

## **BY-LAW NUMBER 156-11**

- of -

### **THE CORPORATION OF THE COUNTY OF BRANT**

To provide for the regulation of storm sewer use in the County of Brant

**WHEREAS** pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25, Section 10, a single-tier municipality has jurisdiction to pass a by-law prohibiting or regulating the discharge of any *matter* into a *storm sewer system*;

**AND WHEREAS** pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25 Section 391, a municipality may pass by-laws imposing *fees* or charges for among other things, services or activities provided or done on behalf of the municipality, and for the use of the municipality's property;

**AND WHEREAS** the Corporation of the County of Brant operates *storm sewer systems* in certain areas of the *County* and wishes to consolidate and update its regulations for all its *storm sewer systems*;

**AND WHEREAS** it is necessary to regulate the discharge of *matter* to *County* and *private storm sewer systems* and to protect water quality by preventing the discharge of harmful substances to *County* and *private storm sewer systems*, and in due course, water bodies;

**NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE COUNTY OF BRANT HEREBY ENACTS** as follows:

#### **BY-LAW INDEX**

##### **PART 1 - DEFINITIONS**

##### **PART 2 - APPLICATION OF BY-LAW**

- 2.1 Relationship to Regulation and Acts

##### **PART 3 - ADMINISTRATION**

- 3.1 Public Works responsibility
- 3.2 *Fees* and collection

##### **PART 4 - APPLICATION FOR STORM SEWAGE WORKS**

- 4.1 Application and Payment prior to installation
- 4.2 *Frontage charges*
- 4.3 Installation – easement required
- 4.4 *Contractor* and construction standards
- 4.5 Offence – install without permit
- 4.6 Connection problems
- 4.7 Decommission

##### **PART 5 - STORM SEWER REQUIREMENTS**

- 5.1 Offence to Discharge – Health and safety, damaging
- 5.2 Offence to discharge – specified matter

- 5.3 Break, damage, deface, destroy - prohibited
- 5.4 Private *Storm Sewer Systems*
- 5.5 Offence – fail to maintain private storm sewer system
- 5.6 Oil and grit separators
- 5.7 Offence – fail to install or maintain Oil and Grit Separators
- 5.8 Dilution - prohibited

**PART 6 - EXCEPTIONS**

- 6.1 Certificate of Approval
- 6.2 Pollution Prevention Plan
- 6.3 Municipal Maintenance Work
- 6.4 Approved Discharge
- 6.5 Emergency

**PART 7 - POLLUTION PREVENTION PLAN**

- 7.1 Pollution Prevention Plan - requirements
- 7.2 Pollution Prevention Plan – content
- 7.3 Pollution Prevention Plan – format Schedule A
- 7.4 Information change – time limit
- 7.5 Offence - fail to provide report
- 7.6 Plan resubmission
- 7.7 Plan location

**PART 8 - SAMPLING AND ANALYTICAL REQUIREMENTS**

- 8.1 Requirements
- 8.2 Number, type and method
- 8.3 Metals
- 8.4 Sampling access and alternatives
- 8.5 Offence – fail to install maintenance hole
- 8.6 Location – on premises
- 8.7 Alternative testing methods
- 8.8 Design, construction and maintenance – owner's expense
- 8.9 Accessibility – all times
- 8.10 Monitoring of discharge - requirement

**PART 9 - SPILLS**

- 9.1 Discharge – Duty to Notify
- 9.2 Notice of discharge information requirements
- 9.3 Clean-up requirements
- 9.4 Failure to clean up
- 9.5 Report to be filed within five (5) days
- 9.6 Offence – fail to notify

**PART 10 - GENERAL PROVISIONS**

- 10.1 Severable by-law provision
- 10.2 By-law context
- 10.3 By-law organization

**PART 11 - ENFORCEMENT**

- 11.1 Responsibility for enforcement
- 11.2 Power to inspect and take samples
- 11.3 Power of entry re inspection
- 11.4 Inspection powers

- 11.5 Samples
- 11.6 Power of entry – pursuant to an order
- 11.7 Power of entry – dwelling unit
- 11.8 Order to discontinue
- 11.9 Offence – contravene order to discontinue
- 11.10 Work Order
- 11.11 Offence – contravene work order
- 11.12 Remedial action
- 11.13 Offence – obstructing office or inspector
- 11.14 Offence – false information
- 11.15 Sever Connection

**PART 12 - PENALTY**

- 12.1 Fine - for contravention – other than corporation
- 12.2 Fine – for contravention - corporation
- 12.3 Continuation – repetition contravention
- 12.4 Continuation – repetition contravention - corporation

**PART 13 - SHORT TITLE**

- 13.1 Short Title

**PART 14 - EFFECTIVE DATE**

- 14.1 Effective date

**SCHEDULE A - POLLUTION PREVENTION PLAN**

**SCHEDULE B - REFERENCE**

**PART 1 - DEFINITIONS**

In this by-law, the following terms shall have the meanings indicated:

**1.1 Acute hazardous waste chemical**

*“acute hazardous waste chemical”* means a material which is an *acute hazardous waste chemical* within the meaning of Ontario Regulation 347 as amended, made under the *Environmental Protection Act* (Ontario).

**1.2 Authorized representative**

*“authorized representative* when use in reference to any *person, owner or operator”* means:

- (a) a principal executive officer of at least the level of vice president, if the *person, owner or operator* is a corporation; or
- (b) a general partner or proprietor if the *person, owner or operator* is a partnership or proprietorship, respectively; or
- (c) a duly *authorized representative* of the individual designated above if such representative is responsible for the overall operation of the facilities from which the *sewage* discharge originates.

