Zinc	3

- 4.18. Waste radioactive prescribed substances, except where the waste radioactive prescribed substances are being discharged under a valid license issued by the Canadian Nuclear Safety Commission, or successor agency;

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- 4.19. Storm Water, water from drainage of roofs or building foundations or land or from a watercourse, or groundwater, or non-purchased municipal water, or uncontaminated water except that which may be discharged into a Combined Sewer;
- 4.20. Sewage which consists of two or more separate liquid layers;
- 4.21. PCB waste;
- 4.22. Water containing PCBs, except where:
  - a) The discharger has an approval for a mobile site or PCB mobile waste disposal system issued under the EPA or where the discharger is claiming an exemption and the discharger has demonstrated to the Commissioner that the conditions of the exemption are met;
  - b) A copy of the most recent approval and any amendment is provided to the Commissioner;
  - c) The discharger has written approval from the Commissioner for the discharge of the PCB containing water to the Sewage Works; and
  - d) All requirements of Ontario Reg. 362 and Ontario Reg. 352, as amended, under the EPA are met;
- 4.23. Water originating from a source other than a municipal water system or a dewatering activity or uncontaminated water from outside a municipal water system to a sanitary sewer, except where it is permitted by the Commissioner;
- 4.24. Regardless of any limitations set forth in this By-law, any quantity of matter, which may prevent the disposal or application of biosolids on land based on limitations set forth in the Ontario Nutrient Management Act, S.O. 2002. C. 4 or any successor guidelines or regulation(s);
- 4.25. Regardless of any limitations set forth in this By-law, any volume or quantity of matter which may cause the receiving Regional Sewage Works or WWTP to exceed the limits within its current Environmental Compliance Approvals as issued by the Ontario Ministry of the Environment, Conservation and Parks;
- 4.26. Regardless of any limitations set forth in this By-law, any volume or quantity of matter which may cause the discharged effluent from the receiving Regional Sewage Works or WWTP to exceed any limits set forth by any regulatory body.

## 5. INTERCEPTORS FOR GREASE, OIL AND SAND:

- 5.1. Every owner or operator of a restaurant or other industrial, institutional or commercial building where food is cooked, processed or prepared shall install an interceptor for oil and grease designed to prevent oils and greases from entering the Sewer system, unless otherwise approved by the Commissioner.
- 5.2. Every owner or operator of a motor vehicle service station, mechanical repair shop, or any other establishment where motor vehicles are repaired, lubricated, or maintained that has a discharge to a Sanitary or Combined Sewer, shall provide an interceptor for oil and grease designed to prevent oils and greases from entering the Sewer system, unless otherwise approved by the Commissioner.
- 5.3. Every owner or operator of a facility where sand, grit or similar material may directly or indirectly enter a Sanitary or Combined Sewer shall take all necessary measures to ensure that such grit is prevented from entering the Sewer. Such measures may include the installation and maintenance of interceptors or other appurtenances as approved by the Commissioner.
- 5.4. Every owner or operator of a dental practice shall install and maintain a dental waste amalgam separator and comply with the Dentistry Act, 1991, S.O. 1991, c.24, and the regulations made thereunder, as amended from time to time, for the management and disposal of amalgam waste.
- 5.5. Any interceptor or separator described in Section 5.1, 5.2, 5.3, or 5.4 shall be installed in compliance with the most current requirements of the Building Code Act and regulations thereunder as amended from time to time. Interceptors shall be maintained by the owner or operator, at their expense, in good working order. The owner or operator shall produce a maintenance schedule and maintenance records for the preceding eighteen (18) month period upon request by the Commissioner. Maintenance requirements and cleaning frequency for the interceptors or separators shall be in accordance with the manufacturer's recommendations, which shall be provided upon request. Maintenance requirements and cleaning frequency shall be posted at the site in a conspicuous location in proximity to the interceptor.

## 6. MAINTENANCE ACCESS POINTS:

- 6.1. The owner or occupant of commercial, institutional, or industrial premises, with one or more connections to a sewage works, shall install and maintain in good repair, in each connection, a suitable Maintenance Access Point.

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- 6.2. Every Maintenance Access Point shall be located on the property of the commercial, institutional or industrial premises, as close to the property line as possible, unless otherwise approved by the Commissioner.
- 6.3. Every Maintenance Access Point installed as required by this Section 6 of the By-law shall be designed and constructed in accordance with Niagara Region Standard RSD-001, as may be amended from time to time and shall be constructed and maintained by the owner or operator of the premises at their cost.
- 6.4. The owner or occupant shall at all times ensure that every Maintenance Access Point installed as required by this By-law is, at all times, accessible for the purpose of observing, sampling and measuring the flow of Sewage therein.
- 6.5. The owner or occupant of commercial, institutional, or industrial premises shall provide the Commissioner written notification of the installation of Maintenance Access Points and their location or the upgrading of existing Maintenance Access Points, for each connection to the Sewage Works at the site of a discharger, for the purpose of monitoring or sampling discharges.

## 7. SAMPLING AND ANALYTICAL REQUIREMENTS:

- 7.1. The Commissioner may require the owner or occupant of commercial, institutional, or industrial premises to collect and analyze samples of Storm Water and/or Sewage discharges, to install devices to monitor Storm Water and/or Sewage discharges, and to submit regular reports regarding the discharges, at its expense.
- 7.2. All measurements, tests, and analysis of the characteristics of the Storm Water and/or Sewage and wastes to which reference is made in this By-law, shall be carried out at the Maintenance Access Point required pursuant to this By-law or upon suitable samples taken therefrom.
- 7.3. All samples collected for the purposes of compliance with this By-law shall be collected in accordance with the most recent edition of the MISA Protocol or other protocol as approved by the Commissioner. All analyses on samples collected for compliance with this By-law shall be tested by an Accredited Laboratory.
- 7.4. The Region may establish non-compliance with this By-law on the basis of the analysis of a Grab sample or a Composite sample of a discharge. The sample may contain additives for its preservation. Samples may be collected manually or by using automated sampling equipment.



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## 8. BUILDING SEWERS:

- 8.1. No Person shall connect or cause or permit the connection of any roof water leader, eaves trough, downspout or building foundation drain (weeping tile or sumps) directly to a Sanitary Sewer or a Sewer which ultimately discharges to a Regional Sewage Works.

