

REGIONAL DISTRICT OF NANAIMO

Regional Sewage Source Control Bylaw No. 1730, 2015

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REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1730

**A BYLAW TO REGULATE THE DISCHARGE OF WASTE INTO ALL
SEWERS CONNECTED TO SEWAGE TREATMENT FACILITIES
OPERATED BY THE REGIONAL DISTRICT OF NANAIMO**

WHEREAS on January 8, 1998, the Lieutenant Governor in Council designated the Regional District of Nanaimo (the “Regional District”) as a sewage control area under section 29 of the *Environmental Management Act*;

AND WHEREAS under section 29 of the *Environmental Management Act*, the Board of the Regional District appointed a Sewage Control Manager and Sewage Control Officers;

AND WHEREAS under section 30 of the *Environmental Management Act*, the Board of the Regional District may make bylaws respecting the direct or indirect discharge of wastes into any sewer or drain connected to a sewage treatment facility operated by the Regional District;

NOW THEREFORE the Board of the Regional District of Nanaimo in open meeting assembled hereby enacts as follows:

PART I: INTERPRETATION

1. APPLICATION

This Bylaw applies to any discharge of waste into any sewer or drain connected to a sewage treatment facility that is operated by the Regional District.

2. CITATION

This Bylaw may be cited for all purposes as “Regional Sewage Source Control Bylaw No. 1730, 2015”.

3. DEFINITIONS

The following terms, words and phrases when used in this Bylaw shall have the meanings set forth in this section, whether appearing in capital or lower case form. If not defined below, the words and phrases used in this Bylaw shall have their common and ordinary meanings to the degree consistent with the technical subjects in this Bylaw.

AFFECTED PERSON

means a person affected by a decision, order, or requirement of the Sewage Control Manager.

AIR

means the atmosphere but, except in a sewer or a sewage facility or as the context may otherwise require, does not include the atmosphere inside a constructed enclosure that is not open to the weather.

AIR CONTAMINANT

means any substance or odour whether gaseous, liquid, solid or a combination that is emitted into the air and that:

- (1) injures or is capable of injuring the health or safety of a person,
- (2) injures or is capable of injuring property or any life form,
- (3) interferes or is capable of interfering with visibility,
- (4) interferes or is capable of interfering with the normal conduct of business,
- (5) causes or is capable of causing material physical discomfort to a person, or
- (6) damages or is capable of damaging the environment.

APPLICANT

means any person making an application, or a person authorized by a property or business owner to make an application on behalf of the owner, and shall become responsible for the discharge if the application is successful.

APPLICATION

means a request for one of the following:

- (1) a Permit;
- (2) an amendment, addition, or deletion of a term or condition of a Permit;
- (3) a change to the activity that is the subject of a Permit;
- (4) a renewal of a Permit.

APPROVAL

means the consent, in writing, of the Sewage Control Manager.

AUTHORIZED DISCHARGER

means the owner of the waste to be discharged or the person otherwise responsible for a discharge made under a Permit.

BETX

means benzene, ethyl benzene, toluene, xylenes

BIOMEDICAL WASTE

has the same meaning as defined in the *Hazardous Waste Regulation*.

BIOSOLIDS

means stabilized sewage sludge resulting from a wastewater treatment process or septage treatment process which has been sufficiently treated to reduce pathogen densities and vector attraction to allow the sludge to be beneficially recycled in accordance with the requirements of the *Organic Matter Recycling Regulation*.

BOARD

means the Board of Directors of the Regional District of Nanaimo.

BOD

means Biochemical Oxygen Demand, being the quantity of oxygen utilized in the biochemical oxidation of organic substances under standard laboratory procedures in 5 days at 20 degrees Celsius expressed in milligrams per litre, as determined by the appropriate procedure in Standard Methods.

CHLORINATED PHENOLS

means the chlorinated derivatives of phenols and as determined by the appropriate procedure described in Standard Methods.

CLASSIFICATION LEVEL

means the classification given to a discharge by the Sewage Control Manager based on the discharge's strength, as described in Schedule 'D'.

CLASSIFICATION RATE

means a rate listed in Schedule 'D' used to determine the cost to discharge non-domestic wastes.

COD

means Chemical Oxygen Demand, being a measure of the oxygen equivalent of the organic matter content of a sample that is susceptible to oxidation by a strong chemical oxidation, as determined by the appropriate procedure in Standard Methods.

COMBINED SEWER

means a sewer designed for the collection and transmission of uncontaminated water, wastewater, and stormwater.

COMPOSITE SAMPLE

means a sample of waste which is composed of equivalent portions of a specified number of grab samples collected manually or automatically at the same sampling point, at specified times or flow intervals during a specified sampling period.

CONTAMINANT

means any substance, whether dissolved or suspended, or any wastewater quality parameter that, when present above a certain concentration in wastewater:

- (1) injures or is capable of injuring the health or safety of a person;
- (2) injures or is capable of injuring property or any life form;
- (3) interferes or is capable of interfering with the proper operation of a sewer or sewage facility;
- (4) causes or is capable of causing material physical discomfort to a person; or
- (5) damages or is capable of damaging the environment.

CONTROL WORKS

means any device, equipment, process, or method used to separate, treat, remove, or otherwise prevent restricted or prohibited waste from entering or forming part of a discharge, including, but not limited to, traps, interceptors, filters, and separators.

DISCHARGE

noun. means any substance that is directly or indirectly introduced into a sewer or sewage facility by spilling, disposing of, abandoning, depositing, leaking, seeping, pouring, draining, emptying, or by any other means;

verb. means to directly or indirectly introduce a substance into a sewer or sewage facility by spilling, disposing of, abandoning, depositing, leaking, seeping, pouring, draining, emptying, or by any other means.

DISCHARGE POINT

means the location at which a discharge enters a sewer system.

DOMESTIC SEWAGE

means sewage produced on a residential premises, or sanitary sewage and wastewater resulting from the ordinary use of showers and restroom washbasins on a non-residential property.

ENACTMENT

means any act, regulation, bylaw, order, or authorization, including any amendments or replacements, by a federal, provincial, regional or municipal government or their authorized representatives.

