

SEWER AND LAND DRAINAGE BY-LAW

BY-LAW NO. 2011-10

A By-Law of the R.M. of East St. Paul to control and regulate the sewer and Land Drainage system.

WHEREAS subsection 232(1) of *The Municipal Act*, C.C.S.M. c. M225, as amended, provides authority for a municipal council to pass By-Laws with respect to, among other things, the safety, health, protection and well-being of people, the safety and protection of property, as well as drains and drainage on private or public property, public utilities and the enforcement of By-Laws;

AND WHEREAS subsection 232(2) *The Municipal Act*, C.C.S.M. c. M225, as amended, provides authority for a municipal council, by By-Law, to, among other things, regulate or prohibit, adopt, by reference or in part a code or standard and require compliance with the code or standard, and provide for a system of licences, permits and approvals;

NOW THEREFORE, the R.M. of East St. Paul, in Council assembled, enacts as follows:

1. SHORT TITLE

- (1) This By-Law may be cited as the “Sewer and Land Drainage By-Law”.

2. INTENT OF BY-LAW

- (1) This By-Law outlines controls for the discharge of pollutants to the Sanitary Sewer System and the Land Drainage system, as well as the construction and maintenance of Sewer Connections. The objectives of this By-Law are:
- to protect the Sanitary Sewer System and the Land Drainage System from corrosion, other damage and obstruction;
 - to protect the Wastewater treatment process from upset;
 - to protect the public, municipal workers and property from hazardous conditions;
 - to optimize the efficiency of the Wastewater treatment system by preventing Uncontaminated Water from entering the Sanitary Sewer System;
 - to protect the quality of Wastewater Sludge;
 - to protect the natural environment as well as human, plant, and animal health from contaminants; and
 - to assist the Municipality in maintaining compliance with the laws and regulation of the Province of Manitoba and the Government of Canada.

3. DEFINITIONS

As used in this By-Law, the following terms shall have the meanings indicated:

ACCREDITED LABORATORY – Any laboratory accredited by an authorized accreditation body in accordance with a standard based on “CAN-P-1585: Requirements for the Accreditation of Environmental Testing Laboratories” established by the Standards Council of Canada, as amended, or “ISO/IEC/EN 17025: General Requirements for Competence of Calibration and Testing Laboratories” established by the International Organization for Standardization, as amended.

BIOCHEMICAL OXYGEN DEMAND (BOD) – The five-day BOD which is the determination of the molecular oxygen utilized during a five-day incubation period for the biochemical degradation of organic material (carbonaceous demand), and the oxygen used to oxidize inorganic material such as sulphides and ferrous iron, and the amount of oxygen used to oxidize reduced forms of nitrogen (nitrogenous demand) as determined by the appropriate procedure in Standard Methods.

BIOMEDICAL WASTE – Waste comprising:

- human anatomical waste, including human tissues, organs and body parts, but excluding teeth, hair and nails;
- animal waste including animal tissues, organs, body parts, carcasses, bedding, fluid blood and blood products, items saturated or dripping with blood, body fluids contaminated with blood, and body fluids removed for diagnosis or removed during surgery, treatment or autopsy, but excluding teeth, hair, nails, hooves and feathers;
- microbiology laboratory waste including laboratory cultures, stocks or specimens of microorganisms, live or attenuated vaccines, human or animal cell cultures used in research, and laboratory material that has come into contact with any of these;
- human blood and body fluid waste including human fluid blood and blood products, items saturated or dripping with blood, body fluids contaminated with blood, and body fluids removed for diagnosis during surgery, treatment or autopsy, but excluding urine and feces; or
- waste sharps, including clinical and laboratory materials consisting of needles, syringes, blades or laboratory glass capable of causing permanent punctures or cuts;

but excluding waste from animal husbandry, waste of household origin, waste controlled in accordance with the *Health of Animals Act (Canada)*, or generated in the production of food, general building maintenance or office administration activities.

BLOWDOWN WATER – Recirculating water that is discharged from a cooling or heating water system for the purpose of controlling the level of water in the system or for the purpose of discharging from the system materials contained in the system, the further build-up of which would or might impair the operation of the system.

CHEMICAL OXYGEN DEMAND (COD) – A measure of the capacity of water to consume oxygen as a result of oxidation of inorganic chemicals and decomposition of organic Matter.

CLEAR-WATER WASTE – Includes Non-Contact Cooling Water and other water that has not come into contact with Wastewater contaminant sources.

COMBUSTIBLE LIQUID – A liquid that has a flash point not less than 37.8 degrees Celsius and not greater than 93.3 degrees Celsius.

COMPLIANCE PROGRAM – The necessary steps undertaken by a discharger to bring Wastewater discharged into the Sanitary Sewer System into compliance with the terms and conditions of this By-Law or related permit. Compliance Programs are applicable to existing dischargers only; new dischargers must fully comply with the requirements of this By-Law.

CONNECTION or DRAIN – That part or those parts of any pipe or system of pipes leading directly or indirectly to a Sanitary Sewer.

COOLING WATER – Water that is used in a process for the purpose of removing heat and that has not, by design, come into contact with any raw material, intermediate product, waste product or finished product, but does not include Blowdown Water.

DESIGNATED OFFICER – Any individual(s) appointed by the Municipality by municipal By-Law, and their successors or duly authorized representative(s).

DOMESTIC WASTEWATER – Wastewater produced on residential premises, or sanitary waste and Wastewater from showers and restroom washbasins produced on a non-residential property.

FLOW MONITORING POINT – An access place to a Sanitary Sewer for the purpose of:

- measuring the rate or volume of Wastewater, Stormwater, Clear-Water Waste or Subsurface Water released from the premises; and
- Collecting representative samples of the Wastewater, Stormwater, Clear-Water Waste or Subsurface Water released from the premises.

FUELS – Alcohol, gasoline, naphtha, diesel fuel, fuel oil or any other ignitable substance intended for use as a fuel.

GARAGE – A building or structure primarily intended for the storage and/or repair of Motor Vehicles.

