

REGIONAL SOURCE CONTROL PROGRAM ENFORCEMENT POLICY

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SOURCE CONTROL PROGRAM ENFORCEMENT POLICY

1.0 INTRODUCTION

The Capital Regional District (CRD) has committed to the development and implementation of a Source Control program in the Liquid Waste Management plans for both the core and Saanich Peninsula areas. Following consultation with the local industrial, commercial and institutional sectors (ICI), a mandate was given to the CRD to apply a regulatory approach to source control. The regulatory powers for the program are derived from designation of the CRD as a sewage control area under the *Environmental Management Act (EMA)*. Designation under provincial authority allowed the CRD to adopt the original Capital Regional District Sewer Use Bylaw No. 1, 1994, which was passed by the CRD Board on August 10, 1994. This bylaw has been amended a number of times since enactment.

1.1 Guiding Principles

This enforcement policy has been developed with a goal of ensuring that dischargers to sewer comply with the requirements set out in permits, authorizations, orders and codes of practice issued under the Regional Source Control program (RSCP) and sewer use bylaws adopted by the CRD.

The RSCP objectives are:

Protection of:

- the marine receiving environment
- public health and safety
- sewerage works
- wastewater treatment processes
- wastewater sludge (biosolids) quality

In meeting the objectives, the program is carried out to apply:

- consistent discharge requirements throughout the Capital Region
- fair and balanced use of the CRD's sewage facilities
- promotion of responsible waste management practices

The responses specified in this policy are scaled to the severity and frequency of the event. RSCP staff will make reasonable efforts to resolve issues through cooperative measures, such as increased communication, education and monitoring, and to apply enforcement action in a manner that is reasonable, fair, consistent and impartial.

Where education isn't effective, use of punitive measures, such as tickets, injunctions, charges and direct enforcement, are examples of different classes of legal actions that are available. Use of these mechanisms is defined in the policy. In general, high level court action against a discharger will be used only in instances of protracted inaction to resolve a problem, significant negligence, hindering or preventing inspection, infrastructure damage and/or environmental damage.

RSCP staff will use this enforcement policy to ensure the following:

- a consistent approach is used in regulating dischargers
- failures to meet program requirements are defined
- different degrees of severity are recognized and staff identify priority enforcement issues
- staff members responsible for escalating action are identified
- enforcement issues are addressed in a timely manner
- information is provided to dischargers regarding their compliance status

2.0 SAMPLING AND ANALYSIS

Errors in sampling and analysis can lead to poor quality data. Proper sampling and analysis are important to the RSCP program as the resulting data are considered for decisions made under the RSCP program. For dischargers operating under a waste discharge permit, RSCP staff utilize discharger self-monitoring data to characterize the discharger's wastewater quality and to obtain data for calculating waste discharge permit fees. These data are audited by RSCP sampling results, which are also used for enforcement and for special projects.

For code of practice (COP) sectors, the majority of sampling is likely to be conducted by RSCP staff to obtain data to verify treatment works performance, sector compliance or to estimate sector contributions to overall contaminant loadings to the sewer system.

The RSCP has a sampling procedures manual, which describes accepted procedures, including those for legal sampling. The program uses an independent contract laboratory, chosen based on the suitability of methods, detection limits, performance, quality assurance, participation in a certification program and cost.

Dischargers may not have staff who are familiar with sampling procedures; therefore, they may need guidance on conducting proper sampling programs. Small businesses may be reluctant to hire consultants to conduct sampling programs due to the cost. Where unusual data is received, it may be prudent to conduct a review of the sampling procedure used. Where possible, RSCP staff should review dischargers sampling procedures to ensure proper practices are in place for sample collection, storage and shipping. Analysis of wastewater samples by a certified independent laboratory is encouraged. Where analytical errors are suspected, dischargers may be advised to send split samples to more than one laboratory.

In evaluating analytical results, RSCP staff will consider the variability or accuracy of laboratory tests. Results not above permit or bylaw criteria, beyond the variability or accuracy range of the test, will be considered to be in compliance. RSCP staff will maintain a list of test variability and accuracy for each parameter. Results above the criteria, in excess of the range of normal variability, will be considered exceedences.