GRAB SAMPLE

means a sample of waste collected at a particular time and place.

GROUND WATER

means water in a saturation zone or stratum beneath the surface of land or below a surface water body.

HAZARDOUS WASTE

has the same meaning as defined in the *Hazardous Waste Regulation*.

HIGH VOLUME DISCHARGE

means any discharge in excess of ten cubic metres per day ($10\text{m}^3/\text{day}$) or three-hundred cubic metres over any consecutive thirty day period ($300\text{m}^3/30$ consecutive days), but not including water from a pool.

INFLOW AND INFILTRATION

means water that enters a municipal wastewater collection system:

- (1) directly from a storm water connection (inflow),
- (2) indirectly through the land (infiltration), or
- (3) through both (A) and (B).

IMPROVEMENT DISTRICT

means an improvement district incorporated under the *Local Government Act*.

MONITORING POINT

means an access point to a sewer, private drainage system, or other sewer for the purpose of:

- (1) measuring the rate of flow or volume of wastewater being discharged from a premises;
- (2) collecting representative samples of wastewater being discharged from a premises.

MUNICIPALITY

means any participating member city, town, district, or other incorporated area of the Regional District of Nanaimo incorporated as a municipality or the Regional District of Nanaimo itself.

NON-DOMESTIC SEWAGE

means all sewage except domestic sewage, storm water, trucked liquid waste, and uncontaminated water.

NUCLEAR SUBSTANCE

has the same meaning as defined in the *Nuclear Safety and Control Act*.

OCCUPIER

in respect of property has the same meaning as defined in the *Community Charter*.

OFFICER

means a sewage control officer or a bylaw enforcement officer of the Regional District, as applicable.

OIL AND GREASE

means *n*-Hexane extractable matter as described in Standard Methods and includes, but is not limited to, hydrocarbons, esters, fats, oils, waxes, and high-molecular weight carboxylic acids.

ORDER

means an order issued by the Sewage Control Manager.

OWNER

means:

- (1) in respect of property, has the same meaning as defined in the *Community Charter*;
- (2) in respect of business, means the owner, director, manager, president, or person who may otherwise act on behalf of a business;
- (3) in respect of waste, means the person who produces, discharges, carries, possesses, or is otherwise responsible for that waste.

PCB

means any monochlorinated, dichlorinated, or polychlorinated biphenyl or any mixture that contains one or more of these.

PERMIT

see "WASTE DISCHARGE PERMIT".

PESTICIDE

has the same meaning as defined in the *Integrated Pest Management Act*.

pH

means the expression of the acidity or basicity of a solution as defined and determined by the appropriate procedure described in Standard Methods.

PHENOLS

means the hydroxy derivatives or aromatic hydrocarbons as determined by the appropriate procedure described in Standard Methods.

POLYCYCLIC AROMATIC HYDROCARBONS (PAH)

means the total of all of the following polycyclic aromatic hydrocarbons: Acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i,)perylene, benzo(k)fluoranthene, chrysenes, dibenzo(a,h)anthracene, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, methylnaphthalene, naphthalene, phenanthrene, pyrene.

POOL

means any water receptacle used for swimming or as a bath or hot tub designed to accommodate more than one bather at a time or designed for decorative purposes.

PREMISES

means any land or building or both or any part thereof.

PRIVATE DRAINAGE SYSTEM

means a privately owned assembly of pipes, fittings, fixtures, traps, and appurtenances that is used to convey wastewater, uncontaminated water, storm water, or foundation drainage to a sewer, sewage facility, or a private wastewater disposal system.

PROHIBITED WASTE

means Prohibited Waste as defined in Schedule 'A' of this Bylaw.

RECREATIONAL VEHICLE WASTE

means sanitary sewage accumulated in a holding tank in a trailer, camper, transportable housing unit, manufactured home, bus, aircraft, boat, houseboat, long-haul truck with on-board personal lavatory fixtures, or similar vehicle, but specifically excludes wastes carried in trucked liquid waste hauling trucks.

REGIONAL DISTRICT

means the Regional District of Nanaimo.

RESIDENTIAL PROPERTY

means a property classified as "Class 1" by BC Assessment.

RESTRICTED WASTE

means Restricted Waste as defined in Schedule 'B' of this Bylaw.

SANI-DUMP

means any facility that is used or may be used for the discharge of recreational vehicle waste to a sewer.

SANITARY SEWAGE

means human excreta and waterborne waste from the non-commercial and non-industrial preparation and consumption of food and drink, dishwashing, bathing, showering, and general household cleaning and laundry.

SANITARY SEWER

means a sewer which carries sanitary sewage but which is not intended to carry storm water, ground water, or uncontaminated water.

SEAWATER

means any water from a marine environment.

SEWAGE

means the composite of water wastes and water-carried wastes from residential, commercial, industrial, or institutional premises or any other source.

SEWAGE CONTROL MANAGER

means the Sewage Control Manager appointed by the Board, or a person appointed by the Board as her or his deputy, under the *Environmental Management Act*.

SEWAGE CONTROL OFFICER

means a Municipal Sewage Control Officer appointed by the Board under the *Environmental Management Act*.

SEWAGE SLUDGE

means the removed material resulting from chemical treatment, coagulation, flocculation, sedimentation, flotation, or biological oxidation of sewage.

SEWAGE TREATMENT FACILITY

means works operated by the Regional District to treat, store, utilize, or discharge sewage.

SEWER

means all pipes, conduits, drains, pumping stations, and other equipment and facilities, owned or otherwise under the control or jurisdiction of the Regional District or a municipality for the purpose of providing sewage collection, conveyance, treatment, or disposal.

SHARPS

means hypodermic needles, hypodermic syringes, blades, broken glass, and any devices, instruments or other objects which have acute rigid corners, edges or protuberances.

SLUDGE

means sewage containing more than 0.5% total solids.

STANDARD METHODS

means the latest edition of "Standard Methods for the Examination of Water and Wastewater" jointly prepared and published from time to time by the American Public Health Association, American Water Works Association, and the Water Environment Federation.

STORM SEWER

means a sewer for the collection and transmission of storm water.