GRAB SAMPLE – A volume of Wastewater, Stormwater, Uncontaminated Water or effluent which is collected over a period not exceeding 15 minutes.

GROUNDWATER – Water beneath the earth's surface accumulating as a result of seepage.

HAULED WASTEWATER – Waste removed from a Wastewater system, including a cesspool, a septic tank system, a privy vault or privy pit, a chemical toilet, a portable toilet or a Wastewater holding tank.

HAZARDOUS SUBSTANCES –

- (a) Any substance or mixture of substances, other than a Pesticide, that exhibits characteristics of flammability, corrosivity, reactivity or toxicity; and
- (b) Any substance that may be designated as a hazardous substance by any law of the Province of Manitoba or the Government of Canada from time to time.

IGNITABLE WASTE – Waste that:

- is a liquid, other than an aqueous solution containing less than 24 per cent alcohol by volume and has a flash point less than 61° Celsius, as determined by the Tag Closed Cup Tester (ASTM D-56-79), the Setaflash Closed Cup Tester (ASTM D-3243-77 or ASTM D-3278-78), the Pensky-Martens Closed Cup Tester (ASTM D-93-79), or as determined by an equivalent test method approved by the Director, or
- is a solid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a danger, or
- is a Class 2.1 Flammable Gas within the meaning of paragraph 2.14(a) of the Transportation of Dangerous Goods Regulations made under the *Transportation of Dangerous Goods Act (Canada)*, or
- is a Class 5.1 Oxidizing Substance within the meaning of paragraph 2.24(a) of the Transportation of Dangerous Goods regulations made under the *Transportation of Dangerous Goods Act (Canada)*, or
- is a Class 5.2 Organic Peroxide within the meaning of paragraph 2.24(b) of the Transportation of Dangerous Goods Regulations made under the *Transportation of Dangerous Goods Act (Canada)*.

INDUSTRIAL – Of or pertaining to manufacturing, commerce, trade, business or Institutions as distinguished from domestic or residential.

INDUSTRY – Any owner or operator of Industrial, commercial or Institutional premises from which there is a discharge of any Matter directly or indirectly into a Sanitary Sewer, Combined Sewer or Storm Sewer of the Municipality.

INSTITUTION – A facility, usually owned by a government, operated for public purposes, such as schools, universities, medical facilities (hospitals, nursing stations, nursing homes), museums, prisons, government offices, military bases.

LAND DRAINAGE – Water that has not been mixed with Wastewater, including surface water, rainwater, snowmelt, Groundwater, Subsurface Water, well water, and water collected from weeping tile and sump pumps, but excluding Swimming Pool Water and Non-Contact Cooling Water.

LAND DRAINAGE PROHIBITED SUBSTANCE – A Land Drainage Prohibited Substance as enumerated in Schedule “C” to this By-Law.

LAND DRAINAGE RESTRICTED SUBSTANCE – A Land Drainage Restricted Substance as enumerated in Schedule “D” to this By-Law.

LAND DRAINAGE SYSTEM – All works and processes of the Municipality for the collection, control, transportation and disposal of Land Drainage, including ditches, retention ponds and basins, Storm Sewers, street gratings, catchbasins, manholes, pump stations, control weirs, gates, and related works and structures.

LANDFILL LEACHATE – The liquid containing dissolved or suspended contaminants which emanates from solid waste or garbage and is produced by water percolating through such solid waste or garbage or liquid contained therein.

MATTER – Includes any solid, liquid or gas.

MONITORING ACCESS POINT – An access point, such as a chamber, in a Private Sewer Connection to allow for observation, sampling and flow measurement of the Wastewater, Uncontaminated Water or Stormwater therein.

MOTOR VEHICLE – A Motor Vehicle as defined under the *Highway Traffic Act*, C.C.S.M. c.H60, as amended.

MUNICIPALITY – means the Rural Municipality of East St. Paul.

MUNICIPAL SEWER CONNECTION – That part of any Drain leading from a Private Sewer Connection and connected to the Sanitary Sewer System and located within the limits of the public road allowance, or other public lands or public land interests held for sewerage purposes.

NON-CONTACT COOLING WATER – 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 or finished product other than heat.

NON-DOMESTIC WASTEWATER – All Wastewater except Domestic Wastewater, Storm Water, Uncontaminated Water, and Septic Tank Waste.

OIL AND GREASE – n-Hexane extractable Matter as described in Standard Methods.

PATHOLOGICAL WASTE –

- Any part of the human body, including tissues and bodily fluids, but excluding urine, feces, menstrual fluids, extracted teeth, hair, nail clippings and the like, that are not infectious, or
- Any part of the carcass of an animal infected with a communicable disease or suspected by a licensed veterinary practitioner to be infected with a communicable disease, or
- Non-anatomical waste infected with communicable disease, or
- A mixture of a waste referred to in clause (a), (b) or (c) and any other waste or material, or

- A waste derived from a waste referred to in clause (a), (b) or (c).

PCBs – Any monochlorinated or polychlorinated biphenyl or any mixture of them or mixture that contains one or more of them.

PERSON — An individual, association, partnership, corporation, municipality or an agent or employee of such a Person.

PESTICIDE – A product registered under the *Pest Control Products Act (Canada)*.

PRETREATMENT PROCESSES – one or more treatment processes or devices designed to remove sufficient Matter from Wastewater discharged into the Sanitary Sewer System to enable compliance with effluent limits established in this By-Law.

PRIVATE PROPERTY SEWER CONNECTION – That part of any Drain or system of Drains lying within the limits of the private lands and leading to a Municipal Sewer Connection.

REACTIVE WASTE – A substance that:

- is normally unstable and readily undergoes violent changes without detonating, or
- reacts violently with water, or
- forms potentially explosive mixtures with water, or
- when mixed with water, generates toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment, or
- is a cyanide or sulphide bearing waste which, when exposed to pH conditions between 2 and 12.5, can generate toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment, or
- is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement, or
- is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure, or
- is an explosive (Class 1) as defined in the regulations under the *Transportation of Dangerous Goods Act (Canada)*, as amended.