## 9. STORM SEWER REQUIREMENTS:

- 9.1. No Person shall discharge or cause or permit a discharge to a Regional Storm Sewer or to a storm sewer directly or indirectly connected to a Regional Storm Sewer unless:
- a) The discharge is uncontaminated Non-Contact Cooling Water or Storm Water or uncontaminated water;
  - b) The discharge does not interfere with the proper operation of a Storm Sewer;
  - c) It does not obstruct or restrict a Storm Sewer or the flow therein;
  - d) The discharge does not result in any hazard or other adverse impact, to any person, animal, property, or vegetation;
  - e) The discharge does not impair the quality of the water in any well, lake, river, pond, spring, stream, reservoir or other water or Watercourse;
  - f) The discharge does not contravene or result in the contravention of an approval issued under the OWRA or the EPA, as amended, with respect to the Storm Sewer and/or its discharge from the Storm Sewer into a Watercourse;
  - g) The discharge 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;
  - h) The discharge does not have one or more of the following characteristics:
    - i. visible film, sheen or discolouration;
    - ii. two or more separate layers;
    - iii. a pH less than 6.0 or greater than 9.0; or
    - iv. a temperature greater than 40 degrees Celsius;
  - i) The discharge does not contain one or more of the following:
    - i. Acute Hazardous Waste Chemical;
    - ii. Blowdown Water;
    - iii. Combustible Liquid;
    - iv. floating debris;
    - v. Fuel;
    - vi. Hauled Sewage;
    - vii. Hazardous Industrial Waste;

- viii. Hazardous Waste Chemical;
  - ix. Ignitable Waste;
  - x. Pathological Waste;
  - xi. Pesticide;
  - xii. Reactive Waste;
  - xiii. Severely Toxic Waste;
  - xiv. Sewage;
  - xv. Waste Radioactive Prescribed Substance;
  - xvi. Leachate;
  - xvii. Contact Cooling Water;
  - xviii. a substance from raw material, intermediate product, finished product, by-product or waste product of an Industrial process;  
or
  - xix. a substance used in the operation or maintenance of an Industrial site;
- j) The discharge does not contain *E.coli* colonies in excess of 200 colony forming units (cfu) per 100 milliliters; contain contaminants from raw material, intermediate product, finished product, by-product or waste product of an industrial process;
- k) The discharge is from a Dewatering Activity entering a Regional Sewer authorized by the Commissioner under a Batch Discharge or Dewatering Permit.
- 9.2. If, in the opinion of the Commissioner, the installation of treatment works or other devices is necessary for the discharge to meet the requirements of this By-law, the Commissioner may require the installation of such devices, at the Discharger's expense.
- 9.3. If required by written notice from the Commissioner, the Person who is the owner or occupier of the premises shall, in accordance with such written notice, perform or undertake one or more of the following activities addressing the discharge of Storm Water from the premise:
- a) a study on Storm Water quality and/or quantity;
  - b) modification and/or construction of Storm Water facilities for which the Region is responsible;
  - c) development and implementation of Best Management Practices (BMP);
  - d) adoption and implementation of pollution prevention techniques and measures; or
  - e) any other activity set out in the notice.

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## 10. CONNECTIONS:

- 10.1. No Person shall connect to a Regional Sewer without the written approval of the Commissioner.
- 10.2. Any Person who wishes to connect a Sewage Works to a Regional Sewer or Regional Sewage Works may apply to the Region for a permanent or temporary connection to a Regional Sewer.
- 10.3. Any application made pursuant to Section 10.2 above shall include:
  - a) The estimated quantity of the discharge;
  - b) the quality of the effluent, supported by such effluent quality tests as may be prescribed by the Commissioner;
  - c) A plan of the building and property showing the proposed connection, nearest maintenance access point and other information necessary to describe the connection; and
  - d) Any fees as prescribed in the Fees and Charges By-law.
- 10.4. No Person shall connect or cause or permit the connection of any private sewage treatment works to a Regional Sewer unless the plans, specifications and other pertinent information have been submitted to and approved by the Commissioner, the applicable fees have been fully paid, and thereafter all sewage discharged into the Regional Sewage Works shall be in compliance with the requirements of this By-law.
- 10.5. No Person shall discharge or deposit into or cause or permit a discharge or deposit into any Regional Sewer or Regional Sewage Works, any Sewage or refuse or Matter of any kind, by any means other than by a connection to such works that has been approved in accordance with this section.
- 10.6. No direct or indirect connection between a private storm drain system and a Sanitary Sewer is permitted.
- 10.7. The Commissioner may inspect any approved connection at any time and take samples of any discharge to the Sewage Works or conduct tests or request testing to be done, at the expense of the Discharger, to ensure any discharge meets the requirements of this By-law.

## 11. HAULED SEWAGE:

## General Prohibitions

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- 11.1. No Person shall discharge or allow to be discharged Hauled Sewage, hauled waste, trucked wastewater, hauled liquid waste except in accordance with the requirements of this section.
- 11.2. No Person shall discharge, or allow to be discharged, Hauled Sewage, hauled waste, trucked wastewater, or hauled liquid waste to the Sewage Works that has originated from a source or generator outside of the municipal boundaries of the Region.
- 11.3. No Person shall dispose of Hauled Sewage to the Regional Sewage Works without first having obtained a Sewage Hauler Permit.
- 11.4. No Person shall dispose of Non-Domestic Hauled Sewage from a Sewage Generator or source that has not received approval from the Commissioner.
- 11.5. No Person shall dispose of Domestic Sewage from a non-residential property unless that source has received approval from the Commissioner.
- 11.6. No Person shall dispose of Hauled Sewage that does not comply with the requirements of Section 4 of this By-law except that it may exceed the limits specified in respect to Biochemical Oxygen Demand, Chemical Oxygen Demand, Total Suspended Solids, Total Phosphorus, Total Kjeldahl Nitrogen or other parameter treatable at the receiving Sewage Works if approved by the Commissioner.

## Sewage Hauler Permits – Application and Renewals

- 11.7. An application for a Sewage Hauler Permit or an application to renew a Sewage Hauler Permit shall be made to the Commissioner in a form provided by the Commissioner. Without limitation, every application shall include all of the following:
  - a) A copy of a valid environmental compliance approval or registration under the Environmental Activity and Sector Registration under the EPA or a regulation thereunder which expressly allows for the transportation of Hauled Sewage;
  - b) Certificate of Insurance originally signed by an authorized insurance representative, on the Region's form of Certificate of Insurance as posted on the Region's website from time to time, identifying and confirming the following minimum insurance requirements:
    - (i) Commercial General Liability Insurance ("CGL") for all services, operations, and work to a limit of not less than TWO MILLION DOLLARS (\$2,000,000) per occurrence naming The Regional Municipality of Niagara as an additional insured.

(ii) Automobile Liability Insurance to a limit of not less than ONE MILLION DOLLARS (\$1,000,000) per occurrence.

- c) Payment of the applicable fee for the application as set out in the Region's Fees and Charges By-law, as amended from time to time.

11.8. The Commissioner may refuse to issue, renew or may revoke a Sewage Hauler Permit or impose or modify terms and conditions on a Sewage Hauler Permit on any of the following grounds:

- a) The Hauler does not possess a valid environmental compliance approval or registration under the Environmental Activity and Sector Registration under the EPA or a regulation thereunder which expressly allows for the transportation of Hauled Sewage;
- b) The Hauler does not possess the required insurance coverage as specified in this By-law and/or has not provided a Certificate of Insurance evidencing the required coverage as specified by this By-law;
- c) The Hauler or any related Person has failed to comply with any of the requirements of this By-law;
- d) The Hauler has unpaid fees payable to Niagara Region; or
- e) Any other reason that, in the sole opinion of the Commissioner is, necessary to protect the integrity of Region infrastructure, ensure the health and safety of Region employees and residents or protect the natural environment.

The Commissioner will inform the Sewage Hauler of the reasons for the refusal to issue, renew, revoke or impose or modify terms or conditions on a Sewage Hauler Permit and shall state that the applicant or Sewage Hauler, as the case may be, is entitled to request an appeal as set out in Section 11.22 of this By-law.

11.9. All Sewage Hauler Permits authorized by the Commissioner are:

- a) non-transferable;
- b) remain the property of Niagara Region; and
- c) are valid for a period not to exceed 12 months.