STORM WATER

means water resulting from natural precipitation from the atmosphere, including water from inflow and infiltration.

SUBSTANCE

includes any solid, liquid, or gas.

SUSPENDED SOLIDS

means the portion of total solids retained by a filter, as determined by the appropriate procedure in Standard Methods.

TRUCKED LIQUID WASTE

means any waste that originates from any plumbing fixtures or works that are not directly and permanently connected to a sewer system, including, but not limited to, holding tank waste, septic tank waste, pit toilet waste, chemical toilet content, and other sludge of organic or inorganic origin, specifically excluding recreational vehicle wastes.

TRUCKED LIQUID WASTE HAULING TRUCK

means any vehicle that collects trucked liquid waste for the purposes of transporting and disposing of that waste.

UNCONTAMINATED WATER

means any water excluding storm water or ground water but including cooling water and water from municipal waterworks or a private water supply to which no contaminant has been added as a consequence of its use or to modify its use by any person.

WASTE

means any substance that is or is intended to be discharged or discarded, including sewage.

WASTE DISCHARGE PERMIT

means a Waste Discharge Permit of any Classification Level issued by the Sewage Control Manager under this Bylaw.

WASTEWATER

See "SEWAGE"

WATER

means any water including seawater, surface water, groundwater, and ice.

WATERWORKS

means any works owned or otherwise under the control or jurisdiction of the Regional District or one or more of its member municipalities or an improvement district that collects, treats, transports, or stores drinking water.

WORKS

includes:

- (1) a drain, sewer, or waste disposal system and their appurtenances including a sewage treatment plant, pumping station, or outfall;
- (2) a device, equipment, land, or a structure that:
 - (a) measures, handles, transports, stores, treats, or destroys waste or a contaminant; or
 - (b) introduces waste or a contaminant into the environment;
- (3) an installation, plant, machinery, equipment, land or a process that causes or may cause a release of a contaminant into the environment or is designed or used to measure or control the introduction of waste into the environment or to measure or control a contaminant;
- (4) an installation, plant, machinery, equipment, land or a process that monitors or cleans up a contaminant or waste.

4. PROVINCIAL AND FEDERAL ENACTMENTS REFERENCED

The following enactments are specifically referenced in this Bylaw and may be referred to as necessary. Any changes, amendments, or replacements to these enactments shall be deemed effective as applicable. This list is for reference purposes only and in no way alters, limits, or enlarges the intent or scope of these and other enactments and their application to this Bylaw.

Title	Level	Reference
<i>Community Charter</i>	Provincial	[SBC 2003, c.26]
<i>Environmental Management Act</i>	Provincial	[RSBC 1996, c.118]
<ul style="list-style-type: none"> ▫ <i>Hazardous Waste Regulation</i> ▫ <i>Organic Matter Recycling Regulation</i> ▫ <i>Spill Reporting Regulation</i> 		
<i>Fertilizers Regulations</i>	Federal	[RSC 1985, c.F-10]
<i>Integrated Pest Management Act</i>	Provincial	[SBC 2003, c.58]
<i>Local Government Act</i>	Provincial	[RSBC 1996, c. 323]
<i>Nuclear Safety and Control Act</i>	Federal	[SC 1997, c.9]
<i>Taxation (Rural Area) Act</i>	Provincial	[RSBC 1996, c.448]

PART II: ALL DISCHARGES TO SEWER

5. RESTRICTIONS

Unless a person has first obtained a Permit under this Bylaw that specifically allows otherwise, no person shall directly or indirectly discharge or allow or cause to be discharged into a sewer connected to a sewage treatment facility operated by the Regional District:

- (1) any prohibited waste, in any volume, as described in Schedule 'A';
- (2) any restricted waste, in any volume unless specified, as described in Schedule 'B';

- (3) any high volume discharge;
- (4) any uncontaminated water, in a volume greater than 2.0 m³/day;
- (5) any storm water or ground water, in any volume;
- (6) any trucked liquid waste, in any volume;
- (7) any recreational vehicle waste, in any volume, except at a sani-dump;
- (8) any water or substance for the purpose of diluting any non-domestic waste, in any volume.

6. MUNICIPALITIES

A municipality is not in violation of section 5 where there is a discharge contrary to one or more of the subsections by a third party without the knowledge of that municipality into a sewer or sewage treatment facility connected to a sewage treatment facility operated by the Regional District.

PART III: ALL WASTE DISCHARGE PERMITS AND ORDERS

7. APPLICATION FOR A PERMIT

- (1) An applicant must submit an application in the form and manner as described in Schedule 'C';
- (2) An application for an amendment to an existing Permit shall be made in the same manner as an application for a new discharge as described in section 7(1);
- (3) All information, drawings, and specifications provided by an applicant as part of the application must be accurate and true to the knowledge of the applicant;
- (4) All applications must be signed by the applicant;
- (5) The Sewage Control Manager or an Officer may require that an applicant submit additional information relevant to the application;
- (6) An applicant must file an application with the Regional District not less than ninety (90) working days prior to the date for which a Permit is required;
- (7) An applicant must not discharge or cause or allow to be discharged any waste that is the subject of an application before a Permit is issued by the Sewage Control Manager;
- (8) The Sewage Control Manager may reject an application that is incomplete, or that the Sewage Control Manager considers would contravene any enactment.

8. APPLICATION AND AMENDMENT FEES

An applicant shall pay the Application Fee or Amendment Fee prescribed as follows:

- (1) Any person applying for a new Permit or a renewal of an existing Permit must pay the Application Fee as set in Schedule 'C';

- (2) Any person applying for an amendment to an existing Permit must pay the Amendment Fee as set in Schedule 'C', unless the amendment is to revise or update any information that does not alter the nature, volume, strength, duration, physical location, or other characteristics of the discharge;
- (3) The Application Fee and Amendment Fee are non-refundable;
- (4) The Application Fee or Amendment Fee must be paid in full at the time that the application is made;
- (5) An application for which the Application Fee or Amendment fee is not paid will not be considered or reviewed.

