

## SCHEDULE "X"

### MODEL 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 a municipal drainage system and watercourse.
- 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 drainage system of a substance that causes or may cause the stormwater discharge from the site to exceed the restrictions specified in Schedule "A", 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 drainage 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 "A" of this bylaw under the conditions of a two-year storm event (municipalities may wish to replace this with an equivalent amount of rainfall; for example, 7.5 mm in one 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 drainage system.
- (l) **"two-year storm event"** means a rainfall event with a return period of two years.  
[Note: remove this definition if a rainfall amount is specified in 1.3(j).]

## 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 drainage system or watercourse, contains:
  - (a) prohibited wastes as defined in Schedule "A";
  - (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 drainage system or a watercourse must implement a stormwater rehabilitation plan to ensure that the discharge quality meets the restrictions specified in Schedule "A".
- 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 drainage system or watercourse.
- 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 drainage 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.
- 2.8 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 *Waste 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 drainage system.
- 2.9 An operator of a construction or development activity must prepare a spill response plan suitable for the site.
- 2.10 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 check-list of spill response equipment and supplies.
- 2.11 An operator of a construction or development activity must keep a copy of the spill response plan, required under Section 2.9, at the site and available for inspection by the manager or bylaw enforcement officer.
- 2.12 In the event of a spill, an operator of a construction or development activity must prevent the spilled material from entering the municipal drainage system or a watercourse.
- 2.13 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.
- 2.14 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 "A", then the operator of the construction or development activity must remove the spilled material immediately or cease discharge to the municipal drainage system or watercourse until the material has been removed.
- 2.15 An operator of a construction or development activity must keep spill prevention and clean-up equipment and supplies in stock at all times and readily available for use.

### **3.0 RECORD KEEPING AND RETENTION**

- 3.1 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.
- 3.2 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.
- 3.3 The records required under sections 3.1 and 3.2 shall be retained for a period of two years and shall be available for inspection.

**END**