

NO. 14-071

SANITARY SEWER AND STORMWATER UTILITIES BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to regulate the installation, maintenance, and use of the City's sewers, to establish charges for connections to and use of the City's sewers, and to regulate the discharge of water and waste into sewers and watercourses.

Under its statutory powers, including sections 8 and 194 of the *Community Charter*, the Council of The Corporation of the City of Victoria, in a public meeting assembled, enacts the following provisions:

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## PART 1 – INTRODUCTION

### 1. Title

- (1) This Bylaw may be cited as the "SANITARY SEWER AND STORMWATER UTILITIES BYLAW".

### 2. Definitions

- (1) In this Bylaw,

**"At Cost"** means a cost or charge determined in accordance with Section 12;

**"Billing Period"** means the period of time between water meter readings that are taken under Section 30 of the Waterworks Bylaw;

**"Building Sewer"** means the pipes and their fittings on a lot that are connected to a service connection.

**"BMP (Design and Construction Requirements) Table"** means the table in section 11 of Schedule "A" to this bylaw that sets out design and construction requirements for stormwater retention and water quality facilities that qualify for a rainwater management credit.

**"City"** means The Corporation of the City of Victoria.

**"City Standards and Specifications"** means the City's standard specifications for sewer works and those contained within the Master Municipal Construction Documents, as modified or revised from time to time.

**"Civic/Institutional"** means a property that is used primarily for a civic or institutional purpose, including a school, hospital, church, government office, recreation centre, park or playing field, and includes a vacant lot that is zoned for such use.

**"Collector"** means the City's Director of Finance, and any person acting under the authority of the Director of Finance.

**"Commercial/Industrial"** means a property that is used primarily for a commercial or industrial purpose, and includes a vacant lot that is zoned for such use.

**"Community Garden"** means a garden in which allotments or shared plots are available to members of the public and which supports the production of produce for the personal use of the members.

**"Council"** means the Council of The Corporation of the City of Victoria.

**"Director"** means the Director of Engineering and Public Works for the City, and any other municipal employee acting under the authority of the Director.

**"Discharge"** means to directly or indirectly introduce a substance by spilling, disposing of, abandoning, depositing, leaking, seeping, pouring, draining, emptying, or by any other means.

**"Domestic Waste"** means waste, sanitary waste and the water-carried wastes from drinking, culinary uses, washing, bathing, laundering or food processing that is produced on a residential property.

**"Downtown Area"** means the area of the City that is shaded on the "Maps of Downtown Area/Street Classification" that are attached as part of Schedule "B" to this bylaw.

**"Green Roof"** means a building roof that is designed and constructed to allow vegetation to grow in a growing medium that is placed overtop an impervious membrane, and that meets the requirements of all applicable City bylaws and the *British Columbia Building Code*.

**"Hub Connection"** means a connection installed into a public sewer main that is laid within or across private property for which the City has an easement or statutory right of way and that consists of a manufactured wye or hub which is affixed to the main for the purpose of facilitating a sewer connection.

**"Impervious Surface"** means a paved or roof surface that prevents or retards the entry of water into the soil and which causes stormwater to run off the surface in quantities and at increased flow rates greater than the quantities and the flow rates of the natural environment.

**"In Same Trench"** means two or more service connections constructed within the same trench, for the purpose of serving a single lot.

**"Inspection Chamber"** means the pipe, valve and other fittings that join a building sewer to a service connection.

**"Lane"** means a highway that is not designed for general travel and which is primarily used as a means of access to the rear of residential or

commercial property, and that does not receive regular or periodic street sweeping and cleaning services from the City.

"**Lot**" means a single parcel or other area in which land is held or into which land is subdivided.

"**Low Density Residential**" means a property on which no more than four self-contained dwelling units are situated, and includes a vacant lot that is zoned for such use.

"**Multi Family Residential**" means a property on which five or more self-contained dwelling units are situated, and includes a vacant lot that is zoned for such use.

"**Municipal Sanitary Sewer System**" means the system of sanitary sewer service connections, sanitary sewer mains, forcemains, pump stations, and all other works, facilities and appurtenances owned or operated by the City for the collection and disposal of sewage.

"**Municipal Sewer System**" includes every part of the City's system of public sewer mains and service connections, including, without limitation, the Municipal Sanitary Sewer System and the Municipal Stormwater System.

"**Municipal Stormwater System**" means the system of culverts, drains, outfalls, stormwater service connections, stormwater mains, stormwater management facilities, and all other works, facilities and appurtenances owned or operated by the City for the management, collection and transmission of stormwater or uncontaminated water.

"**Occupier**" means any person other than the registered owner who is in lawful possession or occupancy of land or any building situated on the land, or who otherwise occupies a property.

"**Owner**" means the person who is registered under the *Land Title Act* as the owner of land, and for the purpose of the sanitary sewer use charge under section 27 of this bylaw includes a person who is a customer under the Waterworks Bylaw.

"**Overflow Service Connection**" means a sanitary sewer service connection that is designed to accommodate the temporary flow of sewage from a privately owned on-site sewage treatment system to a public sewer main, and only when the on-site sewage treatment system is temporarily unable to accommodate on-site sewage treatment requirements due to the failure or breakdown of the on-site sewage treatment system.

**“Permissive Tax Exemption”** means a property tax exemption authorized by bylaw adopted pursuant to section 224 of the *Community Charter*.

**"Pollution"** means the presence in the environment of substances or contaminants that substantially alter or impair the usefulness of the environment.

**"Premises"** or **“property”**, as the context requires, means a lot, or a building, or both, or any part thereof.

**“Public School”** means lands and premises owned or occupied by the Board of Trustees of School District No. 61 as a public school;

**"Public Sewer Main"** means a sanitary sewer main or stormwater main owned or controlled by the City.

**“PVC”** means polyvinyl chloride.

**“Qualified Designer”** means an individual who demonstrates to the satisfaction of the Director that he or she has the training and experience necessary to design and oversee the installation of a stormwater retention and water quality facility referred to in section 29(2)(c) of this bylaw.

**“Qualified Professional”** means an applied scientist or technologist, acting alone or together with another qualified professional, if:

- (i) the individual is registered in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association,
- (ii) the individual's area of expertise is recognized by the individual's professional organization as one that is acceptable for the purpose of performing a professional service required under this bylaw, and
- (iii) the individual is acting within the individual's area of expertise.

**“Qualifying Premises”** means, for the purpose of a reduction in the sanitary sewer use charge under section 27(5) of this bylaw:

- (i) premises that are publically owned and primarily used by a non-profit organization for the purposes of lawn bowling,
- (ii) a community garden, or

(iii) an urban garden.

**“Rain Garden”** means a stormwater retention and water quality facility consisting of a shallow depression in the ground with a layer of soil and vegetation that reduces the flow or rate of flow of stormwater from a property into the municipal stormwater system, and removes sediment and pollutants from that stormwater.

**“Rainwater Management Credit Table”** means the tables for determining the amount of a rainwater management credit, as set out in section 11 of Schedule “A” to this bylaw.

**“Regional District”** means the Capital Regional District.

**“Residential Property”** means a property which is used primarily for the purpose of a residence by persons on a permanent, temporary or seasonal basis.

**“Road Frontage Area”** means the area between the extension of the side boundaries of a lot onto an adjoining road right-of-way, to a point where the extensions intersect the alignment or proposed alignment of a public sewer main.

**“Sanitary Building Sewer”** means a building sewer that conveys sewage to a service connection.

**“Sanitary Waste”** means waste that contains human feces, urine, blood or body fluids originating from sanitary conveniences or other sources.

**“Self-contained Dwelling Unit”** has the same meaning as under the Zoning Regulation Bylaw, No. 80-159, as amended from time to time.

**“Service Connection”** means the City owned pipes and their fittings that connect, or are intended to connect, a building sewer on a lot with a public sewer main, but does not include any portion of the building sewer, or any pipes, fittings, inspection chamber or cleanout connected to the building sewer, that extends 0.3 metres from the boundary of the lot into a City road allowance, public sewer easement or statutory right of way.

**“Sewer”** without any qualifying adjectives, includes a municipal sanitary sewer system and municipal stormwater system.

**“Stormwater”** means water resulting from natural precipitation from the atmosphere.

**“Stormwater Building Sewer”** means a building sewer that conveys

stormwater to a service connection.

**"Stormwater Management Facility"** means an impoundment and appurtenant structures, connections and controls for containment, detention or retention of stormwater, the removal of sediment and pollutants from stormwater, and the delayed release of stormwater at a controlled rate to a receiving stormwater drain or watercourse.

**"Stormwater Retention and Water Quality Facility"** means one or more of the following categories of structures, works or devices that will result in a reduction in the flow or rate of flow of stormwater from a property into the municipal stormwater system, or the removal of sediment and pollutants from that stormwater: stormwater management facilities, rain gardens, green roofs, rain barrels, cisterns, infiltration chambers, permeable paving surfaces, engineered rock pits, and private discharge works that do not drain into the municipal stormwater system and that have been approved by all governmental bodies having jurisdiction.

**"Stream"** includes a pond, lake, river, creek, brook, spring or wetland.

**"Substance"** includes any solid, liquid or gas.

**"Unfit for Reuse"** means a service connection that is determined by the Director to be unfit for its intended purpose, including but not limited to a service connection that:

- (a) has cracks or other breakage,
- (b) has separated pipe joints,
- (c) has sagged or settled to the point where ponding occurs,
- (d) is made of vitrified clay pipe material, or
- (e) is otherwise unfit for rehabilitation.

**"Unit"** means 2.832 m<sup>3</sup> (100 cubic feet) [for conversion of British/U.S. measure, see Schedule "C"].

**"Urban Garden"** means a commercial garden not larger than .05 ha in area that grows fruits, vegetables or other produce.

**"Waste"** means any substance whether gaseous, liquid or solid, that is or is intended to be discharged or discarded, directly or indirectly, to the municipal sewer system.

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

**"Water"** includes surface water, groundwater and ice.

**"Watercourse"** means:

- (a) a stream, or
- (b) a canal, ditch, reservoir, stormwater management facility or other man-made surface feature designed to carry or hold water or stormwater,

whether it contains or conveys water continuously or intermittently.

**"Waterworks"** means any works owned or otherwise under the control or jurisdiction of the City or the Regional District that distributes, transports, or stores drinking water.

### 3. **Administration**

- (1) The Director must administer, and may enforce, the provisions of this bylaw.

### 4. **Continuation of Sewer Utility Systems**

- (1) The municipal sanitary sewer system and municipal stormwater system are continued as services under the authority of the statutory powers of the City.

## **PART 2 – SEWER CONNECTIONS AND EXTENSIONS**

### 5. **Application for Service Connection**

- (1) An owner or the owner's authorized agent may apply to establish one or more service connections to the owner's premises by:
  - (a) filling out the application form provided by the Director, and
  - (b) paying the applicable service connection fee prescribed in section 2 of Schedule "A".
- (2) Upon receipt of an application and payment of the service connection fee under subsection (1), the Director may cause a service connection to be established where:

- (a) a public sewer main exists within the road frontage area adjoining the premises that are proposed to be connected to the municipal sewer system,
- (b) in the case of a lot that fronts on a cul de sac, a public sewer main exists within the cul de sac bulb at a point to which a service connection may be established conveniently in the Director's opinion, and
- (c) the Director is of the opinion that connection to that public sewer main may properly be made.

**6. Application for Extension of Public Sewer Main**

- (1) An owner may apply to the Director to have a public sewer main extended to service the owner's premises:
  - (a) where there is no public sewer main within the road frontage area adjoining the owner's premises, or
  - (b) in the case of a lot that fronts on a cul de sac, a public sewer main does not exist within the cul de sac bulb at a point to which a service connection may be established conveniently in the Director's opinion.
- (2) The Director may require that an extension of a public sewer main under subsection (1)(a) or (b) be made to a point within the road frontage area at which a service connection may be conveniently established in the Director's opinion.
- (3) Where a public sewer main extension is constructed by City forces:
  - (a) the applicant must pay at cost for the extension,
  - (b) the applicant must retain the services of a professional engineer to produce a sealed design drawing of the proposed extension in accordance with City standards and specifications, for the Director's approval.
- (4) With the Director's approval, the owner may retain the services of a qualified contractor to construct the extension of the public sewer main, on terms and conditions that the Director considers necessary, including that the work be designed by and constructed under the supervision of a professional engineer, and in accordance with City standards and specifications.

- (5) Where in the opinion of the Director a public sewer main extension is impractical, an owner may be permitted to connect to a public sewer main through a registered easement over an adjoining property.

## **7. Location of Service Connection**

- (1) The applicant for a service connection may request that the Director establish the service connection at a location specified by the applicant.
- (2) The Director may specify another location for the service connection if in the Director's opinion the location requested by the applicant is not practicable.
- (3) An applicant for a service connection must provide any information required by the Director to enable the Director to determine:
  - (a) whether a public sewer main with sufficient capacity is located within the road frontage area or downstream of the premises,
  - (b) whether the proposed service connection has sufficient capacity to provide for the discharge from the premises.
- (4) The information referred to in subsection (3) must be provided with a plumbing permit application, if a plumbing permit is applied for before an application for a service connection is made.

## **8. Information About Sewer**

- (1) Upon request, the Director may provide any person with information concerning the location and depth of an existing public sewer main or service connection, but without any guarantee of the accuracy of the information.
- (2) Any information given under this section does not relieve an applicant from the responsibility to coordinate correctly the position and elevation of a sanitary building sewer or stormwater building sewer with that of the public sewer main with which it is to be connected.
- (3) Neither the Council nor the Director is liable for injury or loss to a person arising out of information given under this section.

## **9. Timing of Service Connection**

- (1) Unless the Director approves otherwise, a service connection must be established before any plumbing work on the premises commences.

**10. Permission to Disturb Sewer**

- (1) A person may only undertake the following activities with the advance written permission of the Director:
  - (a) disturbing the surface of, or excavating in, a street for the maintenance, repair, or alteration of a service connection or public sewer main,
  - (b) disturbing or making a connection to a public sewer main on private real property for which the City has an easement or statutory right of way,
  - (c) disturbing or making a connection to a public sewer main on any private real property.

**11. Application for Hub Connection**

- (1) Where a public sewer main is laid within or across private property over which the City has an easement or statutory right of way, the owner of the property may apply to the Director for a hub connection to be made to the public sewer main, for the purpose of connecting a building sewer.
- (2) An applicant for a hub connection must pay the fee prescribed in section 3 of Schedule "A".