SAMPLING PORT – A valve, tap, or similar device on equipment, a Drain pipe or at another suitable location, to allow for sampling, consistent with technical guidelines that the Municipality may establish from time to time.

SANITARY SEWER – A sewer for the collection and transmission of Wastewater.

SANITARY SEWER PROHIBITED WASTE – Sanitary Sewer Prohibited Waste as enumerated in Schedule “A” to this By-Law.

SANITARY SEWER RESTRICTED WASTE – Sanitary Sewer Restricted Waste as enumerated in Schedule “B” to this By-Law.

SANITARY SEWER SYSTEM – Any works for the collection, transmission, treatment and disposal of Wastewater or any part of such works, including a Sanitary Sewer, but excluding plumbing or other works to which the applicable Building Code applies.

SEPTIC TANK WASTE – any Waste extracted from a cesspool, septic tank, sewage holding tank, seepage pit, interceptor or other containment for human excretion and wastes.

SEWAGE TREATMENT PLANT – means any structure or thing used for the physical, chemical, biological or radiological treatment of Wastewater, and includes Wastewater Sludge treatment, Wastewater Sludge storage and disposal facilities.

SEWER – A pipe, conduit, Drain, open channel or ditch for the collection and transmission of Wastewater, Stormwater or Uncontaminated Water, or any combination thereof.

SPILL – A direct or indirect discharge into the Sanitary Sewer System, Land Drainage System or the natural environment which is abnormal in quantity or quality in light of all the circumstances of the discharge, including but not limited to discharges of any Sanitary Sewer Prohibited Waste into the Sanitary Sewer System or Land Drainage Prohibited Substance into the Land Drainage System in such a quantity as to be likely to cause an adverse effect.

STANDARD METHODS – A procedure or method set out in Standard Methods for the Examination of Water and Wastewater published jointly by the American Public Health Association, American Water Works Association and the Water Environment Federation, recent or latest edition or approved in writing by the Designated Officer.

STORM SEWER – A sewer for the collection and transmission of Uncontaminated Water, Stormwater, Land Drainage, Subsurface Water, or any combination thereof.

STORMWATER – The water running off the surface of a drainage area during and immediately after a period of rain or snow melt.

SUBSURFACE WATER – Groundwater including foundation Drain water.

SWIMMING POOL – An artificially enclosed body of water primarily intended for recreational or competitive swimming.

SWIMMING POOL WATER – The contents of a Swimming Pool, but not including any rainwater that has collected on a Swimming Pool cover.

TOTAL SUSPENDED SOLIDS (TSS) – Insoluble Matter in liquid that is removable by filtration, as determined by the appropriate procedure described in Standard Methods.

TOXIC SUBSTANCE – any substance defined as toxic under the *Canadian Environmental Protection Act 1999*, as amended from time to time.

UNCONTAMINATED WATER – Water with a level of quality which is typical of potable water normally supplied by the Municipality.

WASTE RADIOACTIVE SUBSTANCES – Substances defined in the federal *Nuclear Safety and Control Act* and the regulations passed thereunder, as amended from time to time.

WASTEWATER – means the composite of water and water-carried wastes from residential, commercial, Industrial or Institutional premises or any other source.

WASTEWATER SLUDGE – Solid material recovered from the Wastewater treatment process.

4. CONNECTION REQUIREMENTS

- (1) Wastewater from a property connected to the Sanitary Sewer System must be discharged through a Private Property Sewer Connection that feeds into the Sanitary Sewer System by means of a Municipal Sewer Connection.
- (2) No Person shall discharge, or permit the discharge of, Wastewater into the Sanitary Sewer System by means of aboveground pumping unless authorized to do so by the Designated Officer.
- (3) If a property that generates Wastewater has not previously been connected to the Sanitary Sewer System, the owner of such property shall comply with subsection 2(1) of this By-Law at the owner's expense within five years of the later of the date that this By-Law comes into force or the date that a Sanitary Sewer is first constructed adjacent to the property.
- (4) The cost of installing and maintaining a Private Property Sewer Connection in good working order shall be the responsibility of the owner of the property upon which the Private Property Sewer Connection is located.
- (5) Where two or more properties are connected to the Sanitary Sewer System or the Land Drainage System by means of a common Private Property Sewer Connection, each property owner connected in this manner shall be jointly and severally responsible for the cost of maintaining the Private Property Sewer Connection in good working order.

5. NO INTERCONNECTION BETWEEN THE SANITARY SEWER SYSTEM AND THE LAND DRAINAGE SYSTEM

- (1) No Person shall connect, and the owner of a property shall not allow any Person to connect, whether directly or indirectly:
 - (a) a Private Property Sewer Connection carrying Wastewater to the Land Drainage System; or
 - (b) a Private Property Sewer Connection carrying Land Drainage to the Sanitary Sewer System.

6. DISCHARGES INTO THE SANITARY SEWER SYSTEM

- (1) Unless otherwise authorized by this By-Law, no Person shall release, or permit the release of, any Matter into the Sanitary Sewer System except:
 - (a) Domestic Wastewater;

- (b) Non-Domestic Wastewater; or
 - (c) Swimming Pool Water.
- (2) No Person shall release, or permit the release, of Land Drainage or Hauled Wastewater into the Sanitary Sewer System.
 - (3) No Person shall release, or permit the release of, any Sanitary Sewer Prohibited Waste listed in Schedule "A" to this By-Law into the Sanitary Sewer System.
 - (4) No Person shall release, or permit the release of, any Sanitary Sewer Restricted Waste which exceeds the respective concentrations listed in Schedule 'B' to this By-Law into the Sanitary Sewer System.

7. DISCHARGES INTO THE LAND DRAINAGE SYSTEM

- (1) Unless otherwise authorized under this By-Law, no Person shall release, or permit the release of, any Matter into the Land Drainage System except:
 - (a) Land Drainage; or
 - (b) Non-Contact Cooling Water.
- (2) No Person shall release, or permit the release of, any Land Drainage Prohibited Substance listed in Schedule "C" to this By-Law into the Land Drainage System.
- (3) No Person shall release, or permit the release of, any Land Drainage Restricted Substance which exceeds the concentrations set out in Schedule "D" of this By-Law into the Land Drainage System.

