

Authority: Item 8, Public Works Committee
Report 08-014 (PW08103)
CM: September 24, 2008

Bill No. 090

CITY OF HAMILTON

BY-LAW NO. 09-090

To Amend By-law No. 04-150, a By-Law to Regulate the Discharge of any Matter into the Sanitary, Combined and Storm Sewer Systems of the City of Hamilton

WHEREAS the Council of the City of Hamilton passed and enacted By-law No. 04-150, known and referred to as the "Sewer Use By-law", which came into force on June 30, 2004;

AND WHEREAS at its meeting of September 24, 2008, the Council of the City of Hamilton did approve of Item 8 of the Public Works Committee Report 08-014 and did thereby authorize the amendments to the Sewer Use By-law contained in this By-law;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Section 1 of By-law No. 04-150 is deleted and replaced with the following new section 1:

SECTION 1

DEFINITIONS

1. In this By-law,

"acute hazardous waste chemical" means a material which is an acute hazardous waste chemical within the meaning of Ontario Regulation 347 made under the Environmental Protection Act;

"authorized representative of the owner or operator" means:

- (a) a principal executive officer of at least the level of vice president, if the owner or operator is a corporation; or

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- (b) a general partner or proprietor if the owner or operator is a partnership or proprietorship, respectively; or
- (c) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the sewage discharge originates;

"biochemical oxygen demand" means carbonaceous oxygen demand (biochemical) as determined by Standard Methods when an inhibiting chemical has been added to prevent the oxidation of reduced forms of nitrogen;

"blowdown" means the discharge of recirculating noncontact cooling water or heating water for the purpose of discharging materials contained in the water, the further build-up of which would cause concentrations in amounts exceeding limits established by best engineering practices;

"Building Code Act, 1992" means the Building Code Act, 1992, S.O. 1992, c. 23;

"By-law" means this by-law;

"City" means the City of Hamilton or its designated representative;

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

"commercial waste chemical" means a material which is a commercial waste chemical within the meaning of Ontario Regulation 347, made under the Environmental Protection Act;

"composite sample" means a sample which is composed of a series of grab samples taken at intervals during the sampling period;

"cyanide (total)" means all the CN groups in cyanide compounds as determined by Standard Methods;

"de minimis dose" means a dose of radiation to an individual of .05 millisieverts per year;

"de minimis waste" means any waste radioactive material that will not result in a dose of radiation exceeding the de minimis dose regardless of the quantity of the material or how it is used or managed;

"Environmental Protection Act" means the Environmental Protection Act, R.S.O. 1990, c. E.19;

"flow proportional composite sampling" means sampling with a piece of equipment that is capable of operating continuously and automatically adjusting, at time intervals not exceeding thirty minutes, either the volume of effluent sub-samples or the time interval between the collection of sub-samples, to the rate of flow in the effluent stream;

"fuels" includes (i) any ignitable liquid intended for use as a fuel with a flash point less than 61 degrees Celsius as determined by one of the methods in Ontario Regulation 347, made under the Environmental Protection Act, and (ii) gasoline, naphtha, diesel fuel or fuel oil;

"General Manager of Finance and Corporate Services" means the General Manager of Finance and Corporate Services for the City of Hamilton or such person as is duly authorized or designated to act in his or her stead, or successor;

"General Manager of Public Works" means the General Manager of Public Works for the City of Hamilton or the person duly authorized or designated to act in his or her stead, or successor;

"grab sample" is an aliquot of the flow being sampled taken at one particular time and place;

"hailed industrial wastes" means any industrial wastes transported by a carrier from a generator located within the boundaries of the City of Hamilton;

"hailed sewage" means waste removed from a cesspool, a septic tank system, a privy vault or privy pit, a chemical toilet, a portable toilet, a sewage holding tank, any hailed sewage defined under Ontario Regulation 347, made under the Environmental Protection Act, or any other sewage system of a type regulated under Part 8 of the Building Code made under the Building Code Act, 1992;

"Hauled Wastewater Discharge Manifest" means the document to be completed by a carrier of hailed sewage or hailed industrial wastes, or both, in the form prescribed by the General Manager of Public Works;