3.0 RECORDING AND REPORTING PERFORMANCE INFORMATION

Results of inspections, self monitoring and audit monitoring are reviewed by RSCP staff assigned to the discharger. RSCP staff will record unsatisfactory performance events and their severity as they are classified in Section 4. Discharger self-monitoring data will be compared to CRD audit data and any differences will be investigated.

The discharger will be informed in writing of all discovered unsatisfactory performance occurrences by letter, which will also specify any remedial actions required. Performance records will be maintained, including information pertaining to the type of offence as defined in this policy. The records are also used to identify the step (as defined in Section 5 of this policy) at which the discharger is along the path to non-compliance and beyond and the enforcement action that has occurred at each step.

Enforcement action is documented to provide a history for future decisions. Source Control program staff will keep notes of all enforcement actions. Where appropriate, copies of notes are copied to the dischargers file. The notes are intended to be acceptable for use in a court of law, if enforcement action escalates to that level.

4.0 CLASSIFICATION OF OFFENCES

There may be occasions when dischargers fail to meet RSCP requirements. The nature and severity of the offences will vary, as will the potential impact of these performance issues. The policy sets out a framework to classify offences and to identify the appropriate response.

The terms "infractions", "violations" are administrative classifications that will be used by Source Control program staff to describe the nature of the unsatisfactory performance. These terms apply to all users of the system. In general, the degree of severity (from lowest to highest) is:

- infraction
- major infraction
- violation
- major violation

All instances have the potential for elevation to legal action. The appropriate remedial action will depend on the severity of the offence and the potential to impact the sewer system, the receiving environment, public health and safety or the potential effect on the delivery of the RSCP.

4.1 Infractions

Examples of Infractions:

- late report (up to four weeks after the due date)
- incomplete report (up to 20% of monthly report results missing)
- failure to post signs
- failure to label grease interceptor
- failure to calibrate metering pump
- failure to keep records as required under a permit, authorization or a COP
- discharge monitoring data that exceeds authorized or bylaw limits
- unsatisfactory performance related to COP requirements where not listed elsewhere

A single infraction does not have a significant effect on the program. However, if these events are repeated, they interfere with work schedules and tracking activities. They may result in insufficient data being available to assess the compliance status of a company.

4.2 Major Infractions

Examples of Major Infractions:

- discharge of waste from a source not authorized in a permit or authorization where no exceedence occurs
- late report (more than four weeks beyond the due date)
- failure to notify the sewage control manager of a failure of authorized works that results, or has the potential to result, in an exceedence
- failure to notify the sewage control manager of a failure to carry out an authorized procedure that results, or has the potential to result, in an exceedence
- incomplete report (greater than 20% of monthly sampling results missing)
- discharge of stormwater without written permission
- discharge of >2m³ per day of uncontaminated water without written permission
- failure to install spill containment
- failure to install treatment works required under a COP
- failure to maintain treatment works as specified under a COP
- treatment works that don't meet the requirements under a COP
- failure to sample and/or analyze using authorized procedures
- discharge of restricted waste without a permit or authorization
- discharge of high volume waste without a permit, authorization or following a COP

Major infractions may impact on the program staff's ability to regulate a discharger.

4.3 Violations

Examples of Violations:

- discharge of waste from a source not authorized in a permit, authorization or COP that results in an exceedence
- failure to install works by a specified date (permit or authorization)
- failure to operate or maintain authorized equipment or works (permit or authorization)
- failure to report a spill or bypass of works
- discharge of septage, trucked liquid waste, recreational vehicle waste, ship and boat waste without permission or in contravention of the bylaw
- failure to submit a report (more than eight weeks beyond the due date)
- dilution of wastewater

Violations may have a significant impact on the ability of Source Control program staff to regulate the discharger.

4.4 Major Violations

Examples of Major Violations

- any instance of a non-performance issue capable of causing:
 - the CRD to be out of compliance with provincial permit limits;
 - a potential health hazard to the public or sewer maintenance crews;
 - a serious negative impact on treatment works or residuals; or
 - a danger of environmental damage
- discharge of a prohibited waste
- the discharger hinders or prevents an inspection

Major violations will usually be expected to cause a significant impact on the sewer system, the receiving environment, or public health and safety. Major violations may also be offences that have a negative impact on staff's ability to deliver the Source Control program. Timely enforcement action is required for all major violations, particularly for a discharge of a contaminant at a concentration such that urgent review and/or remedial action is required.