8. DISCHARGES OF NON-CONTACT COOLING WATER

- (1) No Person shall discharge, or permit the discharge of, Non-Contact Cooling Water or Uncontaminated Water into a Sanitary Sewer from any residential property.
- (2) No Person shall discharge, or permit the discharge of, Non-Contact Cooling Water or Uncontaminated Water into a Sanitary Sewer from Industrial, Institutional or other commercial premises unless the property is not connected to a Storm Sewer and there exists no opportunity to discharge into the Land Drainage System.

9. DISCHARGES OF SWIMMING POOL WATER

- (1) No Person shall discharge, or permit the discharge, of Swimming Pool Water into the Land Drainage System from a property unless and until:
 - (a) the Swimming Pool Water has been dechlorinated prior to the discharge to obtain a maximum Total Residual Chlorine level of 0.02 mg/L;
 - (b) prior to the release, an undiluted sample of the Swimming Pool Water is submitted to an Accredited Laboratory for analysis and the Accredited Laboratory confirms that the level of Total Residual Chlorine does not exceed the limit prescribed in subsection 1(a); and

- (c) the Swimming Pool Water otherwise meets the requirements of Schedules “C” and “D” of this By-Law.
- (2) A Person discharging or permitting the discharge of Swimming Pool Water shall retain a copy of the written laboratory analytical results required by subsection 1(b) for a period of one year and make them available to the Designated Officer for inspection upon request.

10. PROHIBITION OF DILUTION

- (1) No Person shall discharge directly or indirectly, or permit the discharge or deposit of Wastewater into the Sanitary Sewer System where water has been added to the discharge for the purposes of dilution to achieve compliance with Schedule “A” or Schedule “B” of this By-Law.
- (2) No Person shall discharge directly or indirectly, or permit the discharge or deposit of Matter into the Land Drainage System where water has been added to the discharge for the purposes of dilution to achieve compliance with Schedule “C” or “D” of this By-Law.

11. ADDITIONAL REQUIREMENTS

11.1 FOOD-RELATED OIL AND GREASE INTERCEPTORS

- (1) Every owner or operator of a restaurant or other Industrial, Institutional or commercial premises where food is cooked, processed or prepared, whose premises are connected directly or indirectly to a Sanitary Sewer, shall take all necessary measures to ensure that Oil and Grease are prevented from entering the Sanitary Sewer in excess of the provisions of this By-Law.
- (2) The owner or operator of the premises as set out in subsection 11.1(1) shall install, operate, and properly maintain an Oil and Grease interceptor in any piping system at its premises that connects directly or indirectly to a Sanitary Sewer. The Oil and Grease interceptors shall be installed in compliance with the most current requirements of the applicable Building Code. The installation of the Oil and Grease interceptor shall meet the requirements of the Canadian Standards Association national standard CAN/CSA B-481.2, as amended.
- (3) All Oil and Grease interceptors shall be maintained according to the manufacturer’s recommendations. The testing, maintenance and performance of the interceptor shall meet the requirements of CAN/CSA B-481. Traps should be cleaned before the thickness of the organic material and solids residuals is greater than twenty-five percent of the available volume; cleaning frequency should not be less than once every four weeks. Maintenance requirements should be posted in the workplace in proximity to the Oil and Grease interceptor.
- (4) A maintenance schedule and record of maintenance shall be available to the Municipality upon request for each interceptor installed pursuant to this section.
- (5) The owner or operator of the restaurant or other Industrial, Institutional or commercial premises where food is cooked, processed or prepared, shall, for two years, keep the document of proof for interceptor clean-out and Oil and Grease disposal.

- (6) No Person shall use, or allow the use of, an emulsifier in an Oil and Grease interceptor installed pursuant to this section. No Person shall use, or allow the use of, enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of Oil and Grease through a Grease interceptor installed pursuant to this section.
- (7) In the case of failure to adequately maintain an Oil and Grease interceptor installed pursuant to this section to the satisfaction of the Municipality, the Municipality may require an alarmed monitoring device to be installed, at the expense of the owner, in accordance with the specifications of CAN/CSA B-481.

11.2 VEHICLE AND EQUIPMENT SERVICE OIL AND GREASE INTERCEPTORS

- (1) Every owner or operator of a vehicle or equipment service station, repair shop or Garage or of Industrial, Institutional or Commercial premises or any other establishment where Motor Vehicles are repaired, lubricated or maintained shall take all necessary measures to ensure that motor oil and lubricating grease are prevented from passing into the Sanitary Sewer in excess of the limits in this By-Law.
- (2) The owner or operator of the premises as set out in subsection 11.2(1) shall install, operate, and properly maintain an Oil and Grease interceptor in any piping system at its premises that connects directly or indirectly to a Sanitary Sewer. The Oil and Grease interceptors shall be installed in compliance with the most current requirements of the applicable Building Code and be maintained as recommended by the Canadian Petroleum Products Institute (CPPI).
- (3) All Oil and Grease interceptors and separators shall be maintained in good working order and according to the manufacturer's recommendations and shall be inspected regularly to ensure performance is maintained to the manufacturer's specifications for performance and inspected to ensure the surface oil and sediment levels do not exceed the recommended level.
- (4) A maintenance schedule and record of maintenance shall be submitted to the Municipality annually for each Oil and Grease interceptor installed pursuant to this section.
- (5) The owner or operator of the premises as set out in subsection 8.2(1), shall, for two years, keep the document of proof for interceptor clean-out and Oil and Grease disposal.
- (6) No Person shall use, or allow the use of, an emulsifier in an Oil and Grease interceptor installed pursuant to this section. No Person shall use, or allow the use of, enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of Oil and Grease through a Grease interceptor installed pursuant to this section.
- (7) In the case of failure to adequately maintain an Oil and Grease interceptor installed pursuant to this section to the satisfaction of the Municipality, the Municipality may require an alarmed monitoring device to be installed, at the expense of the owner.