9. MULTIPLE DISCHARGES AND CHANGE OF OWNERSHIP

- (1) If an applicant has multiple discharges that require a Permit, she or he must submit a separate application for each discharge;
- (2) If the Authorized Discharger changes, the existing Permit is terminated, and the new person responsible for the discharge must submit a new application for that discharge.

10. CONDITIONS OF PERMITS

The Sewage Control Manager may, when issuing or amending a Permit under this Bylaw or making an order under the *Environmental Management Act*, impose conditions and requirements on the Authorized Discharger or other person to whom the order is made as follows:

- (1) limit the quantity or frequency of the discharge, or the nature of the waste permitted to be discharged;
- (2) require the repair, alteration, maintenance, removal, or addition of works, or construction of new works to ensure that the discharge will comply with the Permit, order, this Bylaw, and any applicable enactment;
- (3) require that the Authorized Discharger or other recipient of an order, monitor the waste being discharged in the manner specified by the Sewage Control Manager and to provide accurate information concerning the discharge as requested by the Sewage Control Manager or Officer, including, but not limited to, routine maintenance check dates, cleaning and waste removal dates, and the means of disposal of accumulated wastes and waste treatment residuals;
- (4) require that the Sewage Control Manager be provided detailed plans and operating procedures for all existing facilities installed on the premises for the purpose of preventing accidental discharge;
- (5) require compliance with such other enactments as the Sewage Control Manager considers necessary or desirable in the circumstances;

- (6) require compliance by the Authorized Discharger or recipient of an order with other requirements as the Sewage Control Manager deems necessary or desirable;
- (7) prohibit transfer or assignment of a Permit without the Sewage Control Manager's consent in writing.

11. COSTS FOR PERMITS AND COMPLYING WITH ORDERS

- (1) All costs directly or indirectly incurred by obtaining, maintaining, amending, suspending, or terminating a Permit shall be borne by the Authorized Discharger or the recipient of an order;
- (2) The Authorized Discharger or other recipient of an order is responsible for any costs directly or indirectly incurred for remedying, remediating, repairing, or otherwise addressing the incident in respect of which the order is issued;
- (3) Any costs or charges under this Bylaw are separate from and in addition to any other charges or costs, including sanitary sewage discharge fees and any charges or costs issued under another bylaw or enactment;
- (4) The Authorized Discharger or recipient of an order shall pay the Waste Discharge Permit Regular Fee set out in Schedule 'D' in accordance with the appropriate Permit Classification Level;
- (5) For any Waste Discharge Permit Regular Fee:
 - (a) where the duration of the discharge is less than one (1) year, the Authorized Discharger shall be invoiced on the last day of the discharge,
 - (b) where the duration of the discharge is one (1) year or longer, the Authorized Discharger shall be invoiced annually,
 - (c) payment shall be due within thirty (30) days of the invoice date,
 - (d) any amount that remains unpaid thirty (30) days after the invoice date shall bear interest at the rate of one and one-quarter percent (1.25%) per month,
 - (e) any amount that remains unpaid by December 31st of the same year of the last day of the discharge shall be deemed to be taxes in arrears on the property concerned in accordance with the *Local Government Act*.
 - (f) If the Waste Discharge Permit Regular Fee is not paid within ninety (90) days of the invoice date, the subject Permit will be without effect.
- (6) The total Waste Discharge Permit Regular Fee shall be calculated by multiplying the Classification Rate stated in Schedule 'D', by the maximum volume (in cubic metres) of waste allowed to be discharged in one day as stated in the Permit, by the number of days the discharge is made (for any portion of that day);
- (7) No complaint of an error in any fee shall be considered and no adjustment of any error shall be made after a period of one (1) year has elapsed since the end of the period for

which such charge was made. After the termination of this period, all such charges shall be deemed to have been properly and correctly made.

12. TRANSITION: EXISTING PERMITS

Where a Permit was approved under Regional District of Nanaimo Sewer Use Regulatory Bylaw No. 1225, 2002 prior to the adoption of this Bylaw:

- (1) The Authorized Discharger is exempt from the Application Fee, Amendment Fee, and Waste Discharge Permit Regular Fee for the discharge described by the existing permit, but is liable to any charges or fees in the existing permit;
- (2) The discharge made under the existing permit shall not be deemed unlawful under this Bylaw provided that the discharge meets any applicable enactments that were active at the time the permit was issued;
- (3) The provisions of this Bylaw shall apply to any renewals or extensions of existing Permits as of the end date stated on the permit;
- (4) The provisions of this Bylaw shall apply to any discharges from the Authorized Discharger that are not described in the existing permit including any applications for new discharges;
- (5) This section applies to the discharges under an authorization issued before the date this Bylaw comes into effect as if the authorization were a permit for the purposes of this section.

PART IV: MAINTENANCE, MONITORING, AND RECORDS FOR WASTE DISCHARGE PERMITS

13. MAINTENANCE OF WORKS

- (1) It is a condition of the discharge of waste produced on property other than residential property into a sanitary sewer by an Authorized Discharger or the recipient of an order or who otherwise discharges waste that all measures be taken to keep all equipment and facilities maintained and in good repair as may be necessary to ensure compliance with the terms and conditions of this Bylaw, a Permit, or order;
- (2) No person shall discharge or allow or cause to be discharged into a sewer any non-domestic waste which has bypassed any control works authorized and required by the Sewage Control Manager or which is not otherwise in compliance with this Bylaw.

14. PREVENTATIVE MEASURES IN CASE OF ACCIDENTAL DISCHARGE

The Authorized Discharger or recipient of an order shall:

- (1) provide and maintain facilities to prevent accidental discharge or a discharge contrary to a Permit, order, or this Bylaw, such as containment, recovery, or neutralization facilities for substances which, if accidentally discharged, would constitute a type of discharge listed in section 5;

- (2) post, and keep posted, signs in conspicuous locations on the premises of the discharge, displaying the name and telephone number of the person to call as prescribed in this Bylaw in the event of accidental discharge of any waste listed in section 5, for the entire duration of the discharge;
- (3) inform employees, who may cause or discover the discharge of any wastes listed in section 5, of the procedures set out in Part V of this Bylaw.