5.0 ESCALATING ENFORCEMENT ACTION

This policy outlines a stepped approach to escalating enforcement actions and outlines the pathway to the determination of non-compliance and beyond. Enforcement action will escalate at each step along this path.

It should be noted that this pathway will be followed for all normal unsatisfactory performance issues. There are some instances, at the discretion of the manager, such as more serious cases of repeated or deliberate non-compliance, negligence, infrastructure damage or environmental damage, where legal action and/or cost recovery may be initiated regardless of the step that the discharger is at on this path.

Dischargers will be classified as in "Full Compliance" if they have been inspected and no unsatisfactory issues are identified. A discharger's status will be classified as "Unknown" if no inspection has been performed or no sampling results have been received. Offences up to and including Step 3 will be classified as "In Progress". Dischargers at the "Discharger Under Review" level and above will be considered to be in "Non-compliance".

For the purposes of clarifying discharger status, non-compliance may be split into administrative and polluting categories:

Administrative: Examples include failure to keep records under a COP or late reports under a permit.

Polluting: Examples include not having the required equipment or proper maintenance under a COP or bypass of treatment works under a permit.

5.1 Timelines for Offences

WASTE DISCHARGE PERMITS AND AUTHORIZATIONS

The timeline for maintaining an open case to record repeat occurrences for permittees is generally one rolling calendar year from the date of the first occurrence.

For minor administrative offences, such as failing to keep records, the time frame for recording the next offence will be a calendar month. Recording failures to submit reports depends on the frequency of reporting required, and each failure constitutes a recordable event. Serious offences, such as discharging prohibited waste, may be recorded on each day of occurrence.

At any time where Authorizations are not followed, the deputy sewage control manager (DSCM) may elect to cancel the Authorization and issue a waste discharge permit or require the discharger to follow a COP where applicable.

CODES OF PRACTICE

For discharging operations under COP, the time limit for recording repeat offences is open-ended, because the requirements are prescriptive and most offences will involve not having the required equipment or not following procedures. As such, each failure to comply with specific requirements is an offence. This policy defines when a business operating under a COP may be re-set to in "full compliance".

5.2 Step 1 - Observation Stage

- first infraction

WASTE DISCHARGE PERMITS AND AUTHORIZATIONS

Step 1 is intended to alert RSCP staff and the discharger to an infraction. RSCP staff will prepare a letter that will simply notify the discharger of the occurrence. In general, the impact of an individual infraction is not significant unless a significant non-performance issue (such as a major violation discussed in Section 4.4) occurs. The officer may also discuss the occurrence with the discharger and attempt to determine if there is an obvious explanation for the occurrence, which can be readily addressed. Increased communication is the primary enforcement tool that the officer will use at this step.

ESCALATION DUE TO EXCEEDENCES

This policy considers long-term compliance and proposes escalating enforcement action for repeated exceedences over the preceding one-year period. Specific actions are based on the parameter exceeded and the frequency and severity of these exceedence events.

For permittees, if self-monitoring data indicates an exceedence of an authorized limit, beyond the normal range of variability, RSCP staff will attempt to determine whether there is an explanation for the result, ensure that the sample was properly taken and that analysis was by an authorized method. Depending on the severity and/or potential impact of the exceedences, the DSCM may require or order the discharger to increase the frequency of sampling or to sample during a specific event, if this has been

determined to be the cause of the exceedences. In some cases, unsatisfactory performance of a treatment or control system may result in exceedences of more than one parameter.

CODES OF PRACTICE

Similarly, for COP, Step 1 primarily involves education of the discharger, with a followup letter indicating the offence. For Step 1 offences, if a followup visit indicates no continued occurrence or new offence, the discharging operation is considered to be in full compliance.

5.3 Step 2 - Warning Stage

Any or one of the following:

- first major infraction
- second infraction same type within one year (for permits or authorizations)
- second infraction any kind for discharger operating under COP

WASTE DISCHARGE PERMITS AND AUTHORIZATIONS

In addition to notifying the discharger of this occurrence, the Step 2 letter will also express concern about this event. The officer will discuss the occurrence with the discharger. The officer may include a request that the discharger submit a preliminary investigation report on the occurrences. As in Step 1, increased communication is the primary enforcement tool at this step.