**12. At Cost Work**

- (1) Any person who applies to the City for work which is to be charged under this bylaw at cost, must pay the actual cost of the work as determined by the City, including the amount expended by the City for gross wages and salaries, employee fringe benefits, materials, equipment rentals at rates paid by the City or set by the City for its own equipment, administration charges, and any other expenditures incurred in doing the work.
- (2) Before the start of any work that is to be performed at cost, the Director must provide the estimated cost to the applicant, and the applicant must make an advance payment to the City in the amount estimated.
- (3) At the conclusion of the work that is performed at cost:
  - (a) the applicant must pay to the City any costs incurred by the City in performing the work over and above the estimated amount,

- (b) if the cost of the work was less than the estimated amount, the City must refund to the applicant the difference between the estimate and the total of the City's actual costs.

**13. Application for Testing Existing Service Connection**

- (1) Where an application is made to develop or redevelop a property, and the declared value of the work under the building permit application is in excess of \$100,000.00, and where a service connection has previously been constructed from a public sewer main to the property to be served, the owner must apply to have the service connection tested by City staff when:
  - (a) the service connection is not made of PVC pipe or other material that meets the City standards and specifications, or is of unknown material,
  - (b) the service connection has been in existence for more than 20 years, or
  - (c) the service connection is to be disconnected from the building sewer.
- (2) A service connection must be tested in accordance with subsection (1) before the issuance of a plumbing permit for the premises.
- (3) The owner must pay the fee prescribed in section 5 of Schedule "A" for the testing of a service connection under subsection (1).
- (4) The owner must apply for a new service connection under this bylaw where, after testing an existing service connection, the Director determines that the connection is unfit for reuse.
- (5) Where, after testing an existing service connection, the Director determines that the service would be fit for reuse after rehabilitation, the owner must pay the fee prescribed in section 6 of Schedule "A" for the lining and rehabilitation of the service connection.
- (6) The Director may determine that an existing service connection is fit for reuse after testing if in the opinion of the Director the service connection:
  - (a) has sound structural characteristics, and
  - (b) is made of PVC or other material that meets the City standards and specifications.

#### **14. Sewer Connection Fee**

- (1) An applicant for a permit to connect to an existing service connection must pay:
  - (a) the fee prescribed in section 5 of Schedule "A" for testing the service connection, and
  - (b) on an at cost basis, the cost of locating, extending, altering or repairing the existing service connection, as determined by the Director to be necessary.

#### **15. Inspection Chamber**

- (1) Every service connection must be connected to the building sewer through an inspection chamber, to be placed in the road frontage area at a point that is within 0.3 metres of the property line of the lot served, or at the end of a building sewer that extends into any statutory right of way or public sewer easement.
- (2) The inspection chamber must be accessible to the City's staff.
- (3) The City shall not be responsible to maintain or repair any part of a building sewer or service connection that extends 0.3 metres into a public right of way, or easement or statutory right of way held by the City.
- (4) A building sewer may only extend into a public right of way, or easement or statutory right of way held by the City, where that is necessary to clear a structural component of the building or premises being served.

#### **16. Testing Sewer Connection**

- (1) At the completion of construction undertaken pursuant to a building permit or plumbing permit issued by the City, the owner must arrange with a certified plumber, having CCTV equipment, for the independent inspection of the service connection that services the owner's property, to ensure its integrity and cleanliness, after first receiving permission from the Director.
- (2) For the purposes of subsection (1):
  - (a) an inspection report must be presented to the Director in digital format, in order to certify the integrity of the service connection and to ensure that no cross-connection exists,
  - (b) the inspection video produced must be of sufficient quality to

effectively reveal the condition of the service connection up to and including the connection to the public sewer main,

- (c) the inspection report must include all of the following:
  - (i) the inspection video,
  - (ii) the address of the development including a picture of the development so as to identify the location,
  - (iii) the date of inspection,
  - (iv) the location of the service connection being viewed, from the nearest property line,
  - (v) running distance along the length of the service connection,
  - (vi) type and size of connection,
  - (vii) the name of the company doing the inspection.
- (3) The owner must undertake any cleaning or repair of the building sewer or service connection that are determined by the Director to be necessary as the result of the construction activity carried out by the owner or the owner's contractors.
- (4) When one or more service connections to a property is or will be 150 mm or more in diameter, the owner must provide the City with a deposit that is equivalent to 25% of all fees payable under this bylaw for that property, as security for the owner's obligation under subsection (3).
- (5) The deposit under subsection (4) must be provided before a building permit or plumbing permit is issued for work on that property.
- (6) If the owner defaults under subsection (3), the City may utilize a security deposit provided under subsection (4) to pay for the cost of any cleaning and repair work determined by the Director to be necessary.

## **17. Discontinuing Service Connection**

- (1) The City may discontinue a service connection by installing a water tight cap or plug on the service connection at the property line, or at any location designated by the Director where:
  - (a) a building is demolished, or removed from the premises,

- (b) the foundation of a building is reconstructed, or
  - (c) the service connection is not in actual use.
- (2) For the purposes of this section 17, a service connection is considered not to be in actual use if it has not been used to convey stormwater or wastewater, as applicable, for at least 2 years.
  - (3) The owner must pay the fee prescribed in section 7 of Schedule “A” for the City’s discontinuance of a service connection to the owner’s property.
  - (4) The City does not assume any responsibility for the maintenance of a service connection that is discontinued.
  - (5) A service connection that has been discontinued may be reinstated for use upon application by the owner of the property, in which case the provisions of section 13 of this bylaw apply.

**18. Connecting to Municipal Stormwater System Prohibited**

- (1) A person must not connect, or allow to remain connected, a sanitary building sewer with a Municipal Stormwater System.

**PART 3 – WORKING IN MUNICIPAL STORMWATER SYSTEM**

**19. Approval for Work in Municipal Stormwater System**

- (1) No person shall, without the prior written approval of the Director:
  - (a) alter, repair, remove, fill in, reconstruct, divert or carry out any other works within the municipal stormwater system,
  - (b) enclose any watercourse in a drain or culvert, or
  - (c) cut or remove a tree, cut or remove vegetation, remove or deposit soil, construct or build structures, or install drainage works where the proposed activity or work is likely to impair the quality of stormwater or alter stormwater flow patterns or flow rates in a manner that is likely to increase the risk of flooding or environmental damage or interfere with the proper functioning of the municipal stormwater system.
- (2) A person who wishes to perform any work referred to in subsection (1) must submit to the Director:

- (a) a plan of the proposed work prepared by a qualified professional showing the design,
  - (b) a written report prepared by a qualified professional evaluating the potential impacts of the proposed work on the quality of stormwater and the municipal stormwater system or watercourse including changes in water flow patterns, hydraulic changes and the potential for flooding, and
  - (c) a written report prepared by a qualified professional indicating measures that the applicant will take to minimize adverse effects on the municipal stormwater system or watercourse while the work is carried out.
- (3) The Director may waive the requirement under subsection (2), if, in the opinion of the Director, the proposed works are of such a minor nature that they are unlikely to have any appreciable impact on a watercourse or on the municipal stormwater system.
- (4) The Director may approve an application under this section 19 if the Director determines that the proposed work:
- (a) will not impair the quality of stormwater, and
  - (b) will not alter stormwater flow patterns and flow rates in a manner which is likely to increase the risk of flooding or environmental damage or interfere with the proper functioning of the municipal stormwater system, then the Director may issue the approval.

#### **PART 4 – DISCHARGES TO SEWERS AND WATERCOURSES**

##### **20. Definitions**

- (1) In Part 4 of this bylaw, and in Schedules “D” to “K”, inclusive,

**"Air"** means the atmosphere but, except in a Municipal Stormwater System or a stormwater management 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:

- (a) injures or is capable of injuring the health or safety of a person,

- (b) injures or is capable of injuring property or any life form,
- (c) interferes with or is capable of interfering with visibility,
- (d) interferes with or is capable of interfering with the normal conduct of business,
- (e) causes or is capable of causing material physical discomfort to a person, or
- (f) damages or is capable of damaging the environment.

**"Biomedical Waste"** means biomedical waste as defined in the *Environmental Management Act*,

**"Business Waste"** means waste which is produced on an industrial, commercial or institutional property.

**"Carpet Cleaning Waste"** means a combination of water-carried liquid and solid waste generated as a result of hard and soft surface cleaning activities by means of liquid extraction, bonnet, absorbent compound, shampoo or dry foam method equipment and procedures.

**"Code of Practice"** means a code of practice attached to this bylaw, and listed in Schedule "E", for the discharge of wastewater by a discharging operation.

**"Colour"** means the true colour of water from which turbidity has been removed, as determined by the appropriate procedure in Standard Methods.

**"Composite Sample"** means a sample 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.

**"Condensed Water"** means water, which is produced through the process of condensation and includes condensate drainage from refrigeration equipment, air conditioning equipment and steam heating systems.

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

- (a) injures or is capable of injuring the health or safety of a person,

- (b) injures or is capable of injuring property or any life form,
- (c) interferes or is capable of interfering with the proper operation of a sewer or stormwater management facility,
- (d) causes or is capable of causing material physical discomfort to a person, or
- (e) damages or is capable of damaging the environment.

**"Development"** includes the construction of a building or structure, the placement of fill, the paving of land or any other alteration to land which causes a change to the existing drainage characteristics.

**"Engine Washing Waste"** means waste that results from the cleaning of an engine by water, steam, chemicals or other methods.

**"Fecal Coliforms"** means the portion of coliform bacteria from fecal sources, as determined by the appropriate procedure in Standard Methods

**"Grab Sample"** means a sample of water, stormwater or wastewater collected at a particular time and place.

**"Hazardous Waste"** means Hazardous Waste as defined in the *Environmental Management Act* of British Columbia or any legislation that replaces the *Environmental Management Act*.

**"Hazardous Waste Regulation"** means the Hazardous Waste Regulation enacted pursuant to the *Environmental Management Act* or any legislation that replaces the *Environmental Management Act*.

**"Oil and Grease"** means an organic substance or substances recoverable by procedures set out in Standard Methods or procedures authorized by the Director and includes, but is not limited to, hydrocarbons, esters, fats, oils, waxes, and high-molecular weight carboxylic acids.

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

**"Pesticides"** means pesticides regulated under the *Pesticide Control Act* of British Columbia.

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

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

**"Prohibited Waste"** means prohibited waste as defined in Schedule "D" to this Bylaw.

**"Radioactive Materials"** means radioactive material as defined in the *Atomic Energy Control Act* of Canada and Regulations under that Act.

**"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.

**"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 is collected and transported from the site where the waste originated by means other than discharge to a sewer including, but not limited to, holding tank waste, septic tank waste, chemical toilet contents, catch basin waste, oil and grease from interceptors or traps, and other sludges of organic or inorganic origin.

**"Uncontaminated Water"** means any water excluding stormwater but including cooling water, condensed water and water from municipal waterworks or a private water supply to which no contaminant has been added.

**"Water Quality Parameter"** means any parameter used to describe the quality of water, stormwater or wastewater.

## **21. Prohibited Discharge to Sanitary Building Sewer**

- (1) A person must not discharge or allow or cause to be discharged to a sanitary building sewer any waste of a kind or quality that contravenes the Capital Regional District Sewer Use Bylaw No. 5, 2001, as amended from time to time.

## **22. Nuisance or Damage to Municipal Sewer System**

- (1) A person must not discharge or allow or cause to be discharged into the municipal sewer system any deleterious material that, in the opinion of the Director, is likely to result in annoyance to any person, or damage or block the municipal sewer system.

- (2) A person who contravenes subsection (1) is responsible for all costs incurred by the City in the remediation of the damage or blockage.

**23. Discharges to Municipal Stormwater Systems and Watercourses**

- (1) No person shall discharge or allow or cause to be discharged into a Municipal Stormwater System or watercourse any of the following:
  - (a) domestic waste,
  - (b) trucked liquid waste,
  - (c) sanitary waste,
  - (d) business waste, or
  - (e) prohibited waste.
- (2) Despite the prohibition contained in subsection 23(1), a person may discharge into a Municipal Stormwater System or watercourse wastewater resulting from domestic activities customarily incidental to a residential use of land including:
  - (a) water resulting from natural precipitation, and drainage of such water,
  - (b) water resulting from garden and lawn maintenance, non-commercial car washing, building washing and driveway washing, and
  - (c) uncontaminated water.
- (3) Despite the prohibition contained in subsection 23(1), a person may discharge into a Municipal Stormwater System or watercourse water resulting from non-domestic activities including:
  - (a) street cleaning, hydrant and water main flushing providing that it complies with subsection (4)(c), and
  - (b) firefighting activities.
- (4) Despite the prohibition contained in subsection 23(1)(d), a person may discharge into a Municipal Stormwater System or watercourse:

- (a) water resulting from natural precipitation, and drainage of such water,
- (b) water resulting from landscaping maintenance,
- (c) uncontaminated water that does not contain residual chlorine or chloramines, and
- (d) waste from a business or other activity regulated by a Code of Practice attached to this bylaw where the discharge is carried out in accordance with the Code of Practice.

#### **24. Codes of Practice**

- (1) A person who operates a business listed in Schedule "E" must obtain the approval of the Director for the discharge of water to the municipal stormwater system in accordance with section 23 of this bylaw and this section 24.
- (2) In order to obtain approval for a discharge of water into the municipal stormwater system, a person who operates a business listed in Schedule "E" must submit to the Director a completed Code of Practice Registration Form attached as Schedule "F" to this Bylaw:
  - (a) not more than 90 days after the date of adoption of the applicable Code of Practice in the case of a discharging operation in existence on the adoption date, or
  - (b) in all other cases, not more than 30 days after the discharging operation commences to discharge into the municipal stormwater system.
- (3) As a condition of an approval for a discharge of water into the municipal stormwater system, a person who operates a business listed in Schedule "E" must operate the business in accordance with the conditions of the applicable Code of Practice to intercept and manage the quality and quantity of water before it reaches the municipal stormwater system.
- (4) It is a condition of an approval under this section 24 that a person who operates stormwater management facilities under a Code of Practice must:
  - (a) keep the facilities in good operating condition and shall service, maintain and repair the stormwater management facilities as required under the Code of Practice,

- (b) keep records of the service, maintenance and repair under paragraph (a) as proof of service as required under the Code of Practice,
  - (c) report any change in the ownership, name, location, contact person, telephone number, or fax number of the business registered under a Code of Practice to the Director within 30 days of the change by submitting a completed Code of Practice Registration Form referred to in subsection (2) showing the changes, and
  - (d) report any change in the discharging operation registered under a Code of Practice resulting in the operation no longer meeting the definition applicable to that type of discharging operation within 30 days of the change by submitting a completed Code of Practice Registration Form referred to in subsection (2) describing the changes.
- (5) If a Code of Practice establishes a requirement in relation to a specific discharging operation which differs from a provision in this Bylaw, the requirement in the Code of Practice prevails.