15. MONITORING OF DISCHARGES

- (1) The Sewage Control Manager may, pursuant to section 29 of the *Environmental Management Act*, require that an Authorized Discharger shall, at her or his expense, install one or more monitoring points suitable for inspection, flow monitoring, and sample collection at locations determined by the Sewage Control Manager, to be constructed in accordance with plans approved by the Sewage Control Manager, and maintained in good working order by the Authorized Discharger;
- (2) The Authorized Discharger or the recipient of an order shall install a monitoring point in a manner and location that will provide an accurate point for measuring the volume and composition of wastewater discharged from the premises and that is not affected by any discharge of sanitary sewage from the premises, unless otherwise authorized by the Sewage Control Manager;
- (3) In the absence of a monitoring point installed under subsection (2), the point of discharge into a sewer or sewage treatment facility shall be the location determined by the Sewage Control Manager where there is access to the discharge for the purpose of sampling and flow monitoring;
- (4) Where a person is required to install a monitoring point under subsection (2), and the person does not comply with such requirement within sixty (60) days of being notified of the requirement by the Sewage Control Manager, the person shall inform the Sewage Control Manager of her or his inability to install the monitoring point and the Regional District may install or cause to be installed the monitoring point at that person's expense;
- (5) The Authorized Discharger or the recipient of an order shall ensure that all monitoring points, flow measuring devices, and other devices, including water meters, are accessible for inspection by the Sewage Control Manager or an Officer at all times;
- (6) The Sewage Control Manager may require that a person who is discharging waste into a sewer undertake sampling and analysis of the waste discharged;
- (7) All sampling and analysis required by the Sewage Control Manager shall be carried out in accordance with methods and procedures specific in Standard Methods or in a manner specified by the Sewage Control Manager;

- (8) Samples which are collected as a result of a requirement of the Sewage Control Manager shall be analyzed by an independent agency or by a laboratory authorized by the Sewage Control Manager;
- (9) All results from the sampling, testing, and analysis of the discharge must be submitted to the Sewage Control Manager or Officer without unreasonable delay.

16. RECORDS RETENTION

The Authorized Discharger or the recipient of an order shall:

- (1) retain and preserve for not less than seven (7) years after their creation, any records, books, documents, memoranda, reports, correspondence, and any and all summaries of such documents, relating to monitoring, sampling and chemical analysis required by the Sewage Control Manager, a Permit, or order;
- (2) retain and preserve all records which pertain to issues which are the subject of administrative action or any other enforcement or litigation activities by the Regional District until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

PART V: SPILL NOTIFICATION

17. PERSONS TO CONTACT

Any person who discharges waste or allows the discharge of waste into a sewer or a sewage treatment facility in contravention of any Permit, order, this Bylaw, or any other applicable enactment, immediately after becoming aware of the discharge, shall stop the discharge, and after reporting the discharge in accordance with the *Spill Reporting Regulation* shall immediately notify:

- (1) the Sewage Control Manager or an Officer by telephone and provide the information specified in section 18 of this Bylaw;
- (2) the owner and occupier of the premises; and,
- (3) any other persons whom the person reporting knows, or reasonably should know, may be directly affected by the discharge.

18. INFORMATION TO THE SEWAGE CONTROL MANAGER

A person to whom section 17 applies must provide the Sewage Control Manager with the following information:

- (1) identification of the premises where the discharge occurred;
- (2) location of the discharge;
- (3) name of the person reporting the discharge and telephone number, or numbers, where that person can be reached;

- (4) date, time, and duration of the discharge;
- (5) type and concentration of all substances discharged and any known associated hazards;
- (6) total weight or volume of the material discharged; and,
- (7) corrective action being taken, or anticipated to be taken, to control the discharge or to prevent a similar discharge.

19. IMMEDIATE ACTIONS

If safe to do so, a person who discharged or allowed a discharge of waste referred to in section 17 shall, as soon as that person becomes aware or reasonably should have become aware of the discharge, take all reasonable measures to:

- (1) confine, minimize, counteract, mitigate, remedy, and repair the effects of the discharge; and,
- (2) remove or otherwise dispose of the substance discharged in a manner consistent with this Bylaw and other applicable enactments.

PART VI: FAILURE TO COMPLY

20. FAILURE TO COMPLY

- (1) The Sewage Control Manager may suspend or revoke a Permit if an Authorized Discharger fails to comply with the terms, conditions, or limitations of:
 - (a) a Permit issued under this Bylaw,
 - (b) an order,
 - (c) this Bylaw, or
 - (d) any applicable enactment;
- (2) The Sewage Control Manager may withhold consent where a person or Authorized Discharger breaches a condition of a Permit, order, this Bylaw, or any applicable enactment.

PART VII: WASTE DISCHARGE PERMIT CLASSIFICATION LEVELS

21. CLASSIFICATION LEVELS

- (1) All discharges made under a Permit shall be classified as Level I, Level II, Level III, or Level IV;
- (2) The Classification Level of the discharge shall be based on the information provided in the Application and any samples of the discharge, and as ranked in Schedule 'D';
- (3) If the discharge's contaminant levels fall under separate Classification Levels, the higher Classification Level shall apply to the discharge;

- (4) The Authorized Discharger shall be responsible for all fees and provisions associated with the discharge's Classification Level.

PART VIII: SPECIAL ARRANGEMENTS FOR WASTE DISCHARGE PERMITS

22. SPECIAL ARRANGEMENT

If the Sewage Control Manager deems that the circumstances of a discharge require special or alternate provisions, the Sewage Control Manager may, in writing and in accordance with applicable enactments:

- (1) exempt the Authorized Discharger from one or more conditions of this Bylaw;
- (2) require that any additional or alternative conditions apply to the discharge.

PART IX: POWERS OF THE SEWAGE CONTROL MANAGER AND OFFICERS

23. POWERS REGARDING THIS BYLAW AND OTHER ENACTMENTS

- (1) Nothing in this Bylaw shall be interpreted as restricting the powers of the Regional District, a municipality, the Sewage Control Manager, or an Officer under the *Environmental Management Act* or any other applicable enactment of the Province of British Columbia or the Government of Canada;
- (2) The Sewage Control Manager, an Officer, or a Bylaw Enforcement Officer may enforce the provisions of this Bylaw.