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- 11.10. A Person in possession of a Sewage Hauler Permit shall have and maintain all necessary permits, insurance, licences or approvals required in carrying on the activity as a hauler of Hauled Sewage under Ontario legislation as well as any criteria contained in this by-law and used by Niagara Region for the issuing of the Sewage Hauler Permit. In the event a Sewage Hauler cannot maintain the requirements contained in this section, the Sewage Hauler shall cease to discharge any Hauled Sewage at any Niagara Region Sewage Works immediately.

## Requirements for Hauled Sewage Disposals

- 11.11. A Sewage Hauler discharging Hauled Sewage to a Niagara Region Sewage Works shall:
- a) Complete and submit a Hauled Sewage Record for each disposal, in a form provided by the Commissioner. The Hauled Sewage Record shall be completed accurately, legibly and in full and deposited in the approved location at the time of the disposal. The Hauled Sewage Record shall contain the following information:
    - i. The permit holder's name or Company name as appropriate;
    - ii. The permit number or customer number;
    - iii. The complete address of the Sewage Generator;
    - iv. The type of sewage from each Sewage Generator;
    - v. The volume of sewage from each Sewage Generator; and
    - vi. The name of the person consigning, hauling and releasing the disposal to the Sewage Works;
  - b) Collect one (1) representative sample from each load of Hauled Sewage using the sample container provided by Niagara Region. The sample must be deposited in the approved location at the time of the disposal;
  - c) Comply with all orders, verbal instructions and/or written directions given by Niagara Region staff;
  - d) Obey all posted signs including speed signs;
  - e) Wear appropriate personal protective equipment suitable for the nature of the work performed including, at a minimum, safety footwear, high visibility safety clothing and any other personal protective equipment required by posted signage;
  - f) Keep any discharge hoses used in a state of good repair and free from leakage;
  - g) Remain in attendance and control of their vehicle during disposal, maintaining a clear view of the discharge hose and connection and ready to take appropriate action to prevent spills;
  - h) Not enter any other area of the Sewage Works unless expressly authorized by Niagara Region staff.

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## Disposal Fees

- 11.12. The fees charged for receiving and treating of Hauled Sewage shall be as set by Council in the Fees and Charges By-law, as amended from time to time. Invoices shall be issued to the Permit Holder. The Permit Holder shall be responsible to pay any and all disposal fees related to the use of the Sewage Hauler Permit.
- 11.13. The Commissioner may revoke or suspend a Sewage Hauler Permit in the event that the Permit Holder fails to pay disposal fees in accordance with the invoice.

## Registration and Approval of Hauled Sewage Generators

- 11.14. Domestic Sewage originating from a residential property may be deposited at a Regional Sewage Works without prior approval.
- 11.15. Domestic Sewage originating from a non-residential property shall receive prior written approval from the Commissioner before deposit at a Regional Sewage Works.
- 11.16. Non-Domestic Sewage requires prior written approval from the Commissioner before deposit at a Regional Sewage Works.
- 11.17. A Sewage Generator requiring approval under Section 11.15 and 11.16 shall complete an application in a form provided by the Commissioner and shall pay any fees applicable for the approval of such form as set out in the Region's Fees and Charges By-law as amended from time to time.
- 11.18. The Commissioner may inspect, conduct tests or collect samples from the facility or property where the Sewage is generated prior to or at any time after approvals are granted to ensure compliance with this By-law. Should the Commissioner require additional testing to determine acceptability of the sewage, any costs related to this testing or sampling shall be borne by the Sewage Generator or Sewage Hauler as appropriate.
- 11.19. The Commissioner may give written approvals to Sewage Generators, permitting sewage generated by them under specified terms, conditions and/or payment of additional fees to be received at a Regional Sewage Works.
- 11.20. Approved Sewage Generators and/or Sewage Haulers shall notify the Commissioner of the following as applicable, on the forms prescribed by the Commissioner from time to time for such purpose:

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- a) A change of ownership and/or contact information of the Sewage Generator within five (5) business days prior to any intended deposit of the sewage;
  - b) A proposed change in a waste type or characteristics of an approved waste within five (5) business days;
  - c) A change in quantity of waste for disposal; or
  - d) Addition of a waste type not originally included on the application form.
- 11.21. No disposal to a Regional Sewage Works shall occur until the Region is notified of the change in Section 11.20 a); and until the Commissioner has approved the proposed change in Sections 11.20 b), c) and/or d).

## Appeals

## 11.22.

- a) A Person who has been served with a notice of a decision to revoke, refuse to grant or renew a Sewage Hauler Permit or to impose terms or conditions on a Sewage Hauler Permit for a period exceeding one (1) month, may appeal the Commissioner's decision by serving a Notice of Appeal to the Regional Clerk in writing and paying the applicable appeal fee as set out in the Region's Fees and Charges By-law within ten (10) business days after being served with the notice of decision.
- b) Notice of Appeal shall be served by email to [clerk@niagararegion.ca](mailto:clerk@niagararegion.ca), by courier or in person to The Office of the Regional Clerk, The Regional Municipality of Niagara, 1815 Sir Isaac Brock Way, Thorold, Ontario.
- c) Service of the Notice of Appeal does not stay the operation of the decision of the Commissioner.
- d) An appeal under this section will be heard by the Region's Chief Administrative Officer (CAO) (or delegate), in a manner appropriate in the circumstances, as determined by the CAO.
- e) The appellant and the Commissioner will be given no fewer than ten (10) business days' notice of:
  - i. the manner of the appeal hearing, whether in writing, in person, by telephone, or by electronic means;
  - ii. the date, time, and place of the appeal hearing if applicable; and
  - iii. the applicable appeal procedures, if any.
- f) In conducting an appeal, the CAO may confirm, modify, or rescind all or part of the decision, including any restriction(s). The CAO's decision is final.
- g) The decision on the appeal shall be communicated to the appellant and to the Commissioner within ten (10) business days of the completion of the appeal.



**12. MAINTENANCE HOLE COVER OR OPENING:**

- 12.1. No Person shall remove or tamper with or cause or permit any removal or tampering with any maintenance hole cover or any other opening into any Regional Sewage Works without the express approval of the Commissioner.
- 12.2. Regional staff and/or staff from area municipalities may open Regional maintenance hole covers or any other opening into any Regional Sewage Works in the course of their regular duties.

**13. DISCHARGE AGREEMENTS AND PERMITS:**

- 13.1. The discharge or deposit of sewage that would otherwise be prohibited by this By-law may be permitted to an extent fixed by a Batch Discharge Permit, a Dewatering Permit, a Surcharge Agreement or a Restrictive Discharge Agreement between the Discharger and the Commissioner.
- 13.2. A Surcharge Agreement referred to in Section 13.1, shall only be made with respect to the discharge of sewage containing Biochemical Oxygen Demand, Chemical Oxygen Demand, Total Phosphorus, Total Suspended Solids or other parameters treatable at the receiving Sewage Works.
- 13.3. A Surcharge Agreement shall contain terms and conditions related to the calculation and payment of additional costs and/or expenses of operation, repair and maintenance of the Sewage Works related to the treating the sewage.
- 13.4. A Surcharge Agreement shall specify any limitations as to the concentration or loadings of treatable parameters.
- 13.5. A Surcharge Agreement shall be in the form as approved by the Commissioner.
- 13.6. A Restrictive Discharge Agreement referred to in Section 13.1, may be entered into where, in the sole opinion of the Commissioner, the discharge of sewage may result in the receiving Sewage Works to discharge matter in non-compliance with any Federal or Provincial Act, Regulation or Guideline.
- 13.7. A Restrictive Discharge Agreement may have terms and conditions that restrict the concentrations or loadings of any parameter in the discharge.
- 13.8. A Restrictive Discharge Agreement may have terms and conditions related to the quantity of sewage discharged.
- 13.9. A Restrictive Discharge Agreement may have other such terms and conditions as the Commissioner deems appropriate.