11.3 SEDIMENT INTERCEPTORS

- (1) Every owner or operator of premises from which sediment may directly or indirectly enter a Sanitary Sewer, including but not limited to premises using a ramp Drain or area Drain

and vehicle wash establishments, shall take all necessary measures to ensure that such sediment is prevented from entering the Sanitary Sewer in excess of the limits in this By-Law.

- (2) Catch basins installed on private property for the purposes of collecting Land Drainage and carrying it into the Land Drainage System shall be equipped with an interceptor and the installation of these catch basins on private property shall comply with the Municipality's standard construction specifications and drawings, as they may be amended from time to time.
- (3) All sediment interceptors shall be maintained in good working order and according to manufacturer's recommendations and shall be inspected regularly to ensure performance is maintained to the manufacturer's specifications for performance.
- (4) The owner or operator of a premises as set out in Subsection 11.3(1), shall, for 2 years, keep documentation of interceptor clean-out and sediment disposal.
- (5) A maintenance schedule and record of maintenance shall be submitted to the Designated Officer upon request for each sediment interceptor installed.

11.4 RESIDENTIAL GARAGE FLOOR DRAINS

- (1) Notwithstanding any provisions of the applicable building code, no Person shall directly or indirectly connect, or permit the connection, of a floor Drain located in a residential Garage to the Sanitary Sewer System.

12. SAMPLING

- (1) Where sampling is required for the purposes of determining the concentration of constituents in Wastewater or Land Drainage, the sample may:
 - (a) be collected manually or by using an automatic sampling device; and
 - (b) contain additives for its preservation.
- (2) For the purpose of determining compliance with Schedules "A", "B", "C" and "D" of this By-Law, discrete Wastewater or Land Drainage streams within premises may be sampled, at the discretion of the Designated Officer.
- (3) Any single Grab Sample may be used to determine compliance with Schedules "A", "B", "C" and "D" of this By-Law.
- (4) All tests, measurements, analyses and examinations of Wastewater or Land Drainage and its characteristics or contents pursuant to this By-Law shall be carried out in accordance with Standard Methods and be performed by a laboratory accredited for analysis of the particular substance(s) using a method which is within the laboratory's scope of accreditation or to the satisfaction of the Designated Officer as agreed in writing prior to sample analysis.

13. COST RECOVERY

- (1) Where a Person causes or permits the causing of a blockage of or damage to any part of the Sanitary Sewer System or the Land Drainage System, and the Municipality incurs costs to remove the blockage or repair the damage, the Municipality shall be entitled to recover all such costs from the Person who caused or permitted the causing of the blockage or damage.

14. SPILLS

- (1) In the event of a direct or indirect Spill into the Sanitary Sewer System or the Land Drainage System, the Person responsible or the Person having the charge, management and control of the Spill shall immediately notify and provide any requested information with regard to the Spill to:
 - (a) if there is any immediate danger to human health and/or safety:
 - (i) 9-1-1 emergency; or
 - (b) If there is no immediate danger:
 - (i) the Municipality by contacting the Municipality's Public Works Department, and
 - (ii) the owner of the premises on which the Spill occurred, and
 - (iii) any other Person whom the Person reporting knows or ought reasonably to know may be directly affected by the release.
- (2) Within five working days of the Spill, a Person required to report pursuant to subsection 12(1) shall provide a detailed written report of the Spill to the Designated Officer which shall contain the following information to the best of the Person's knowledge:
 - (a) the location where the Spill occurred;
 - (b) the name and telephone number of the Person who reported the Spill and the location and time where they can be contacted;
 - (c) the date and time of the Spill;
 - (d) the material spilled;
 - (e) the characteristics and composition of the material spilled;
 - (f) the volume of material spilled;
 - (g) the duration of Spill event;
 - (h) the work completed and any work still in progress in the mitigation of the Spill; and
 - (i) the preventive actions being taken to ensure a similar Spill does not occur again.

- (3) The Person responsible for the Spill and the Person having the charge, management and control of the Spill shall do everything reasonably possible to contain the Spill, protect the health and safety of humans and animals, minimize damage to property, protect the environment, clean up the Spill and contaminated residue and restore the affected area to its condition prior to the Spill.
- (4) Nothing in this By-Law relieves any Person from complying with any notification or reporting provisions of:
 - (a) other government agencies, including federal and provincial agencies, as required and appropriate for the material and circumstances of the Spill; or,
 - (b) any other By-Law of the Municipality.
- (5) The Municipality may invoice and recover from the Person responsible for the Spill the cost of time, materials and services expended by the Municipality as a result of the Spill.
- (6) The Municipality may require the Person responsible for the Spill to prepare and submit a spill contingency plan to the Municipality to indicate how the risk of future incidents will be reduced and how future incidents will be addressed.

15. AUTHORITY OF DESIGNATED OFFICER

- (1) The Designated Officer has the authority to carry out any inspection reasonably required to ensure compliance with this By-Law, including but not limited to:
 - (a) inspecting, observing, sampling and measuring the flow in any private
 - (i) drainage system,
 - (ii) Wastewater disposal system,
 - (iii) Stormwater management system, and
 - (iv) Flow Monitoring Point;
 - (b) testing flow measuring devices;
 - (c) taking samples of Wastewater, Stormwater, Clear-Water Waste and Subsurface Water within or being released from Private Property Sewer Connections, private drainage systems and Stormwater management facilities;
 - (d) performing on-site testing of Wastewater, Stormwater, Clear-Water Waste and Subsurface Water within or being released from Private Property Sewer Connections, private drainage systems and Stormwater management facilities;
 - (e) inspecting the types and quantities of chemicals being handled or used on the premises in relation to possible releases into the Sanitary Sewer System or Land Drainage System;
 - (f) inspecting and copying relevant documents or remove documents from premises to make copies;

- (g) inspecting chemical storage areas and spill containment facilities and requesting Material Safety Data Sheets (MSDS) for materials stored or used on site;
 - (h) inspecting premises where a release of a Sanitary Sewer Prohibited Waste or a Land Drainage Prohibited Substance has been made or is suspected to have been made, or where a release of a Sanitary Sewer Restricted Waste or a Land Drainage Restricted Substance in excess of permissible limits has been made or is suspected to have been made, and to sample any or all Matter that in his/her opinion could have been part of the release.
- (2) No Person shall hinder or prevent the Designated Officer from carrying out any of his or her powers or duties pursuant to this By-Law.

