

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1225

**A BYLAW TO REGULATE THE DISCHARGE OF WASTE
INTO ALL SEWERS CONNECTED TO SEWAGE FACILITIES
OPERATED BY THE REGIONAL DISTRICT OF NANAIMO**

WHEREAS on January 8, 1998, the Lieutenant Governor in Council designated the Regional District of Nanaimo as a sewage control area under Section 22 of the *Waste Management Act*;

AND WHEREAS under Section 23 of the *Waste Management Act*, the Board of the Regional District may make bylaws respecting the direct or indirect discharge of wastes into any sewer or drain connected to a sewage facility operated by the Regional District;

AND WHEREAS the Regional District of Nanaimo has appointed a Sewage Control Manager and Municipal Sewage Control Officers;

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

1. **Application**

This bylaw applies to discharges of waste into any sewer or drain connected to a sewage facility operated by the District.

2. **General**

- (1) No person shall hinder or prevent 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) Nothing in this bylaw shall be interpreted as relieving a person discharging waste from complying with Federal, Provincial and local government enactments governing the discharge of waste into sewers.
- (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 Sections 269 and 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.
- (4) The schedules annexed hereto 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 of reference only.

3. **Citation**

This bylaw may be cited for all purposes as "Regional District of Nanaimo Sewer Use Regulatory Bylaw No. 1225, 2002".

4. **Definitions**

The following terms, words and phrases when used in this bylaw shall have the meanings set forth in this section, whether appearing in capital or lower case 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.

"Air" means the atmosphere but, except in a sewer or a sewage 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 or is capable of interfering with visibility,
- (d) interferes 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.

"Application" means a request for one of the following:

- (a) a Waste Discharge Permit;
- (b) to amend, add or delete a term or condition of a Waste Discharge Permit;
- (c) to change the activity that is the subject of a Waste Discharge Permit;
- (d) to renew a Waste Discharge Permit;
- (e) an authorization.

"Authorized" or "Authorization" means the authorization in writing by the Manager or an Officer upon such terms and conditions as specified therein;

"Biomedical Waste" means biomedical waste as defined in "Guidelines for the Management of Biomedical Waste" established by the Canadian Council of Ministers of the Environment (CCME) and dated February 1992.

"Biosolids" means treated municipal wastewater sludge that meets quality criteria for beneficial use as a fertilizer or soil amendment product.

"Board" means the Board of the District.

"BOD" means biochemical oxygen demand, being the quantity of oxygen utilized in the biochemical oxidation of organic substances under standard laboratory procedures in 5 days at 20 degrees Celsius expressed in milligrams per litre, as determined by the appropriate procedure in Standard Methods;

"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.

"Chlorinated Phenols" means the chlorinated derivatives of phenols specified in Schedule "B" and as determined by the appropriate procedure described in Standard Methods in procedures authorized by the Manager.

"COD" means chemical oxygen demand, being a measure of the oxygen equivalent of the organic matter content of a sample that is susceptible to oxidation by a strong chemical oxidation, as determined by the appropriate procedure in Standard Methods.

"Combined Sewer" means a sewer designed for the collection and transmission of uncontaminated water, wastewater, and storm water.

"Composite Sample" means a sample of waste 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.

"Contaminant" means any substance, whether gaseous, liquid, or solid, 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 sewage facility;
- (d) causes or is capable of causing material physical discomfort to a person; or
- (e) damages or is capable of damaging the environment.

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

"District" means the Regional District of Nanaimo.

"Domestic sewage" means sanitary waste produced on a residential property.

"Domestic waste" means sanitary waste or the water-carried wastes from drinking, culinary purposes, ablutions, laundering or food processing which is produced on a **residential property** and is discharged directly or indirectly into a sewer connected to a sewage facility operated by the District.

"Enactment" means any applicable act, regulation, bylaw, order, or authorization, by a federal, provincial, regional, municipal government or their authorized representatives.

