

MODEL BYLAW

CAPITAL REGIONAL DISTRICT

A BYLAW TO REGULATE DISCHARGES TO
THE MUNICIPAL STORMWATER DRAINAGE SYSTEM

Under its statutory powers, including sections 8(3)(a), 8(3)(j), and 59(1)(c) of the Community Charter, and Section 2(1)(a) of the Spheres of Concurrent Jurisdiction-Environment and Wildlife Regulation, Reg. 144/2004, the Municipal Council of [name of municipality] enacts the following provisions:

1. **Definitions**

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

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

"**Carpet cleaning waste**" means a combination of water carried liquid and solid wastes generated by a carpet cleaning 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 wastewater quality parameter that, when present above a certain concentration in 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.

"**Council**" means the Council of [name of municipality].

"**Discharge**" means to directly or indirectly introduce a substance into the municipal drainage system 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 which is produced on a residential property.

"**Engine washing waste**" means waste that results from the cleaning of an engine and or engine parts 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 waste 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*.

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

"**Manager**" means the Stormwater Control Manager appointed by Council, and includes any other municipal employee acting under his or her authority.

"**Municipal drainage system**" means storm sewers and stormwater management facilities owned or operated by the municipality.

"**Municipality**" means the [\[name of municipality\]](#).

"**Oil and grease**" means an organic substance or substances recoverable by procedures set out in Standard Methods or procedures authorized by the Manager 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.

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

"**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.

"**Premises**" means any land or building or both or any part thereof.

"**Prohibited waste**" means prohibited waste as defined in Schedule "A" to this bylaw.

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

"**Regional District**" means the Capital Regional District.

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

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

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

"**Storm sewer**" means a pipe, conduit, drain or other equipment or facilities for the collection and transmission of stormwater or uncontaminated water.

"**Stormwater**" means natural precipitation and other sources of water that travels over impervious surfaces and is typically channeled into storm sewers and watercourses.

"**Stormwater management facility**" means an impoundment and appurtenant structures, connections and controls for containment, detention or retention of stormwater and its delayed release at a controlled rate to the municipal drainage system.

"**Stormwater rehabilitation unit**" means works or technology that will achieve a stormwater quality that meets the restrictions specified in Schedule "A" of this bylaw under the conditions of a two-year storm event.

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

"**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.

"**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 drainage system.

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

"**Wastewater quality parameter**" means any parameter used to describe the quality of wastewater.

"**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 Regional District or one or more of its member municipalities or an Improvement District that collects, treats, transports, or stores drinking water.

2. Discharges to the Municipal Drainage System

- (1) No person shall discharge or allow or cause to be discharged into the municipal drainage system or a 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 against domestic waste contained in subsection 2(1)(a), a person may discharge into a the municipal drainage system or a watercourse water 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 that does not contain chlorine or chloramine.
- (3) Despite the prohibitions contained in subsection 2(1), a person may discharge into the municipal drainage system or a watercourse water resulting from the following non-domestic activities:
 - (a) street, hydrant and water main flushing, provided it has been dechlorinated to levels prescribed in Schedule "A" of this Bylaw; and
 - (b) firefighting activities.
- (4) Despite the prohibition against business waste contained in subsection (2)(1)(d), a person may discharge into the municipal drainage system or a 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 chloramine; 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.

3. Codes of Practice

- (1) As a condition of an approval for a discharge of wastewater into a municipal drainage system or a watercourse a person who operates a business listed in Schedule "D" must operate the business in accordance with the conditions of the applicable Code of Practice attached as Schedules "X-X".
- (2) 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.

4. Appointment of the Stormwater Control Manager

- (1) Council may appoint an officer or employee of the municipality as the Manager.
- (2) The Manager has the powers set out in this bylaw and the responsibilities in relation to the administration of this bylaw as set out in the bylaw or resolution appointing him or her.

5. Inspection

The Manager, an employee of the municipality authorized by the Manager, 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 of this bylaw are being observed or the requirements of this bylaw are being met.

6. Offences and Penalties

- (1) A person who contravenes this bylaw commits an offence and is liable to a fine not exceeding \$10,000.
- (2) Where an offence is committed or continues for more than one day, a person shall be deemed to have committed separate offences for each day on or during which an offence occurs or continues, and separate fines, each not exceeding \$10,000, may be imposed for each day on or during which an offence occurs or continues.
- (3) Nothing in this bylaw shall limit the Municipality from pursuing any other remedy that would otherwise be available to the Municipality at law.