**1.3 Biochemical oxygen demand**

“*biochemical oxygen demand*” means carbonaceous oxygen demand (biochemical) as determined by *Standard Methods* when an inhibiting chemical has been added to prevent ammonia oxidation.

**1.4 Blowdown**

“*blowdown*” means the discharge of recirculating *non-contact cooling water* for the purpose of discharging materials contained in the water, the further build-up of which would cause concentrations in amounts exceeding limits established by best engineering practices.

**1.5 Body of Water**

“*Body of Water*” includes any brook, creek, stream, river, lake, pond, waterway, canal, or other flowing or standing water, including open channels, ditches, road ditches, and natural or man made depressions which may or may not connect to a *private storm sewer system* or a *County storm sewer system*.

**1.6 Building Code**

“*Building Code*” means the Building Code Act, 1992, S.O. c.23 and regulations thereunder, as amended.

**1.7 Combustible Liquid**

“*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.

**1.8 Composite sample**

“*composite sample*” means a sample which is composed of a series of *grab samples* taken at intervals during the sampling period.

**1.9 Contractor**

“*contractor*” means a *person*, partnership, or corporation who contracts to undertake the execution of work commissioned by the *County* or by an *owner or operator* to install or maintain storm mains, service mains, services and other appurtenances.

**1.10 County**

“*County*” means the Corporation of the *County* of Brant or its designated representative.

**1.11 Director**

“*Director*” means *Director* of Public Works or their designate.

**1.12 Fees**

“*fees*” means the *fees* described by the current version of the *County Fees and Charges By-law* as amended from time to time.

**1.13 Frontage Charge**

“*frontage charge*” means a charge payable by certain customers prior to approval of the installation of the *storm sewer pipe* or a *storm sewer connection* .

**1.14 Fuels**

“*fuels*” means alcohol, gasoline, naphtha, diesel fuel, fuel oil or any other ignitable substance intended for use as a fuel.

**1.15 Grab sample**

“*grab sample*” is an aliquot of the flow being taken at one particular time and place.

**1.16 Hazardous industrial waste**

“*hazardous industrial waste*” means a material which is a hazardous *industrial waste* within the meaning of the Environmental Protection Act (Ontario) R.R.O. 1990, Regulation 347 as amended, repealed or replaced from time to time.

**1.17 Hazardous waste chemical**

“*hazardous waste chemical*” means a material which is a *hazardous waste chemical* within the meaning of the Environmental Protection Act (Ontario) R.R.O. 1990, Regulation 347 as amended, repealed or replaced from time to time.

**1.18 Ignitable waste**

“*ignitable waste*” means a material which is an *ignitable waste* within the meaning of the Environmental Protection Act (Ontario) R.R.O. 1990, Regulation 347 as amended, repealed or replaced from time to time.

**1.19 Industrial**

“*industrial*” means of or pertaining to industry, manufacturing, commerce, trade, business, or institutions as distinguished from domestic or residential.

**1.20 Kjeldahl nitrogen**

“*Kjeldahl nitrogen*” means organic nitrogen as determined by *Standard Methods*.

**1.21 Maintenance hole**

“*maintenance hole*” means the top opening to an underground utility vault used to house an access point for performing maintenance on underground and buried services including sewers.

**1.22 Matter**

“*matter*” includes any solid, liquid or gas or combination thereof.

**1.23 Municipal Act, 2001**

“*Municipal Act, 2001*” means the *Municipal Act, 2001, c.25* and regulation thereunder, as amended.

**1.24 NAICS**

“*NAICS*” means North American Industry Classification System Manual published by the Executive Office of the President, Office of Management and Budget (replaces SIC).

**1.25 Non-contact cooling water**

“*non-contact cooling water*” means water which is used to reduce temperature for the purpose of cooling and which does not come into direct contact with any raw material, intermediate product other than heat, or finished product.

**1.26 Ontario Water Resources Act**

“*Ontario Water Resources Act*” means the *Ontario Water Resources Act* R.S.O. 1990, c.O.40 and regulations thereunder, as amended, repealed or replaced from time to time.

**1.27 “Owner or operator”**

“owner or operator” includes the registered owner of the property, land, *premises*, work, undertaking, or business, and the *person* or the *person’s authorized representative* having the charge, management or control over the property, land, *premises*, work, undertaking or business, and the occupant.

**1.28 Pathological waste**

“*pathological waste*” means a material which is a *pathological waste* within the meaning of the Environmental Protection Act (Ontario) R.R.O. 1990, Regulation 347 as amended, repealed or replaced from time to time.

**1.29 PCB**

“*PCB*” means any mono-chlorinated or poly-chlorinated biphenyl or any mixture of these or mixture that contains one or more of them.

**1.30 PCB waste**

“*PCB waste*” means a *PCB waste* within the meaning of Environmental Protection Act (Ontario) R.R.O. 1990, Regulation 362 as amended, repealed or replaced from time to time.

**1.31 Person**

“*person*” includes an individual, firm, association, partnership, company, corporation, *municipality*, provincial or federal agency, or other legal representatives of a *person* in whom the context can apply according to law, and includes the *owner or operator* of the *premises* that is connected to the *storm sewer system*.

**1.32 Pesticides**

“*pesticides*” means a pesticide regulated under the *Pesticides Act* (Ontario).

**1.33 pH**

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

**1.34 Phenolic compounds**

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

**1.35 Phosphorus**

“*Phosphorus*” means total *phosphorus* as determined by *Standard Methods*.

**1.36 Premises**

“*premises*” means lands and structures or either of them.

**1.37 Private storm sewer system**

“*private storm sewer system*” means any *storm sewer system* on private property.

