

CAPITAL REGIONAL DISTRICT

BYLAW NO. 2827

**A BYLAW TO REGULATE THE DISCHARGE OF SEPTAGE
INTO SEPTAGE DISPOSAL FACILITIES OPERATING UNDER A SEPTAGE SERVICES AGREEMENT
WITH THE CAPITAL REGIONAL DISTRICT**

WHEREAS:

- A. By Supplementary Letters Patent issued the 1st day of June 1978, the power was conferred on the Capital Regional District (CRD) to provide septage disposal facilities within the CRD, including the power to:
 - (1) regulate facilities for receiving septage and for processing and disposal of septage;
 - (2) compel persons within all or designated portions of the region to make use of any system established for the disposal of septage and to prescribe the terms and conditions upon which persons may make use of such system;
 - (3) establish a scale of charges payable for depositing septage at a disposal site and for compelling payment of charges so fixed;
 - (4) enter into contracts to provide septage disposal service, and to specify the terms and conditions under which the service will be provided and to enter into contracts with any person for the removal of septage from any transfer depot and for the disposal of septage.
- B. The Capital Regional District has entered into a Septage Services Agreement to provide a septage disposal service, including a septage transfer station for disposal of septage, within the Capital Regional District.
- C. This bylaw will apply within all municipalities and electoral areas in the Capital Regional District with the exception of Salt Spring Island and the Outer Gulf Islands electoral areas.
- D. The Lieutenant Governor in Council has designated the CRD as a sewage control area under Section 22 of the *Waste Management Act* and the CRD has appointed a Sewage Control Manager and Sewage Control Officer.

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

1. DEFINITIONS

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

"Application" - means a request for a Facility User Permit.

"Board" - means the Board of the Capital Regional District.

"Carpet Cleaner Waste" - means a combination of water carried liquid and solid wastes generated by carpet or furniture cleaning, that is collected in a mobile holding tank or is discharged to a sewer, septic tank, or holding tank.

"Controlled Waste" - means Controlled Waste as defined in CRD Bylaw No. 2338, "Hartland Landfill Tipping Fee and Regulation Bylaw No. 4, 1995".

"CRD" - means Capital Regional District.

"Dangerous Goods" - means Dangerous Goods as defined in the *Transport of Dangerous Goods Act (Canada)*.

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

"District" - means the Capital Regional District.

"Domestic Waste" - means sanitary waste, or grey water generated from a residential or personal recreational use of land.

"Facility User Permit" - means a Facility User Permit for the use of a septage disposal facility issued by the Manager under this bylaw.

"Facility User Permit Sticker" - means a Facility User Permit Sticker for the use of the septage disposal facility issued by the Manager under this bylaw to all vehicles listed on a Facility User Permit.

"Generator" - means the owner of the property from which originates the waste that is being trucked to a septage disposal facility.

"Grey Water" - means wastewater from food preparation and washing, bathing, dish washing and laundering.

"Hauler" - means the person or company that transports the waste from the generator to a septage disposal facility.

"Load" - means the contents of the hauling vehicle which is to be discharged to a septage disposal facility.

"Manager" - means the Sewage Control Manager of the District.

"Municipality" - means any participating member city, town, village or other incorporated area of the CRD as a Municipality or the District itself.

"Officer" - means a Municipal Sewage Control Officer or Bylaw Enforcement Officer appointed by the Board.

"Operator" - means a person or an employee of a person who has entered into a Septage Services Agreement with the District.

"Owner" - means any person who is registered under the *Land Title Act* as the owner of land, or any other person who is in lawful possession of land or who is in lawful possession or occupancy of any buildings situated on the land.

"Petroleum Products" - means an organic substance recoverable by procedures set out in Standard Methods and includes, but is not limited to, non-polar petroleum hydrocarbons.

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

"Recreational Vehicle Waste" - means domestic waste accumulated in a holding tank in a trailer, camper, transportable housing unit, bus, or aircraft.

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

"Septage" - means a combination of water carried liquid and solid wastes and/or settled solids from residences, businesses and institutions normally collected in a septic tank, holding tank, or accumulated in wastewater lines.

"Septage Disposal Facility" - means the septage disposal facilities listed in Schedule "A" of this bylaw that gather, treat, transport, utilize or discharge septage waste as defined in the bylaw.

"Septage Services Agreement" - means a written agreement between the District and a person for the operation of septage disposal facilities in and to serve the CRD.