16. CONSTRUCTION OF SEWER CONNECTIONS

- (1) No Person shall construct a Sewer connection other than a Private Property Sewer Connection within the Municipality other than the holder of a Sewer Contractor Licence.
- (2) All Sewer connections constructed within the Municipality shall follow the construction standards adopted by the Municipality from time to time.
- (3) No Person shall construct a Sewer connection within the Municipality without first submitting plans of the proposed connection to the Designated Officer for approval and applying for a Sewer Connection Permit.
- (4) No Person shall backfill a Sewer connection constructed in accordance with a Sewer Connection Permit until the Designated Officer has inspected the Sewer connection. Following an inspection, a Designated Officer may:
 - (a) approve the Sewer connection and permit backfilling where the Designated Officer is satisfied that the work has been performed in accordance with this By-Law and good workmanship;
 - (b) withhold approval of the Sewer connection and require deficiencies to be rectified before backfilling where the Designated Officer is not satisfied that the work has been performed in accordance with this By-Law and good workmanship.
- (5) The Designated Officer may dispense with the requirement for Sewer connection plans to be submitted at his or her discretion where:
 - (a) The proposed Sewer connection is a Private Property Sewer Connection; and
 - (b) The proposed Sewer connection feeds into an existing Municipal Sewer Connection plug and does not require a new service connection tee in a municipally owned Sewer.

17. SEWER CONTRACTOR LICENCES

- (1) The Designated Officer may issue a Sewer Contractor Licence to any Person who:
 - (a) submits a completed application in the form required by the Municipality,

- (b) pays the application fee required by the Municipality; and
 - (c) demonstrates, to the Designated Officer's satisfaction, that the Person can satisfactorily perform the work for which the Sewer Contractor Licence is being issued.
- (2) The Designated Officer shall not issue a Sewer Contractor Licence unless the applicant Person agrees, in a written form approved by the Municipality's solicitor, to indemnify the Municipality against any lawsuits or other claims for damages resulting from the work performed by the applicant Person or the applicant Person's agents, subcontractors or employees on the Sanitary Sewer System or the Land Drainage System.
 - (3) The Designated Officer shall not issue a Sewer Contractor Licence until the applicant Person submits to the Designated Officer a certificate of insurance demonstrating the applicant Person has in place a commercial general liability insurance policy in an amount determined by the Chief Administrative Officer of the Municipality to be sufficient to address the project-specific risk to the Municipality and which names the Municipality as an additional insured.
 - (4) The Designated Officer may rescind a Sewer Contractor Licence immediately and without prior notice if at any time he or she is satisfied that the holder no longer meets the requirements of sections 17(1)-(3).

18. DISCONNECTION OF SEWER

- (1) Where Wastewater which:
 - (a) is hazardous or creates an immediate danger to any Person;
 - (b) endangers or interferes with the operation of the Sanitary Sewer System; or
 - (c) causes or is capable of causing an adverse effect;is discharged into the Sanitary Sewer System through a Private Property Sewer Connection, the Designated Officer may, in addition to any other remedy available, disconnect, plug or seal off the Private Property Sewer Connection discharging the unacceptable Wastewater or take such other action as is necessary to prevent such Wastewater from entering the Sanitary Sewer System.
- (2) The Wastewater may be prevented from being discharged into Sanitary Sewer System until evidence satisfactory to the Designated Officer has been produced to assure that no further discharge into the Sanitary Sewer System of Wastewater with the attributes described in subsection 18(1) will take place.
- (3) Where the Designated Officer takes action pursuant to subsection 18(1), the Designated Officer may by notice in writing advise the owner or occupier of the premises from which the Wastewater was being discharged, of the cost of taking such action and the owner or occupier, as the case may be, shall forthwith reimburse the Municipality for all such costs that were incurred.

- (4) When a Private Property Sewer Connection is abandoned, the owner of the property on which the Private Property Sewer Connection is located shall block or seal the Private Property Sewer Connection at a point located no more than one metre from the Municipal Sewer Connection, or at such point as is approved by the Designated Officer.

19. MONITORING ACCESS POINTS

- (1) The owner or operator of Institutional, Industrial, or other commercial, premises or multi-storey residential buildings with one or more Private Property Sewer Connections shall install and maintain in good repair in each Private Property Sewer Connection a suitable Monitoring Access Point to allow observation, sampling and flow measurement of the Wastewater, Uncontaminated Water or Stormwater therein, provided that, where installation of a Monitoring Access Point is not possible, an alternative device or facility may be substituted with the prior written approval of the Designated Officer.
- (2) The Monitoring Access Point or alternative device such as a Sampling Port shall be located on the property of the owner or operator of the premises, as close to the property line as possible, unless the Designated Officer has given prior written approval for a different location.
- (3) Each Monitoring Access Point, device or facility installed shall be designed and constructed in accordance with good engineering practice and the requirements of the Municipality, and shall be constructed and maintained by the owner or operator of the premises at his or her expense.
- (4) The owner or operator of Institutional, Industrial, or other commercial premises or a multi-storey residential building shall at all times ensure that every Monitoring Access Point, alternative device or facility installed as required by this By-Law is accessible to the Designated Officer for the purposes of observing, sampling and flow measurement of the Wastewater, Uncontaminated Water or Stormwater therein.