## **PART 5 – SEWER STOPPAGES AND CLEARANCE**

### **25. Maintenance of Building Sewer on Private Property**

- (1) An owner must maintain the building sewer and any permitted hub connection on that owner's property, in a state of good repair.
- (2) Where any stoppage occurs in a building sewer, the owner or occupier must clear the stoppage or cause the stoppage to be cleared by a plumber or licensed contractor.
- (3) The cost of clearing a stoppage in a building sewer referred to in subsection (2) must be borne by the owner of the property.

### **26. Stoppage in Service Connection on City Property**

- (1) An owner, or the owner's agent, must notify the Director and request that a service connection be cleared or unstopped where:
  - (a) a service connection has become stopped,
  - (b) the owner, owner's agent or occupier of the property served by it has engaged a plumber or a licensed contractor to clear or investigate the potential for a stoppage in the building sewer, and

- (c) the plumber or licensed contractor has reported that the building sewer is clear and that the stoppage exists in the service connection.
- (2) Upon receipt of a request for clearance of stoppage of a service connection, the Director must make or cause to be made an examination of the circumstances surrounding the stoppage.
- (3) The Director may:
  - (a) direct the owner's plumber or licensed contractor to proceed with the clearance of the stoppage if it may be effected without excavation in any street, or
  - (b) cause the clearance of the stoppage and repair of the service connection by City workers.
- (4) The actual cost of clearing and repair must be paid by the owner or occupier of the property where the Director's investigation, or the process of clearing the stoppage, discloses that the stoppage in the service connection was due to an act or omission of the owner, or to the owner having caused or permitted the entry of some foreign body, including roots from trees on the owner's property, into the service connection.
- (5) Subject to the exception stated in subsection (6), and provided the owner has complied with subsections (1) to (4), the reasonable cost of clearance, including the reasonable costs incurred by a plumber or licensed plumbing contractor in initially locating a blockage, shall be paid by the City where it is disclosed to the satisfaction of the Director, by investigation or the process of clearing the stoppage in any service connection, that the stoppage was due to a defect in the service connection.
- (6) Due to limitations on its budgetary and other resources, as a matter of policy the City shall not undertake regular or periodic inspections of service connections, or of the root systems of trees on City property, and accordingly the City will not assume any liability or responsibility for damage to building sewers caused by the incursion of roots from City trees.
- (7) The City is not liable to pay the cost of clearing or unstopping a service connection, whether the work was performed by the owner or occupier, or by that person's agent or contractor, unless the Director directed the work to be performed under subsection (3).

## **PART 6 - FEES AND CHARGES**

### **27. Sanitary Sewer Use Charge**

- (1) For the purpose of calculating the sanitary sewer use charge under subsection (2), the number of units of water used at the owner's premises is the same as determined under the Waterworks Bylaw, as it may be amended from time to time, for the equivalent billing period.
- (2) For each billing period, the owner of premises must pay a sanitary sewer use charge, calculated by multiplying the number of units of water used at the owner's premises by the unit rate prescribed in section 1 of Schedule "A" to this bylaw.
- (3) If an overflow service connection from any premises to the municipal sanitary sewer system is established:
  - (a) the overflow service connection shall be metered and continuously monitored at the owner's expense,
  - (b) the owner must present the meter readings to the Director every three months, and
  - (c) the owner must pay a sanitary sewer use charge based on the volume of sewage discharged, measured in units, multiplied by the unit rate prescribed in section 1 of Schedule "A" to this bylaw.
- (4) The Collector may render accounts for the sanitary sewer use charge under this Bylaw on the same form and at the same time as accounts under the Waterworks Bylaw and the accounts are due and payable upon receipt by the owner.
- (5) In cases where the City has rendered an account or accounts under subsection (4) in error:
  - (a) If the error has resulted in the owner being overcharged, the City shall provide a refund to the owner of the amount overcharged since the most recent of the following dates:
    - (i) the date the error occurred;
    - (ii) the date of the most recent transfer of ownership of the premises;
    - (iii) the date that is five years prior to the date upon which the City receives notice of the error;

- (b) If the error has resulted in the owner being undercharged, the City shall forfeit the amount undercharged and shall not retroactively render an account to the owner for that amount.

(6) Sanitary Sewer Use Charge for Qualifying Premises

- (a) When calculating the sanitary sewer use charge for qualifying premises, water that is used exclusively for irrigation purposes shall be excluded from the calculation where:
  - (i) the volume of sewage output from the qualifying premises is significantly less than the volume of water delivered to the premises, as a result of irrigation conducted on the premises,
  - (ii) the owner has applied to the Director for approval of an adjustment to the sewer user charge with respect to the use of water for irrigation purposes,
  - (iii) the Director has approved an application under paragraph (ii) subject to the owner's installation of a separate water service and water meter to measure the volume of water consumed for irrigation purposes only,
  - (iv) the owner installs at the owner's sole cost a separate water service with water meter that only supplies the owner's irrigation system, and makes any required modifications to existing plumbing or irrigation pipes, all to the satisfaction of the Director and in accordance with all applicable City bylaws, and
  - (v) the Director is satisfied that only water for irrigation purposes shall pass through the separate water service and water meter installed by the owner pursuant to paragraph (iv).

28. **Stormwater User Fee**

- (1) For the purpose of this section 28 and section 10 of Schedule "A" to this bylaw,

**"Arterial Street"** means a highway that is shown as an "arterial highway" on the Street Classification Map forming part of Schedule "B" to this bylaw,

**"Collector Street"** means a highway that is shown as a "collector street" on the Street Classification Map forming part of Schedule "B" to this bylaw,

**"Downtown Street"** means any highway within the downtown area, whether it would otherwise be classified as an arterial street, a local street, or a collector street,

**"Local Street"** means a highway that is shown as a "local highway" on the Street Classification Map forming part of Schedule "B" to this bylaw, and

**"Street Frontage"** means the length in metres of all boundary lines of a parcel that abut a highway (other than a lane), where the highway receives regular or periodic sweeping and street cleaning services from the City.

- (2) The owner of premises must pay a stormwater user fee, based upon the following factors, and calculated by the City in accordance with the Stormwater User Fee Calculation Table set out in section 10 of Schedule "A" to this bylaw:
  - (a) an impervious surfaces factor, based on the total area of all impervious surfaces on the parcel,
  - (b) a street cleaning factor, based on the street frontage of the parcel, and the classification of that street under subsection (3),
  - (c) an intensity code factor, based on the property classification that applies to the parcel under subsection (4),
  - (d) a codes of practice factor, where a business listed in Schedule "E" to this bylaw operates on the premises and is required to be registered in accordance with section 24(2) of this bylaw.
- (3) For the purpose of the calculation of the street cleaning factor, highways within the City are classified as follows:
  - (a) Arterial Streets,
  - (b) Collector Streets,
  - (c) Local Streets, and
  - (d) Downtown Streets.
- (4) For the purposes of the intensity code factor used to calculate the stormwater user fee, the following property classifications shall apply:
  - (a) Low Density Residential,

- (b) Multi Family Residential,
  - (c) Civic/Institutional, and
  - (d) Commercial/Industrial.
- (5) For the purpose of calculating the stormwater user fee, the Director is authorized to make the following determinations:
- (a) for the purpose of determining the impervious surfaces factor, the area of all impervious surfaces on a parcel,
  - (b) for the purpose of determining the street cleaning factor, the street frontage of each parcel, and
  - (c) for the purpose of the intensity code factor, the classification of the property under subsection (4).
- (6) The Director's determination under subsection 5(a) for other than Low Density Residential properties must be based on the orthophotos, GIS plans, building permit records and other maps and data maintained by the City for the parcel.
- (7) The Director's determination under subsection 5(a) for Low Density Residential properties must be based on the building footprint of all buildings on the property as determined from the City's building permit records and other maps and data maintained by the City for the parcel, the total of which shall be increased by three percent in order to account for walkways, driveways and other similar impervious surfaces.
- (8) If a property is used for multiple purposes such that more than one classification under subsection (4) applies, the Director may classify the property according to its primary use.
- (9) Despite subsection 2(a), the impervious surfaces factor of the stormwater user fee does not apply to a property that does not discharge stormwater directly into a public sewer main through a service connection. The owner of a property exempt from the impervious surfaces factor of the stormwater user fee pursuant to this subsection 28(9) is not eligible to participate in the rainwater management credit program established in section 29.
- (10) The stormwater user fee applicable to a public school, or to a property for which a permissive tax exemption has been granted, shall be phased in as follows:
- (a) for the first year in which the stormwater user fee is payable, the fee

payable shall be one third the amount otherwise determined in accordance with this bylaw;

- (b) for the second year in which the stormwater user fee is payable, the fee payable shall be two thirds the amount otherwise determined in accordance with this bylaw;
  - (c) for the third year in which the stormwater management fee is payable and for each subsequent year, the fee payable shall be the full amount determined in accordance with this bylaw.
- (11) Subsection 28(10) applies, in the case of a public school, only to a public school that is fully developed and in use as a public school as of the date referred to in subsection 39(2), and in the case of a property for which a permissive tax exemption has been granted, only to a property for which a permissive tax exemption has been granted that is fully developed and in use for the purpose for which the permissive tax exemption was granted as of the date referred to in subsection 39(2).
  - (12) The Collector shall render an account to the owner of each property within the City, on an annual basis, for the stormwater user fee payable by that owner for the calendar year in which the account is rendered.
  - (13) An account under subsection (12) is due and payable when it is rendered.

## **29. Rainwater Management Credits**

- (1) A rainwater management credit program is hereby established in order to provide a reduction in the stormwater user fee otherwise payable by owners who:
  - (a) construct and maintain on their property stormwater retention and water quality facilities that reduce the flow or rate of flow, or improve the quality, of stormwater that flows from their property into the municipal stormwater system;
  - (b) provide educational programs that meet the objectives and requirements for such programs as set out in section 11 of Schedule "A" to this bylaw.
- (2) The owner of property that is subject to a stormwater user fee may apply to the Director for approval of the owner's participation in the rainwater management credit program by submitting the following:
  - (a) a completed application using the form provided by the Director, and signed by the owner;

- (b) all other information required by the Director in order to process the application, including plans, specifications and other details of one or more of the following that the owner proposes to undertake or provide:
  - (i) a stormwater retention and water quality facility of a type described in the “Rainwater Best Management Practice (BMP)” column of the Rainwater Management Credit Table (a “pre-qualified facility”),
  - (ii) a stormwater retention and water quality facility that is not a pre-qualified facility, the design of which has been certified by a Qualified Professional in accordance with sub-section (f),
  - (iii) an educational or public information program that meets the requirements set out in section 11 of Schedule “A” to this bylaw,
- (c) for a stormwater retention and water quality facility that was constructed before the adoption of this bylaw, evidence satisfactory to the Director that the facility:
  - (i) meets the minimum roof area and minimum impervious area requirements for the type of facility as set out in the Rainwater Management Credit Table,
  - (ii) conforms to City standards and specifications; and
  - (iii) is in good working order;
- (d) for a new stormwater retention and water quality facility, evidence satisfactory to the Director that the facility:
  - (i) meets the minimum roof area and minimum impervious area requirements for the type of facility as set out in the Rainwater Management Credit Table, and
  - (ii) conforms to City standards and specifications;
- (e) evidence satisfactory to the Director that the stormwater retention and water quality facility will be designed and constructed in accordance with the requirements set out in the BMP (Design and Construction Requirements) Table;

- (f) for a stormwater retention and water quality facility that is not a pre-qualified facility, a Qualified Professional's certification that the facility as designed will provide stormwater retention and stormwater quality improvement outcomes that are equivalent to or better than a type of pre-qualified facility identified by the Qualified Professional, in which case the Director may approve a rainwater management credit in the amount that may be provided under this bylaw for the type of pre-qualified facility identified by the Qualified Professional;
  - (g) for an educational program, the owner's written commitment to provide the program for a period of five years.
- (3) Where the Director approves an application under subsection (2), the amount of the rainwater management credit available shall be determined in accordance with the applicable Rainwater Management Credit Table by reference to the following:
  - (a) the type of stormwater retention and water quality facility;
  - (b) for an educational program, the categorization of the program under the Rainwater Management Credit Table.
- (4) In no event shall the amount of the rainwater management credit determined for any Low Density Residential property pursuant to subsection 29(3) exceed 10% of the amount of the stormwater user fee payable for that property.
- (5) In no event shall the amount of the rainwater management credit determined for any Multi-Family Residential, Civic/Institutional, or Commercial/Industrial property pursuant to subsection 29(3) exceed 40% of the amount of the stormwater user fee payable for that property, exclusive of any educational program credit, and in no event shall the amount of the rainwater management credit determined for any Multi-Family Residential, Civic/Institutional, or Commercial/Industrial property pursuant to subsection 29(3) exceed 50% of the amount of the stormwater user fee payable for that property, inclusive of any educational program credit.
- (6) The Director may approve an application under subsection (2) subject to the following terms and conditions:
  - (a) the rainwater management credit shall be applied to the calculation of the stormwater user fee that applies to the owner's property for a maximum of five years,

- (b) in the event the title to the property is transferred, the rainwater management credit shall be cancelled unless the new owner submits a completed credit transfer application using a form approved by the Director, and signed by the new owner,
  - (c) where a rainwater management credit has been approved for a stormwater retention and water quality facility and the parcel on which the facility is located is subdivided, the rainwater management fee credit shall be cancelled,
  - (d) as an exception to the requirement for cancellation under subsection (c), the Director may approve the continuation of a rainwater management fee credit for one or more of the new parcels created by subdivision, re-calculated in accordance with the Rainwater Management Credit Table, where the owner provides proof to the Director's satisfaction that the approved stormwater retention and water quality facility will continue to service the new parcel or parcels, and in cases where the continuation of the rainwater management credit is sought for more than one parcel, where the approved stormwater retention and water quality facility servicing each parcel is entirely located on that parcel,
  - (e) where a rainwater management credit has been approved for a stormwater retention and water quality facility, the owner must at all times maintain the facility in a proper state of repair so that the facility continues to function for its intended purpose,
  - (f) where a rainwater management credit has been approved for an educational or public information program, the owner must, upon the Director's request, submit evidence to the Director's satisfaction that the owner has operated and continues to operate the program in accordance with the terms of the approved proposal,
  - (g) if the owner fails to maintain an approved stormwater retention and water quality facility in accordance with the requirements of this bylaw, or fails to provide an approved educational or public information program in the manner or for the period specified in the application, the Director may cancel the rainwater management credit.
- (7) Where the Director has approved an application for the construction of a stormwater retention and water quality facility, and before receiving a rainwater management credit, the owner must provide proof to the Director's satisfaction that the facility has been constructed and installed in accordance with the plans and specifications submitted to the Director.