"Septage Waste" - means septage that meets the quality criteria specified in Schedule "B" of this bylaw.

"Sewage Control Manager" - means a Sewage Control Manager appointed by the CRD Board under the Sewer Use Bylaw, or a person appointed by the Board as his or her deputy, under the *Waste Management Act*.

"Sewage Facility" - means works owned or otherwise under the control or jurisdiction of the District that gather, treat, transport, store, utilize or discharge waste.

"Sewer" - means all pipes, conduits, drains and other equipment and facilities, owned or otherwise under the control or jurisdiction of the District or one or more municipalities, for collecting, pumping and transporting wastewater, either to a sewage facility or otherwise, and includes all such pipes, conduits, drains and other equipment and facilities which connect to those of the District or one or more municipalities.

"Sewer Use Bylaw" - means the District's Sewer Use Bylaw 2830.

"Ship and Boat Waste" – means sanitary waste and grey water accumulated in a holding tank on a pleasure boat, houseboat, commercial vessel or naval vessel but not including bilge water, ballast water or wastewater sludge.

"Special Waste" - means Special Waste as defined in the *Waste Management Act*.

"Special Waste Regulation" - means the Special Waste Regulation enacted pursuant to the *Waste Management Act*.

"Spill Reporting Regulation" - means the Spill Reporting Regulation enacted pursuant to the *Waste Management Act*.

"Standard Methods" - means the 1992 edition of "Standard Methods for the Examination of Waste and Wastewater" jointly prepared and published from time to time by the American Public Health Association, the American Water Works Association and the Water Environment Federation.

"Substance" - means any solid, liquid or gas.

"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 municipal or District sewer, but not including septage waste, carpet cleaner waste, recreational vehicle waste, or ship and boat waste.

"Waste" - means any substance, whether gaseous, liquid or solid, that is or is intended to be discharged or discarded, directly or indirectly to a sewer, sewage facility or a septage disposal facility.

"Waste Discharge Permit" - means a Waste Discharge Permit issued by a Manager under the Sewer Use Bylaw.

"Waste Management Act" - means the *Waste Management Act* of the Province of British Columbia or any legislation that replaces the *Waste Management Act*.

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

2. DISCHARGES TO A SEWER OR A SEPTAGE DISPOSAL FACILITY

- 2.1 No person shall dispose of septage waste other than at a septage disposal facility.
- 2.2 No person shall discharge septage waste directly or indirectly to a sewer or drain connected to a sewage facility except at a septage disposal facility.
- 2.3 Despite sections 2.1 and 2.2 a person may discharge trucked liquid waste, carpet cleaner waste, recreational vehicle waste or ship and boat waste to a sewer or sewage facility in accordance with the requirements of the Sewer Use Bylaw.
- 2.4 No person shall discharge trucked liquid waste, recreational vehicle waste, carpet cleaner waste, or ship and boat waste at a septage disposal facility except in accordance with the requirements of this bylaw.
- 2.5 Sections 2.1 to 2.2 do not apply to a Municipality or agent of a Municipality, where waste removed from a Municipal sanitary sewer, due to maintenance activities, is discharged into a Municipal sewer at another location.
- 2.6 No person shall discharge a load at a septage disposal facility except in accordance with this bylaw.
- 2.7 Without limiting section 2.6:
 - (a) The septage waste shall meet the requirements of Schedule "B" of this bylaw.
 - (b) The generator, an agent of the generator, or hauler acting as an agent of the generator shall provide the Operator with information on:
 - (i) the source of the waste;
 - (ii) the type of waste;
 - (iii) a characterization of the waste quality; and
 - (iv) the quantity of the waste.

- (c) Each vehicle owned by the hauler that is used for the purpose of waste disposal at a septage disposal facility must provide sufficient containment of loads to prevent spillage in transit, including spillage from hoses and other appurtenances.
- 2.8 The discharge of a load shall be discontinued at the instruction of the Manager, an Officer or an Operator if the Manager, an Officer or an Operator has reasonable grounds to believe that the load does not meet the requirements of this bylaw.
- 2.9 In the event that more than one generator has contributed to a load to be disposed of at a septage disposal facility, each generator, their agent, or hauler acting as their agent shall provide information as required in 2.7.
- 2.10 A person using tanks and hoses to pump, haul or store Dangerous Goods, Special Waste or Controlled Waste shall clean the tanks and hoses and ensure that the tanks and hoses are free from residue before using them to haul septage waste to a septage disposal facility.