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- 13.10. A Person applying to the Commissioner for an agreement under Section 13.1 shall pay an application fee in an amount set by Regional Council in the Fees and Charges By-law.
- 13.11. During the period of the executed agreement as contemplated in Section 13.1, the discharger shall comply with all other aspects of the By-law that are not expressly modified within the agreement.
- 13.12. The Commissioner may terminate, at any time, any agreement under Section 13.1 where:
- a) The Discharger fails to abide by the terms and conditions of the agreement;
  - b) The Discharger contravenes other provisions of this By-law;
  - c) The Commissioner has determined that there is an emergency situation of immediate threat or danger to any person, property, plant, animal or waters; or
  - d) The Commissioner believes the discharge may affect the proper operation of the receiving Sewage Works.

## 14. ORDERS:

- 14.1. Where the Commissioner, or Officer, is satisfied that a contravention of this By-law has occurred, the Commissioner or Officer may make an order requiring the Person who contravened this By-law or who has caused or permitted the contravention of this By-law to discontinue the activity that is in contravention of the By-law.
- 14.2. Where an order is issued by the Commissioner or Officer, the Person to whom the order is made shall be deemed to have received the order on the date it is posted in a conspicuous place at the subject property or delivered in person or three (3) days after being posted by prepaid ordinary mail to the Person at the last known address provided to the Commissioner or, where no address for the Person has been provided to the Commissioner, by prepaid ordinary mail to the address for the Person identified as the owner of the property.
- 14.3. An order issued by the Commissioner or Officer shall set out reasonable particulars of the contravention or contravening activity and the location of the land on which the contravention or contravening activity occurred. The order shall also set out the date by which there must be compliance with the order and the process to appeal the order as set out in this By-law.
- 14.4. The manner of delivery, set out in Section 14.2, shall be in the discretion of the Commissioner.

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- 14.5. Any Person who contravenes an order issued under Section 14.1 of this By-law is guilty of an offence.
- 14.6. No land drainage works, sewer connection or Regional Sewer Connection so disconnected by Order shall be reconnected until such time as measures are undertaken satisfactory to the Commissioner to eliminate the prohibited discharge or contravening activity.
- 14.7. All expenses incurred by the Region for actions taken under this By-law shall be reimbursed to the Region by those Persons, owners or occupants of the premises at the time of re-connection or unstopping of the sewer connections.

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## Appeals

- 14.8. A Person who considers themselves aggrieved by an Order under section 14 of this By-law may appeal the order to the CAO (or delegate) within twenty (20) days after the date on which the Order is deemed served. The appeal shall be made in writing and shall contain their name, address, email address, phone number and details concerning the reason for appealing the Order, whether a stay of the Order is requested pending the disposition of the appeal and the remedy being requested.
- 14.9. An appeal shall be served by prepaid ordinary or registered mail, in person or by email to [clerk@niagararegion.ca](mailto:clerk@niagararegion.ca) or to The Office of the Regional Clerk, The Regional Municipality of Niagara, 1815 Sir Isaac Brock Way, Thorold, Ontario.
- 14.10. The appeal shall be heard in writing. The CAO may arrange for an oral hearing to be held (either in person or by electronic means) if the CAO, in their sole and absolute discretion, considers it necessary to do so.
- 14.11. Submission of an appeal does not stay the operation of the Order unless the CAO issues a written notice indicating the Order is stayed.
- 14.12. On an appeal, the CAO may request and require production of any further documents, reports and information from the Person appealing the Order, from the Commissioner, and from any other person who may have knowledge or information relevant to the Order. The CAO may consider any issue relevant to the issuance of the Order, including legal issues and interpretation of the By-law, and may consult with legal counsel in determining the validity of the Order.
- 14.13. The CAO may affirm, vary or rescind the Order and require the Person to take any other action that the CAO considers they ought to take in accordance with this By-law and for those purposes, the CAO may substitute their opinion for that of the Commissioner. A decision of the CAO to affirm or vary an Order is final and is enforceable under this By-law as if it were an Order issued under this section.
- 14.14. The CAO shall serve a written decision on the appeal, by any of the methods set out under section 14 of this By-law, to the Person appealing the Order with a copy to the Commissioner.

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## 15. PRIOR AGREEMENTS:

- 15.1. This By-law shall not prohibit the discharge of sewage expressly permitted by an agreement, between any Person and the Ontario Ministry of the Environment, existing at the time this By-law comes into force.
- 15.2. Any Surcharge Agreement, Compliance Agreement, Restrictive Discharge Agreement or other agreement entered into pursuant to any predecessor by-law shall remain in effect until terminated or expired pursuant to the terms and conditions of such agreements.

## 16. COMPLIANCE PROGRAM:

- 16.1. The owner or occupant of commercial, industrial or institutional premises may submit for approval to the Commissioner, a program to prevent or reduce and control the discharge or deposit of Sewage or uncontaminated water into connections to a Sewage Works or to a Storm Sewer from those premises.
- 16.2. The Commissioner may issue an approval to such a program, to be known as a "Compliance Program" to the Person who submitted the program. The Compliance Program may contain such terms and conditions as in the opinion of the Commissioner are appropriate.
- 16.3. A Person to whom a Compliance Program has been issued shall not be prosecuted under those parts of Section 4 or Section 9 of this By-law for the discharge or deposit of Sewage specified in the Compliance Program during the period that the approved Compliance Program is in place provided that the Person complies fully with the terms and conditions of the program.

## 17. PROHIBITION OF DILUTION:

- 17.1. No Person shall add or cause or permit the addition of water or any other material from any source to sewage for the sole purposes of dilution to achieve compliance with this By-law.

## 18. SPILLS &amp; HAZARDOUS WASTE:

- 18.1. Any Person who has caused or permitted a spill to a Sewage System which may be considered hazardous to persons, property or animals, or any discharge which may be considered detrimental to the natural environment or the efficient operation, or safety of Regional treatment systems or personnel shall immediately notify the Region and shall provide a report within 7 days of the spill, containing all of the following information:

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- a) location where spill occurred;
- b) date and time of spill;
- c) name and phone number of Person who reported the spill and where they can be contacted;
- d) materials spilled;
- e) characteristics of materials spilled including any known hazards;
- f) volume of materials spilled;
- g) duration of spill event;
- h) work completed and/or still in progress in the mitigation of the spill; and
- i) the names of agencies contacted to report the spill;

18.2. The Commissioner may require the owner or the Person described in Section 18.1 to do either or both of the following:

- a) Compensate the Region for all costs incurred by the Region as a result of such spill including containment, sampling, testing, removal, cleanup and disposal or any other activity related to the spill.
- b) Submit to the Commissioner a written report describing the cause of the spill and the steps or procedures to be taken to prevent or eliminate similar future spills.