CODES OF PRACTICE

If a Step 2 offence is discovered, the discharger will be sent a letter notifying it of the issue and indicating that failure to rectify the issue will result in further enforcement action. Issues will be investigated by RSCP staff or forwarded to Bylaw Enforcement for followup. Results of the Bylaw Enforcement staff investigation will be forwarded to Source Control program staff. Bylaw Enforcement staff will continue to follow up on these unsatisfactory performance issues as directed by RSCP staff until there is an indication that performance is acceptable via a clean inspection. When a clean inspection is achieved, the discharger will be considered in full compliance.

5.4 Step 3 - Staff Assessment

Any or one of the following:

- first violation
- third infraction same type within one year (for permits or authorizations)
- third infraction any kind for a discharger operating under a COP

WASTE DISCHARGE PERMITS AND AUTHORIZATIONS

A significant escalation in enforcement action occurs at this step. The occurrence of a Step 3 incident must be discussed initially with the DSCM. In all cases, the discharger will be notified in a Step 3 letter of the seriousness of this occurrence. A written report on circumstances is required from the discharger and RSCP staff will be directed on appropriate followup by the DSCM.

ESCALATION DUE TO EXCEEDENCES

Following a third exceedence of the same parameter within one year, a staff assessment of the permit will be carried out. The staff review will include the following steps:

- review of data, treatment works and current practices by the CRD permit manager, to include a determination of:
 - appropriateness of sampling procedures

- accuracy and precision of analytical procedures
 - current loading of contaminants (using permittee and CRD audit data as necessary)
 - level of pre-treatment currently in place
 - level of maintenance applied
 - appropriate Industry Standard Treatment Works (ISTW), as determined by research into the range of pre-treatment options currently available for the industry sector within the CRD and other areas
- impact assessment by the CRD permit manager, to include a determination of:
 - whether the contaminant(s) concerned is included as a priority for contaminant reduction
 - predicted impact of the discharge on sewer system, sewage treatment plant and/or the environment under current conditions and pre-treatment options in place
 - whether or not ISTW will achieve acceptable reductions in impact or whether another more effective pre-treatment option will be required

Following the staff assessment, a recommendation will be made to the DSCM for one of the following courses of action:

- i) Compliance Program (described in more detail in Section 5.5)
 - discharger classified as a Discharger Under Review (DUR) and in non-compliance
 - site meeting by the DSCM and permit manager with the permittee to discuss the results of the review
 - set appropriate limits or required reductions in contaminant loads for the business based on a minimum of ISTW being in place
 - require submission of a compliance plan that includes installation of ISTW, maintenance and procedures to meet set limits by a set time frame
- ii) Extend the Staff Assessment Period
 - the staff assessment period may be extended for a set period as determined by the DSCM to allow the discharger additional time to fine tune equipment, or correct maintenance or procedural issues that may bring the discharger into compliance. If compliance is not achieved, the discharger becomes DUR as described below.
- iii) Amend the Permit or Authorization
 - if the discharger is found to have ISTW, adequate maintenance and procedures and the performance is found acceptable, a permit amendment specifying new limits may be issued. At issuance of the permit, the discharger is considered to be in compliance.

CODES OF PRACTICE

RSCP or Bylaw Enforcement staff following up on Step 2 issues will consider the discharger to be in full compliance after achieving a clean inspection. RSCP or Bylaw Enforcement staff following up on Step 2 issues and finding continued unsatisfactory performance will inform the discharging operation in writing of the escalation to Step 3 status and may issue a ticket under the Ticket Information Authorization (TIA) Bylaw. Bylaw Enforcement staff will continue to follow up as directed by RSCP staff on these unsatisfactory performance issues until discharger performance is found to be acceptable.

5.5 Discharger Under Review and in Non-compliance

This is the step at which a discharger is considered to be in non-compliance and involves another significant escalation in enforcement action. The elevation of a discharger into this category must first be discussed with the DSCM.