**1.38 Reactive waste**

“*reactive waste*” means a material which is a *reactive waste* within the meaning of the Environmental Protection Act (Ontario) R.R.O. 1990, Regulation 347 as amended, repealed or replaced from time to time.

**1.39 Severely toxic contaminants**

“*severely toxic contaminants*” means any material listed within the meaning of the Environmental Protection Act (Ontario) R.R.O. 1990, Regulation 347 as amended, repealed or replaced from time to time.

**1.40 Sewage**

“*sewage*” means any liquid waste containing animal, vegetable or mineral *matter* in solution or in suspension, except *uncontaminated water*.

**1.41 Standard Methods**

“*Standard Methods*” means a procedure set out in the most current edition, as of the date of testing, of *Standard Methods* for the Examination of Water and Wastewater published jointly by the American Public Health Association, American Water Works Association and Water Pollution Control Federation, or a procedure approved by the Ontario Ministry of the Environment as a standard method or the equivalent of a standard method.

**1.42 Storm sewer**

“*storm sewer*” means a sewer for the collection and transmission of *uncontaminated water*, *stormwater*, drainage from land or from a *watercourse* or any combination thereof.

**1.43 Storm sewer connection**

“*storm sewer connection*” means the *storm sewer* pipe between the property line and the *County storm sewer system*.

**1.44 Storm sewer system**

“*storm sewer system*” means any system for the collection, transmission, treatment and disposal of *stormwater* including any inlet, catchbasin, catchbasin *maintenance hole* combination, *maintenance hole*, drainage pipe, *storm sewer*, channel, ditch, culvert, tank, or depression created to divert or collect *stormwater* or any part of such system, but does not include drainage systems to which the *Building Code Act, 1992* applies.

**1.45 Stormwater**

“*stormwater*” means any liquid found within a *County storm sewer system* or *private storm sewer system* or connection, including water from rainfall or other natural precipitation or from the melting of snow or ice.

**1.46 Stormwater flow**

“*stormwater flow*” means the volume of *stormwater* disposed to the *storm sewer system* and may be in the form of a rate per day, per hour, or per second.

**1.47 Subsequent conviction**

“*subsequent conviction*” means a conviction for an offence which occurs after the date of conviction for an earlier offence under this By-law.

**1.48 Suspended solids**

“*suspended solids*” means solid *matter* in or on a liquid which *matter* is removable by filtering as determined by the *Standard Methods*.

**1.49 Uncontaminated water**

“*uncontaminated water*” means water to which no *matter* has been added as a consequence of its use, or to modify its use, by any *person*.

**1.50 Watercourse**

“watercourse” means an open channel or ditch constructed as or resulting from the construction of *County* work in which a flow of *stormwater* occurs either continuously or intermittently, including road ditches and including other natural depressions or *watercourses* draining into any such open channel or ditch whether connected to a *storm sewer* or not.

**1.51 Waste radioactive materials**

“*waste radioactive materials*” means any waste material exhibiting the property of spontaneous disintegration of atomic nuclei usually with the emission of penetrating radiation or particles.

**PART 2 - APPLICATION OF BY-LAW**

**2.1 Relationship to Regulation and Acts**

Nothing in this By-law is to be construed as purporting to permit anything which by the provision of any applicable Provincial Act or Regulation is prohibited, and where there is a conflict in this respect between the provisions of the applicable Act or Regulation and the provisions of this By-law, the provisions of the applicable Act or Regulation are to prevail.

**PART 3 - ADMINISTRATION**

**3.1 Public Works responsibility**

The *Director* is responsible for the administration of this By-law and may assign duties to such *persons* and inspectors as necessary to carry out the provisions of this By-law.

**3.2 Fees and collection**

The *County* is responsible for billing and collecting all *fees* and charges as specified in the latest copy of the “Fees and Charges By-law” as amended, repealed or replaced from time to time except as otherwise provided under this By-law.

The *Director* may impose additional *fees* if the *Director* deems it fit to do so.

**PART 4 - APPLICATION FOR STORM SEWAGE WORKS**

**4.1 Application and payment prior to installation**

No *person* shall install or alter, or permit the installation or alteration of a *storm sewer* pipe or connect or permit the connection to a *County storm sewer system*, without an approved Public Works Permit, except if said installation, alteration or connection is authorized under a subdivision agreement. The *person* or their *authorized representative*, shall make a permit application on the *County’s* Public Works Permit Application Form, and shall pay the applicable *fee* as set out in the *County Fees and Charges By-law*

**4.2 Frontage charges**

*Frontage charges* apply to certain *premises* in the *County*. At the time of filing an application pursuant to section 4.1, the *County* will advise the *owner* if *frontage charges* apply to their *premises*. Payment of the *frontage charges* is required at the time of application for Public Works Permit.



**4.3 Installation - easement required**

No *person* shall install or permit the installation of any *storm sewer* pipe over, or across the property of another *owner* unless a registered easement is obtained for such location, at the *person's* expense, and proof of such registered easement is provided to the *County*.

**4.4 Contractor and construction standards**

The *owner* of the property shall, at their own expense, be responsible for hiring a competent *contractor* to undertake the work authorized in the Public Works Permit. A competent *contractor* shall have demonstrated the knowledge, experience and ability to complete such work in accordance with all applicable construction standards and in a timely manner.

**4.5 Offence - install without permit**

No *person* shall install or permit the installation of any *storm sewer system* that is not in compliance with the *County's* Public Works Permit or Construction Standards.