"Grab sample" means a sample of waste collected at a particular time and place.

"High Volume Discharge" means any discharge of non-domestic waste into a sewer in excess of 10 cubic metres per day or 300 cubic metres over any consecutive 30 day period but not including water from a pool.

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

"Load" means the total mass of a contaminant or waste discharged per unit time.

"Local Service Area" means the "Sewer Local Service Area" as established under Section 798(1)(a) of the Local Government Act in the Regional District of Nanaimo.

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

"Monitoring Point" means an access point to a sewer, private drainage system, or other sewer for the purpose of:

(a) measuring the rate of flow or volume of wastewater being discharged from a premises;

(b) collecting representative samples of wastewater being discharged from a premises.

"Municipality" means any participating member city, town, district, or other incorporated area of the Regional District of Nanaimo incorporated as a municipality or the Regional District of Nanaimo itself.

"Non-domestic Waste" means all waste except domestic waste, trucked waste, sanitary waste, storm water, and uncontaminated water.

"Officer" means a Municipal Sewage Control Officer appointed by the Board.

"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.

"Order" means an order issued by the Manager.

"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.

"**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.

"**Phenols**" means the hydroxy derivatives or aromatic hydrocarbons as determined by the appropriate procedure described in Standard Methods.

"**Polynuclear Aromatic Hydrocarbons (PAH)**" mean the aromatic hydrocarbon specific in Schedule 'B' and as determined by the appropriate procedure described in Standard Methods or in procedure authorized by the Manager.

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

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

"**Private Drainage System**" means a privately owned assembly of pipes, fittings, fixtures, traps and appurtenances that is used to convey wastewater, uncontaminated water, storm water, or foundation drainage to a sewer, sewage facility, or a private wastewater disposal system.

"**Prohibited Waste**" means prohibited waste as defined in Schedule 'A' of this Bylaw.

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

"**Recreational Vehicle Waste**" means domestic sewage accumulated in a holding tank in a trailer, camper, transportable housing unit, bus, aircraft, boat or houseboat.

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

"**Restricted Waste**" means restricted waste as defined in Schedule 'B' to this bylaw.

"**Sanitary Sewer**" means a sewer which carries sanitary waste or wastewater but which is not intended to carry stormwater or uncontaminated water.

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

"**Seawater**" means water including any water from the marine environment.

"**Sewage Control Manager**" means a sewage control manager appointed by the Regional District of Nanaimo, 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 gathers, treats, transports, stores, utilizes or discharges waste.

"Sewer" means all pipes, conduits, drains, and other equipment and facilities, owned or otherwise under the control or jurisdiction of the District for the purpose of providing sewage treatment and disposal service within the Local Service Area, 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 with those of the District or one or more municipalities.

"Sharps" means hypodermic needles, hypodermic syringes, blades, broken glass, and any devices, instruments or other objects which have acute rigid corners, edges or protuberances.

"S.I.C." means Standard Industrial Classification.

"Sludge" means wastewater containing more than 0.5% total solids.

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

"Special Waste Regulation" means the Special Waste Regulation as amended from time to time enacted pursuant to the Waste Management Act.

"Special Waste Regulation Leachate Quality Criteria" means the contaminant concentrations for leachate set out in Schedule '4' of the Special Waste Regulation, as amended from time to time.

"Spill Reporting Regulation" means the Spill Reporting Regulation as amended from time to time enacted pursuant to the Waste Management 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 Pollution Control Federation.

"Storm Sewer" means a sewer for the collection and transmission of stormwater, or uncontaminated water.

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

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

"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 content, oil and grease from interceptors or traps, and other sludges of organic or inorganic origin.

"Trucked Liquid Waste Bylaw" means the District's Trucked Liquid Waste Disposal Bylaw No. 988 or most current version.

"Uncontaminated Water" means any water excluding stormwater but including cooling water and water from municipal waterworks or a private water supply to which no contaminant has been added as a consequence of its use, or to modify its use by any person.