3. FACILITY USER PERMIT

- 3.1 A hauler who discharges any septage waste as defined in the bylaw at a septage disposal facility must have a valid Facility User Permit issued by the Manager, which may be obtained by making application for the Facility User Permit on the form attached hereto in Schedule "C", and paying an annual fee as set out in Schedule "D".
- 3.2 Each vehicle owned by the hauler that is used for the purpose of septage waste disposal at a septage disposal facility must be listed on the Facility User Permit.
- 3.3 A Facility User Permit Sticker will be issued for each vehicle listed on the Facility User Permit.
- 3.4 Each vehicle issued a Facility User Permit Sticker must have the company name displayed prominently, contrasting with the background, in letters not less than 15 centimetres high, on both sides and the rear of the vehicle.
- 3.5 The Manager may suspend or revoke a Facility User Permit for any or all vehicles licensed to any one hauler for any violation of, or noncompliance with, the terms and conditions of this bylaw, or any enactment applicable to the discharge of waste into a septage disposal facility, when the violation or noncompliance interferes with the operation of the septage disposal facility.
- 3.6 The Manager may suspend or revoke a Facility User Permit if a generator or hauler falsifies or omits information regarding the source, type, or quality of septage discharged at a septage disposal facility.
- 3.7 The Manager may suspend or revoke a Facility User Permit for any or all vehicles licensed to any one hauler for failure to pay fees described in this bylaw within 60 days of being invoiced by the CRD or the Operator.

4. ENFORCEMENT POWERS

- 4.1 A Manager, an Officer or any person authorized by a Manager may at any reasonable time and upon presentation of proof of his or her identity, enter upon any property or premises in order to ascertain whether the terms of this bylaw, have been, or are being, complied with.
- 4.2 The Manager or an Officer may enforce the provisions of this bylaw.

5. MONITORING OF WASTES

- 5.1 The contents of any vehicle transporting waste to a septage disposal facility, as a condition of discharge, may be sampled at any time by the Manager, an Officer or an Operator.
- 5.2 The Manager, an Officer, or an Operator may require that a generator or hauler who wishes to discharge waste into a septage disposal facility shall undertake, at that person's expense, sampling and analysis of the waste to be discharged.
- 5.3 All sampling and analysis required under this bylaw shall be in accordance with methods and procedures specified in Standard Methods or in a manner specified by the Manager.
- 5.4 Samples which have been collected under this bylaw shall be analyzed by an independent agency or by a laboratory authorized by the Manager.

6. OFFENCES AND PENALTIES

- 6.1 A person who contravenes this bylaw or other requirement made or imposed under this bylaw, is guilty of an offence and is liable to a fine not exceeding \$2,000.
- 6.2 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 \$2,000, may be imposed for each day on or during which an offence occurs or continues.
- 6.3 Nothing in this bylaw shall restrict the District from utilizing any other remedy that would otherwise be available to the District at law.

7. RATES AND FEES

- 7.1 The fees established by the Board are set out in Schedule "D" to this bylaw.

8. GENERAL

- 8.1 No person shall hinder or prevent the Manager or an Officer or a person authorized by the Manager from entering any premises or from carrying out their duties with respect to the administration of this bylaw.
- 8.2 Nothing in this bylaw relieves a person discharging waste from complying with the *Waste Management Act*, the Special Waste Regulation, the Spill Reporting Regulation, Sewer Use Bylaw or other applicable enactments or orders made under such enactments.
- 8.3 Where the Board has authority to direct that a matter or thing be done by a person, the Board may also direct that, if the person fails to take the required action, the matter or thing shall be done at the expense of the person in default in accordance with Section 794(5) of the *Local Government Act*. If action in default is taken, the Board may recover the expense from the person, together with costs and interest at the rate prescribed under Section 11(3) of the *Taxation (Rural Area) Act*, in the same manner as municipal taxes.
- 8.4 In this bylaw, words importing the male gender include the female gender and either include the neuter and vice versa, and words importing the singular number include the plural number and vice versa.

- 8.5 The schedules annexed hereto shall be deemed to be an integral part of this bylaw.
- 8.6 If any provision of this bylaw is found to be invalid by a court of competent jurisdiction it shall be severed from the bylaw
- 8.7 Bylaw 2649 cited as "Capital Regional District Septage Disposal Bylaw No. 1, 1998", as amended, is repealed upon adoption of this bylaw.
- 8.8 Bylaw 2297 cited as "Capital Regional District Trucked Liquid Waste Bylaw No. 1, 1995", as amended, is repealed upon adoption of this bylaw.
- 8.9 This bylaw may be cited for all purposes as "Capital Regional District Septage Disposal Bylaw No. 2, 2000".