**4.6 Connection problems**

The *owner* will be held responsible for all costs due to repairs, or cleaning of the *storm sewer connection* where the damage to or blockage of the *storm sewer connection* is a result of a discharge into the *storm sewer system*, except where the cause of the damage is attributable to the *County*.

**4.7 Decommission**

The *owner* of the property, where *premises* are to be removed or demolished, shall sever or cap the *storm sewer connection* at the property line before the property is cleared of structures, unless the *storm sewer connection* is to be reused and approval for this has been received from the *County*. Prior to reuse, an application to connect must be made, and approval must be received from the *County*. Any costs thereof will be borne by the *owner*.

**PART 5 - STORM SEWER REQUIREMENTS****5.1 Offence to Discharge – Health and safety, damaging**

No *person* shall discharge or deposit or cause or permit the discharge or deposit of *matter* of a kind, directly or indirectly, to any *storm sewer system*:

5.1.1 of any type or at any temperature or in any quantity which may be or may become a health or safety hazard to the public; or

5.1.2 which may be or may cause damage to the *storm sewer system*; or

5.1.3 which may obstruct a the *storm sewer* or *storm water flow* therein; or

5.1.4 which may cause the *storm sewer system* effluent to contravene any requirement by or under the *Ontario Water Resources Act*, or the *Environmental Protection Act*; or

5.1.5 which may interfere with the proper operation of a *storm sewer system*; or

- 5.1.6 which may impair the quality of water in any *body of water*; or
- 5.1.7 which is or may result in a hazard to any *person*, animal, property or vegetation.

## 5.2 Offence to Discharge – Specified matter

Without limiting the generality of section 5.1, no *person* shall discharge or deposit or permit the discharge or deposit, directly or indirectly into any *storm sewer system* any of the following:

- 5.2.1 Solid or viscous substances in quantities or of such size as to be capable of causing obstruction to the *storm water flow* in a *storm sewer system*, including but not limited to ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, fibers, feathers, grease, tar, plastics, wood, garbage, animal guts or tissues, paunch manure, fats, greases, oils and whole blood;
- 5.2.2 *Stormwater* that may cause an offensive odor to emanate from a *storm sewer system*;
- 5.2.3 *Stormwater* at a temperature greater than 40 degrees Celsius;
- 5.2.4 *Stormwater* having a *pH* less than 6.0 or greater than 9.0;
- 5.2.5 *Stormwater* which causes a visible film, sheen, discoloration on the water surface;
- 5.2.6 *Stormwater* which contains e. coli colonies in excess of 200 per 100ml;
- 5.2.7 Substance from a raw material, intermediate or final product, used or produced in, through or from an *industrial* process;
- 5.2.8 *Stormwater* which contains one or more of the following;
- a) Oils and Grease;
  - b) *Blowdown*;
  - c) *Non-Contact Cooling Water*;
  - d) *Combustible Liquid*;
  - e) Floating Debris;
  - f) *Fuels*;
  - g) Paints and Organic Solvents
  - h) *PCBs*;
  - i) *PCB Waste*;
  - j) *Pesticides*;
  - k) *Sewage*;
  - l) *Hazardous Waste*; (*not defined*)
  - m) Leachate from any Waste Disposal Site;
  - n) *Waste Radioactive Material*;
  - o) *Severely Toxic Contaminants*;
  - p) *Acute Hazardous Waste Chemicals*;
  - q) *Hazardous Industrial Wastes*;
  - r) *Hazardous Waste Chemicals*;

- s) *Ignitable Wastes;*
- t) *Pathological Wastes;*
- u) *Reactive Wastes;*

5.2.9 Stormwater which contains *matter* with a concentration, expressed in milligrams per litre, in excess of any one or more of the following;

<i>Matter Concentrations</i>	Expressed As	(in mg/l)
Aluminum	Al	1.0
Arsenic (total)	As	0.02
Benzene		0.002
<i>Biochemical oxygen demand</i>	BOD	15
Cadmium (total)	Cd	0.008
Chlorine	C12	1.0
Chromium (total)	Cr	0.08
Chromium (hexavalent)	Cr	0.04
Copper (total)	Cu	0.04
Cyanide (total)	HCN	0.02
Ethyl Benzene		0.002
Lead (total)	Pb	0.12
Manganese (total)	Mn	0.05
Mercury (total)	Hg	0.0004
Nickel (total)	Ni	0.08
Polycyclic Aromatic Hydrocarbons (total)	PAH	0.002
<i>Phenolic Compounds</i>		0.008
<i>Phosphorous (total)</i>	P	0.4
Selenium		0.02

Silver		0.12
<i>Suspended Solids</i>		15
Toluene		0.002
Total <i>Kjeldahl Nitrogen</i>	TKN	1
Xylenes (total)		0.0044
Zinc (total)	Zn	0.04

### 5.3 Break, damage, deface, destroy - prohibited

No *person* shall break, damage, destroy, deface or tamper or cause or permit the breaking, damaging, destroying, defacing or tampering with:

5.3.1 Any part of a *storm sewer system*; or

5.3.2 Any permanent or temporary device installed in a *storm sewer system* for the purpose of measuring, sampling and testing.

### 5.4 Private Storm Sewer Systems

Every *owner or operator* of a *premise* which requires a *private storm sewer system* as a condition of their site plan agreement\permit or upon written direction issued by the *Director* shall install and maintain the *private storm sewer system* to achieve acceptable *stormwater* discharge requirements.

### 5.5 Offence – fail to maintain *private storm sewer system*

No *person* shall fail to install, permit the failure to install, or fail to maintain a *private storm sewer system* as required by section 5.4.