- (8) The Director may inspect a stormwater retention and water quality facility to verify that the facility meets the requirements of this bylaw, in accordance with section 34 of this bylaw.
- (9) If an owner's stormwater building sewer is determined by the Director to be connected to a sanitary sewer service connection, as a condition of approval of the application, the Director may require the owner to cause the storm building sewer to be connected to a storm sewer service connection in accordance with the requirements of Part 2 of this bylaw.
- (10) If an application under subsection (2) is approved for a stormwater retention and water quality facility and the construction and installation of the facility is completed prior to June 30 in any year, a rainwater management credit determined in accordance with the Rainwater Management Credit Table will apply to the stormwater user fee payable by the owner commencing the year in which the facility is completed.
- (11) If an application under subsection (2) is approved for a stormwater retention and water quality facility and the construction and installation of the facility is completed after June 30 in any year, a rainwater management credit determined in accordance with the Rainwater Management Credit Table will apply to the stormwater user fee payable by the owner commencing the year after the year in which the facility is completed.
- (12) If an application under subsection (2) is approved for an educational or public information program and the owner begins to provide the program prior to June 30 in any year, a rainwater management credit determined in accordance with the Rainwater Management Credit Table will apply to the stormwater user fee payable by the owner commencing the year in which the program begins.
- (13) If an application under subsection (2) is approved for an educational or public information program and the owner begins to provide the program after June 30 in any year, a rainwater management credit determined in accordance with the Rainwater Management Credit Table will apply to the stormwater user fee payable by the owner commencing the year following the year in which the program begins.
- (14) An owner may apply at any time after the end of the fourth calendar year for which a rainwater management credit has been given for the renewal of the owner's participation in the rainwater management credit program.
- (15) The Director may approve a renewal under subsection (14) subject to any of the terms and conditions under subsection (6) that the Director considers are applicable to the renewal.

- (16) If a rainwater management credit is approved for a property for which the stormwater user fee is being phased in under section 28(10) of this bylaw, the amount of the rainwater management credit shall be reduced by two-thirds during the first year of the phase-in period, and by one-third during the second year of the phase-in period.
- (17) An owner who fails to maintain an approved stormwater retention and water quality facility in accordance with the requirements of this bylaw commits an offence.

**30. Multiple Occupancy (*Strata Property Act*) Premises**

- (1) If a parcel has been subdivided under the *Strata Property Act*, and all strata lots shown on the strata plan are serviced through a common water service, sanitary sewer service connection, and storm sewer service connection, then for the purpose of imposing the sanitary sewer use charge and the stormwater user fee, the Collector shall treat the strata development as a single parcel and may render the account for the sanitary sewer use charge and the stormwater user fee to the applicable strata corporation.
- (2) A rainwater management credit that is approved for a stormwater retention and water quality facility that serves multiple strata lots shall be applied as a credit to the stormwater user fee payable by the owners of the strata lots under subsection (1).
- (3) The owners of the strata lots within a strata plan are jointly and severally liable for payment of an account rendered to the strata corporation under subsection (1).

**31. Occupiers of City Owned Premises**

- (1) The Collector must render the account for the sanitary sewer use charge and the stormwater user fee directly to the occupier of premises owned by the City.

**32. Unpaid Accounts**

- (1) The following procedures apply to an account that is rendered for a sanitary sewer use charge or a stormwater user fee and that is unpaid within the time prescribed by this bylaw:
  - (a) until paid, the account is a lien or charge on the parcel to which the stormwater or sanitary sewer service was provided,

- (b) the account becomes delinquent if unpaid by December 31 of the year in which the account was rendered, and is deemed to be property taxes in arrears with interest at the prescribed rate referred to under section 245 of the *Community Charter* accruing from January 1 of the following year,
- (c) the Collector must add the amount of the taxes referred to under subsection (b) to the taxes payable on the parcel, and
- (d) the amount added under subsection (c) is a municipal tax and must be dealt with in the same manner as taxes against the parcel under the *Community Charter*.

## **PART 7 – GENERAL**

### **33. Authority of the Director**

- (1) The Director has the powers and the responsibilities for the administration of this bylaw as set out in the bylaw.
- (2) No person shall hinder or prevent the Director, a person authorized by the Director, or a bylaw enforcement officer from entering any premises or from carrying out his or her duties with respect to the administration of this bylaw.

### **34. Inspection**

- (1) In accordance with section 16 of the *Community Charter*, the Director, or a bylaw enforcement officer, may enter at all reasonable times, on any property that is subject to this bylaw to ascertain whether the regulations, prohibitions and requirements of this bylaw are being met.

### **35. Disconnection**

- (1) Where an owner or occupier discharges waste to the municipal stormwater system that is not in compliance with this bylaw, the Director may provide written notice to the owner, requiring the owner to disconnect or to plug the stormwater service connection to that property, on terms and conditions that the Director considers necessary for the protection of the municipal stormwater system.
- (2) Where the owner fails to comply with the Director's requirements under subsection (1), the Director may cause the discontinuance of the stormwater service connection, where necessary to prevent the continued or further discharge of waste to the municipal stormwater system that is not in compliance with this bylaw.

- (3) Before the Director causes discontinuance of a stormwater service connection under this section, the Director must first cause notice of the proposed discontinuance to be sent to the owner of the property and any occupier who is apparently responsible for the discharge at least 30 (thirty) days prior to the date of the proposed discontinuance.
- (4) The notice under subsection (3) may be sent by one or more of the following:
  - (a) regular mail or priority post to the most recent postal address that the Director has for the intended recipient,
  - (b) facsimile transmission to the most recent fax number the Director has for the intended recipient,
  - (c) by hand delivery to the intended recipient, or
  - (d) by notice posted on the property.
- (5) A notice sent by:
  - (a) regular mail will be considered to have been delivered 5 (five) days following posting, or
  - (b) priority post will be considered to have been delivered the day following posting.
- (6) An owner who has received a notice under subsection (3) may request that Council reconsider the decision to discontinue the stormwater service connection, within 45 days of the delivery of that notice, by delivering a written request for reconsideration to the City's Corporate Administrator.
- (7) Council must consider a request for reconsideration made under subsection (6), and must provide reasons for its decision to hold or not hold a reconsideration.

### **36. Offences and Penalties**

- (1) A person who contravenes this bylaw commits an offence and is liable upon conviction to a fine not exceeding \$10,000.00.
- (2) Each day that a violation occurs or continues shall constitute a separate offence.

### **37. Purpose**

- (1) This bylaw must be interpreted in accordance with this section despite any other provision of this bylaw.
- (2) This bylaw is enacted for the purpose of regulating the installation, maintenance, and use of the City's municipal sewer system, to establish charges for connections to and use of the City's municipal sewer system and to regulate works, activities and the discharge of waste into sewers and watercourses. The purpose of this bylaw does not extend:
  - (a) to the protection of any person from economic loss,
  - (b) to the assumption by the City of responsibility for ensuring that any discharge of water to a watercourse or the municipal stormwater system, or activity or works in relation to watercourses or the municipal stormwater system does not cause flooding, pollution or interference with the proper functioning of the municipal stormwater system, or
  - (c) to provide any person with a warranty that any discharge of water or activity or works referred to in subsection (b) will not cause flooding, pollution or other nuisance to any person.
- (3) Nothing in this bylaw shall be interpreted as relieving a person discharging water from complying with Federal, Provincial and local government enactments governing the discharge of water into Municipal Stormwater Systems and watercourses, and in the event of a conflict between the provisions of this bylaw and a Federal or Provincial enactment, the provisions of the Federal or Provincial enactment shall prevail.
- (4) The schedules annexed to this bylaw shall be deemed to be an integral part of this bylaw.
- (5) If any provision of this bylaw is found to be invalid by a Court of competent jurisdiction it may be severed from the bylaw.
- (6) The headings in this bylaw are inserted for convenience and reference only.

### **38. Repeal**

- (1) The following Bylaws are repealed:
  - (a) Bylaw No. 82-44, the Sewer Bylaw;

- (b) Bylaw No. 91-234, the Sewer User Charge Bylaw;
- (c) Bylaw No. 01-154 the Storm Water Bylaw.

**39. Commencement**

- (1) Except as provided in subsection (2), this bylaw comes into force upon its adoption.
- (2) Section 28 of this bylaw comes into force on January 1, 2016.

READ A FIRST TIME the	<b>28<sup>th</sup></b>	day of	<b>August,</b>	2014.
READ A SECOND TIME the	<b>28<sup>th</sup></b>	day of	<b>August,</b>	2014.
READ A THIRD TIME the	<b>28<sup>th</sup></b>	day of	<b>August,</b>	2014.
ADOPTED on the		day of		2014.

CORPORATE ADMINISTRATOR

MAYOR

**SCHEDULE "A"**  
**FEES AND CHARGES**

**1. Sanitary Sewer Use Charge**

The sanitary sewer use charge for each unit of water used:     \$1.08

**2. Sanitary Sewer Service and Stormwater Service Connection Fees**

1 – 100 mm	\$5500
2 – 100 mm (in same trench)	\$8500
1 – 150 mm	at cost
2 – 150 mm (in same trench)	at cost
1 – 200 mm	at cost
1 – 150 / 1 - 200 mm (in same trench)	at cost
1 – 150 / 1 – 100 mm (in same trench)	at cost
1 – 250 mm	at cost
2 – 200 mm	at cost

**3. Hub Connection Fees**

\$1000     / hub connection

**4. Dye Tests**

\$75 for one visit to a single location or site, to a maximum of one hour

**5. Sewer Service Connection Test for Reuse or Abandonment**

4 service connections or fewer	\$250/visit/site
Each additional service connection	\$100/visit/site

**6. Sewer Service Connection Rehabilitation**

1 – 100 mm	\$ 3500
1 – 150 mm	\$ 4000

**7. Sealing a Discontinued Sewer Service Connection**

\$1000 per service

**8. Special Fees and Considerations**

All connection fees are for an application for a service connection to a single property unless otherwise stated. Service connection configurations not covered

in this Schedule are subject to the Director's approval, and will be charged for "at cost".

Service connection fees under section 3 of this Schedule A include rock removal up to a depth of 1.0 m. All additional rock removal costs shall be paid by the applicant at cost.

At cost service connections must pay for all rock removal on an at cost basis. The estimated cost of rock removal shall be determined at the time rock is encountered. These costs must be paid by the applicant prior to the City continuing the installation.

All service connections larger than 100 mm, and all connections installed on Arterial Roads or within the Downtown Core: at cost

All service connections that are requested to be installed outside normal working hours, where approved by the Director will be billed for at cost.

If the applicant is performing their own restoration on their property frontage in the area of a new service installation, at their cost, the Director will allow a rebate of \$200 per service trench.

## **9. Administrative Charges**

Where work is performed at cost an administrative charge of 18% must be calculated and added to the "at cost" total.

## **10. Stormwater User Fees**

The stormwater user fee payable by an owner shall be determined by applying and totalling the four factors in the Stormwater User Fee Calculation Table below.

Stormwater User Fee Calculation Table

STORMWATER USER FEE CALCULATION TABLE			
<b>1.A IMPERVIOUS SURFACES FACTOR</b>			
			<b>Fee (per sq meter)</b>
			<b>\$0.5475</b>
<b>2.A STREET/SIDEWALK CLEANING FACTOR</b>			
			<b>Fee (per meter)</b>
Local			<b>\$1.08</b>
Collector			<b>\$3.53</b>
Arterial			<b>\$3.84</b>
Downtown			<b>\$37.83</b>
<b>2.B INTENSITY CODE FACTOR</b>			
			<b>Fee (per property)</b>
Low Density Residential			<b>\$0.00</b>
Multi Family Residential			<b>\$76.73</b>
Civic/Institutional			<b>\$78.79</b>
Commercial/Industrial			<b>\$128.98</b>
<b>2.C CODES OF PRACTICE FACTOR</b>			
			<b>Fee (per property)</b>
Required to register under Stormwater Code of Practice Schedule E			<b>\$152.97</b>

## 11. Rainwater Management Credit Program

### (a) Educational Programs

Except for a property that is used as a school, in order to qualify for a rainwater management credit an educational program for a Civic/Institutional or Commercial/Industrial property must relate to, describe and inform either the owner's employees or members of the

public about a stormwater management facility that has been approved under the Rainwater Management Credit Program, that is located on the property, and that is functional and in good working condition. A qualifying educational program may include or consist of signs, brochures, or other graphic or printed information that is located in a prominent location on the property.

For a property that is used as a school, in order to qualify for a rainwater management credit an educational program must be included in the regular curriculum and form part of the regular teaching program for the school.

(b) Calculation of Credits

Where the owner of premises applies for participation in the rainwater management credit program, and the application is approved by the Director, a percentage credit for each approved credit type will be applied to the stormwater user fee in the amount(s) set out in the following tables.