18.3. If in the opinion of the Commissioner the installation of any devices, structures or equipment is required to prevent, contain or reduce the discharge of material to the sewage system which may be hazardous or become hazardous to persons, property or animals or detrimental to the natural environment or the efficient operation of the sewage works, such devices, structures or equipment shall be:

- a) Installed and maintained in good working order at the expense of the owner or occupant of the premises;
- b) Designed, constructed and maintained in accordance with good engineering practices, the requirements of the Commissioner and any applicable building or plumbing codes; and
- c) Installed at the owner's expense.

18.4. In emergency circumstances, the Region may arrange for temporary works and operational arrangements to limit the spill or other negative or dangerous impacts, until such time as the owner or occupant has undertaken all necessary means to control the problem; all costs related to the temporary arrangements shall be borne by the owner.

18.5. The owner or occupant of commercial, institutional or industrial premises may be required by the Commissioner to develop and maintain a Spill Response Contingency Plan to the satisfaction of the Commissioner which:

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- a) Shall be reviewed and updated on a yearly basis by the owner or occupant;
- b) Together with all updates shall be provided to the Commissioner no later than 30 days after completion; and
- c) Shall be readily available to all the staff of the owner or occupant.

## 19. ENTRY, INSPECTIONS, MAINTENANCE AND RECORD KEEPING:

- 19.1. Any device, structure or equipment required to comply with this By-law shall be maintained at all times in good working order and readily accessible for inspection by the Commissioner.
- 19.2. The owner or occupant is required to produce maintenance, calibration and inspection records for the preceding thirty-six (36) month period upon request by the Commissioner of such devices, structures, equipment or records as required as a result of this By-law.
- 19.3. The Commissioner may enter on land or premises at any reasonable time to inspect the operation and maintenance of such devices, structures, equipment or records required as a result of this By-law.
- 19.4. The Commissioner or Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not this By-law, or an order made under this By-law or the conditions of a permit issued under this By-law are being complied with.
- 19.5. The Commissioner or Officer may, for the purposes of an inspection, require the production of documents, make examinations or take samples, take photographs or conduct tests necessary for the purpose of the inspection.
- 19.6. The Commissioner or Officer may carry out any inspection reasonably required to ensure compliance with this By-law, including, but not limited to:
  - a) Inspecting, observing, sampling and measuring the flow in any private drainage system, wastewater disposal system, storm water management facility and flow monitoring point.
  - b) Determining water consumption by reading water meters or requesting information on water meter readings;
  - c) Perform on-site testing of the wastewater or storm water being discharged;
  - d) Collect and analyze samples of hauled sewage coming to a discharge location;
  - e) Make inspections of the types and quantities of chemicals being handled or used on the premises in relation to possible release to a drainage system or watercourse;
  - f) Require information from any Person concerning a matter relating to the inspection
  - g) Inspect and copy documents or remove documents from premises to make copies;

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- h) Inspect chemical storage areas and spill containment facilities and request information on materials stored or used on site.

**20. PUBLIC ACCESS TO INFORMATION:**

- 20.1. All information submitted to and collected by the Regional Corporation including discharge agreements, monitoring and inspection reports, reports of analysis and other related information will be available for disclosure to the public in accordance with the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990 c. M.56 as amended (MFIPPA).
- 20.2. In the event that any Person in submitting information to the Commissioner in any form, as required under this By-law, believes such information is confidential or proprietary and may be exempt from disclosure under MFIPPA, the Person submitting the information shall so identify that information upon its submission to the Commissioner and shall provide sufficient details as to the reason for its purported exemption from disclosure.

**21. OFFENCE:**

- 21.1. Any Person who contravenes any provision of this By-law is guilty of an offence and is liable to a fine of not more than \$10,000, upon conviction of a first offence, and \$25,000 for any subsequent offence under this By-law.
- 21.2. Notwithstanding Section 21.1, where a corporation is convicted of an offence under this By-law, the maximum penalty that may be imposed upon the corporation is \$50,000 for the first offence and \$100,000 for any subsequent offence.

**22. EXCEPTIONS:**

- 22.1. This By-law shall not prohibit the use of any substance or discharge of any sewage expressly permitted or required by the Medical Officer of Health.
- 22.2. This By-law shall not prohibit the normal discharge of domestic wastewater.

**23. REPEAL OF PREDECESSOR BY-LAW:**

By-law No. 27-2014 and all amendments thereto are hereby repealed upon the coming into force of this By-law.



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24. SEVERABILITY:

If any section or sections of this By-law, or parts thereof, is or are found by any Court or tribunal to be illegal or beyond the power of the Regional Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such and shall continue in full force and effect.

25. SHORT TITLE:

This By-law may be referred to as the "Sewer Use By-law".

26. COMING INTO FORCE:

This By-law shall come into force and take effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

Original Signed By:

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(James Bradley, Regional Chair)

Original Signed By:

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(Ann-Marie Norio, Regional Clerk)

Passed:

**Appendix 2: Proposed Set Fines for Niagara Region Sewer Use By-Law**

<b>Item</b>	<b>Section</b>	<b>Description of Offence</b>	<b>Proposed Niagara Region Set Fine</b>
1	3.5	Hinder or obstruct, or attempt to hinder or obstruct, an Officer, the Commissioner or any person authorized by the Commissioner in the discharge of his or her duties under this by-law.	\$500
2	4.1	Discharge or deposit or cause or permit the discharge or deposit into any Sanitary or Combined Sewer or into any Sewer or Sewer system connected directly or indirectly with any Regional Sanitary Sewer any Matter or quantity of Matter which may be harmful to or may become harmful to the Sewage Works.	\$450
3	4.2	Discharge or deposit or cause or permit the discharge or deposit into any Sanitary or Combined Sewer or into any Sewer or Sewer system connected directly or indirectly with any Regional Sanitary Sewer any Matter which may interfere with the proper operation of the Sewage Works.	\$450
4	4.3	Discharge or deposit or cause or permit the discharge or deposit into any Sanitary or Combined Sewer or into any Sewer or Sewer system connected directly or indirectly with any Regional Sanitary Sewer any Matter which may impair or interfere with any Sewage treatment process.	\$450
5	4.4	Discharge or deposit or cause or permit the discharge or deposit into any Sanitary or Combined Sewer or into any Sewer or Sewer system connected directly or indirectly with any Regional Sanitary Sewer any Matter which may obstruct or may tend to obstruct any Sewer or the flow of the Sewer.	\$450
6	4.5	Discharge or deposit or cause or permit the discharge or deposit into any Sanitary or Combined Sewer or into any Sewer or Sewer system connected directly or indirectly with any Regional Sanitary Sewer any Matter which may become a hazard to persons, property or animals.	\$450
7	4.7	Discharge or deposit or cause or permit the discharge or deposit into any Sanitary or Combined Sewer or into any Sewer or Sewer system connected directly or indirectly with any Regional Sanitary Sewer any Sewage containing Pesticides, except where used for the control of vector borne diseases as authorized by the Medical Officer Of Health.	\$300