PART X: SANI-DUMPS

24. SANI-DUMP REQUIREMENTS

The owner or occupier of a property other than a residential property, excluding a property owned by the Regional District or a municipality, that has a sani-dump connected to a sewer system must, at her or his sole expense:

- (1) register with the Regional District in accordance with Schedule 'E' within thirty (30) days of commencing operation;
- (2) only accept and discharge recreational vehicle wastes;
- (3) not accept or discharge wastes from trucked liquid waste hauling trucks;
- (4) not discharge or allow or cause to be discharged any wastes that do not meet the provisions of this Bylaw or any other applicable enactment;
- (5) keep all equipment and facilities maintained and in good repair as may be necessary to prevent and respond to spills and accidental discharges.

25. TRANSITION: SANI-DUMPS

The owner or occupier of a property that has a sani-dump that is in operation prior to the adoption of this Bylaw must register within one (1) year of this Bylaw being adopted.

PART XI: WASTES FROM ALL NON-RESIDENTIAL PROPERTIES

26. WASTE FROM ALL NON-RESIDENTIAL PROPERTIES

An owner or occupier of a property other than a residential property must, at her or his expense:

- (1) install any equipment or control works necessary to ensure that any wastes from the premises comply with this Bylaw;
- (2) maintain all equipment and devices described in subsection 26(1) in good repair as may be necessary to prevent accidental discharges;
- (3) ensure that any waste other than domestic waste does not bypass any equipment, control works, or devices described in subsection 26(1);
- (4) ensure that any wastes collected in or by the equipment, control works, or devices described in subsection 26(1) are disposed of at a facility that accepts and disposes of that type of waste.

27. FAILURE TO INSTALL CONTROL WORKS

If an owner or occupier of a property other than a residential property does not meet the provisions of section 26 of this Bylaw, the Sewage Control Manager may do one or more of the following:

- (1) require an owner or occupier of the property to obtain a Permit under this Bylaw;
- (2) issue an order;
- (3) take other enforcement steps authorized by law.

28. TRANSITION: NON-RESIDENTIAL PROPERTIES

The owner or occupier of a property other than a residential property that discharges wastewater to a sewer connected to a wastewater treatment facility operated by the regional district must meet the provisions of section 26 within one (1) year from the date that this Bylaw is adopted.

PART XII: OFFENCES AND PENALTIES

29. OFFENCE AND MAXIMUM PENALTY

A person who contravenes a provision of this Bylaw or a term or condition of a permit or an order or other requirement made or imposed under this Bylaw, is guilty of an offence and is liable to a penalty not exceeding \$10,000.

30. RECURRING AND CONTINUING OFFENCES

Where an offence is committed or continues for more than one day, a person shall be deemed to have committed separate offences for each day on or during which an offence occurs or continues, and separate penalties, each not exceeding \$10,000, may be imposed for each day on or during which an offence occurs or continues.

31. OTHER REMEDIES

Nothing in this Bylaw shall limit the Regional District from pursuing any other remedies that are otherwise available to the Regional District at law.

PART XIII: REVIEW OF SEWAGE CONTROL MANAGER'S DECISION

32. REQUEST FOR REVIEW

(1) A person affected by a decision, order, or requirement of the Sewage Control Manager may request a review within 21 working days of delivery of the decision, order, or requirement by delivery of the "Notice of Review Request" as described in Schedule 'F' to the Sewage Control Manager.

(2) For the purposes of this section a "working day" means Monday to Friday other than a statutory holiday or other day when the Regional District offices are not open for business.

33. EXTENSION

The Sewage Control Manager may extend the time for requesting a review either before or after the time has elapsed.

34. INITIAL REVIEW

The matter will be reviewed by the Sewage Control Manager, unless the person seeking the review requests that the matter be referred first to mediation.

35. MEDIATOR

Mediation shall be conducted by a party agreeable to the Affected Person and to the Sewage Control Manager, and, if the parties cannot agree, then each party shall appoint a representative and the representatives shall jointly select a mediator.

36. COSTS OF MEDIATION

The costs of mediation shall be borne equally by all parties involved.

37. UNRESOLVED MEDIATION

If mediation does not resolve the matter in dispute, the review shall proceed to the Sewage Control Manager.

38. DECISION OF THE SEWAGE CONTROL MANAGER

Upon considering the matter under review and the results of the mediation, if any, the Sewage Control Manager may:

- (1) confirm, reverse, or vary the decision, order, or requirement under review; and,
- (2) make any decision that the Sewage Control Manager considers appropriate.

39. TIME TO RESPOND

- (1) Any decision made by the Sewage Control Manager under section 38 must be communicated in writing to the Affected Person within ten (10) working days of receiving the written Notice of Review Request or the results of the mediation;
- (2) In the event that the Sewage Control Manager is absent from the office due to vacation, illness, disability, or other reason, a decision of the Sewage Control Manager may be delayed until ten (10) working days following the Sewage Control Manager's return;
- (3) The Sewage Control Manager may extend the time limits set out in section 39(1) and 39(2) for doing any of the things referred to in section 38.

40. CONTINUATION OF OPERATIONS DURING REVIEW

A request for a review does not operate as a stay or suspend the operation of the decision being reviewed unless the Sewage Control Manager orders otherwise.

41. RIGHT OF APPEAL

A review under this Bylaw will not prejudice any right of appeal, which a person may have under the *Environmental Management Act*.

PART XIV: GENERAL

42. OTHER ENACTMENTS

Nothing in this Bylaw shall be interpreted as relieving a person from complying with federal, provincial, regional, and municipal enactments governing the discharge of waste into sewers.

43. AUTHORITY OF THE BOARD

Where the Board has authority to direct that a matter or thing be done by a person, the Board may also direct that, if the person fails to take the required action, the matter or thing shall be done at the expense of the person in default in accordance with the *Local Government Act*. If action in default is taken, the Board may recover the expense from the person together with costs and interest at the rate prescribed under section 11 of the *Taxation (Rural Area) Act*, in the same manner as municipal taxes.