**Rainwater Management Credit Table – Low Density Residential Properties**

Rainwater Best Management Practice (BMP)	Minimum Size	Min. Roof Area (m <sup>2</sup> ) directed to BMP	Ongoing Credit
Cistern	1200L	25	10%
Infiltration Chamber		25	10%
Rain Garden		25	10%
Bioswale		25	10%
Permeable paving - no infiltration trench/piping	10 m <sup>2</sup>		10%
Permeable paving - infiltration trench/piping		25	10%

**Rainwater Management Credit Table – Multi-Family Residential, Civic/Industrial and Commercial/Industrial Properties**

	Focus	Rainwater Best Management Practice (BMP)	Minimum Roof Area (%) Directed to BMP	Minimum Other Impervious Areas (%) Directed to BMP	TOTAL CREDIT (%)
<b>Tiers B,C,D</b>	<b>Quantity</b>	Cistern - hand use/un-permitted	25	0	2.5
			50	0	5
			75	0	7.5
			90	0	10
		Cistern - plumbed/used Irrigation	25	0	5
			50	0	8.3
			75	0	11.7
			90	0	15
		Cistern - plumbed/used Indoor	25	0	10
			50	0	15
			75	0	20
			90	0	25
	<b>Quality</b>	Infiltration Chamber / Rain Garden / Bioswale	25	0	5
			50	0	10
			75	0	15
			90	0	20
			0	25	15
			25	25	17.5
			50	25	20
			75	25	22.5
			90	25	25
			0	50	20
			25	50	22.5
			50	50	25
			75	50	27.5
			90	50	30
			0	75	25
			25	75	27.5
			50	75	30
			75	75	32.5
			90	75	35
			0	90	30
			25	90	32.5
			50	90	35
			75	90	37.5
			90	90	40

In the table above, “Tier B”, “Tier C” and “Tier D” mean, respectively, properties that are classified under section 28(4) of this bylaw as Multi-Family Residential, Civic/Institutional, and Commercial/Industrial.

### Rainwater Management Credit Table – Multi-Family Residential, Civic/Industrial and Commercial/Industrial Properties

	Focus	Rainwater Best Management Practice (BMP)	Minimum Roof Area (%) Directed to BMP	Minimum Other Impervious Areas (%) Directed to BMP	TOTAL CREDIT (%)
<b>Tiers B,C,D</b>	<b>Quality</b>	Permeable paving - no infiltration trench/piping	0	25	5
			0	50	10
			0	75	15
			0	90	<b>20</b>
		Permeable paving - infiltration trench/piping no other flow received	0	25	15
			0	50	20
			0	75	25
			0	90	<b>30</b>
		Permeable paving - infiltration trench/piping other flow received	25	25	17.5
			50	25	20
			75	25	22.5
			90	25	<b>25</b>
			25	50	22.5
			50	50	25
			75	50	27.5
			90	50	<b>30</b>
			25	75	27.5
			50	75	30
			75	75	32.5
			90	75	<b>35</b>
			25	90	32.5
			50	90	35
			75	90	37.5
			90	90	<b>40</b>
		Green Roof (*extensive)	25	0	5
			50	0	10
			75	0	15
			90	0	<b>20</b>
		Green Roof (*intensive)	25	0	15
			50	0	20
			75	0	25
			90	0	<b>30</b>
<b>Tiers C,D not schools</b>	<b>Education</b>	Educate Employees	N/A	N/A	<b>5</b>
		Educate Public	N/A	N/A	<b>5</b>
<b>Schools Only</b>		Educate Students	N/A	N/A	<b>10</b>

Note: For the Education Credit (Educate Employees or Educate Public), property must have a BMP on their property and in good working condition.

In the table above, “Tier B”, “Tier C” and “Tier D” mean, respectively, properties that are classified under section 28(4) of this bylaw as Multi-Family Residential, Civic/Institutional, and Commercial/Industrial.

(c) **BMP (Design and Construction Requirements) Table**

The following table sets out additional requirements for the design and construction of stormwater retention and water quality facilities.

<b>BMP</b>	<b>DIY Build</b>	<b>Tier A Contractor Build</b>	<b>Tier B, C &amp; D Contractor Build</b>
<b>Rain Barrel</b>	1	1	N/A
<b>Cisterns - at grade</b>	1	1	2
<b>Cisterns - below grade</b>	3	3	3
<b>Cisterns - above grade</b>	3	3	3
<b>Rain Gardens</b>	1	1	2
<b>Bio Swales</b>	1	1	2
<b>Green Roof</b>	N/A	3	3
<b>Permeable Paving without Infiltration Trench/piping</b>	1	1	2
<b>Permeable Paving with Infiltration Trench/piping</b>	2	1	3
<b>Infiltration Chamber</b>	3	3	3

1 Design and construction must follow City standards and specifications.

2 Design and construction must follow City standards and specifications.  
Must be designed and installed under the supervision of a Qualified Designer.

3 Design and construction must follow City standards and specifications.  
Must be designed and installed under the supervision of a Qualified Professional.

Inspections as required at specified intervals.

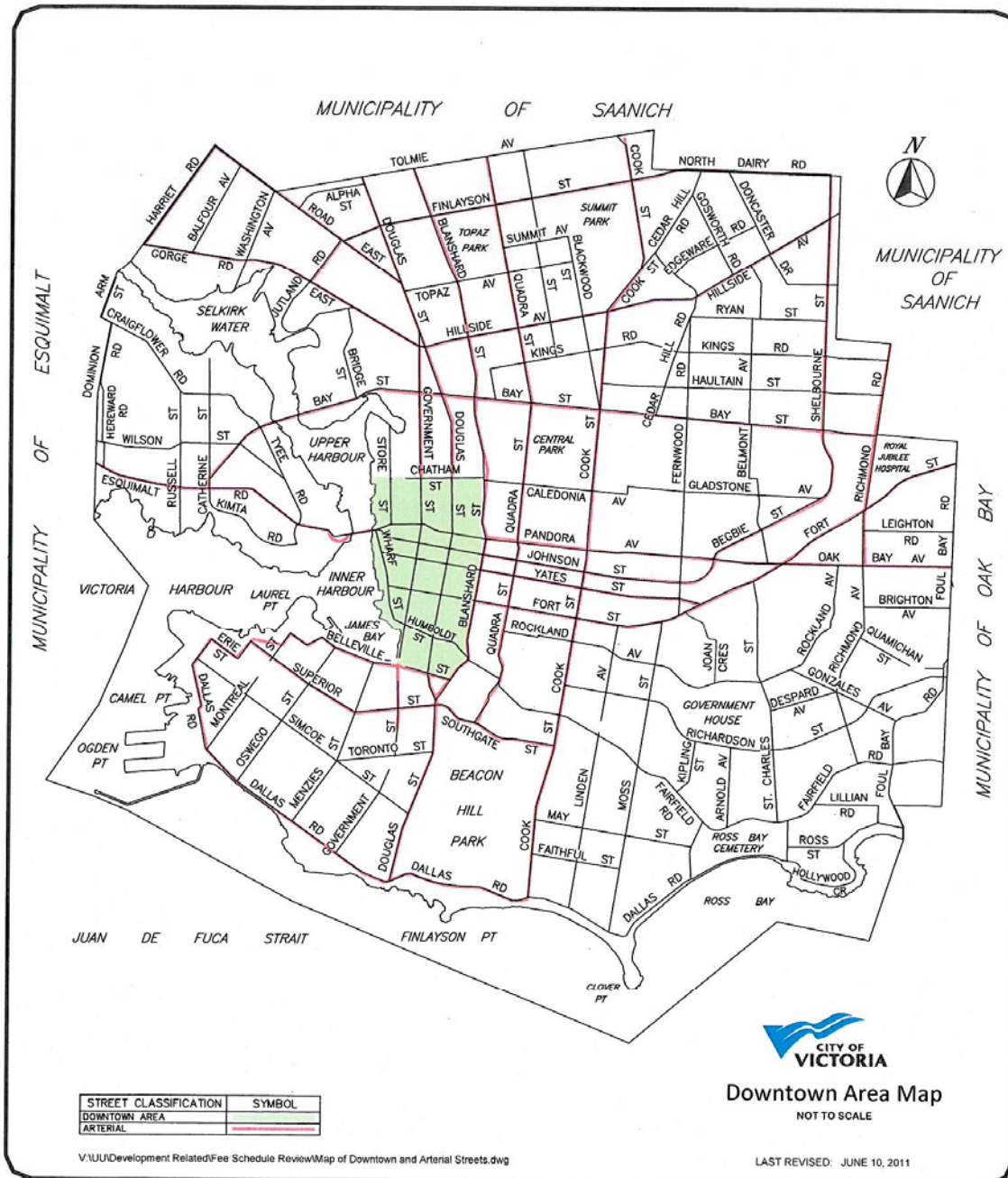
DIY Build - Owner is responsible for construction methods and adhering to design.  
Failure to do so may result in rejection at owner's expense. City assumes no responsibility for rejection or liability for damages.

In the table above:

- (a) "Tier A", "Tier B", "Tier C" and "Tier D" mean, respectively, properties that are classified under section 28(4) of this bylaw as Low Density Residential, Multi-Family Residential, Civic/Industrial and Commercial/Industrial.
- (b) "DIY Build" means that the owner of Low Density Residential property constructs or installs the stormwater retention and water quality facility themselves, without the assistance of a contractor.

## SCHEDULE "B"

### MAPS OF DOWNTOWN AREA/STREET CLASSIFICATION





### Stormwater Utility - Street Classification



Coordinate System: NAD 1983 CSRS UTM Zone 10N  
Projection: Transverse Mercator  
Map File: SWUtilityStreetClassBW 04/16/2014



0                      500                      1,000 Metres



## **SCHEDULE "C"**

### **METRIC & BRITISH/U.S. MEASUREMENT EQUIVALENTS**

#### Metric/Imperial Measurements

The (approximate) British/U.S. equivalent of the units of measure referred to in Section 2 (definition of "unit") and Section 29 of this Bylaw are given as follows:

$2.832\text{m}^3 = 100 \text{ cubic feet}$

$6.875 \text{ kilopascals} = 1 \text{ pound per square inch}$

## **SCHEDULE "D"**

### **PROHIBITED WASTE**

Prohibited Waste means:

**1. Special Waste**

Special Waste as defined by the *Waste Management Act* (British Columbia) and its Regulations or any legislation that replaces the *Waste Management Act*.

**2. Biomedical Waste**

Any Biomedical Waste.

**3. Air Contaminant Waste**

Any waste which, by itself or in combination with another substance, is capable of creating, causing or introducing an air contaminant, causing air pollution outside any Municipal Stormwater System or stormwater management facility or is capable of creating, causing or introducing an air contaminant within any Municipal Stormwater System or stormwater management facility which would prevent safe entry by authorized personnel.

**4. Flammable or Explosive Waste**

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 Municipal Stormwater System, watercourse or stormwater management facility including, but not limited to gasoline, naphtha, propane, diesel, fuel oil, kerosene or alcohol.

**5. Obstructive Waste**

Any waste which by itself or in combination with another substance is capable of obstructing the flow of, or interfering with, the operation, performance or flow of any Municipal Stormwater System, watercourse or stormwater management facility including, but not limited to earth, sand, sweepings, gardening or agricultural waste, ash, chemicals, paint, metal, glass, sharps, rags, cloth, tar, asphalt, cement-based products, plastic, wood, waste portions of animals, fish or fowl, and solidified fat.

**6. Corrosive Waste**

Any waste with corrosive properties which, by itself, or in combination with any other substance, may cause damage to any Municipal Stormwater System or

stormwater management facility or which may prevent safe entry by authorized personnel.

**7. High Temperature Waste**

- (a) Any waste which, by itself or in combination with another substance, will create heat in amounts which will interfere with the operation and maintenance of a Municipal Stormwater System or stormwater management facility,
- (b) Any waste which will raise the temperature of waste discharged by a Municipal Stormwater System, watercourse or stormwater management facility by 1 degree Celsius or more,
- (c) Any waste with a temperature of 18 degrees Celsius or more at the point of discharge.

**8. PCB's and Pesticides**

Any waste containing PCB's or pesticides.

**9. Pool Water**

Any water from a pool containing residual chlorine, chloramine, bromine or chloride.

**10. Radioactive Waste**

Any waste containing radioactive materials that, prior to the point of discharge into a Municipal Stormwater System or watercourse, exceeds radioactivity limitations as established by the Atomic Energy Control Board of Canada.

**11. pH Waste**

Any waste which, prior to the point of discharge into a Municipal Stormwater System or watercourse, has a pH lower than 6.5 or higher than 9.0 as determined by either a grab sample or composite sample.

**12. Dyes and Colouring Material**

Dyes or colouring materials which produce in a grab sample or composite sample a colour value greater than or equal to 50 true colour units, or that causes discolouration of water to such an extent that the colour cannot be determined by the visual comparison method as set out in Standard Methods except where the dye is used by a municipality or regional district as a tracer.

**13. Miscellaneous Wastes**

Any waste which by itself or in combination with another substance:

- (a) constitutes or may constitute a health or safety hazard to any person,
- (b) causes pollution in any Municipal Stormwater System, watercourse or stormwater management facility.

**14. Disinfectant Process Water**

Any water from a waterworks containing residual chlorine or chloramine remaining from the disinfection of the waterworks or any part of the waterworks but does not include water containing chlorine or chloramine ordinarily added to a supply of potable water by a municipality, the Regional District or an Improvement District.

**15. Fill**

Soil, sand, clay, gravel, rock or other material of which land is composed.

**16. Oily Wastewater**

Any wastewater that contains Total Oil and Grease as defined by Standard Methods that exceeds 15mg/L as determined by either a grab sample or a composite sample."

**17. Wastewater containing Suspended Solids**

Any wastewater that contains Suspended Solids in concentrations that would:

- (a) exceed 75 milligrams per liter as determined by either a grab sample or a composite sample, or
- (b) cause the water quality in the watercourse receiving the wastewater to exceed the maximum induced suspended sediments guidelines as set out in Table 2 in the "British Columbia Approved Water Quality Guidelines (Criteria): 1988 Edition, Updated January 17, 2001", published by the Ministry of Environment, Lands and Parks, and revised from time to time.

**18. Wastewater containing Fecal Coliforms**

Any wastewater that contains fecal coliforms in concentrations above 200 colony counts/100 mL as determined by a Grab Sample or Composite Sample.

**19. Carpet Cleaning Wastes**

Any Carpet Cleaning Waste.

**20. Waste Containing Phosphorus**

Any waste which, prior to the point of discharge into a storm sewer or watercourse, contains a total phosphorus concentration greater than 1.0 mg/L as determined by either a grab sample or composite sample.