Item	Section	Description of Offence	Proposed Niagara Region Set Fine
8	4.8	Discharge or deposit or cause or permit the discharge or deposit into any Sanitary or Combined Sewer or into any Sewer or Sewer system connected directly or indirectly with any Regional Sanitary Sewer any Sewage containing dyes or colouring materials which pass through a Sewage Works and discolour the Sewage Works effluent.	\$500
9	4.9	Discharge or deposit or cause or permit the discharge or deposit into any Sanitary or Combined Sewer or into any Sewer or Sewer system connected directly or indirectly with any Regional Sanitary Sewer any Sewage at a temperature in excess of 60 degrees Celsius.	\$250
10	4.10	Discharge or deposit or cause or permit the discharge or deposit into any Sanitary or Combined Sewer or into any Sewer or Sewer system connected directly or indirectly with any Regional Sanitary Sewer any flammable or explosive matter.	\$1,000
11	4.11	Discharge or deposit or cause or permit the discharge or deposit into any Sanitary or Combined Sewer or into any Sewer or Sewer system connected directly or indirectly with any Regional Sanitary Sewer a quantity of Matter capable of obstructing the flow in or interfering with the proper operation or capacity of any part of the Sewage Works, or resulting in increased maintenance activities.	\$1,000
12	4.17	Discharge or deposit or cause or permit the discharge or deposit into any Sanitary or Combined Sewer or into any Sewer or Sewer system connected directly or indirectly with any Regional Sanitary Sewer Sewage containing any matter in excess of the concentrations indicated in Table 1.	\$250
13	5.1	Owner or operator of a restaurant or other industrial, institutional or commercial building where food is cooked, processed or prepared failed to install an interceptor for oil and grease.	\$250
14	5.2	Owner or operator of a motor vehicle service station, mechanical repair shop, or any other establishment where motor vehicles are repaired, lubricated, or maintained that has a discharge to a sanitary or combined sewer failed to provide an interceptor for oil and grease designed to prevent oils and greases from entering the Sewer system.	\$250

Item	Section	Description of Offence	Proposed Niagara Region Set Fine
15	5.3	Owner or Operator of a facility where sand, grit or similar material may directly or indirectly enter a Sanitary or Combined Sewer failed to take all necessary measures to ensure that grit is prevented from entering the sewer system.	\$250
16	5.4	Owner or operator of a dental practice failed to install or maintain a dental waste amalgam separator.	\$250
17	5.5	Owner failed to maintain an interceptor or separator in good working order.	\$200
18	5.5	Owner failed to produce a maintenance schedule or maintenance records for the preceding eighteen (18) month period.	\$100
19	6.1	Owner or occupant of commercial, institutional, or industrial premises with one or more connections to a sewage works failed to install or maintain a suitable Maintenance Access Point.	\$250
20	6.4	Owner or occupant failed to ensure that every Maintenance Access Point installed as required by this By-law was, at all times, accessible for observing, sampling and measuring the flow of sewage.	\$250
21	8.1	Person connected or caused or permitted the connection of any roof water leader, eaves trough, downspout or building foundation drain (weeping tile or sumps) directly to a Sanitary Sewer or a Sewer which ultimately discharges to a Regional Sewage Works.	\$250
22	10.1	Person connected to a Regional sewer without written approval of the Commissioner.	\$300
23	10.5	Person discharged or deposited into, or caused or permitted a discharge or deposit into any Regional Sewer or Regional Sewage Works, any Sewage or refuse or Matter of any kind by any means other than by an authorized connection to such works.	\$300
24	11.1	Person discharged or allowed to be discharged Hauled Sewage, hauled waste, trucked wastewater, hauled liquid waste not in accordance with Section 11.	\$250
25	11.2	Person discharged Hauled Sewage, hauled waste, trucked wastewater or hauled liquid waste to the Sewage Works from a source or generator outside of the municipal boundaries of the Region.	\$350
26	11.3	Person disposed Hauled Sewage to the Regional Sewage Works without first having procured a Sewage Hauler Permit.	\$350
27	11.4	Person disposed Non-Domestic Hauled Sewage from a Sewage Generator or source that had not received approval from the Commissioner.	\$150

Item	Section	Description of Offence	Proposed Niagara Region Set Fine
28	11.9 a)	Disposing of Hauled Sewage using a Hauled Sewage Permit issued to another party.	\$350
29	11.11 a)	Sewage Hauler discharging Hauled Sewage to a Niagara Region Sewage Works failed to complete and submit a Hauled Sewage Record that was accurate, legible and in full and deposited in the approved location at the time of disposal.	\$100
30	11.11 b)	Sewage Hauler discharging Hauled Sewage to a Niagara Region Sewage Works failed to collect one (1) representative sample and deposit the sample container in the approved location at the time of disposal.	\$100
31	11.11 c)	Sewage Hauler discharging Hauled Sewage to a Niagara Region Sewage Works failed to comply with all orders, verbal instructions, and/or written directions given by Niagara Region staff.	\$100
32	11.11 d)	Sewage Hauler discharging Hauled Sewage to a Niagara Region Sewage Works failed to obey all posted signs including speed signs.	\$100
33	11.11 h)	Sewage Hauler discharging Hauled Sewage to a Niagara Region Sewage Works entered an area of the Sewage Works without authorization by Niagara Region staff.	\$100
34	12.1	Person removed or tampered with or caused or permitted any removal or tampering with a maintenance hole cover or any other opening into any Regional Sewage Works without the express approval of the Commissioner.	\$150
35	18.1	Person who caused or permitted a spill to a Sewage System which may be considered hazardous to persons, property or animals, or any discharge which may be considered detrimental to the natural environment or the efficient operation or safety of Regional treatment systems or personnel failed to notify the Region.	\$300
36	19.2	Owner or occupant failed to produce maintenance, calibration or inspection records for the preceding thirty-six (36) month period upon request by the Commissioner of such devices, structures, or equipment upon request.	\$100

Appendix 3–Tables of Municipal Comparisons for Proposed Updates to the Sewer Use By-law (SUBL)

Table 1: Administration and Enforcement of the Sewer Use By-law

Update/Comparator By-law	Current Niagara Region SUBL (2014)	Draft Niagara Region SUBL (2024)	City of Hamilton SUBL (2022)	Halton Region SUBL (2003)	Peel Region SUBL (2010)	City of Toronto SUBL (2023)	York Region SUBL (2021)	Durham Region SUBL (2013)	Region of Waterloo SUBL (2021)	City of Ottawa SUBL (2003)	City of Calgary SUBL (2018)
The Commissioner is responsible for the administration of the SUBL and has the authority to do so	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	No	Yes
Orders	No	Yes	Yes	Yes	No	Yes	Yes	No	Yes	No	Yes
Part 1 Offences	No	Yes	No	No	Yes	No	Yes	Yes	No	No	Yes

Table 2: Use of Sanitary and Combined Sewers

Update/Comparator By-law	Current Niagara Region SUBL (2014)	Draft Niagara Region SUBL (2024)	City of Hamilton SUBL (2022)	Halton Region SUBL (2003)	Peel Region SUBL (2010)	City of Toronto SUBL (2023)	York Region SUBL (2021)	Durham Region SUBL (2013)	Region of Waterloo SUBL (2021)	City of Ottawa SUBL (2003)	City of Calgary SUBL (2018)
Table 1–Addition of Xylene, Total discharge limit	No	Yes–1.4 mg/L	Yes–1.4 mg/L	No	Yes–1.4 mg/L	Yes–1.4 mg/L	Yes–1.4 mg/L	Yes–1.4 mg/L	Yes–1.4 mg/L	Yes–0.32 mg/L	Yes–0.5 mg/L
Table 1–Addition of Chemical Oxygen Demand (COD) discharge limit	No	Yes–600 mg/L	No	No	No	No	No	No	No	No	Yes–600 mg/L
Table 1–Addition of Bis (2-ethylehexyl phthalate) or BEHP discharge limit	No	Yes–0.28 mg/L	Yes–0.28 mg/L	No	Yes–0.012 mg/L	Yes–0.012 mg/L	Yes–0.012 mg/L	Yes–0.012 mg/L	No	Yes–0.28 mg/L	No
Table 1–Addition of PCBs discharge limit	No	Yes–0.0001 mg/L	Yes–0.001 mg/L	No	Yes–0.001 mg/L	Yes–0.001 mg/L	Yes–0.001 mg/L	Yes–0.001 mg/L	Yes–0.004 mg/L	Yes–0.001 mg/L	Yes–0.004 mg/L