### 5.6 Oil and Grit Separators

Every *owner or operator* of a *premise* which requires an Oil and Grit Separator as a condition of their site plan agreement\permit or upon written direction issued by the *Director* shall install and maintain an Oil and Grit separator designed to achieve acceptable *stormwater* discharge requirements.

### 5.7 Offence – fail to install or maintain Oil and Grit Separators

No *person* shall fail to install, permit the failure to install, or fail to maintain an Oil and Grit Separator interceptor as required by section 5.6.

### 5.6 Dilution – prohibited

In determining whether the limit with respect to any *matter* described in Part 5 is contravened, the volume of any water that has been added that enables compliance with the limit, shall be disregarded for the purposes of calculating whether the limit has been met so that compliance with the limit cannot be attained by dilution.

## PART 6 - EXCEPTIONS

### 6.1 Certificate of Approval

A *person* who has obtained a Certificate of Approval and is in compliance with all provisions and conditions of such approval, shall be deemed not to be in contravention of Part 5 of this By-law where the discharge *matter* is specifically contemplated by such approval.

### 6.2 Pollution Prevention Plan

A *person* who has filed a Pollution Prevention Plan satisfactory to the *Director*, in accordance with Part 7 of this By-law, and is in compliance with all provisions and conditions of such approved plan, shall be deemed not to be in contravention of Part 5 of this By-law where the discharge *matter* is specifically contemplated by such approval.

### 6.3 Municipal Maintenance Work

Street cleaning, hydrant flushing, fire extinguishing and dye testing which has been authorized by the *County* shall be deemed not to constitute a contravention of Part 5 of this By-law.

### 6.4 Approved Discharge

Part 5 – 5.2.8 (b) does not apply to prevent the discharge of *non-contact cooling water* when the *owner or operator* has written approval from the *County*.

### 6.5 Emergency

Discharge of any *matter* or *sewage*, in an emergency as determined by the Medical Officer of Health, shall be deemed not to constitute a contravention of this By-law.

## PART 7 – POLLUTION PREVENTION PLAN

### 7.1 Pollution Prevention Plan – requirements

The *owner or operator* of an *industrial* operation that discharges into any *storm sewer system*, shall, upon written direction issued by the *Director*, prepare and file with the *County* a Pollution Prevention Plan in accordance with sections 7.2 and 7.3.

### 7.2 Pollution Prevention Plan - content

The Pollution Prevention Plan shall contain the following information and shall be signed by an *authorized representative* of the *owner or operator*.

7.2.1 name and address of the *premises*, names of its *owner and operator* including their address, telephone number and fax number; and North American Industrial Classification System (*NAICS CANADA*);

7.2.2 name, position, telephone number, fax number, e-mail, and mailing address of the *person* responsible for administering the pollution prevention measures;

7.2.3 Identification of all *industrial* processes and practices, both on map and in writing, which may result in materials set out in Part 5 being brought onsite or generated onsite;

- 7.2.4 Identification on a plan drawing, approximately to scale, of all catchbasins, *maintenance holes*, *maintenance hole* catchbasins, *storm sewer* pipes, ditches, ditch inlets, oil/grit separators, ponds, tanks on the property which are connected and allowed drainage to enter the *County storm sewer system*;
- 7.2.5 Results of dye-testing and/or CCTV inspection to ensure that complete *private storm sewer system* is operable and in good condition;
- 7.2.6 Identification of pollution prevention opportunities. Describe current at source reduction, recycling, efficiencies, material substitutions, product design changes, equipment modification changes, and best management practices. Outline prevention options for specific contaminants which are being brought onsite or generated onsite;
- 7.2.7 Evaluation of pollution prevention options to ensure that contaminants are reduced or eliminated, and that there is no cross media transfer or new environmental impact arising from implemented pollution prevention options;
- 7.2.8 Identification of pollution remediation actions for those contaminants which cannot be avoided by pollution prevention techniques;
- 7.2.9 A timeline for contaminant reduction, indicating a distinct timeline for the integration for each new prevention measures proposed in plan;
- 7.2.10 Prior to acceptance, the Pollution Prevention Plan must be signed and dated by an *owner* of the business or an officer of the corporation with signing authority;
- 7.3 Pollution Prevention Plan – format Schedule A**  
The front end of the Pollution Prevention Plan shall be in the format indicated in Schedule A (attached). Additional sections required shall be submitted in a format accepted by the *County*.
- 7.4 Information change – time limit**  
Where a change occurs in any information required under section 7.2 and contained in a Pollution Prevention Plan, the *owner or operator* of the *premises* shall not discharge or deposit or cause or permit the discharge into any *storm sewer system*, unless the *owner* has submitted a new Pollution Prevention Plan 30 calendar days prior to any change in discharge content.
- 7.5 Offence – fail to provide report**  
No *person* shall fail or permit the failure to provide a Pollution Prevention Plan as required and in accordance with the requirements of this part.
- 7.6 Plan resubmission**  
The *Director* may at any time request that a business or corporation who had previously submitted a Pollution Prevention Plan resubmit an updated plan.
- 7.7 Plan location**  
A copy of the Pollution Prevention Plan shall be kept at all times in the *premise* in respect to which it was prepared for, and shall be available for inspection at any time.

## **PART 8 - SAMPLING AND ANALYTICAL REQUIREMENTS**

### **8.1 Requirements**

Except as otherwise specifically provided in this Part, all tests, measurements, analyses and examinations *uncontaminated water* and *stormwater* shall be carried out in accordance with *Standard Methods*.

### **8.2 Number, type and method**

Where a sample is required for the purpose of determining the characteristics or contents of the water or *stormwater* a single sample alone is sufficient and, without limiting the generality of the foregoing, the sample may be a *grab sample* or a *composite sample*, may contain additives for its preservation and may be collected manually or by using an automatic sampling device. The time and location of sample collection must be approved by the *County*.