READ A FIRST TIME THIS	11th	day of	October	2000
READ A SECOND TIME THIS	11th	day of	October	2000
READ A THIRD TIME THIS	11th	day of	October	2000
ADOPTED THIS	22nd	day of	November	2000

CHAIR

SECRETARY

**CAPITAL REGIONAL DISTRICT
ENVIRONMENTAL SERVICES DEPARTMENT**

**SCHEDULE A
BYLAW 2827**

**Facility Operating under a Septage Services
Agreement with the CRD**

Location

SPL Septage Processing Limited

995 Henry Eng Place, District of Langford, B.C.

**CAPITAL REGIONAL DISTRICT
ENVIRONMENTAL SERVICES DEPARTMENT**

**SCHEDULE B
BYLAW 2827**

QUALITY CRITERIA FOR SEPTAGE WASTE

Septage waste as defined in the bylaw must meet the following quality criteria:

1. The waste must not exceed the criteria listed below:

Trace Element	Concentration mg/kg dry weight basis
Arsenic	75
Cadmium	20
Chromium	1,060
Cobalt	150
Copper	2,200
Lead	500
Mercury	15
Molybdenum	20
Nickel	180
Selenium	14
Zinc	1,850

2. The waste must be free of visible petroleum products.
3. The waste must have a total solids content of less than six (6) percent.

**CAPITAL REGIONAL DISTRICT
ENVIRONMENTAL SERVICES DEPARTMENT**



**SCHEDULE C
BYLAW 2827**

APPLICATION FOR A FACILITY USER PERMIT

Submit Completed Form to:	Capital Regional District Sewage Control Manager 524 Yates Street P.O. Box 1000 Victoria, BC V8W 2S6
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Please Print

COMPANY NAME: _____

COMPANY REPRESENTATIVE: _____

BUSINESS ADDRESS: _____

MAILING ADDRESS (if different from above): _____

TELEPHONE: (business) _____ (home) _____ (fax) _____

The Facility User Permit fee as outlined in Schedule D must be remitted with the application.

2. List all vehicles to be included in the User Permit:

DESCRIPTION OF VEHICLE(S): _____

CAPACITY: _____

MAKE AND YEAR: _____

LICENSE NUMBER: _____

REGISTRATION NUMBER: _____

DESCRIPTION OF VEHICLE(S): _____

CAPACITY: _____

MAKE AND YEAR: _____

LICENSE NUMBER: _____

REGISTRATION NUMBER: _____

**CAPITAL REGIONAL DISTRICT
ENVIRONMENTAL SERVICES DEPARTMENT**



**SCHEDULE C
BYLAW 2827**

DESCRIPTION OF VEHICLE(S): _____

CAPACITY: _____

MAKE AND YEAR: _____

LICENSE NUMBER: _____

REGISTRATION NUMBER: _____

DESCRIPTION OF VEHICLE(S): _____

CAPACITY: _____

MAKE AND YEAR: _____

LICENSE NUMBER: _____

REGISTRATION NUMBER: _____

DESCRIPTION OF VEHICLE(S): _____

CAPACITY: _____

MAKE AND YEAR: _____

LICENSE NUMBER: _____

REGISTRATION NUMBER: _____

Signature: _____ **Date:** _____

**CAPITAL REGIONAL DISTRICT
ENVIRONMENTAL SERVICES DEPARTMENT**



**SCHEDULE C
BYLAW 2827**

FOR CRD USE ONLY

Facility User Permit Valid for Year _____

The applicant is permitted to operate the following vehicle(s) to discharge septage waste at a septage disposal facility in accordance with Capital Regional District Bylaw 2827.

VEHICLE	LICENCE #	REGISTRATION #	CAPACITY (Imp. Gal)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Deputy Sewage Control Manager

Date

**CAPITAL REGIONAL DISTRICT
ENVIRONMENTAL SERVICES DEPARTMENT**

**SCHEDULE D
BYLAW 2827**

FEES AND CHARGES

1. **FACILITY USER PERMIT**

The fee for each Facility User Permit issued to a hauler shall be \$50 per septage waste disposal truck per annum.

2. **ADMINISTRATION FEE**

An Administration Fee of \$0.01 per gallon will be charged for depositing septage at septage disposal facilities not operated by the CRD.