Table 3: Sampling and Analysis Requirements

Update/Comparator Municipality	Current Niagara Region SUBL (2014)	Draft Niagara Region SUBL (2024)	City of Hamilton SUBL (2022)	Halton Region SUBL (2003)	Peel Region SUBL (2010)	City of Toronto SUBL (2023)	York Region SUBL (2021)	Durham Region SUBL (2013)	Region of Waterloo SUBL (2021)	City of Ottawa SUBL (2003)	City of Calgary SUBL (2018)
Analysis By Accredited Laboratory	No	Yes	Yes	No	No	Yes	Yes	No	Yes	Yes	Yes
Sampling as per Municipal/Industrial Strategy for Abatement (MISA) protocol	No	Yes	Not specified	No	No	Yes– multiple allowed	No	Yes– multiple allowed	Yes– multiple allowed	Yes– multiple allowed	No
Grab and Composites samples	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Table 4: Use of Storm Sewers

Update/Comparator Municipality	Current Niagara Region SUBL (2014)	Draft Niagara Region SUBL (2024)	City of Hamilton SUBL (2022)	Halton Region SUBL (2003)	Peel Region SUBL (2010)	City of Toronto SUBL (2023)	York Region SUBL (2021)	Durham Region SUBL (2013)	Region of Waterloo SUBL (2021)	City of Ottawa SUBL (2003)	City of Calgary SUBL (2018)
Prohibition of discharge with visible sheen or discoloration	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No
Prohibition of discharge with two or more separate layers	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No
Prohibition of discharge with a pH less than 6.0 or greater than 9.0	No	Yes	Similar–pH greater than 11	Similar– pH greater than 8.5	Yes	Similar– pH greater than 9.5	Yes	Yes	No	Yes	No
Prohibition of discharge with a temperature greater than 40 degrees Celsius	No	Yes	Similar– greater than 60 degrees Celsius	Similar– greater than 30 degrees Celsius	Yes	Yes	Yes	Yes	No	Yes	No
Prohibition of discharge of Acute Hazardous Waste Chemical	No	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes	No

Update/Comparator Municipality	Current Niagara Region SUBL (2014)	Draft Niagara Region SUBL (2024)	City of Hamilton SUBL (2022)	Halton Region SUBL (2003)	Peel Region SUBL (2010)	City of Toronto SUBL (2023)	York Region SUBL (2021)	Durham Region SUBL (2013)	Region of Waterloo SUBL (2021)	City of Ottawa SUBL (2003)	City of Calgary SUBL (2018)
Prohibition of discharge of blowdown water	No	Yes	Yes	No	Yes	Yes	Yes	Yes	No	Yes	No
Prohibition of discharge of combustible Liquid	No	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes	No
Prohibition of discharge with floating debris	No	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes	No
Prohibition of discharge of Fuel	No	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes	No
Prohibition of discharge of Hauled Sewage	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No
Prohibition of discharge of Hazardous Industrial Waste	No	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes	No
Prohibition of discharge of Hazardous waste chemical	No	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes	No
Prohibition of discharge of Ignitable waste	No	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes	No
Prohibition of discharge of Pathological waste	No	Yes	No	Yes	Yes	Yes		Yes	No	Yes	No
Prohibition of discharge of Pesticide	No	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes	No
Prohibition of discharge of Reactive waste	No	Yes	No	Yes	Yes	Yes		Yes	No	Yes	No
Prohibition of discharge of Severely toxic waste	No	Yes	No	Yes	Yes	Yes		Yes	No	Yes	No
Prohibition of discharge of Sewage	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No
Prohibition of discharge of Waste radioactive prescribed substances	No	Yes	No	No	Yes	Yes	Yes	Yes	No	Yes	No
Prohibition of discharge of Leachate	No	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes	No



Update/Comparator Municipality	Current Niagara Region SUBL (2014)	Draft Niagara Region SUBL (2024)	City of Hamilton SUBL (2022)	Halton Region SUBL (2003)	Peel Region SUBL (2010)	City of Toronto SUBL (2023)	York Region SUBL (2021)	Durham Region SUBL (2013)	Region of Waterloo SUBL (2021)	City of Ottawa SUBL (2003)	City of Calgary SUBL (2018)
Prohibition of discharge of Contact cooling water	No	Yes	Yes	Yes	Yes	No	Yes	Yes	No	No	No
Prohibition of discharge of products from industrial process	No	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	No
Prohibition of discharge of substances used in the operation or maintenance of an industrial site	No	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	No
Prohibition of discharge with E.Coli greater than 200 cfu per 100 millilitres	No	Yes	Similar– E.Coli greater than 2,400 MPN/100mL	Yes	Yes	Yes		Yes	No	Yes	No
Prohibition of discharge of unpermitted dewatering activity	No	Yes	Yes	No	No	Yes	Yes	No	No	No	No
The Commissioner may require studies, modifications and/or construction of storm water facilities, development of best management practices or other pollution prevention techniques to address storm water discharge	No	Yes	No	Yes	Yes	No	Yes	No	No	Yes	No

Table 5: Connections–Construction Dewatering Permits

Update/Comparator Municipality	Current Niagara Region SUBL (2014)	Draft Niagara Region SUBL (2024)	City of Hamilton SUBL (2022)	Halton Region SUBL (2003)	Peel Region SUBL (2010)	City of Toronto SUBL (2023)	York Region SUBL (2021)	Durham Region SUBL (2013)	Region of Waterloo SUBL (2021)	City of Ottawa SUBL (2003)	City of Calgary SUBL (2018)
Construction Dewatering Permitting	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes

Table 6: Hauled Sewage

Update/Comparator Municipality	Current Niagara Region SUBL (2014)	Draft Niagara Region SUBL (2024)	City of Hamilton SUBL (2022)	Halton Region SUBL (2003)	Peel Region SUBL (2010)	City of Toronto SUBL (2023)	York Region SUBL (2021)	Durham Region SUBL (2013)	Region of Waterloo SUBL (2021)	City of Ottawa SUBL (2003)	City of Calgary SUBL (2018)
Requirements for Hauled Sewage included in SUBL	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Prohibition only	Yes	Yes
Supporting Policy or Procedure for Hauled Sewage	Yes	No	No		Yes	No	Yes	Yes		No	No
Annual Renewal of Permit or Registration Required	No–in supporting Policy	Yes	Yes				Yes	Yes		Yes	
Fee for Hauled Sewage permit renewal	No-in supporting policy	Yes	Yes				Yes	Yes		Yes	
Hauler insurance requirements included in SUBL including type and amount	No	Yes	Yes-type and amount not included	No	No	No	No-included in policy but amount not specified	No	No	No	No
On-site expectations included in SUBL	No	Yes	Yes	No	No	No	No–in policy	No	No		No

Update/Comparator Municipality	Current Niagara Region SUBL (2014)	Draft Niagara Region SUBL (2024)	City of Hamilton SUBL (2022)	Halton Region SUBL (2003)	Peel Region SUBL (2010)	City of Toronto SUBL (2023)	York Region SUBL (2021)	Durham Region SUBL (2013)	Region of Waterloo SUBL (2021)	City of Ottawa SUBL (2003)	City of Calgary SUBL (2018)
On-site PPE requirements included in SUBL	No	Yes	Yes	No	No	No	No—in policy	No	No		No

Table 7: Comparison of Set Fines

Where “Standard MA” is indicated, this means the municipality uses non-descriptive fines issued under the Municipal Act (MA) as opposed to set fines.