**21. Wastewater from Garbage Containers and Restaurant Grease Containers**

Any wastewater that contains liquid waste that originates from within garbage containers over two cubic meters in volume and any size of restaurant waste grease containers.

**22. Turbidity**

Any wastewater with a turbidity that would:

- (a) exceed 50 nephelometric turbidity units (NTU) as determined by either a grab sample or a composite sample, or
- (b) cause the water quality in the watercourse receiving the wastewater to exceed the maximum induced turbidity guidelines as set out in Table 2 in the "British Columbia Approved Water Quality Guidelines (Criteria): 1998 Edition, Updated January 17, 2001" published by the Ministry of Environment, Lands and Parks.

**23. Engine Washing Wastes**

Any engine washing waste.

**24. Chloride**

Any waste which, prior to the point of discharge into a storm sewer or watercourse, contains a chloride concentration greater than 1000 mg/L as determined by either a grab sample or composite sample.

## **SCHEDULE "E"**

### **LIST OF BUSINESS CLASSIFICATIONS SUBJECT TO A CODE OF PRACTICE**

The following Codes of Practice have been adopted by the City of Victoria.

<b>Business Classification Subject to a Code of Practice</b>	<b>Appended to this Bylaw as Schedule</b>
1. Construction and Development Activities	"G"
2. Automotive Operations and Parking Lot Operations	"H"
3. Recreation Facilities	"I"
4. Outdoor Storage Yard Operations	"J"
5. Recycling Operations	"K"

## SCHEDULE "F"

### CODE OF PRACTICE REGISTRATION FORM

The following is an application to register a discharging operation under a CODE OF PRACTICE as outlined in City of Victoria Sewer Utilities Bylaw No. xx-xxx or to change or cancel an existing registration. This application is to be filed with the Director, at the above address, within 90 days of the City of Victoria Council adoption of the Code of Practice for a specific sector or within 30 days of a operation commencing discharge into the municipal stormwater system. To apply for a change of information or cancellation of an existing registration, an application is to be filed with the Director within 30 days of the date on which the applied changes will take affect at the operation.

**1. Operation Name (name of company, partnership or individual or institution)**

Company Name: \_\_\_\_\_

**2. Request**

The Company hereby applies to (check one of the main sections and any applicable sub-sections):

- ☐ Register as a discharging operation under one or more of the following Codes of Practice:

Check applicable code(s) below:

- ☐ Schedule G Construction and Development Activities  
☐ Schedule H: Automotive Operations and Parking Lot Operations  
☐ Schedule I: Recreation Facilities  
☐ Schedule J: Outdoor Storage Yard Operations  
☐ Schedule K; Recycling Operations

- ☐ Change existing Code of Practice registration # \_\_\_\_\_

Reason for change: \_\_\_\_\_  
\_\_\_\_\_

- ☐ Cancel existing Code of Practice registration # \_\_\_\_\_

Reason for cancellation: \_\_\_\_\_  
\_\_\_\_\_

**3. Registrant Information (Complete All)**

Company Name: \_\_\_\_\_

Located at:

Suite Number: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Mailing Address (if different from above):

Suite Number: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ Postal Code: \_\_\_\_\_

#### 4. Contact Information

##### Owner

Name: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ email: \_\_\_\_\_

##### Facility Manager

Name: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ email: \_\_\_\_\_

#### 5. Declaration

***I hereby acknowledge that the information on this form is correct to the best of my knowledge.***

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name (print): \_\_\_\_\_ Title: \_\_\_\_\_

## SCHEDULE "G"

### CODE OF PRACTICE FOR CONSTRUCTION AND DEVELOPMENT ACTIVITIES

#### 1.0 APPLICATION

- 1.1 This code of practice describes the terms and conditions for the discharge of wastewater from construction or development activities into the municipal stormwater system and is adopted under the authority of section 8(3)(a) of the *Community Charter*.
- 1.2 The following activities are exempt from this code of practice:
- (a) excavation for cemetery graves,
  - (b) well drilling,
  - (c) interior demolition and construction,
  - (d) normal farm practices,
  - (e) mining,
  - (f) landscaping activities.
- 1.3 In this code of practice:
- (a) **"Alteration of Land"** means the removal of vegetation from more than 10% of the area of the property or the excavation or addition of more than 20 cubic meters of soil within a 12-month period.
  - (b) **"Construction or Development Activity"** means the alteration of land, construction and alteration of buildings and structures, and demolition of buildings and structures by any commercial, industrial or institutional operation or by a public authority, but does not include agricultural activities.
  - (c) **"Equipment Washing Activities"** means any activity that involves washing the exterior of a self-propelled piece of equipment or motor vehicle.
  - (d) **"Fuel Storage Tank"** means a tank designed to hold more than 25 litres of fuel, but does not include fuel tanks in or affixed to motor vehicles.
  - (e) **"Landscaping Activities"** means the installation and maintenance of vegetation and non-structural features in the unpaved areas of the

property, but does not include excavation of over 20 cubic meters of soil or removal of vegetation from less than 10% of the area of the property within a 12-month period.

- (f) **“Operator”** means the owner of the land or an appointed designate responsible for the site or activities on the site.
- (g) **“Sampling Point”** means a location where a representative sample of the discharge may be collected.
- (h) **“Spill”** means a release or discharge into the site drainage system or municipal stormwater system of a substance that causes or may cause the stormwater discharge from the site to exceed the restrictions specified in Schedule “D”, but does not include the release or discharge of suspended solids.
- (i) **“Storage Containment Area”** means an area with a containment system constructed of an impervious material and designed to prevent the release of a liquid material stored in a primary container from entering the municipal stormwater system in the case of a spill or rupture of the primary container.
- (j) **“Stormwater Rehabilitation Plan”** means works, technology, or procedures that will result in stormwater that meets the restrictions specified in Schedule “D” of this bylaw under the conditions of a storm event that results in rainfall of 12.5 mm per hour.
- (k) **“Stormwater Rehabilitation Works”** means works or technology installed or operated under a stormwater rehabilitation plan for a stormwater collection system connected to a municipal stormwater system.

## **2.0 DISCHARGE REGULATIONS**

2.1 An operator of a construction or development activity must not discharge wastewater which, at the point of discharge into the municipal stormwater system contains:

- (a) prohibited wastes as defined in Schedule “D”,
- (b) water that accumulates in any fuel or storage tank, with the exception of water storage tanks and other tanks that have been properly cleaned to remove residual contaminants,
- (c) water that accumulates in a storage containment area,
- (d) water containing cement or concrete,

- (e) wash and rinse water from equipment washing activities, with the exception of wash and rinse water on lands that are designated as a quarantine area under the Golden Nematode Order (SOR/80-260) issued under the federal *Plant Protection Act*.
- 2.2 An operator of a construction or development activity that discharges wastewater, other than stormwater from roof drains and perimeter drains, into the municipal stormwater system must implement a stormwater rehabilitation plan to ensure that the discharge quality meets the restrictions specified in Schedule "D".
- 2.3 Stormwater rehabilitation works installed under a stormwater rehabilitation plan, as required under Section 2.2, must include a sampling point prior to discharge into the municipal stormwater system.
- 2.4 An operator of a construction or development activity must ensure that a sampling point, if required under Section 2.3, is readily and easily accessible for inspection.
- 2.5 An operator of a construction or development activity must not dispose of solids or other material accumulated in any stormwater rehabilitation works into the municipal stormwater system.
- 2.6 An operator of a construction or development activity:
  - (a) must inspect the stormwater rehabilitation works at least once per week to verify that the stormwater rehabilitation works are in good operating condition,
  - (b) must inspect the stormwater rehabilitation works at least once per day during a day with precipitation to verify that the stormwater rehabilitation works are in good operating condition,
  - (c) must demonstrate due diligence to mitigate the impacts and restore the stormwater rehabilitation works to good operating condition if the stormwater rehabilitation works are found to be not operating as designed.
- 2.7 An operator of a construction or development activity, except for construction on a municipal roadway under a valid permit, must ensure that silt, soil, sand, gravel and other granular material is not deposited onto roadways or other property owned by the municipality.

### **3.0 SPILL PREVENTION AND RESPONSE**

- 3.1 An operator of a construction or development activity must ensure that hazardous materials and hazardous wastes, not otherwise regulated under the Fire Code or

the *Environmental Management Act*, in amounts over 25 kg or 25 litres, be stored in a manner that will prevent the discharge of spilled material into the municipal stormwater system.

- 3.2 An operator of a construction or development activity must prepare a spill response plan suitable for the site.
- 3.3 The spill response plan must:
  - (a) specify the response for containment and clean-up of all spills,
  - (b) define the roles and responsibilities of the operations personnel for spill response,
  - (c) include contact names and telephone numbers for appropriate agencies, and
  - (d) provide a checklist of spill response equipment and supplies.
- 3.4 An operator of a construction or development activity must keep a copy of the spill response plan, required under Section 3.2, at the site and available for inspection by the Director or bylaw enforcement officer.
- 3.5 In the event of a spill, an operator of a construction or development activity must immediately implement the provisions of the spill response plan specified in sections 3.2 and 3.3, when safe to do so to prevent or discontinue the discharge of spilled material from entering into the municipal stormwater system. Where there is potential for the spill to enter either the municipal stormwater system or watercourse, the Director must immediately be notified.
- 3.6 During a spill response, an operator of a construction or development activity who operates stormwater rehabilitation works must inspect the stormwater rehabilitation works for spilled material.
- 3.7 If an operator of a construction or development activity detects or observes spilled material in the stormwater rehabilitation works that may cause the discharge to exceed the restrictions specified in Schedule "D", then the operator of the construction or development activity must remove the spilled material immediately or cease discharge to the municipal stormwater system until the material has been removed.
- 3.8 An operator of a construction or development activity must keep the spill response equipment and supplies identified in the spill response plan specified in sections 3.2 and 3.3 at the location of the construction or development activity and readily available at all times.

#### **4.0 RECORD KEEPING AND RETENTION**

- 4.1 An operator of a construction or development activity must keep a record of all inspection and maintenance activities in relation to the stormwater rehabilitation works, including:
- (a) the date of inspection or maintenance,
  - (b) a description of maintenance conducted, and
  - (c) a description of the disposition of the material removed from the stormwater rehabilitation works, including name and address of any disposal or recycling companies receiving the material.
- 4.2 An operator of a construction or development activity must keep a record of all spills, including:
- (a) the date of spill,
  - (b) the type of material spilled,
  - (c) the quantity of material spilled, and
  - (d) the spill response action.
- 4.3 The records required under sections 4.1 and 4.2 shall be retained for a period of two years and shall be available for inspection by a bylaw enforcement officer or the Director.

## SCHEDULE "H"

### CODE OF PRACTICE FOR AUTOMOTIVE AND PARKING LOT OPERATIONS

#### 1.0 APPLICATION

1.1 This code of practice describes the terms and conditions for discharge of wastewater from automotive operations and parking lot operations into a municipal stormwater system, and is adopted under the authority of section 8(3)(a) of the *Community Charter*.

1.2 In this code of practice:

- (a) **"Automotive Operation"** means sales, rental, service, fueling, repair, or maintenance of vehicles by any commercial, industrial or institutional operation or by a public authority and includes incidental vehicle wash operations,
- (b) **"Cleaned Out"** means to have the settled material and floating material collected in the stormwater rehabilitation unit removed and disposed in a manner that meets all regulations,
- (c) **"Display Vehicle Rinse Operation"** means the rinsing of the exterior of a vehicle while the vehicle is located in a display area by any vehicle dealership,
- (d) **"Drive Through Lane"** means an area for vehicles for customer service provided to a customer while the customer remains within a motor vehicle,
- (e) **"Operator"** means the owner of the business responsible for the activities on the site or an appointed designate in charge of the site and subsequent activities,
- (f) **"Parking Lot Operation"** means the provision of one or more drive through lanes or spaces (covered or uncovered) to store an unattended vehicle by any multi-family residential, commercial, industrial or institutional operation or by a public authority, but does not include roads and streets, or properties that have fewer than 10 parking spaces,
- (g) **"Sampling Point"** means a location where a representative sample of the discharge into the municipal stormwater system may be collected,
- (h) **"Spill"** means a release or discharge into the storm sewer or watercourse of a substance that causes or may cause the stormwater discharge from the site to exceed the restrictions specified in Schedule "D",

- (i) **"Storage Containment Area"** means an area with a containment system constructed of an impervious material and designed to prevent the release of a liquid material stored in a primary container from entering the municipal stormwater system in the case of a spill or rupture of the primary container,
- (j) **"Stormwater Rehabilitation Unit"** means works or technology that will achieve a stormwater quality that meets the restrictions specified in Schedule "D" of this bylaw under the conditions of a storm event of 12.5 mm/hour,
- (k) **"Vehicle"** means a vehicle as defined under the *Motor Vehicle Act* as amended from time to time,
- (l) **"Vehicle Wash Operation"** means the washing of the exterior of a vehicle but does not include a display vehicle rinse operation.

## 2.0 DISCHARGE REGULATIONS

2.1 An operator of an automotive operation or parking lot operation must not discharge wastewater which, at the point of discharge into the municipal stormwater system, contains:

- (a) water that accumulates in any fuel or storage tank, with the exception of water storage tanks and other tanks that have been properly cleaned to remove residual contaminants,
- (b) water that accumulates in a storage containment area,
- (c) rinse water from equipment and parts that have been washed in solvent,
- (d) wash and rinse water from interior floor washing activities,
- (e) wash water from an automotive operation that could cause the discharge to exceed the levels in Schedule "D" of this bylaw,
- (f) liquid waste from uncovered storage areas that contain used auto parts and other stored materials that may contribute contaminants and that could cause the discharge to exceed the levels in Schedule "D" of this bylaw.

2.2 An operator of an automotive operation or parking lot operation that commences operation after the date of adoption of this code of practice and which discharges wastewater other than stormwater from roof drains into the municipal stormwater system must install and maintain one or more stormwater rehabilitation units to treat the collected stormwater prior to discharge.