20. COMPLIANCE PROGRAMS

- (1) An Industry may submit to the Designated Officer a proposed Compliance Program setting out activities to be undertaken by the Industry that would result in the prevention or reduction and control of the discharge or deposit of Matter from the Industry's premises into the Sanitary Sewer System and the Land Drainage System.
- (2) Upon receipt of an application pursuant to Subsection 20(1) above, the Designated Officer may issue an approval for a Compliance Program for an Industry to discharge an effluent that does not comply with Schedules "A" "B", "C" or "D" of this By-Law. The Industry shall be entitled to make non-complying discharges in the amount and only to the extent set out in the Municipality's approval during the planning, design and construction or installation of facilities or works needed to implement the approved Compliance Program.
- (3) Every proposed Compliance Program shall be for a specified length of time during which Pretreatment Processes or other measures are to be installed or implemented and shall be specific as to the remedial actions to be implemented by the Industry, the dates of commencement and completion of the activity and the materials or other characteristics

of the Matter to which it relates. The final activity completion date shall not be later than the final compliance date in the Compliance Program.

- (4) The Industry to which a compliance program has been issued shall submit a Compliance Program progress report to the Municipality within 14 days after the scheduled completion date of each activity listed in the Compliance Program.
- (5) The Municipality may terminate any proposed Compliance Program by written notice at any time to the Industry in the event that the Industry fails or neglects to carry out or diligently pursue the activities required of it under its approved Compliance Program.
- (6) The Municipality is authorized to execute agreements with Industries with respect to approved Compliance Programs. These agreements may, in accordance with guidelines adopted by the Municipality from time to time, include a provision for a reduction in the payment otherwise required from the Industry to the Municipality pursuant to an Extra Strength Surcharge Agreement. The reduction in payment to the Municipality may be in such an amount and for such duration as the agreement may specify.

21. OFFENCES

- (1) Every Person who contravenes any provision of this By-Law is guilty of an offence and on conviction is liable, upon summary prosecution, to a fine of not more than \$1,000.00 for every day or part thereof upon which such offence occurs or continues.

22. ACCESS TO INFORMATION

- (1) All information submitted to and collected by the Municipality that is contained in plan summaries, reports, surveys, monitoring and inspection and sampling activities will, except as otherwise provided in this section, be available for disclosure to the public in accordance with the Freedom of Information and Protection of Privacy Act, as amended.
- (2) In the event that any Person submits information to the Municipality that is exempt from disclosure under the Freedom of Information and Protection of Privacy Act, the Person submitting such information shall identify such information accordingly at the time of submission.
- (3) The Designated Officer shall have access to information contained in any federal or provincial permit relating to Wastewater discharges into the Sanitary Sewer System.

23. REPEAL OF EXISTING BY-LAW

- (1) By-Law 97-18, with amendment 2002-12, is hereby repealed.

DONE AND PASSED as a by-law of the Rural Municipality of East St. Paul, in Manitoba
this 1st day of June, 2011.

Mayor

Chief Administrative Officer

Read a first time this 11th day of May, 2011.
Read a second time this 1st day of June, 2011.
Read a third time this 1st day of June, 2011.

SCHEDULE "A"
SANITARY SEWER PROHIBITED WASTE

No Person shall discharge directly or indirectly or deposit or cause or permit the discharge or deposit of Wastewater into a Sanitary Sewer, or the Sanitary Sewer System in circumstances where:

- (1) to do so may cause or result in:
 - (a) a health or safety hazard to a Person authorized by the Municipality to inspect, operate, maintain, repair or otherwise work on the Sanitary Sewer System or any Sewage Treatment Plant connected thereto;
 - (b) an offence under the *Environment Act*, the *Water Protection Act* or the *Fisheries Act (Canada)*, as amended from time to time, or any regulation made thereunder from time to time;
 - (c) the failure of Wastewater Sludge from any Sewage Treatment Plant connected to the Sanitary Sewer System to meet the objectives and criteria as enumerated in the *Water Protection Act* and its regulations, as amended from time to time;
 - (d) interference with the operation or maintenance of any part of the Sanitary Sewer System or any Sewage Treatment Plant connected thereto;
 - (e) a hazard to any Person, animal, property or vegetation;
 - (f) an offensive odour emanating from the Sanitary Sewer System and any Sewage Treatment Plant connected thereto;
 - (g) damage to the Sanitary Sewer System or any Sewage Treatment Plant connected thereto; or
 - (h) an obstruction or restriction to the flow in the Sanitary Sewer System or any Sewage Treatment Plant connected thereto.
- (2) the Wastewater has two or more separate liquid layers.
- (3) the Wastewater contains:
 - (a) Hazardous Substances;
 - (b) Combustible Liquid;
 - (c) Biomedical Waste;
 - (d) Specified risk material for bovine spongiform encephalopathy as defined in the federal *Fertilizers Regulations (C.R.C., c. 666)*, as amended from time to time, including material from the skull, brain, trigeminal ganglia, eyes, tonsils, spinal cord and dorsal root ganglia of cattle aged 30 months or older, or material from the distal ileum of cattle of all ages.

- (e) Dyes or colouring materials which may or could pass through a Sewage Treatment Plant and discolour the Sewage Treatment Plant's effluent;
 - (f) Fuels;
 - (g) Ignitable Waste;
 - (h) Pathological Waste;
 - (i) PCBs;
 - (j) Pesticides which are not otherwise regulated in this By-Law;
 - (k) Reactive Waste;
 - (l) Toxic Substances which are not otherwise regulated in this By-Law;
 - (m) Waste Radioactive Substances in excess of concentrations greater than those specified for release to the environment under the Nuclear Safety and Control Act (Canada) and the regulations thereto, as amended; and
 - (n) solid or viscous substances in quantities or of such size to be capable of causing obstruction to the flow in a Sanitary Sewer, including but not limited to ashes, bones, cinders, sand, mud, soil, straw, shaving, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, animal parts or tissues, and paunch manure.
- (4) the Wastewater contains a concentration, expressed in milligrams per litre, in excess of any one or more of the limits in Schedule "B" of this By-Law, unless:
- (a) the discharge is in accordance with a valid Compliance Program; and
 - (b) all requirements of Section 9 - Additional Requirements have been fully satisfied.