"hazardous industrial waste" means a material which is a hazardous industrial waste within the meaning of Ontario Regulation 347, made under the Environmental Protection Act;

"hazardous waste chemical" means a material which is a hazardous waste chemical within the meaning of Ontario Regulation 347, made under the Environmental Protection Act;

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"ignitable waste" means a material which is an ignitable waste within the meaning of Ontario Regulation 347, made under the Environmental Protection Act;

"industrial" shall mean of or pertaining to industry, manufacturing, commerce, trade, business, or institutions as distinguished from domestic or residential;

"industrial process area" means any industrial building, property or land area which during manufacturing, processing or storage comes into direct contact with any raw material, intermediate product, finished product, byproduct, or waste product;

"industrial wastes" means all water carried wastes and wastewaters of the geographic area of the City of Hamilton excluding domestic wastewater and uncontaminated water, and shall include all wastewater from any producing, manufacturing, processing, institutional, commercial, agricultural or other operation where the wastewater discharged includes significant quantities of wastes of non-human origin;

"joined sanitary-foundation drain sewer" means a sewer for the collection and transmission of domestic wastes and groundwater from a foundation drain;

"Kjeldahl Nitrogen" means organic nitrogen and ammonia determined together in accordance with Standard Methods;

"matter" includes any solid, liquid or gas;

"NAICS" means North American Industry Classification System Manual published by the Executive Office of the President, Office of Management and Budget;

"noncontact cooling water" means water which is used to reduce temperature for the purpose of cooling and which does not come into direct contact with any raw material, intermediate product other than heat, or finished product;

"once-through cooling water" means noncontact cooling water that has been circulated once through the cooling device;

"Ontario Water Resources Act" means the Ontario Water Resources Act, R.S.O. 1990, c.O.40;

"owner" or "operator" means the owner or operator of any facility or activity subject to the provisions of this By-law;

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"pathological waste" means a material which is a pathological waste within the meaning of Ontario Regulation 347, made under the Environmental Protection Act, or any material which may be designated in writing by the Chief Medical Officer of Health (Ontario);

"PCB" means any monochlorinated or polychlorinated biphenyl or any mixture of them, or mixture that contains one or more of them, as determined by Standard Methods;

"PCB waste" means a PCB waste within the meaning of Ontario Regulation 352, made under the Environmental Protection Act;

"person" includes an individual, association, partnership, corporation, municipality, Regional Municipality, Provincial or Federal agency, or an agent or employee thereof;

"pesticides" means a pesticide regulated under the Pesticides Act,

"Pesticides Act" means the Pesticides Act, R.S.O. 1990, chapter P.11;

"pH" means the logarithm to the base 10 of the reciprocal of the concentration of hydrogen ions, as determined by Standard Methods;

"phenolic compounds" means hydroxy derivatives of benzene and its condensed nuclei, as determined by Standard Methods;

"phosphorus" means total phosphorus as determined by Standard Methods;

"potable water" means water processed by the City for human consumption;

"reactive waste" means a material which is a reactive waste within the meaning of Ontario Regulation 347, made under the Environmental Protection Act;

"sanitary sewer" means a sewer for the collection and transmission of domestic, commercial, institutional and industrial sewage or any combination thereof;

"severely toxic material" means any material listed in Schedule 3 of Ontario Regulation 347, made under the Environmental Protection Act;

"sewage" means any liquid waste containing animal, vegetable or mineral matter in solution or in suspension, but does not include stormwater or uncontaminated water;

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"sewage works" means any works for the collection, transmission, treatment or disposal of sewage, stormwater or uncontaminated water, including a combined sewer, sanitary sewer or stormsewer, or any part of such works, but does not include plumbing or other works to which the Building Code Act, 1992 applies;

"solvent extractable matter of animal or vegetable origin" means animal or vegetable oil and grease, as determined by Standard Methods;

"solvent extractable matter of mineral or synthetic origin" means mineral or synthetic oil and grease, as determined by Standard Methods;

"Standard Methods" means a procedure set out in the latest edition of Standard Methods for the Examination of Water and Wastewater published jointly by the American Public Health Association, American Water Works Association and Water Environment Federation, or an Ontario Ministry of the Environment approved procedure, or a procedure, modified or validated by the City, as set out in the City document entitled "Methods Manual", as amended, repealed or replaced from time to time;