### **8.3 Metals**

For each one of the following metals, concentration of which are limited in accordance with section 5, that analysis shall be for the quantity of total metal, which includes all metal both dissolved and particulate:

- Aluminum
- Arsenic
- Cadmium
- Chromium
- Copper
- Iron
- Lead
- Manganese
- Mercury
- Nickel
- Selenium
- Silver
- Zinc

### **8.4 Sampling access and alternatives**

The *owner or operator* of an *industrial* operation with one or more *storm sewer connections* to any *storm sewer system*, shall, upon written direction issued by the *Director*, install and maintain in good repair in each *storm sewer connecton* a suitable *maintenance hole* to allow observation and sampling of the *stormwater* and measurement of *stormwater flow* therein, provided that where installation of a *maintenance hole* is not possible, an alternative device or facility may be substituted with the written approval of the *Director*.

### **8.5 Offence – fail to install maintenance hole**

No *person* shall fail to install or permit the failure to install a *maintenance hole* if required pursuant to section 8.4.

### **8.6 Location – on premises**

The *maintenance hole* or alternate device shall be located at the property line on the property of the *owner or operator* of the *premises*, unless the *Director* has given written approval for a different location.

**8.7 Alternative testing methods**

Where there is no *maintenance hole* meeting the requirements of this By-law, the *Director* may, by written notice, make use of an alternate device or facility for the purpose of sampling a discharge to the *storm sewer system*.

**8.8 Design, construction and maintenance – owner’s expense**

Every *maintenance hole*, device or facility installed as required by this By-law shall be designed and constructed in accordance with good engineering practice and the requirements of the *County*, and shall be constructed and maintained by the *owner* or *operator* of the *premises* at their expense.

**8.9 Accessibility – all times**

The *owner* or *operator* of an *industrial premises* shall at all times ensure that every *maintenance hole*, device or facility installed as required by this By-law is at all times accessible for purposes of observing and sampling the *stormwater* and measuring the *stormwater flow* therein.

**8.10 Monitoring of discharge - requirement**

The *Director* may require the *owner* or *operator* of an *industrial* operation to install and maintain devices to monitor *stormwater* discharges and to submit regular reports regarding the discharges to the *County*.

**PART 9 - SPILLS****9.1 Discharge - duty to notify**

Any *person* who discharges or deposits or causes or permits a discharge or a deposit, into any *storm sewer system* that is not consistent with the ordinary discharge or deposit or that is contrary to the provisions of this by-law, shall notify the *Director* as soon as reasonably possible after becoming aware of the discharge or deposit. This reporting requirement is in addition to any other legal obligations to report.

**9.2 Notice of discharge information requirements**

For any of the discharges in section 9.1 for which the *person* is required to give notice, the notification shall include the following information and shall be verbal or by personal contact:

- 9.2.1 name of the company and the address of location of the discharge;
- 9.2.2 name of *person* reporting the discharge and telephone number where that *person* can be reached;
- 9.2.3 date, time, and duration of the discharge event;
- 9.2.4 description of discharge, including type and volume of material discharged and any associated hazards as would be outlined on a material safety data sheet (MSDS);
- 9.2.5 copy of material safety data sheet (MSDS) if available;
- 9.2.6 information as to whether or not the material entered the *storm sewer system* or any land drainage works;



- 9.2.7 details of clean up actions that have been initiated, completed, or are in progress, including corrective actions being taken to control the spill (including dates, times and list of any contracted assistance that has been received during the clean-up);
- 9.2.8 if discharged material is being vacuumed or captured by another method, and the destination of the captured material;
- 9.2.9 information regarding notification of the discharge to agencies (such as Ontario Ministry of the Environment) and the date and time such notification was made.
- 9.2.10 name of *person(s)* in charge of cleaning up the discharge and telephone number where that *person* can be reached;

### 9.3 Clean up requirements

The *owner* and any *person* responsible for the discharge and any *person* having charge, management and control of the discharge shall clean up the discharge and any associated residue, and restore the affected area to its condition prior to the discharge including any damage to the municipal *storm sewer* system as a result of the discharge. Payment for the cleanup shall be the responsibility of the *owner* and any *person* responsible for the discharge.

### 9.4 Failure to clean up

Where any *person* fails or neglects to carry out or diligently pursue the activities required by this By-law, the *County* may take such measures as it deems appropriate to contain the discharge, protect the health and safety of the public, minimize damage to property, protect the environment, clean up the discharge and any associated residue, and restore the affected area to its condition prior to the discharge. The costs incurred by the *County* with respect to: response to, cleanup and restoration of a discharge affected area may be recovered from the *owner* of the land in the same manner as taxes.

### 9.5 Report to be filed within five (5) days

Within five days following a discharge to which section 9.1 applies, the *person* shall submit to the *Director* a detailed written report describing the cause of the discharge and the actions taken or to be taken to prevent a recurrence and shall include a detailed description of the items contained in section 9.2.

### 9.6 Offence - fail to notify

No *person* shall fail to notify the *County* or permit the failure to notify of a discharge into the *storm sewer system* in accordance with the requirements of this Part.

## PART 10 – GENERAL PROVISIONS

### 10.1 Severable by-law provision

If a court of competent jurisdiction declares a part or the whole of any provision of this By-law to be invalid or of no force and effect, the provision or part is deemed severable from this By-law, and the remainder shall survive and be applied and enforced in accordance with its terms to the extent possible under the law.

**10.2 By-law context**

This By-law shall be read with such changes of gender, number and corporate status as the context may require.