SCHEDULE "B"
SANITARY SEWER RESTRICTED WASTE

TABLE A – CONVENTIONAL CONTAMINANTS AND PHYSICAL PARAMETERS

Substance	Concentration Limit (mg/L, except as noted)
5-Day Biochemical Oxygen Demand	300
Chemical Oxygen Demand	600
Total Kjeldahl Nitrogen (TKN)	50
Total Phosphorus (TP)	10
Oil and Grease – Animal and Vegetable	150
Oil and Grease – Mineral and Synthetic/Hydrocarbon	15
Sulphide (as H ₂ S)	1.0
Total Suspended Solids	300
pH	6.0-10.5 (unitless)
Temperature	≤ 60 Degrees Celsius

TABLE B – ORGANIC CONTAMINANTS

Substance	Concentration Limit (mg/L, except as noted)
Benzene	0.01
Chloroform	0.04
Dichlorobenzene (1,2-)	0.05
Dichlorobenzene (1,4)	0.08
Ethylbenzene	0.06
Hexachlorobenzene	0.0001
Methylene chloride (dichloromethane)	0.09
PCBs (chlorobiphenyls)	0.004
Phenols, Total (or Phenolic compounds)	0.1
Tetrachloroethane (1,1,2,2 -)	0.06
Tetrachloroethylene	0.06
Toluene	0.02
Trichloroethylene	0.05
Xylenes, total	0.3

TABLE C – INORGANIC CONTAMINANTS

Substance	Concentration Limit (mg/L, except as noted)
Arsenic, total	1.0
Cadmium, total	0.7
Chromium, total	2.8
Cobalt, total	5.0

Copper, total	2.0
Cyanide, total	1.2
Lead, total	0.7
Mercury	0.01
Molybdenum, total	5.0
Nickel, total	2.0
Selenium, total	0.8
Silver, total	0.4
Zinc, total	2.0

**SCHEDULE “C”
LAND DRAINAGE PROHIBITED SUBSTANCES**

No Person shall discharge directly or indirectly or deposit or cause or permit the discharge or deposit of any Land Drainage into the Land Drainage System under circumstances where:

- (1) to do so may cause or result in:
 - (a) a health or safety hazard to a Person authorized by the Municipality to inspect, operate, maintain, repair or otherwise work on the Land Drainage System;
 - (b) an offence under the *Environment Act*, the *Water Protection Act* or the *Fisheries Act (Canada)*, as amended from time to time, or any regulation made thereunder from time to time;
 - (c) interference with the operation or maintenance of any part of the Land Drainage System;
 - (d) a hazard to any Person, animal, property or vegetation;
 - (e) an offensive odour emanating from the Land Drainage System;
 - (f) damage to the Land Drainage System; or
 - (g) an obstruction or restriction to the flow in any part of the Land Drainage System.
- (2) the Land Drainage has two or more separate liquid layers.
- (3) the Land Drainage contains:
 - (a) Oil and Grease forming a separate layer;
 - (b) Landfill Leachate;
 - (c) Greywater;
 - (d) Hauled Wastewater;
 - (e) Hazardous Substances;
 - (f) Combustible Liquid;
 - (g) Biomedical Waste;
 - (h) Specified risk material for bovine spongiform encephalopathy as defined in the federal Fertilizers Regulations (C.R.C., c. 666), as amended from time to time, including material from the skull, brain, trigeminal ganglia, eyes, tonsils, spinal cord and dorsal root ganglia of cattle aged 30 months or older, or material from the distal ileum of cattle of all ages;
 - (i) Dyes or colouring materials which discolour the Land Drainage;

- (j) Fuels;
 - (k) Ignitable Waste;
 - (l) Pathological Waste;
 - (m) PCBs;
 - (n) Pesticides which are not otherwise regulated in this By-Law;
 - (o) Reactive Waste;
 - (p) Toxic Substances which are not otherwise regulated in this By-Law;
 - (q) Waste Radioactive Substances in excess of concentrations greater than those specified for release to the environment under the Nuclear Safety and Control Act (Canada) and the regulations thereto, as amended;
 - (r) solid or viscous substances in quantities or of such size to be capable of causing obstruction to the flow in the Land Drainage System;
- (4) the Land Drainage contains a concentration, expressed in milligrams per litre, in excess of any one or more of the limits in Schedule "D" of this By-Law.

SCHEDULE "D"
LAND DRAINAGE RESTRICTED SUBSTANCES

TABLE A – CONVENTIONAL CONTAMINANTS AND PHYSICAL PARAMETERS

Substance	Concentration Limit (mg/L, except as noted)
5-Day Biological Oxygen Demand	15
Chemical Oxygen Demand	30
Total Kjeldahl Nitrogen (TKN)	1
Total Phosphorus (TP)	0.4
Sulphide (as H ₂ S)	0.3
Total Suspended Solids	15
pH	6.0-9.0 (unitless)
Temperature	≤ 40 Degrees Celsius

TABLE B – ORGANIC CONTAMINANTS

Substance	Concentration Limit (mg/L, except as noted)
Benzene	0.002
Bis (2-ethylhexyl) phtalate	0.0088
Chloroform	0.002
Dichlorobenzene (1,2-)	0.0056
Dichlorobenzene (1,4)	0.0068
Dichloropropylene (Trans-1,3)	0.0056
Di-n-butyl phthalate	0.015
Ethylbenzene	0.002
Hexachlorobenzene	0.00004
Methylene chloride (dichloromethane)	0.0052
PCBs (chlorobiphenyls)	0.0004
Phenols, Total (or Phenolic compounds)	0.002
Tetrachloroethane (1,1,2,2 -)	0.017
Tetrachloroethylene	0.0044
Toluene	0.002
Trichloroethylene	0.008
Xylenes, total	0.0044

TABLE C – INORGANIC CONTAMINANTS

Substance	Concentration Limit (mg/L, except as noted)
Arsenic, total	0.02
Cadmium, total	0.008
Chromium, total	0.08
Copper, total	0.04

Cyanide, total	0.005
Lead, total	0.08
Mercury	0.0004
Nickel, total	0.08
Selenium, total	0.02
Silver, total	0.04
Zinc, total	0.04