44. SCHEDULES

- (1) The schedules appended hereto shall be deemed to be an integral part of this Bylaw;

- (2) An employee of the Regional District may update, re-format, or edit any application, registration, or other form that accompanies a schedule as necessary, including both paper and digital forms, without an amendment to this Bylaw provided that the changes or edits made comply with this Bylaw.

45. SEVERABILITY

If any provision of this Bylaw is found to be invalid or unenforceable by a court of competent jurisdiction, it may be severed from the Bylaw, and such invalidity or unenforceability shall not affect the validity or enforceability of the remaining provisions.

46. HEADINGS AND TABLE OF CONTENTS

The headings and the table of contents in this Bylaw are inserted for convenience of reference only and in no way limit, expand, or alter the contents of this Bylaw.

47. REPEAL

“Regional District of Nanaimo Sewer Use Regulatory Bylaw No. 1225, 2002” is hereby repealed.

Introduced and read three times this ____ day of _____, 201_.

Adopted this ____ day of _____, 201_.

CHAIRPERSON

CORPORATE OFFICER

Schedule 'A' to accompany
"Regional Sewage Source Control Bylaw No.
1730, 2015".

CHAIRPERSON

CORPORATE OFFICER

SCHEDULE 'A': PROHIBITED WASTE

Prohibited waste means any one (1) or more of the following, in any volume:

1. **HAZARDOUS WASTE** as defined by the *Hazardous Waste Regulation*.
2. **AIR CONTAMINANT WASTE**, meaning any waste, other than sanitary waste which, by itself or in combination with another substance is capable of creating, causing, or introducing an air contaminant outside any sewer or sewage facility or is capable of creating, causing, or introducing any air contaminant within any sewer or sewage facility which would prevent safe entry by authorized personnel.
3. **FLAMMABLE, COMBUSTIBLE, OR EXPLOSIVE WASTE**, meaning any waste which, by itself or in combination with another substance, is capable of causing or contributing to an explosion or supporting combustion in any sewer or sewage facility including, but not limited to gasoline, naphtha, propane, diesel, fuel, oil, kerosene, or alcohol.
4. **OBSTRUCTIVE WASTE**, meaning any waste which, by itself or in combination with another substance, is capable of obstructing the flow of or interfering with the operation or performance of any sewer or sewage facility including, but not limited to, sludge, earth, sand, sweepings, gardening or agricultural waste, ash, chemicals, paint, metal, glass, sharps, rags, wipes, cloth, tar, asphalt, cement-based products, plastic, wood, waste portions of animals, fish, or fowl, and solidified fat.
5. **CORROSIVE WASTE**, meaning any waste with corrosive properties which, by itself or in combination with any other substance, causes or may cause damage to any sewer or sewage facility or which may prevent safe entry by authorized personnel.
6. **HIGH TEMPERATURE WASTE**, meaning:
 - (1) any waste which, by itself or in combination with another substance, creates or will create heat in amounts which will interfere with the operation and maintenance of a sewer or sewage facility or with the treatment of waste in a sewage facility;
 - (2) any waste which will raise the temperature of waste entering any sewage facility to 40 degrees Celsius or more;
 - (3) any non-domestic waste with a temperature of 65 degrees Celsius or more.

7. **BIOMEDICAL WASTE**, including, but not limited to, any of the following categories: human anatomical waste, animal waste, untreated microbiological waste, waste sharps, and untreated human blood and body fluids known to contain viruses and pathogens listed in “Risk Group 4” defined in “Laboratory Biosafety Guidelines” published by Health Canada.
8. **SPECIAL RISK ORGANIC WASTE**, meaning any substances that:
 - (1) are affected by bovine spongiform encephalopathy as defined by federal *Fertilizers Regulations*; or,
 - (2) are produced by the dissolving of remains.
9. **RADIOACTIVE WASTE**, meaning any waste containing nuclear substances that, at the point of discharge into a sewer, exceeds the limitations as established under the *Nuclear Safety and Control Act* and its Regulations.
10. **PCBs OR PESTICIDES**, meaning any waste containing PCBs or pesticides.
11. **PHARMACEUTICAL WASTE**, meaning any unused or unconsumed pharmaceutical substance, which, by itself or in combination with another substance, alters or may alter the chemical composition of treated effluent.
12. **CONTROL WORKS WASTE**, meaning any wastes accumulated in or collected by control works.
13. **ODOUROUS WASTE**, meaning any waste which, by itself or in combination with another substance, may cause offensive odour to emanate from sewage works or facilities, including hydrogen sulphide, carbon disulphide, other sulphur compounds, amines, or ammonia.
14. **MISCELLANEOUS WASTE**, meaning any substance which, by itself or in combination with another substance:
 - (1) constitutes or may constitute a significant health or safety hazard to any person, animal or vegetation;
 - (2) causes or may cause damage, pollution, or harm to any property or environment;
 - (3) causes or may cause any conveyance or treatment process to not comply with any requirement by or under any permits, laws, certifications, enactments, or any regulations governing the conveyance or treatment process;
 - (4) causes or may cause a discharge from a sewage treatment facility to contravene any requirement by or under any permits, laws, certifications, enactments, or any regulations governing the quality of the discharge;
 - (5) causes or may cause biosolids to fail criteria for beneficial land application use in British Columbia under the *Organic Matter Recycling Regulation*, or to fail any requirement of or under any other applicable permits, laws, certifications, enactments, or regulation governing the quality of biosolids.

Schedule 'B' to accompany
 "Regional Sewage Source Control Bylaw No.
 1730, 2015".