Any or one of the following:

- second major infraction same type (permits)
- second violation same type (permits)
- fourth infraction same type (other than exceedences)
- first major violation
- fourth infraction any kind for discharger operating under COP
- second major infraction any kind for discharger operating under COP
- any significant unsatisfactory performance issue

WASTE DISCHARGE PERMITS

Dischargers under waste discharge permits face a range of enforcement options, including an Order under the EMA specifying action to be taken, a demand letter from the CRD solicitor or charges under the Bylaw. Compliance status remains at DUR until all required actions have been completed and confirmed via inspection and monitoring.

While companies are completing compliance plans, programs or actions specified in an Order under the EMA, they remain as DUR.

COMPLIANCE PLANS

When it has been decided that escalated enforcement action or an upgrade in treatment works is required, a meeting will be held with the permittee to discuss the severity of the issue and for clarification. The discharger will be formally notified in writing of their DUR and non-compliance status. The discharger will be required to submit a detailed written compliance plan for the approval of the DSCM within 90 days. This 90-day period allows time for a discharger to bring in a consultant to help determine the appropriate action to deal with the issue. Progress meetings with the discharger (and consultant, if applicable) to fully communicate the intent of the requirement and measure progress are required at 30 and 60 days. Extensions may be granted for valid technical reasons.

If no acceptable compliance plan is received in the required time frame, an order will be made (under the EMA) setting conditions for discharge or a demand letter will be issued by the CRD solicitor. Failure to comply with an Order or demand letter will result in legal action.

COMPLIANCE PROGRAMS

An acceptable compliance plan will be incorporated into a permit by an amendment. This accepted compliance plan, including a schedule and interim limits, is then considered a compliance program. The amended permit will allow for higher concentration limits while the discharger initiates a program to control discharge quality and for a break-in period for new treatment works. The amended permit would include target limits and compliance dates and require submission of progress reports. The limits will be set based on RSCP policies and objectives.

The discharger remains as a DUR while on the compliance program. Dischargers failing to complete the program on schedule will be considered for legal action. Extensions to schedules may be allowed for technical reasons but must be approved in writing by the DSCM. Once a compliance program is successfully completed and acceptable performance is maintained as defined by permit conditions (as verified by CRD sampling, analysis and/or a site inspection), the discharger's status will be full compliance.

Failure to complete an approved compliance program will result in a review by the DCSM with an outcome of one of the following options:

- an extension of the program by the DSCM
- an amendment to the permit
- the discharger being considered for legal action

CODES OF PRACTICE

For dischargers operating under a COP, a demand letter will be sent by the CRD solicitor to the discharger informing them of the non-compliance and indicating continued non-compliance may result in legal action, including charges under the bylaw.

Two clean inspections are required to re-set compliance status to in full compliance.

AUTHORIZATIONS

Dischargers reaching this stage would have their Authorization cancelled and either a permit would be issued with a compliance program or legal action would be pursued.

5.6 Consideration for Legal Action

The following failures can lead to consideration for legal action:

- failure to resolve non-compliance issues for business operating under a COP
- failure to complete an approved compliance program
- failure to comply with an order under the EMA

A discharger, on failing to rectify one of the above issues, will be considered for legal action regarding the issue. A demand letter from the CRD solicitor will be sent to any business that has not previously received one. Failure to respond, provide adequate information or make substantial progress toward a solution satisfactory to the DSCM will result in legal action against the discharger. Followup inspections will confirm status of the discharger for operations following a COP. Two clean inspections are required to re-set compliance status to in full compliance.

6.0 TICKETS, INJUNCTIONS AND CHARGES

This policy sets out definitions for offences and a stepped approach to escalating enforcement action. Formal legal tools, such as tickets, injunctions, charges and direct enforcement, are part of the escalating action.

6.1 Tickets

Tickets may only be issued for specific offences listed in the TIA Bylaw. Tickets should not be used where repeat offences are likely to result in a significant impact on the environment, sewage works or residuals, or public health and safety. Step 3 is generally the appropriate stage for the use of tickets.

6.2 Charges

Charges should be considered for dischargers who have failed to take action to achieve full compliance. Each case should be carefully considered to ensure that adequate documentation is in place and that the discharger has been given written warnings of violations and a letter from our lawyer. Permission is required from the sewage control manager prior to proceeding with a charge.