**10.3 By-law organization**

The insertion of headings and the division of this By-law, into parts, sections and subsections are for convenience of reference only and shall not affect the interpretation of this By-law.

**PART 11 – ENFORCEMENT****11.1 Responsibility for enforcement**

Municipal Enforcement Officers appointed by the *County* are authorized to enforce the provisions of this By-law.

**11.2 Power to inspect and take samples**

In accordance with section 87 of the *Municipal Act, 2001*, and in accordance with Part 11 of this By-law, the *County* may enter on land, at reasonable times, to inspect the discharge of any *matter* into the *County storm sewer system* or into any other *storm sewer system* the contents of which ultimately empty into the *County storm sewer system* and may conduct tests and take samples for this purpose.

**11.3 Power of entry re inspection**

Pursuant to section 435 and 436 of the *Municipal Act, 2001* any employee, officer or agent of the *County* or a member of the police force of the *County*, may without notice, and upon producing proper identification upon request, enter on land at any reasonable time for the purpose of carrying out an inspection, to determine whether this By-law, a direction or order of the *County* made under this by-law, a condition of a permit issued under this By-law, or an order made under Section 431 of the *Municipal Act*, is being complied with. The *person* exercising the power may be accompanied by a *person* under his or her direction.

**11.4 Inspection powers**

Any employee, officer or agent of the *County* or a member of the police force of the *County*, carrying out an inspection pursuant to section 11.2 of this By-law may:

- 11.4.1 require the production for inspection of documents or things relevant to the inspection such as Pollution Prevention Plan, Certificates of Approval, Compliance Programs, Hazardous Waste Manifests, Maintenance and Inspection Logs, etc.;
- 11.4.2 inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- 11.4.3 require information from any *person* concerning a matter related to the inspection; and
- 11.4.4 alone or in conjunction with a *person* possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

**11.5 Samples**

- 11.5.1 A sample taken under subsection 11.4.4 shall be divided into two parts, and one part shall be delivered to the *person* from whom the sample is taken, if the *person* so requests at the time the sample is taken and provides the necessary facilities.
- 11.5.2 If a sample is taken under subsection 11.4.4 and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the *person* from whom the sample was taken.
- 11.5.3 A receipt shall be provided for any document or thing removed under subsection 11.4.2 and the document or thing shall be promptly returned after the copies or extracts are made.
- 11.5.4 Copies of or extracts from documents and things removed under this section and certified as being true copies of or extracts from the originals by the *person* who made them are admissible in evidence to the same extent as, and have the same evidentiary value as, the originals.

**11.6 Power of entry – pursuant to an order**

Where an employee, officer or agent of the *County* or a member of the police force of the *County*, has made a reasonable attempt to obtain the *occupier's* consent to conduct an inspection and has been unable to exercise the powers of inspection under the authority of section 11.2 or 11.3, the *County* may, pursuant to section 438 of the *Municipal Act, 2001* obtain an order authorizing the *County* to enter on land for the purpose of carrying out an inspection.

**11.7 Power of entry – dwelling unit**

Despite section 11.2, a *person* exercising a power of entry on behalf of the *County* under this By-law shall not enter or remain in any room or place actually being used as a dwelling unless:

- 11.7.1 the consent of the *occupier* is obtained, the *occupier* first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of an order issued under section 438, a warrant issued under section 439 or a warrant under section 386.3 of the *Municipal Act, 2001*;
- 11.7.2 an order issued under section 438 of the *Municipal Act, 2001* is obtained;
- 11.7.3 a warrant issued under section 439 of the *Municipal Act, 2001* is obtained;
- 11.7.4 a warrant issued under section 386.3 of the *Municipal Act, 2001* is obtained;
- 11.7.5 the delay necessary to obtain an order under section 438, to obtain a warrant under section 439 or to obtain the consent of the *occupier* would result in an immediate danger to the health or safety of any *person*.

**11.8 Order to discontinue**

Pursuant to section 444 of the *Municipal Act, 2001*, where the *County* is satisfied that a contravention of this By-law has occurred, the *County* may make an order requiring the *person* who contravened the by-law or who caused or permitted the contravention or the *owner* or occupier of the land on which the contravention occurred to discontinue the contravening activity.

The order may require and shall set out:

11.8.1 reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred;

11.8.2 the date by which there must be compliance with the order.

**11.9 Offence – contravene order to discontinue**

No *person* shall contravene an order to discontinue, issued pursuant to section 11.8.

**11.10 Work order**

Pursuant to section 445 of the *Municipal Act, 2001*, where the *County* is satisfied that a contravention of this By-law has occurred, the *County* may make an order requiring the *person* who contravened the by-law or who caused or permitted the contravention or the *owner* or *occupier* of the land on which the contravention occurred to do work to correct the contravention.

An order may require work to be done even though the facts which constitute the contravention of the by-law were present before the by-law making them a contravention came into force.

The order shall set out:

11.10.1 reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and

11.10.2 the work to be done and the date by which the work must be done.

The required work may involve:

11.10.3 conducting a monitoring study of the *stormwater* quality and/or quantity;

11.10.4 carrying out modification and/or construction of *stormwater* management facilities;

11.10.5 adopting and implementing pollution prevention techniques and measures;

11.10.6 providing a satisfactory Pollution Prevention Plan; and

11.10.7 doing any other requirement to prevent contravention to the By-law.

**11.11 Offence – contravene work order**

No *person* shall contravene a work order issued pursuant to section 11.10.