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

"stormwater" means water from rainfall or other natural precipitation or from the melting of snow or ice;

"suspended solids" means solid matter in or on a liquid, which matter is removable by filtering, as determined by Standard Methods;

"Total PAHs" means the total of all the polycyclic aromatic hydrocarbons listed under the Canada Ontario Agreement Tier I and Tier II Substance Lists, i.e. anthracene, benzo(a)pyrene, benzo(a)anthracene, benzo(e)pyrene, benzo(b)fluoranthene, benzo(j)fluoranthene, benzo(k)fluoranthene, benzo(g,h,i)perylene, chrysene, dibenzo(a,h)anthracene, dibenzo(a,i)pyrene, dibenzo(a,j)acridine, 7H-dibenzo(c,g)carbazole, dinitropyrene, fluoranthene, indeno(1,2,3-c,d)pyrene, perylene, phenanthrene and pyrene, as determined by Standard Methods;

"uncontaminated water" means water to which no matter has been added as a consequence of its use, or to modify its use, by any person;

"waste disposal site leachate" means leachate from any waste disposal site;

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

2. Subclause 4(1)2.(r) is deleted and replaced with the following new subclause 4(1)2.(r):

(r) the following materials or sewage containing any of the following in any amount:

hauled sewage
waste disposal site leachate
hauled industrial wastes

3. Subsection 4(9) of By-law No. 04-150 is deleted and replaced with the following new subsection 4(9):

(9) Subclause 4(1)2.(r) does not apply to prevent the discharge of hauled sewage when:

- (a) the carrier of the hauled sewage is a waste transportation system operating under an approval issued under the Environmental Protection Act, and regulations thereunder, and a copy of such approval has been provided to the City;
- (b) the carrier is discharging hauled sewage only from generators located within the boundaries of the City of Hamilton;
- (c) the carrier has a current annual permit issued by the City to discharge hauled sewage;
- (d) the carrier of the hauled sewage submits an originally completed and signed Hauled Wastewater Discharge Manifest;
- (e) the discharge occurs only at the times and locations set out in Schedule C to this By-law;
- (f) the carrier pays the applicable fees as set out in this By-law and in the City's Water and Wastewater User Fees and Charges By-law. For the purposes of such fees, hauled sewage shall only be

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considered to be compliant where the generator of the hauled sewage has provided the General Manager of Public Works with prior laboratory analytical data, satisfactory to the General Manager of Public Works, indicating that the hauled sewage is in compliance with the parameters contained in this By-law;

- (g) the hauled sewage complies with all of the parameters contained in this By-law, except for one or more of the following treatable parameters: biochemical oxygen demand, oil and grease (animal/vegetable), phenols, suspended solids, phosphorous, and Kjeldahl Nitrogen; and
- (h) the carrier of the hauled sewage has accurately represented the nature of the hauled sewage on the Hauled Wastewater Discharge Manifest, including without limitation the quantity or quality of the hauled sewage, and the source of the hauled sewage, and has otherwise complied with this By-law.

If the foregoing is not the case, then in addition to any other actions that the City may take under this By-law, the General Manager of Public Works may deny access to the carrier or the generator of the hauled sewage, or both, to the City's wastewater treatment plants for up to fourteen (14) calendar days. Thereafter, the said carrier or generator, or both, may only discharge the hauled sewage in accordance with the provisions of this By-law.

4. Clause 4(9)(g) of By-law No. 04-150 is amended by deleting the word "phenols".

5. Section 4 of By-law No. 04-150 is amended by adding the following subsection 4(12) immediately after subsection 4(11) and renumbering the subsequent subsections accordingly:

(12) Subclause 4(1)2.(r) does not apply to prevent the discharge of hauled industrial wastes when:

- (a) effective September 1, 2009, the generator of the hauled industrial wastes has a current annual permit issued by the City authorizing the discharge of such hauled industrial wastes;
- (b) the carrier of the hauled industrial wastes is a waste transportation system operating under an approval issued under the Environmental Protection Act, and regulations thereunder, and a copy of such approval has been provided to the City;