6.3 Injunctions

Injunctions are court orders issued by the Supreme Court directing a person to do, or not do, a specific act. Injunctions should be used where there is an immediate serious problem or continued offences under the bylaw by the discharger. Use of injunctions may be appropriate for major violations. Board approval is required for injunctions.

6.4 Direct Enforcement

Where the Board has authority to direct a person to take a required action, if the person fails to act, the Board can complete the action, then recover the cost in accordance with the *Local Government Act*.

7.0 STAFF ENFORCEMENT RESPONSIBILITIES

RSCP staff, such as officers, DSCMs and sampling technicians, involved in enforcement actions should have access to training, such as the bylaw enforcement course given by the Justice Institute of British Columbia

7.1 Municipal Sewage Control Officer (Environmental Technician)

- responsible for compliance, audit and legal sampling
- processing of CRD analytical results
- evaluation of discharger sampling techniques
- updating the sampling manual
- maintenance of a list of test variability of accuracy for each parameter

7.2 Municipal Sewage Control Officer (Environmental Science Officer I)

- responsible for front line enforcement of the CRD Sewer Use Bylaw for codes of practice
- identifies unsatisfactory operational performance issues
- forwards issues to Bylaw Enforcement for followup
- reviews discharger's file and monitoring results to ensure that unsatisfactory performance issues are identified and recorded on the discharger's compliance record
- discusses unsatisfactory performance issues with the discharger
- informs and discusses with the DSCM (ESO IV) of all unsatisfactory performance issues
- issue, or direct bylaw enforcement to issue, ticket under the TIA Bylaw
- recommends to the DSCM (senior environmental science officer) the issuing of demand letters from the CRD solicitor
- may use discretion

7.3 Municipal Sewage Control Officer (Environmental Science Officer II)

- responsible for front line enforcement of the EMA and the CRD Sewer Use Bylaw
- drafts, negotiates and administers waste discharge permits and authorizations
- identifies unsatisfactory operational performance issues
- reviews discharger's file and monitoring results to ensure that unsatisfactory performance issues are identified and recorded on the discharger's compliance record
- discusses unsatisfactory performance issues with the discharger
- evaluates impact of discharges to sanitary sewer
- investigates industry standard treatment works
- informs and discusses with the DSCM (ESO IV) of all Step 3 or higher issues
- recommends to the DSCM (senior environmental science officer) the issuing of orders under the EMA
- may use discretion

7.4 Deputy Sewage Control Manager (Environmental Science Officer IV)

As well as conducting the tasks listed in Sections 7.2 and 7.3, tasks include:

- checks that the unsatisfactory performance issues identified are dealt within a consistent and effective manner
- provides assistance to other officers in formulating the best approach to solving these issues and assists the officers in negotiation compliance programs, where necessary
- reviews all proposed compliance programs in conjunction with the DSCM (senior environmental science officer)
- coordinates reviews of all proposed compliance programs of a technical nature and makes recommendations as to their acceptability. Requests additional information when required
- Coordinates overall enforcement action with Bylaw Enforcement and the CRD solicitor for COP issues

7.5 Deputy Sewage Control Manager (Senior Environmental Science Officer)

As well as conducting the tasks in Section 7.4, tasks include:

- provides assistance regarding technical issues, as requested by other source control program staff
- approves the issuing of orders under the EMA
- approves significant non-performance issues that, at first occurrence, place a business as a DUR
- determines the priority list of DUR for which escalated enforcement will occur
- approves demand letter from CRD solicitor
- coordinates overall budget for CRD Bylaw Enforcement and CRD solicitor
- final decision on prosecuting tickets where disputes occur
- makes recommendations to the sewage control manager regarding legal action against a discharger
- determines who prepares and presents the case for legal action
- coordinates preparation of injunctions

7.6 Sewage Control Manager (General Manager, Environmental Services Department)

- makes the decision to proceed with a legal case for charges under the bylaw
- recommends to the Board whether to proceed with injunctions
- recommends to the Board whether to proceed with direct enforcement action

7.7 Bylaw Enforcement Officers

- assist the RSCP as requested by the ESO I
- attend site to supply increased presence
- assist with conflict resolution with hostile dischargers
- issue warning tickets
- issue tickets under the TIA Bylaw
- assist with administration and prosecution of tickets
- coordinates actions with RSCP staff during Bylaw Enforcement actions
- assists in pursuing legal action

7.8 The CRD Solicitor

- reviews case and provides advice on thoroughness of evidence against a discharger
- prepares demand letters
- may prosecute legal action as directed

7.9 The CRD Board

- makes the final decision to proceed with injunctions or direct enforcement actions

8.0 DEFINITIONS

Accuracy - means the agreement between experimentally determined value and the accepted reference value.