- 2.3 An operator of an automotive operation or parking lot operation operating on the date of adoption of this code of practice which does not have a stormwater rehabilitation unit and which discharges wastewater other than stormwater from roof drains into the municipal stormwater system, must install, within three years of adoption of this code, one or more stormwater rehabilitation units to treat the collected stormwater prior to discharge.
- 2.4 A stormwater rehabilitation unit installed under sections 2.2 and 2.3 must:
- (a) ensure that the discharge into the municipal stormwater system is equipped with a sampling point, and
  - (b) have the sampling point readily and easily accessible at all times for inspection.
- 2.5 An operator of an automotive operation or parking lot that has a stormwater rehabilitation unit that does not have a sampling point on the date of adoption of this code of practice must install a sampling point within two years of the date of adoption of this code of practice.
- 2.6 An operator of an automotive operation or parking lot operation who installs a stormwater rehabilitation unit on or after the date of adoption of this code of practice must locate the stormwater rehabilitation unit so that it is readily and easily accessible for inspection and maintenance.
- 2.7 An operator of an automotive operation or parking lot operation subject to sections 2.2 or 2.3 must ensure that all stormwater, with the exception of stormwater from roof drains and perimeter drains, from the automotive operation or parking lot operation is directed to one or more stormwater rehabilitation units before being discharged into the municipal water system.
- 2.8 An operator of an automotive operation or parking lot operation must not dispose of oil and grease, solids or other material accumulated in a stormwater rehabilitation unit into the municipal stormwater system.
- 2.9 An operator of an automotive operation or parking lot operation must not use or permit the use of intentional high volume flows, chemical agents, solvents, hot water or other agents to facilitate the passage of oil and grease through a stormwater rehabilitation unit.
- 2.10 An operator of an automotive operation or parking lot operation:
- (a) must not permit floating oil and grease to accumulate in the stormwater rehabilitation unit in excess of 75% of the design capacity of the stormwater rehabilitation unit,

- (b) must not permit the settled solids to accumulate in the stormwater rehabilitation unit in excess of 75% of the design capacity,
- (c) must inspect the stormwater rehabilitation unit and measure the accumulated solids and floating oils at least once every 12 months to verify the requirements under (a) and (b),
- (d) must clean or cause the cleaning of the stormwater rehabilitation unit within seven working days of determining that any levels prescribed in section (a) or (b) have been exceeded.

### **3.0 SPILL PREVENTION AND RESPONSE**

- 3.1 An operator of an automotive operation or parking lot operation must ensure that solvents, antifreeze, oil, automotive liquids and other hazardous materials be stored within a secondary spill containment system to prevent the discharge of spilled material into the municipal stormwater system if:
  - (a) the materials are stored at ground level, and
  - (b) the materials are stored in containers over 50 litres, and
  - (c) the materials are not contained in permanent engineered containers that are protected from vehicle contact, and
  - (d) the storage of the materials is not otherwise regulated by an enactment.
- 3.2 An operator of an automotive operation or parking lot operation operating on the date of adoption of this code of practice must prepare a spill response plan within six (6) months after the date of adoption of this code of practice.
- 3.3 An operator of an automotive operation or parking lot operation that commences operation after the date of adoption of this code of practice must prepare a spill response plan within 60 days of commencing operation.
- 3.4 The spill response plan must:
  - (a) specify the response for containment and clean-up of all spills of hazardous material,
  - (b) define the roles and responsibilities of the operations personnel for spill response,
  - (c) include contact names and telephone numbers for appropriate agencies, and

- (d) provide a checklist of spill response equipment and supplies.
- 3.5 In the event of a spill, an operator of an automotive or parking lot operation must immediately implement the provisions of the spill response plan specified in sections 3.2 and 3.3, when safe to do so to prevent or discontinue the discharge of spilled material from entering into the municipal stormwater system. Where there is potential for the spill to enter either the municipal stormwater system or watercourse, the Director must immediately be notified.
- 3.6 As part of a spill response plan, an operator of an automotive operation or parking lot operation who operates a stormwater rehabilitation unit must inspect the stormwater rehabilitation unit for spilled material within four hours after a spill has been detected.
- 3.7 An operator of an automotive operation must keep spill prevention and clean-up equipment and supplies at the business location and in stock at all times.
- 3.8 An operator of an automotive or parking lot operation must keep the spill response equipment and supplies identified in the spill response plan specified in sections 3.2 and 3.3 at the location of the automotive or parking lot operation and readily available at all times.

#### **4.0 RECORD KEEPING AND RETENTION**

- 4.1 An operator of an automotive operation or parking lot operation must keep a record of all inspection and maintenance activities in relation to the stormwater rehabilitation unit, including:
  - (a) the date of inspection or maintenance,
  - (b) a description of maintenance conducted, and
  - (c) the name and address of the disposal or recycling company or facility handling the material removed from the stormwater rehabilitation unit.
- 4.2 An operator of an automotive operation or parking lot operation must keep a record at the automotive operation of all spills, including:
  - (a) the date of spill,
  - (b) the type of material spilled,
  - (c) the quantity of material spilled, and
  - (d) the spill response action.

- 4.3 An operator of an automotive operation or parking lot operation must keep the spill response plans required under sections 3.2 and 3.3 available for inspection by a bylaw enforcement officer or the Director.
- 4.4 The records required under sections 4.1 and 4.2 shall be retained for a period of two years and shall be available for inspection by a bylaw enforcement officer or the Director.

## SCHEDULE "I"

### CODE OF PRACTICE FOR RECREATION FACILITIES

#### 1.0 APPLICATION

- 1.1 This code of practice describes the terms and conditions for discharge of wastewater from recreation facility operations into a municipal stormwater system, and is adopted under the authority of section 8(3)(a) of the *Community Charter*.
- 1.2 This code of practice does not apply to a recreation facility operation within a hotel, motel or other business that provides accommodation to the traveling or vacationing public.
- 1.3 In this code of practice:
- (a) **"Ice Paint"** means a substance added to ice to impart a colour or otherwise alter the visual properties of ice.
  - (b) **"Ice"** and **"Ice Surface"** means ice maintained for recreational activities.
  - (c) **"Operator"** means the owner of the business responsible for the activities on the site or an appointed designate in charge of the site and subsequent activities.
  - (d) **"Recreation Facility Operation"** means any local government, educational institution or commercial facility containing one or more of the following: ice arena, curling rink, water park or pool.
  - (e) **"Spill"** means a release or discharge into the municipal stormwater system of a substance that causes or may cause the stormwater discharge from the site to exceed the restrictions specified in Schedule "D".
  - (f) **"Stormwater Rehabilitation Unit"** means works or technology that will achieve a stormwater quality that meets the restrictions specified in Schedule "D" of this bylaw under the conditions of a storm event of 12.5 mm/hr.

#### 2.0 DISCHARGE REGULATIONS

- 2.1 An operator of a recreation facility operation must not discharge wastewater which, at the point of discharge into the municipal stormwater system, contains:
- (a) any pool water that would cause the discharge to exceed the levels in Schedule "D" of this bylaw,

- (b) wastewater from the back-flushing of pool filters that would cause the discharge to exceed the levels in Schedule "D" of this bylaw,
  - (c) melted ice water that would cause the discharge to exceed the levels in Schedule "D" of this bylaw.
- 2.2 An operator of a recreation facility operation that commences operation after the date of adoption of this code of practice and which discharges wastewater other than stormwater from roof drains into the municipal stormwater system must install and maintain one or more stormwater rehabilitation units to treat the collected wastewater prior to discharge.
- 2.3 An operator of a recreation facility operation operating on the date of adoption of this code of practice which does not have a stormwater rehabilitation unit must install one or more stormwater rehabilitation units within three years of adoption of this code.
- 2.4 A stormwater rehabilitation unit installed under sections 2.2 and 2.3 must:
  - (a) ensure that the discharge into the municipal stormwater system is equipped with a sampling point, and
  - (b) have the sampling point readily and easily accessible at all times for inspection.
- 2.5 An operator of a recreation facility operation that has a stormwater rehabilitation unit that does not have a sampling point on the date of adoption of this code of practice must install a sampling point within two years of the date of adoption of this code of practice.

### **3.0 SPILL PREVENTION AND RESPONSE**

- 3.1 An operator of a recreation facility operation operating on the date of adoption of this code of practice must prepare a spill response plan by six months after the date of adoption of this code of practice.
- 3.2 An operator of a recreation facility operation that commences operation after the date of adoption of this code of practice must prepare a spill response plan within 60 days of commencing operation.
- 3.3 The spill response plan must:
  - (a) specify the response for containment and clean-up of all spills of hazardous material,

- (b) define the roles and responsibilities of the operations personnel for spill response,
  - (c) include contact names and telephone numbers for appropriate agencies, and
  - (d) provide a checklist of spill response equipment and supplies.
- 3.4 An operator of a recreation facility operation must keep a copy of the spill response plan, required under Sections 3.1 and 3.2 at the site and available for inspection by the Director or bylaw enforcement officer.
- 3.5 In the event of a spill, an operator of a recreation facility operation must immediately implement the provisions of the spill response plan specified in sections 3.2 and 3.3, when safe to do so to prevent or discontinue the discharge of spilled material from entering into the municipal stormwater system. Where there is potential for the spill to enter either the municipal stormwater system or watercourse, the Director must immediately be notified.
- 3.6 An operator of a recreation facility operation storing one or more of the following:
- (a) chemicals required for the treatment of pool water,
  - (b) refrigerant used in the refrigeration process,
  - (c) coolant that is used in the ice surface refrigeration system, and
  - (d) ice paint

must ensure that the materials are stored within a spill containment system that is designed to prevent the spill of such a substance into the municipal stormwater system.

#### **4.0 RECORD KEEPING AND RETENTION**

- 4.1 An operator of a recreation facility operation must keep a record of all inspection and maintenance activities in relation to the stormwater rehabilitation unit, including:
- (a) the date of inspection or maintenance,
  - (b) a description of maintenance conducted, and
  - (c) the name and address of the disposal or recycling company or facility handling the material removed from the stormwater rehabilitation unit.

- 4.2 An operator of a recreation facility operation must keep a record of all spills including:
- (a) the date of spill,
  - (b) the type of material spilled,
  - (c) the quantity of material spilled, and
  - (d) the spill response action.
- 4.3 An operator of a recreation facility operation must keep the spill response plans required under sections 3.1 and 3.2 available for inspection by a bylaw enforcement officer or the Director.
- 4.4 The records required under sections 4.1 and 4.2 shall be retained for a period of two years and shall be available for inspection by a bylaw enforcement officer or the Director.

## SCHEDULE "J"

### CODE OF PRACTICE FOR OUTDOOR STORAGE YARD OPERATIONS

#### 1.0 APPLICATION

- 1.1 This code of practice describes the terms and conditions for discharge of wastewater from outdoor storage yard operations into a municipal stormwater system and is adopted under the authority of section 8(3)(a) of the *Community Charter*.
- 1.2 The following activities are exempt from this code of practice:
- (a) automotive operations covered under Schedule "H" of this bylaw,
  - (b) storage of materials on a construction site,
  - (c) normal farm practices,
  - (d) storage of recyclable materials by an outdoor storage yard operation,
  - (e) storage of materials or equipment that poses no risk of a discharge to the municipal stormwater system contravening Schedule "D" of the bylaw, and
  - (f) temporary storage of materials or equipment that are not ordinarily stored on the site, provided that such storage does not exceed a period of 30 continuous days within any one calendar year.
- 1.3 In this code of practice:
- (a) **"Automotive Operation"** means sales, rental, service, fueling, repair or maintenance of vehicles by any commercial, industrial or institutional operation or by a public authority and includes vehicle wash operations.
  - (b) **"Cleaned Out"** means to have the settled material and floating material collected in the stormwater rehabilitation unit removed and disposed in a manner that meets all regulations.
  - (c) **"Enclosed Building"** means a structure totally enclosed by walls that extend from the foundation to the roof so as to prevent the ingress of precipitation and the egress of wastewater and spills to the municipal stormwater system.
  - (d) **"Operator"** includes the owner of the outdoor storage yard operation and includes any person who has been authorized by the owner to act as his, her or its agent.

- (e) **"Outdoor Storage Yard Operation"** means any commercial, industrial or institutional operation or an operation by a public authority that stores materials or equipment outside of an enclosed building.
- (f) **"Recycling Operation"** means any commercial, industrial or institutional operation or an operation by a public authority that receives recyclable materials for storage, processing, sorting and consolidating.
- (g) **"Recyclable Material"** means a product or substance that has been diverted from disposal and satisfies at least one of the following criteria:
  - i) is managed as a marketable commodity with an established market by the owner or operator of a site,
  - ii) is being used in the manufacture of a new product that has an established market or is being processed as an intermediate stage of an existing manufacturing process, or
  - iii) has been identified as a recyclable material in the Capital Regional District Solid Waste Management Plan.
- (h) **"Sampling Point"** means a location where a representative sample of the discharge into the municipal stormwater system may be collected.
- (i) **"Spill"** means a release or discharge of a substance that causes or may cause the stormwater discharge from the site to exceed the restrictions specified in Schedule "D" of the bylaw.
- (j) **"Spill Containment"** means any impervious structure that surrounds a container or works that is sufficient to hold the larger of:
  - i) 110% of the largest volume of free liquid in the container or works, or
  - ii) 25% of the total volume of free liquid in storage.
- (k) **"Stormwater Rehabilitation Unit"** means works or technology that will achieve a stormwater quality that meets the restrictions specified in Schedule "D" of this bylaw under the conditions of a storm event of 12.5mm/hr.

## 2.0 DISCHARGE REGULATIONS

- 2.1 An operator of an outdoor storage yard operation must not discharge wastewater which, at the point of discharge into the municipal stormwater system, contains:

- (a) water that has accumulated in a spill containment area,
  - (b) untreated wash and rinse water from the cleaning of stored materials or equipment that does not meet Schedule "D" of the bylaw,
  - (c) wash and rinse water from interior floor washing activities, or
  - (d) fluids and fuels from vehicles, machinery or equipment.
- 2.2 An operator of an outdoor storage yard operation that commences operation after the date of adoption of this code of practice and that discharges wastewater, other than stormwater from roof drains and perimeter drains, into the municipal stormwater system must install and maintain one or more stormwater rehabilitation units to treat the collected stormwater prior to discharge.
- 2.3 An operator of an outdoor storage yard operation operating on the date of adoption of this code of practice and that discharges wastewater, other than stormwater from roof drains and perimeter drains, into the municipal stormwater system must install and maintain one or more stormwater rehabilitation units to treat the collected stormwater prior to discharge.
- 2.4 An operator of an outdoor storage yard operation who installs a stormwater rehabilitation unit under sections 2.2 or 2.3 must install a sampling point.
- 2.5 An operator of an outdoor storage yard operation that has a stormwater rehabilitation unit which does not have a sampling point on the date of adoption of this code of practice must install a sampling point within two years from the date of adoption of this code of practice.
- 2.6 An operator of an outdoor storage yard operation must ensure sampling points specified in sections 2.4 and 2.5 are easily accessible at all times for use and inspection.
- 2.7 An operator of an outdoor storage yard operation who installs a stormwater rehabilitation unit on or after the date of adoption of this code of practice must locate the stormwater rehabilitation unit so that it is easily accessible for inspection and maintenance.
- 2.8 An operator of an outdoor storage yard operation subject to sections 2.2 or 2.3 must ensure that all stormwater, with the exception of stormwater from the storage yard operation, other than roof drains and perimeter drains, is directed to one or more stormwater rehabilitation units before being discharged into the municipal stormwater system.