- (c) the carrier is discharging hauled industrial wastes only from generators located within the boundaries of the City of Hamilton;
- (d) the carrier has a current annual permit issued by the City to discharge hauled industrial wastes;
- (e) the discharge occurs only at the times and locations set out in Schedule C to this By-law; and
- (f) the carrier of the hauled industrial wastes pays the applicable fees as set out in this By-law and in the City's Water and Wastewater User Fees and Charges By-law. For the purposes of such fees, hauled industrial wastes shall only be considered to be compliant where the generator of the hauled industrial wastes has provided the General Manager of Public Works with prior laboratory analytical data, satisfactory to the General Manager of Public Works, indicating that the hauled industrial wastes are in compliance with the parameters contained in this By-law;
- (g) the hauled industrial wastes comply with all of the parameters contained in this By-law, except for one or more of the following treatable parameters: biochemical oxygen demand, oil and grease (animal/vegetable), phenols, suspended solids, phosphorous, and Kjeldahl Nitrogen; and
- (h) the carrier of the hauled industrial wastes has accurately represented the nature of the hauled industrial wastes on the Hauled Wastewater Discharge Manifest, including without limitation the quantity or quality of the hauled industrial wastes, and the source of the hauled industrial wastes, and has otherwise complied with this By-law.

If the foregoing is not the case, then in addition to any other actions that the City may take under this By-law, the General Manager of Public Works may deny access to the carrier or the generator of the hauled industrial wastes, or both, to the City's wastewater treatment plants for up to fourteen (14) calendar days. Thereafter, the said carrier or generator, or both, may only discharge the hauled industrial wastes in accordance with the provisions of this By-law.

6. Clause 4(12)(g) of By-law No. 04-150 is amended by deleting the word "phenols".

7. Subclause 5(1)2.(f) of By-law No. 04-150 is amended by deleting the words “Phenolic Compounds” under the heading of “0.02 milligrams/litre” and replacing them with the words “phenolic compounds”.
8. Clause 7(2)(a) of By-law No. 04-150 is amended by deleting the words “phenolic compounds”.
9. By-law No. 04-150 is amended by adding the following Section 11 after Section 10 and renumbering the subsequent sections accordingly:

SECTION 11

PERMITS AND FORMS

- 11.(1) No person shall discharge hauled sewage or hauled industrial wastes, or both, at any of the locations set out in Schedule C to this By-law without having previously obtained a current annual permit issued by the City to discharge hauled sewage.
 - (2) No person shall discharge hauled sewage or hauled industrial wastes, or both, at any of the locations set out in Schedule C to this By-law where any of the hauled sewage has been generated from a location outside the boundaries of the City of Hamilton.
 - (3) No person shall discharge hauled sewage or hauled industrial wastes, or both, at any of the locations set out in Schedule C to this By-law unless prior to doing so, the person submits to the City an originally signed, fully completed and legible Hauled Wastewater Discharge Manifest regarding such hauled sewage.
 - (4) No person discharging hauled sewage or hauled industrial wastes, or both, at any of the locations set out in Schedule C to this By-law shall submit a Hauled Wastewater Discharge Manifest that contains inaccurate or false information.
 - (5) Effective September 1, 2009, no person shall discharge hauled industrial wastes at any of the locations set out in Schedule C to this By-law, unless each generator of such hauled industrial wastes has a current annual permit issued by the City to discharge hauled industrial wastes from its property.
 - (6) Every person applying for an annual permit to discharge hauled sewage or hauled industrial wastes, or both, or for an annual generator permit to discharge hauled industrial wastes shall:

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- (a) provide the General Manager of Public Works with such information as the General Manager of Public Works considers necessary to determine if a permit should be issued;
 - (b) in the case of the annual generator permit to discharge hauled industrial wastes, allow the City to access the generator's industrial waste storage container(s) in order to take samples of the proposed hauled industrial wastes to determine if the hauled industrial wastes are in compliance with the parameters contained in this By-law; and
 - (c) pay the prescribed application fee for such permit as set out in this By-law and in the City's Water and Wastewater User Fees and Charges By-law.
10. Section 11 of By-law No. 04-150, renumbered as Section 12, is amended by adding the following subsection (16):
- (16) Any references in this By-law to any statutes, regulations or by-laws shall be deemed to be a reference to such statutes, regulations or by-laws, as amended, restated or replaced from time to time.
11. All of Schedule B to By-law No. 04-150 except the title is deleted and the word "deleted" in square brackets is added after the title.
12. Schedule C to By-law No. 04-150 is amended by deleting the title and replacing the title with the following:

SCHEDULE C

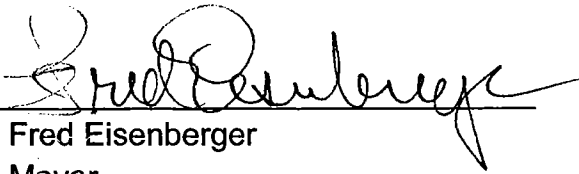
CITY LOCATIONS AND TIMES FOR DISCHARGE OF HAULED SEWAGE
AND HAULED INDUSTRIAL WASTES
(Referred to in subsections 4(9), 4(10) and 4(12))

13. Schedule D to By-law No. 04-150 is deleted and replaced with the Schedule D attached to this by-law.
14. Section 3 of Schedule D to By-law No. 04-150 is amended by deleting the parameter "Phenolic Compounds" and the associated fee of \$0.6397 cents/kg.
15. Schedule G to By-law No. 04-150 is amended by:
- (a) deleting the words "Phenolic Compounds" in the third paragraph on the first page of Schedule G;

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- (b) deleting the words "Phenolic Compounds" in the introductory paragraph to section 2;
 - (c) deleting subsection 2(c) and relettering the subsequent subsections accordingly;
 - (d) deleting the words "Phenolic Compounds" in section 3; and
 - (e) deleting the words "an excess phenolic compounds of _____ milligrams/litre," in subsection 11(1).
16. This by-law shall come into force on May 1, 2009, except for the following:
- (a) section 2 which shall come into force on September 1, 2009; and
 - (b) sections 4, 6, 8, 14 and 15 which shall come into force on January 1, 2010.

PASSED and ENACTED this 29th day of April, 2009.


Fred Eisenberger
Mayor


Kevin C. Christenson
City Clerk

SCHEDULE D

SCHEDULE OF FEES

EFFECTIVE MAY 1, 2009

1. Annual carrier permit to discharge hauled sewage or hauled industrial wastes, or both \$266.45*

2. (a) Discharge fees for hauled sewage and hauled industrial wastes:

Volume of Hauled Sewage/Hauled Industrial Wastes Vehicle		Fee for discharge: compliant	Fee for discharge: non-compliant
Up to 1000 imperial gallons or any part thereof	Up to 4.54 m ³ or any part thereof	\$ 40.10*	\$40.10*
Greater than 1000 imperial gallons but less than or equal to 3500 imperial gallons	Greater than 4.54 m ³ but less than or equal to 15.9 m ³	\$ 40.10*	\$80.20*
Greater than 3500 imperial gallons but less than or equal to 5000 imperial gallons	Greater than 15.9 m ³ but less than or equal to 22.7 m ³	\$ 80.20*	\$120.30*
Greater than 5000 imperial gallons but less than or equal to 8000 imperial gallons	Greater than 22.7 m ³ but less than or equal to 36.3 m ³	\$120.30*	\$200.48*
Greater than 8000 imperial gallons but less than or equal to 10000 imperial gallons	Greater than 36.3 m ³ but less than or equal to 45.43 m ³	\$160.40*	\$240.58*

(b) Discharge fees for holding tanks of recreational vehicles \$ 5.27*

3. Overstrength discharge fees

Parameter	Fee (cents/kg)
biochemical oxygen demand (B.O.D.)	\$0.6397*
suspended solids	\$0.5117*
phenolic compounds	\$0.6397*
solvent extractable matter	\$0.5373*
Kjeldahl Nitrogen	\$1.9478*
phosphorus	\$1.3702*

4. Administrative fees for sewer use agreements (minimum charges per quarter)

a)	Overstrength Discharge Agreement	\$262.77*
b)	Sanitary Sewer Surcharge Agreement	\$262.77*
c)	Chloride Discharge Agreement	\$262.77*

5. Spills response fee (per hour) \$ 56.82*

6. Information request fee \$120.89*

* plus applicable taxes