7. General

- (1) No person shall hinder or prevent the Manager, a person authorized by the Manager, 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.
- (2) The schedules annexed to this bylaw shall be deemed to be an integral part of this bylaw.
- (3) If any provision of this bylaw is found to be invalid by a Court of competent jurisdiction it may be severed from the bylaw.
- (4) The headings in this bylaw are inserted for convenience and reference only.

8. 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 discharges to the municipal drainage system and watercourses in order to reduce the risk of pollution or interference with the proper functioning of the municipal drainage system 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 municipality of responsibility for ensuring that any discharge of wastewater the municipal drainage system, does not cause, pollution or interference with the proper functioning of the municipal drainage system or watercourses; or
 - (c) to provide any person with a warranty that any discharge of wastewater or activity or works referred to in paragraph (b) will not cause pollution or other nuisance to any person.
- (3) Nothing in this bylaw shall be interpreted as relieving a person discharging wastewater from complying with federal, provincial and local government enactments governing the discharge of wastewater into the municipal drainage system, 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.

9. Citation

This bylaw may be cited for all purposes as *[correct title and No. to be inserted]*.

READ A FIRST TIME THIS	day of	2007
READ A SECOND TIME THIS	day of	2007
READ A THIRD TIME THIS	day of	2007
ADOPTED THIS	day of	2007

Mayor

*[Title of person responsible for
Corporate Administration]*

SCHEDULE "A"
PROHIBITED WASTE

Prohibited Waste shall not be discharged to the municipal drainage system. Prohibited waste means:

1. **Hazardous Waste**

Any hazardous waste.

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 or within any municipal drainage system.

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 drainage system 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 drainage system 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 drainage system 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 drainage system;
- (b) Any waste which will raise the temperature of wastewater discharged by a municipal drainage system by 1 degree Celsius or more;
- (c) Any waste with a temperature of 18 degrees Celsius or more at the point of discharge in to the municipal drainage system.

8. PCBs and Pesticides

Any waste containing PCBs 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 which, at the point of discharge into a municipal drainage system, exceeds radioactivity limitations as established by the Atomic Energy Control Board of Canada.

11. pH Waste

Any waste which, at the point of discharge into a municipal drainage system 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, at the point of discharge into the municipal drainage system produce a colour value greater than or equal to 15 true colour units (mg/L Pt) as determined by either a grab sample or composite sample, 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 drainage system.

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.

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16. Total Oil and Grease

Any wastewater, which at the point of discharge into the municipal drainage system, contains a total oil and grease concentration that exceeds 15 milligrams per liter as determined by either a grab sample or a composite sample.

17. Wastewater containing Suspended Solids

Any wastewater, which at the point of discharge into the municipal drainage system 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 municipal drainage system 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): 1998 Edition, Updated August 24, 2001" published by the Ministry of Environment, Lands and Parks.

18. Wastewater containing Fecal Coliforms

Any wastewater which contains fecal coliforms in concentrations above 200 colony counts/100 mL at point of discharge into a municipal drainage system as determined by a grab sample or composite sample.

19. Carpet Cleaning Wastes

Any carpet cleaning waste.

20. Waste Containing Phosphorous

Any waste which, at the point of discharge into a municipal drainage system 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 at the point of discharge into the municipal drainage system; 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 August 24, 2001" published by the Ministry of Environment, Lands and Parks.

23. Engine Washing Wastes

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Any engine washing waste, regardless of whether it has been treated with a stormwater rehabilitation unit prior to discharge to the municipal drainage system.

24. Chloride

Any waste which, at the point of discharge into the municipal drainage system, contains a chloride concentration greater than 1000 mg/L as determined by either a grab sample or composite sample.

SCHEDULE "B"

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

DRAFT - EXAMPLE FOR DISCUSSION PURPOSES ONLY

The following codes of practice have been adopted by the [*name of municipality*].

Business Classification Subject to a Code of Practice	Appended to this Bylaw as Schedule
1. Automotive and Parking Lot Operations	X
2. Development and Construction Activities	X
3. Streets and Roads	X
4. Recreation Facilities	X
5. Recycling Operations	X
6. Outdoor Storage Operations	X

Schedule "E"

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SCHEDULE "X"

[Codes of practice will be inserted here as required]