**11.12 Remedial action**

Pursuant to section 446 of the *Municipal Act, 2001*, where the *County* has the authority under this By-law or under any Act to direct or require a *person* to do a matter or thing, in default of it being done by the *person* directed or required to do it, the *County* may enter upon land at any reasonable time, to perform the work at the *person's* expense and may recover the costs from the *person* directed or required to do it, by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

**11.13 Offence – obstructing officer or inspector**

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 by-law.

**11.14 Offence – false information**

No *person* shall knowingly provide false information in any report or return or willing withhold information required under this By-law.

**11.15 Sever connection**

In addition to any remedy or penalty imposed by this By-law where *matter* is being discharged into a municipal *storm sewer system* in violation of this By-law, or any outstanding orders are not complied with, the *County* may:

- 11.15.1 at the cost of the *owner* of said lands and *premises*, sever the connection for the lands and *premises* from which the *matter* is being discharged, with 30 days notice; and
- 11.15.2 refuse *storm sewer connection* of said lands and *premises* to the *County storm sewer system* by the *owner* until authorized by the *Director* that the *County* has been paid the cost of disconnecting the sewer, and other outstanding costs.

The *County* will not be held liable for any damages caused by the severing of a *storm sewer connection* as provided for in this By-law.

**PART 12 - PENALTY****12.1 Fine – for contravention – other than corporation**

Subject to section 12.2, every *person*, excluding corporations, who contravenes any provision of this By-law and every director or officer of a corporation who knowingly concurs in the contravention of a by-law by the corporation is guilty of an offence and upon conviction is subject to a fine of not more than \$5,000 for a first conviction, and not more than \$10,000 for any *subsequent conviction* of this By-law.

**12.2 Fine – for contravention - corporation**

Despite section 12.1, where a corporation is convicted of an offence under the provisions of this By-law, the maximum fines that may be imposed on the corporation are \$25,000 for a first conviction and \$50,000 for any *subsequent conviction*.

**12.3 Continuation – repetition contravention**

Notwithstanding section 12.1, every *person*, excluding corporations, that contravenes any provision of this By-law and every director or officer of a corporation who knowingly concurs in the contravention of this by-law by the corporation is guilty of an offence for every day or part thereof upon which such offence occurs or continues, and upon conviction is liable, to a fine of not more than \$5,000 for each day that the offence continues.

**12.4 Continuation – repetition contravention - corporation**

Notwithstanding section 12.2, every corporation that contravenes any provision of this By-law is guilty of an offence for every day or part thereof upon which such offence occurs or continues and upon conviction is liable, to a fine of not more than \$10,000 for each day that the offence continues.

**PART 13 - SHORT TITLE**

**13.1 Short title**

This By-law may be known and referred to as the “Storm Sewer Use By-law”.

**PART 14 - EFFECTIVE DATE**

**14 .1 Effective date**

This By-law comes into force and takes effect upon the receipt of an approved set fine order.

**READ** a first and second time, this 4th day of October, 2011.

**READ** a third time and finally passed in Council, this 4th day of October, 2011.

**THE CORPORATION OF THE COUNTY OF BRANT**

---

R.E.F. Eddy, Mayor

---

Jayne Carman, Clerk

**BY-LAW NUMBER 156-11**

**SCHEDULE A**

**COUNTY OF BRANT  
POLLUTION PREVENTION PLAN**

**SECTION 1 – GENERAL INFORMATION**

(a) Name of *Person* submitting report: \_\_\_\_\_  
(print name)

\_\_\_\_\_  
(company name, corporation,  
Identify if *owner or operator*) \_\_\_\_\_  
(telephone no.)

\_\_\_\_\_  
(postal address) \_\_\_\_\_  
(postal code)

(b) Company Officer responsible for administering the pollution prevention measures;

\_\_\_\_\_  
(print name) \_\_\_\_\_  
(telephone no.)

(c) Location of *Premises*:

\_\_\_\_\_  
(number, street, or road, municipality)

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

\_\_\_\_\_  
(authorized representative of owner or operator)

\_\_\_\_\_  
(title) \_\_\_\_\_  
(date)

**SECTION 2 – PRODUCT OR SERVICE INFORMATION**

(a) North American Industry Classification System (*NAICS CANADA*) – See Schedule B.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) Brief Description of manufacturing or service activities:

\_\_\_\_\_  
\_\_\_\_\_

(c) Principal products produced or services rendered:  
\_\_\_\_\_  
\_\_\_\_\_

(d) Number of employees  
Plant: \_\_\_\_\_ Office: \_\_\_\_\_

(e) Number of shifts per day: \_\_\_\_\_ Number of days per week: \_\_\_\_\_

(f) Are major processes:  
 batch     continuous     both  
If batch, average number of batches per 24-hour day: \_\_\_\_\_

(g) Is the production subject to seasonal variation:  
 yes     no  
If yes, briefly describe seasonal production cycle:  
\_\_\_\_\_  
\_\_\_\_\_

(h) Is there a special clean-up period:  yes     no  
If yes, briefly describe clean-up period activities:  
\_\_\_\_\_  
\_\_\_\_\_

**SECTION 3 – PHYSICAL LAY-OUT**

Layout sketch of property (to scale or approximate) to co-ordinate buildings, pretreatment works, property boundaries, effluent lines, and *storm sewer connections*. Number of *storm sewer connections* to *County storm sewer system* so that they can be related to Pollutant Information Sheets. Please attach to end of report.



**BY-LAW NUMBER 156-11**

**SCHEDULE B**

**REFERENCE**

**North American Industry Classification System (NAICS) CANADA Codes**

Located at:	<a href="http://www.statcan.ca">http://www.statcan.ca</a>
Catalogue no.:	12-501-XWE
Release date:	April 11, 2007