CHAIRPERSON

CORPORATE OFFICER

SCHEDULE 'B': RESTRICTED WASTE

Restricted waste means any one (1) or more of the following, in any volume unless otherwise specified:

1. **CONTAMINATED WASTE**, meaning any waste which, by itself or in combination with another substance, contains contaminants at or above the limits identified as follows:

Item	Limit [mg/L]
Biochemical Oxygen Demand	300.00
Chemical Oxygen Demand	600.00
Oil and Grease, total	100.00
Total Suspended Solids	350.00
BETX	1.00
Chlorinated Phenols	0.05
Polycyclic Aromatic Hydrocarbons	0.05
Phenols	1.00
Petroleum Hydrocarbons	15.00
Arsenic	0.20
Cadmium	0.10
Chromium	5.00
Cobalt	5.00

Item	Limit [mg/L]
Copper	1.00
Cyanide	1.00
Iron	50.00
Lead	0.50
Manganese	5.00
Mercury	0.05
Molybdenum	5.00
Nickel	1.00
Silver	2.00
Sulphate	1500.00
Sulphide	1.00
Zinc	3.00

- (1) All concentrations expressed are total concentrations, which include all forms of the contaminant, whether dissolved or undissolved.
- (2) The concentration limits expressed apply to both grab and composite samples.
- (3) Contaminant definitions and methods of analysis to determine concentration limits are outlined in Standard Methods, or, where the Sewage Control Manager considers that the methods prescribed in Standard Methods are insufficient or inappropriate, as specified by the Sewage Control Manager.
2. **ACIDIC OR ALKALINE WASTE** meaning any non-domestic waste which, at the point of discharge into a sewer, has a pH lower than 5.5 or higher than 10.0, as determined by either a grab or a composite sample
3. **NON-DOMESTIC FOOD WASTE** meaning any non-domestic waste from cooking and handling of food that, at the point of discharge into a sewer, contains particles larger than 0.50 centimetres in any dimension.

4. **DYES AND COLOURING MATERIALS** meaning any dyes or colouring materials which may pass through a sewage treatment facility and discolour the effluent from a sewage treatment facility except where the dye is used by the Regional District, or one of the municipalities, as a tracer.
5. **SEAWATER** meaning any water from a marine environment.

Schedule 'C' to accompany
"Regional Sewage Source Control Bylaw No.
1730, 2015".

CHAIRPERSON

CORPORATE OFFICER

SCHEDULE 'C': WASTE DISCHARGE PERMIT APPLICATIONS

All applications for a Waste Discharge Permit shall be made in the manner and include the information prescribed in this schedule:

1. APPLICATION AND AMENDMENT FEES

The application and amendment fees are set as follows:

WASTE DISCHARGE PERMIT APPLICATION AND AMENDMENT FEES	
Application Fee	\$500.00
Amendment Fee	\$250.00

2. APPLICATION FORM

The application form must request from the Applicant, at least the following information:

- (1) Applicant information including her or his name and current contact information;
- (2) Emergency contact information for the Applicant or designated emergency contact;
- (3) Business information including the business name, type, and location;
- (4) Location of the discharge, if different from the information provided in section 2(B) of this schedule;
- (5) A summary of effluent discharge characteristics for the applicant to provide detailed information regarding the characteristics of the discharge, including, but not limited to, the duration, volume, frequency, and quality;
- (6) The number and type of connections from the site;
- (7) Each source of wastewater, detailing their specific locations and any control works;
- (8) Any site plans and drawings, detailing any property lines, buildings, connections, sewer lines, and any other information requested in the application form;
- (9) Declaration, where the application must be signed by the applicant.

The application form shall also include:

- (1) The Regional District's current address and contact information;
- (2) Information on how to obtain a copy of this Bylaw.

Schedule 'D' to accompany
 "Regional Sewage Source Control Bylaw No.
 1730, 2015".

CHAIRPERSON

CORPORATE OFFICER

SCHEDULE 'D': WASTE DISCHARGE FEE CLASSIFICATION LEVELS AND RATES

The Waste Discharge Permit Classification Levels and Regular Fees shall be determined in accordance with this Bylaw and with the information provided in the following table:

CLASSIFICATION LEVEL	CONTAMINANTS RANGE		CLASSIFICATION RATE
Level I	BOD	up to 300 mg/L	\$0.8279
	COD	up to 600 mg/L	
	Oil & Grease	up to 100 mg/L	
	TSS	up to 350 mg/L	
Level II	BOD	300 to 600 mg/L	\$1.6558
	COD	600 to 1,200 mg/L	
	Oil & Grease	100 to 200 mg/L	
	TSS	350 to 700 mg/L	
Level III	BOD	600 to 1,200 mg/L	\$3.3116
	COD	1,200 to 2,400 mg/L	
	Oil & Grease	200 to 400 mg/L	
	TSS	700 to 1,400 mg/L	
Level IV	BOD	above 1,200 mg/L	\$4.9674
	COD	above 2,400 mg/L	
	Oil & Grease	above 400 mg/L	
	TSS	above 1,400 mg/L	

Schedule 'E' to accompany
"Regional Sewage Source Control Bylaw No.
1730, 2015".

CHAIRPERSON

CORPORATE OFFICER

SCHEDULE 'E': SANI-DUMP REGISTRATION

All registrations for the sani-dump registration shall be made in the manner and include the information prescribed in this schedule:

REGISTRATION FORM

The sani-dump registration form must request from the registrant at least the following information:

- (1) Business owner's full name and current contact information;
- (2) Civic address of the property where the sani-dump is located;
- (3) Number of sani-dumps located on the property;
- (4) Signature line for the business owner's signature.

The registration form shall also include the Regional District's current address and contact information.

Schedule 'F' to accompany
"Regional Sewage Source Control Bylaw No.
1730, 2015".

CHAIRPERSON

CORPORATE OFFICER

SCHEDULE 'F': NOTICE OF REVIEW REQUEST

All Notice of Review Requests shall be made in the manner and include the information prescribed in this schedule:

NOTICE OF REVIEW REQUEST FORM

The Notice of Review Request form must request from the Affected Person at least the following information:

- (1) Full and current contact information of the Affected Person;
- (2) Description of the decision to be reviewed and an attachment of a copy of the decision;
- (3) Reason for the review request;
- (4) Whether the Affected Person wishes for the review request to be completed by the Sewage Control Manager or by Third Party Mediation;

The Notice of Review Request form shall also include:

- (1) The contact information of the Regional District;
- (2) A note informing the Affected Person that she or he may be entitled to a time-limited statutory right of appeal to the Environmental Appeal Board under the *Environmental Management Act*, and to consult a copy of the *Environmental Management Act* for further details.