- 2.9 An operator of an outdoor storage yard operation must not discharge oil and grease, solids or other material accumulated in a stormwater rehabilitation unit into the municipal stormwater system.
- 2.10 An operator of an outdoor storage yard operation must not use or permit the use of intentional high volume flows, chemical agents, solvents, hot water or other agents to facilitate the passage of oil and grease, solids or other material through a stormwater rehabilitation unit.
- 2.11 An operator of an outdoor storage yard operation:
- (a) must not permit floating oil and grease or other floating material to accumulate in the stormwater rehabilitation unit in excess of 75% of the design capacity of the stormwater rehabilitation unit,
  - (b) must not permit the settled solids to accumulate in the stormwater rehabilitation unit in excess of 75% of the design capacity,
  - (c) must inspect the stormwater rehabilitation unit and measure the accumulated solids and floating oils at least once every six months to verify the requirements under (a) and (b),
  - (d) must have the stormwater rehabilitation unit cleaned out within seven working days of determining that any levels prescribed in section (a) or (b) have been exceeded, and
  - (e) must have the stormwater rehabilitation unit cleaned out at least once every 12 months.

### **3.0 SPILL PREVENTION AND RESPONSE**

- 3.1 An operator of an outdoor storage yard that involves the storage of fertilizers, pesticides, solvents, antifreeze, lead-acid batteries, oil, gasoline, diesel, fuel oil, transmission fluid, brake fluid and/or automotive fluids, the storage of which is not otherwise regulated under the Fire Code, *Environmental Management Act* or any other enactment, must install spill containment for these materials.
- 3.2 An operator of an outdoor storage yard operation operating on the date of adoption of this code of practice must prepare a spill response plan by [six months after the Date of Adoption of code of practice.
- 3.3 An operator of an outdoor storage yard operation that commences operation after the date of adoption of this code of practice must prepare a spill response plan within 60 days of commencing operation.
- 3.4 The spill response plan must:

- (a) specify the response for containment and cleanup of all spills of all materials present at the property that could cause the discharge to exceed the restrictions defined in Schedule "D" of the bylaw,
  - (b) define the roles and responsibilities of the operations personnel for spill response,
  - (c) include contact names and telephone numbers for appropriate agencies, and
  - (d) provide a check-list of spill response equipment and supplies.
- 3.5 In the event of a spill, an operator of an outdoor storage yard operation must immediately implement the provisions of the spill response plan specified in sections 3.2 and 3.3, when safe to do so, to prevent or discontinue the discharge of spilled material from entering into the municipal stormwater system. Where there is potential for the spill to enter either the municipal stormwater system or watercourse, the Director must immediately be notified.
- 3.6 As part of a spill response plan, an operator of an outdoor storage yard operation who operates a stormwater rehabilitation unit must inspect the stormwater rehabilitation unit for spilled material within four hours after a spill has been detected.
- 3.7 An operator of an outdoor storage yard operation must keep the spill response equipment and supplies identified in the spill response plan specified in sections 3.2 and 3.3 at the location of the storage yard operation and readily available at all times.

#### **4.0 RECORD KEEPING AND RETENTION**

- 4.1 An operator of an outdoor storage yard operation must keep a record of all inspection and maintenance activities in relation to the stormwater rehabilitation unit, including:
- (a) the date of inspection or maintenance,
  - (b) a description of maintenance conducted,
  - (c) the name and address of the disposal or recycling company or facility handling the material removed from the stormwater rehabilitation unit, and
  - (d) names of the persons who conducted the inspection or maintenance.

- 4.2 An operator of an outdoor storage yard operation must keep a record at the storage yard operation site of all spills, including:
- (a) the date of spill,
  - (b) the type of material spilled,
  - (c) the quantity of material spilled,
  - (d) the spill response action,
  - (e) the disposal of contaminated materials involved in the spill, and
  - (f) names of the persons responsible for conducting the spill response.
- 4.3 An operator of an outdoor storage yard operation must keep the spill response plans required under sections 3.2 and 3.3 on the site and available for inspection by a bylaw enforcement officer or the Director.
- 4.4 The records required under sections 4.1 and 4.2 shall be retained on site for a period of at least two years and shall be available for inspection by a bylaw enforcement officer or the Director.

## SCHEDULE "K"

### CODE OF PRACTICE FOR RECYCLING OPERATIONS

#### 1.0 APPLICATION

- 1.1 This code of practice describes the terms and conditions for discharge of wastewater from recycling operations into a municipal stormwater system, and is adopted under the authority of section 8(3)(a) of the *Community Charter*.
- 1.2 The following activities are exempt from this code of practice:
- (a) automotive operations covered under Schedule "H" of this bylaw,
  - (b) storage, processing, sorting and consolidating of recyclable materials by commercial, industrial or institutional offices for recyclable material generated within the offices on the same site,
  - (c) normal farm practices,
  - (d) manufacturing processes that use recyclable materials generated onsite within a process,
  - (e) recycling of soil, rock or gravel, and
  - (f) composting activities.
- 1.3 In this code of practice:
- (a) **"Automotive Dismantling and Recycling Operation"** means the dismantling of vehicles for the purposes of recycling, salvage or disposal of the vehicle by any commercial, industrial or institutional operation or by a public authority.
  - (b) **"Automotive Operation"** means sales, rental, service, fueling, repair or maintenance of vehicles by any commercial, industrial or institutional operation or by a public authority and includes vehicle wash operations, provided that an automotive dismantling and recycling operation is not carried out at the same site.
  - (c) **"Cleaned Out"** means to have the settled material and floating material collected in the stormwater rehabilitation unit removed and disposed in a manner that meets all regulations.

- (d) **"Operator"** includes the owner of the outdoor storage yard operation and includes any person who has been authorized by the owner to act as his, her or its agent.
- (e) **"Recycling Operation"** means any commercial, industrial or institutional operation or an operation by a public authority that receives recyclable materials for storage, processing, sorting and consolidating.
- (f) **"Recyclable Material"** means a product or substance that has been diverted from disposal and satisfies at least one of the following criteria:
  - i) is managed as a marketable commodity with an established market by the owner or operator of a site,
  - ii) is being used in the manufacture of a new product that has an established market or is being processed as an intermediate stage of an existing manufacturing process, or
  - iii) has been identified as a recyclable material in the Capital Regional District Solid Waste Management Plan.
- (g) **"Sampling Point"** means a location where a representative sample of the discharge into the municipal stormwater system may be collected.
- (h) **"Spill"** means a release or discharge of a substance that causes or may cause the stormwater discharge from the site to exceed the restrictions specified in Schedule "D" of the bylaw.
- (i) **"Stormwater Rehabilitation Unit"** means works or technology that will achieve a stormwater quality that meets the restrictions specified in Schedule "D" of this bylaw under the conditions of a storm event of 12.5 mm/hr.

## 2.0 DISCHARGE REGULATIONS

- 2.1 An operator of a recycling operation must not discharge wastewater which, at the point of discharge into the municipal stormwater system, contains:
  - (a) water that has accumulated in a spill containment area,
  - (b) untreated wash and rinse water from the cleaning of recyclable materials that does not meet Schedule "D" of the bylaw,
  - (c) wash and rinse water from interior floor washing activities, or
  - (d) fluids and fuels from vehicles or machinery.

- 2.2 An operator of a recycling operation that commences operation after the date of adoption of this code of practice and that discharges wastewater, other than stormwater from roof drains and perimeter drains, into the municipal stormwater system must install and maintain one or more stormwater rehabilitation units to treat the collected stormwater prior to discharge.
- 2.3 An operator of a recycling operation operating on the date of adoption of this code of practice that does not have a stormwater rehabilitation unit and discharges wastewater, other than stormwater from roof drains and perimeter drains, into the municipal stormwater system must install one or more stormwater rehabilitation units within three years of adoption of this code.
- 2.4 An operator of a recycling operation who installs a stormwater rehabilitation unit under sections 2.2 or 2.3 must install a sampling point.
- 2.5 An operator of a recycling operation that has a stormwater rehabilitation unit that does not have a sampling point on the date of adoption of this code of practice must install a sampling point within two years from the date of adoption of this code of practice.
- 2.6 An operator of a recycling operation must ensure sampling points specified in sections 2.4 and 2.5 are easily accessible at all times for use and inspection.
- 2.7 An operator of a recycling operation who installs a stormwater rehabilitation unit on or after the date of adoption of this code of practice must locate the stormwater rehabilitation unit so that it is easily accessible for inspection and maintenance.
- 2.8 An operator of a recycling operation subject to sections 2.2 or 2.3 must ensure that all stormwater from the recycling operation, other than roof drains and perimeter drains, is directed to one or more stormwater rehabilitation units before being discharged into the municipal stormwater system.
- 2.9 An operator of a recycling operation must not discharge oil and grease, solids or other material accumulated in a stormwater rehabilitation unit into the municipal stormwater system.
- 2.10 An operator of a recycling operation must not use or permit the use of intentional high volume flows, chemical agents, solvents, hot water or other agents to facilitate the passage of oil and grease, solids or other material through a stormwater rehabilitation unit.
- 2.11 An operator of a recycling operation:

- (a) must not permit floating oil and grease or other floating material to accumulate in the stormwater rehabilitation unit in excess of 75 of the design capacity of the stormwater rehabilitation unit,
  - (b) must not permit the settled solids to accumulate in the stormwater rehabilitation unit in excess of 75 of the design capacity,
  - (c) must inspect the stormwater rehabilitation unit and measure the accumulated solids and floating oils at least once every six months to verify the requirements under (a) and (b),
  - (d) must have the stormwater rehabilitation unit cleaned out within seven working days of determining that any levels prescribed in section (a) or (b) have been exceeded, and
  - (e) must have the stormwater rehabilitation unit cleaned out at least once every 12 months.
- 2.12 An operator of a recycling operation must not use or permit the use of intentional high volume flows, chemical agents, solvents, hot water or other agents to facilitate the passage of oil and grease, solids or other material through a stormwater rehabilitation unit.
- 2.13 An operator of a recycling operation:
- (a) must not permit floating oil and grease or other floating material to accumulate in the stormwater rehabilitation unit in excess of 75% of the design capacity of the stormwater rehabilitation unit,
  - (b) must not permit the settled solids to accumulate in the stormwater rehabilitation unit in excess of 75% of the design capacity,
  - (c) must inspect the stormwater rehabilitation unit and measure the accumulated solids and floating oils at least once every six months to verify the requirements under (a) and (b),
  - (d) must have the stormwater rehabilitation unit cleaned out within seven working days of determining that any levels prescribed in section (a) or (b) have been exceeded, and
  - (e) must have the stormwater rehabilitation unit cleaned out at least once every 12 months.

### **3.0 SPILL PREVENTION AND RESPONSE**

- 3.1 An operator of a recycling operation that involves the storage of fertilizer, pesticides, solvents, antifreeze, lead-acid batteries, oil, gasoline, diesel, fuel oil, transmission fluid, brake fluid and/or automotive fluids, the storage of which is not

otherwise regulated under the Fire Code, *Environmental Management Act* or any other enactment, must install spill containment for these materials.

- 3.2 An operator of a recycling operation operating on the date of adoption of this code of practice must prepare a spill response plan by six months after the date of adoption of this code of practice.
- 3.3 An operator of a recycling operation that commences operation after the date of adoption of this code of practice must prepare a spill response plan within 60 days of commencing operation.
- 3.4 The spill response plan must:
  - (a) specify the response for containment and cleanup of all spills of all materials present at the property that could cause the discharge to exceed the restrictions defined in Schedule "A" of the bylaw,
  - (b) define the roles and responsibilities of the operations personnel for spill response,
  - (c) include contact names and telephone numbers for appropriate agencies, and
  - (d) provide a check-list of spill response equipment and supplies.
- 3.5 In the event of a spill, an operator of a recycling operation must immediately implement the provisions of the spill response plan specified in sections 3.2 and 3.3, when safe to do so, to prevent or discontinue the discharge of spilled material from entering into the municipal stormwater system. Where there is potential for the spill to enter either the municipal stormwater system or watercourse, the Director must immediately be notified.
- 3.6 As part of a spill response plan, an operator of a recycling operation who operates a stormwater rehabilitation unit must inspect the stormwater rehabilitation unit for spilled material within four hours after a spill has been detected.
- 3.7 An operator of a recycling operation must keep the spill response equipment and supplies identified in the spill response plan specified in sections 3.2 and 3.3 at the location of the recycling operation and readily available at all times.

#### **4.0 RECORD KEEPING AND RETENTION**

- 4.1 An operator of a recycling operation must keep a record of all inspection and maintenance activities in relation to the stormwater rehabilitation unit, including:

- (a) the date of inspection or maintenance,
  - (b) a description of maintenance conducted,
  - (c) the name and address of the disposal or recycling company or facility handling the material removed from the stormwater rehabilitation unit, and
  - (d) names of the persons who conducted the inspection or maintenance.
- 4.2 An operator of a recycling operation must keep a record at the recycling operation site of all spills, including:
- (a) the date of spill,
  - (b) the type of material spilled,
  - (c) the quantity of material spilled,
  - (d) the spill response action,
  - (e) the disposal of contaminated materials involved in the spill, and
  - (f) names of the persons responsible for conducting the spill response.
- 4.3 An operator of a recycling operation must keep the spill response plans required under sections 3.2 and 3.3 on the site and available for inspection by a bylaw enforcement officer or the Director.
- 4.4 The records required under sections 4.1 and 4.2 shall be retained onsite for a period of at least two years and shall be available for inspection by a bylaw enforcement officer or the Director.