Authorization - means the authorization in writing by a manager or an officer, which contains specific conditions.

Board - means the Board of the Capital Regional District.

Bylaw Enforcement Officer - means persons appointed by the Board to enforce bylaws adopted by the Board.

Charges - means preparing a report to Crown Council to facilitate a prosecution.

Code of Practice - means a code of practice attached to the Sewer Use Bylaw as authorized by the manager and approved by the Board for the discharge of waste by a discharging operation. A COP defines the minimum treatment standard, record keeping and other requirements for a specific business type.

Deputy Sewage Control Manager - means a person appointed by the Board, under the *Environmental Management Act*, to be a deputy to the sewage control manager.

Direct Enforcement - means, where the authority exists, to take an action to remedy a situation where a person has refused to do so, then seek compensation for the costs of the action from that person.

Discharging Operations - means an industrial, commercial or institutional operation listed in Appendix "D" of Bylaw 2922. These are operations for which authorized codes of practice have been issued.

Discharger Under Review - means an administrative classification of unsatisfactory performance issues by a discharger. The criteria for determining a DUR are specified in the policy.

Environmental Management Act - means the *Environmental Management Act* of the Province of British Columbia.

Exceedence - means an analytical test result for a discharge that is higher, or outside a specified range of pH, than a limit specified in a permit or by a bylaw.

Failure to Post Signs - means failure to follow the requirements in the CRD Sewer Use Bylaw to post the name and the telephone number of the person to call in the event of an accidental discharge of prohibited or restricted waste.

Industry Standard Treatment Works - means a combination of treatment works, practices, equipment and waste management procedures in use by a specific industry sector to significantly reduce the level of contaminants in the discharge to sewer.

Infraction - means an administrative classification of unsatisfactory performance issues by a discharger. The criteria for determining infractions are specified in the policy.

Injunctions - means a court order issued by the Supreme Court of Canada directing a person to conduct or cease a specific act. Injunctions are civil suits.

Major Infraction - means an administrative classification of unsatisfactory performance issues by a discharger. The criteria for determining major infractions are specified in the policy.

Major Violation - means an administrative classification of unsatisfactory performance issues by a discharger. The criteria for defining a major violation are specified in the policy.

Manager - means the sewage control manager of the Capital Regional District.

Municipal Sewage Control Officer - means persons appointed by the Board as municipal sewage control officers under the *Environmental Management Act*.

Officer - means a municipal sewage control officer appointed by the Board.

Order - means an order issued by the manager under the *Environmental Management Act*.

Permit - means a waste discharge permit under the CRD Sewer Use Bylaw issued by a manager.

Precision - means how closely multiple analyses of a sample agree with each other.

Prohibited Waste - means prohibited waste as defined in Schedule "A" of the CRD Sewer Use Bylaw.

Regional Source Control Program - means a program to control the level of contaminants discharged into sewers and drains connected to CRD treatment facilities.

Restricted Waste - means restricted waste as defined in Schedule "B" of the CRD Sewer Use Bylaw.

Sewage Control Manager - means a person appointed by the Board, under the *Environmental Management Act*, to be a sewage control manager.

Stormwater - means water resulting from natural precipitation from the atmosphere and which is intended to be transported in a storm sewer, a combined sewer or a watercourse.

TIA Bylaw - means the Capital Regional District Municipal Ticket Information Authorization (TIA) Bylaw that enables the use of a municipal ticket information to enforce bylaws.

Ticket - means municipal ticket information. This document combines information and summons in one document and may be issued for offences listed under the CRD TIA Bylaw.

Treatment Works - means devices, machinery, equipment, land or a structure that measures, handles, transports, stores, treats or destroys waste or a contaminant or is designed or used to measure or control the introduction of waste into the environment, or to measure or control a contaminant.

Violation - means an administrative classification of unsatisfactory performance issues by a discharger. The criteria for determination of violations are specified in the policy.