Item	Section	Description of Offence	Proposed Niagara Region Set Fine	Peel Region Set Fine	Local Area Municipality Set Fine	City of Calgary Set Fine	City of Hamilton Set Fine	Region of Waterloo Set Fine	York Region Set Fine	Halton Region Set Fine	City of Guelph Set Fine	City of Barrie Set Fine	Oxford County Set Fine
1	3.5	Obstructing, interfering or hindering an Officer.	\$500	\$100	\$300	\$500	\$500	Standard MA	\$750	Standard MA	Standard MA	Standard MA	Standard MA
2	4.1	Discharging any matter or quantity of matter which may be harmful to or may become harmful to the Sewage Works.	\$450	N/A	N/A	\$1,000	\$500	Standard MA	\$600	Standard MA	Standard MA	Standard MA	Standard MA
3	4.2	Discharging matter which may interfere with the proper operation of the Sewage Works.	\$450	\$250	N/A	\$1,000	\$500	Standard MA	\$600	Standard MA	Standard MA	Standard MA	Standard MA
4	4.3	Discharging matter which may impair or interfere with any Sewage treatment process.	\$450	N/A	N/A	\$1,000	Standard MA	Standard MA	\$600	Standard MA	Standard MA	Standard MA	Standard MA

Item	Section	Description of Offence	Proposed Niagara Region Set Fine	Peel Region Set Fine	Local Area Municipality Set Fine	City of Calgary Set Fine	City of Hamilton Set Fine	Region of Waterloo Set Fine	York Region Set Fine	Halton Region Set Fine	City of Guelph Set Fine	City of Barrie Set Fine	Oxford County Set Fine
5	4.4	Discharging matter which may obstruct or may tend to obstruct any Sewer or the flow of the Sewer.	\$450	N/A	N/A	\$1,000	\$500	Standard MA	\$350	Standard MA	Standard MA	Standard MA	Standard MA
6	4.5	Discharging matter which may become a hazard to persons, property or animals.	\$450	N/A	\$450	\$1,000	Std MA	Standard MA	Standard MA	Standard MA	Standard MA	Standard MA	Standard MA
7	4.7	Discharging Sewage containing Pesticides.	\$300	\$300	N/A	\$1,000	Standard MA	Standard MA	Standard MA	Standard MA	Standard MA	Standard MA	Standard MA
8	4.8	Discharging Sewage containing dyes or colouring materials which pass through a Sewage Works and discolour the Sewage Works effluent.	\$500	N/A	N/A	\$1,000	Standard MA	Standard MA	\$400	Standard MA	Standard MA	Standard MA	Standard MA
9	4.9	Discharging Sewage at a temperature in excess of 60 degrees Celsius.	\$250	N/A	N/A	N/A	\$400	Standard MA	\$100	Standard MA	Standard MA	Standard MA	Standard MA
10	4.10	Discharging Flammable or explosive matter.	\$1,000	N/A	N/A	\$1,000	\$500	Standard MA	Standard MA	Standard MA	Standard MA	Standard MA	Standard MA
11	4.11	Discharging a quantity of matter capable of obstructing the flow in or interfering with the proper operation or capacity of any part of the Sewage Works, or resulting in increased maintenance activities.	\$1,000	N/A	N/A	\$1,000	Standard MA	Standard MA	\$600	Standard MA	Standard MA	Standard MA	Standard MA

Item	Section	Description of Offence	Proposed Niagara Region Set Fine	Peel Region Set Fine	Local Area Municipality Set Fine	City of Calgary Set Fine	City of Hamilton Set Fine	Region of Waterloo Set Fine	York Region Set Fine	Halton Region Set Fine	City of Guelph Set Fine	City of Barrie Set Fine	Oxford County Set Fine
12	4.17	Discharging Sewage containing any matter in excess of the concentration indicated in Table 1 of the Sewer Use By-law.	\$250	N/A	N/A	\$1,000	Standard MA	Standard MA	\$500	Standard MA	Standard MA	Standard MA	Standard MA
13	5.1	Failing to install an interceptor for oil and grease.	\$250	N/A	\$300	\$500	\$350	Standard MA	\$100	Standard MA	Standard MA	Standard MA	Standard MA
14	5.2	Failing to provide an interceptor for oil and grease designed to prevent oils and greases from entering the sewer system.	\$250	N/A	N/A	\$500	\$500	Standard MA	\$100	Standard MA	Standard MA	Standard MA	Standard MA
15	5.3	Failing to take all necessary measures to ensure that grit is prevented from entering the sewer system.	\$250	N/A	N/A	\$500	\$500	Standard MA	Standard MA	Standard MA	Standard MA	Standard MA	Standard MA
16	5.4	Failing to install and maintain a dental waste amalgam separator.	\$250	N/A	N/A	\$500	Standard MA	Standard MA	\$100	Standard MA	Standard MA	Standard MA	Standard MA
17	5.5	Failing to maintain an interceptor in good working order.	\$200	N/A	\$200	\$500	\$150	Standard MA	\$100	Standard MA	Standard MA	Standard MA	Standard MA
18	5.5	Failing to produce evidence of maintenance records.	\$100	N/A	\$100	\$100	\$150	Standard MA	\$100	Standard MA	Standard MA	Standard MA	Standard MA
19	6.1	Failing to install a Maintenance Access Point.	\$250	\$250	\$300	\$500	\$150	Standard MA	\$300	Standard MA	Standard MA	Standard MA	Standard MA





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33	11.11 h)	Entering an area of a wastewater treatment plant without authorization	\$100	N/A	N/A	N/A	Standard MA	Standard MA	Standard MA	Standard MA	Standard MA	Standard MA	Standard MA
34	12.1	Removing a maintenance hole cover or tampering with a maintenance hole cover or any other opening into any Regional Sewage Works without approval of the Commissioner.	\$150	N/A	\$100	N/A	\$500	Standard MA	\$750	Standard MA	Standard MA	Standard MA	Standard MA
35	18.1	Failing to notify the Region of a spill to the sewage system.	\$300	\$300	N/A	\$500	Standard MA	Standard MA	\$400	Standard MA	Standard MA	Standard MA	Standard MA
36	19.2	Failing to produce maintenance, calibration and inspection records upon request.	\$100	N/A	N/A	\$100	\$150	Standard MA	\$750	Standard MA	Standard MA	Standard MA	Standard MA