"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 or sewage facility.

"Waste Discharge Permit" means a Waste Discharge Permit issued by the Manager under this 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, industrial or institutional premises or any other source.

"Wastewater Sludge" means the removed material resulting from chemical treatment, coagulation, flocculation, sedimentation, flotation, or biological oxidation of wastewater.

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

"Watercourse" means:

- (a) a river, stream, creek, waterway, lagoon, lake, spring, swamp, marsh, or other natural body of water; or
- (b) a canal, ditch, reservoir, or other man-made surface feature whether it contains or conveys water continuously or intermittently.

"Waterworks" means any works owned or otherwise under the control or jurisdiction of the District or one or more of its member municipalities or an Improvement District that collects, treats, transports, or stores drinking water.

"Works" includes:

- (a) a drain, ditch, sewer or waste disposal system including a sewage treatment plant, pumping station or outfall;
- (b) a device, equipment, land or a structure that:
 - (i) measures, handles, transports, stores, treats or destroys waste or a contaminant; or
 - (ii) introduces waste or a contaminant into the environment;
- (c) an installation, plant, machinery, equipment, land or a process that causes or may cause a release of a contaminant into the environment or is designed or used to measure or control the introduction of waste into the environment or to measure or control a contaminant;

- (d) an installation, plant, machinery, equipment, land or a process that monitors or cleans up a contaminant or waste.

5. **Discharges to Sewers**

- (1) No person shall directly or indirectly discharge or allow or cause to be discharged into a sewer connected to a sewage facility operated by the District within the Local Service Area:
 - (a) Any **Prohibited Waste**, as described in Schedule 'A';
 - (b) Any **Restricted Waste**, as described in Schedule 'B' unless that person:
 - (i) has first obtained a Waste Discharge Permit or Authorization.
 - (c) Any **High Volume Discharge** unless that person:
 - (i) has first obtained a Waste Discharge Permit or Authorization.
 - (d) Any non-domestic waste from a **Discharging Operation** of with an **S.I.C.** listed in Schedule 'D' of this bylaw unless that person:
 - (i) has first obtained a Waste Discharge Permit or Authorization.
 - (e) Any **Uncontaminated Water** in a volume greater than 2.0 cubic metres per day without prior authorization from the Manager.
 - (f) Any **Stormwater** without prior authorization from the Manager.
- (2) Subsection 5(1) does not apply to **Trucked Liquid Waste** where that person:
 - (a) has first obtained a Holding Tank Sewage Disposal Permit as required according to the Sewage Disposal Bylaw; and
 - (b) the Trucked Liquid Waste is discharged at the sewage facilities designated in the Trucked Liquid Waste Disposal Bylaw and is otherwise strictly in accordance with the Trucked Waste Permit.
- (3) No person shall directly or indirectly discharge or allow or cause to be discharged into a sewer connected to a sewage facility operated by the District any water or other substance for the purpose of diluting any non-domestic waste.
- (4) A Municipality is not in violation of subsections 5(1) or 5(3) where there is a discharge contrary to one or more of those subsections by a third party without the knowledge of that Municipality into a sewer or sewage facility connected to a sewage facility operated by the District.
- (5) In order to obtain and maintain the authorization referred to in paragraph 5(1)(d), where the uncontaminated water is produced on property other than residential property or is from a source other than a waterworks, a person shall:

- (a) install and thereafter maintain at that person's expense, a meter on the water supply generating the authorized discharge; and
 - (b) supply to the Manager, by the 10th of each month, an accurate calculation of the volume of water measured pursuant to paragraph 5(5)(a).
- (6) Every person who directly or indirectly discharges waste or substances produced, treated, handled or stored on property other than residential property into a sewer connected to a "Sewage Facility" shall, as a condition of that discharge:
- (a) provide and maintain facilities to prevent accidental discharge or a discharge contrary to this bylaw or a Waste Discharge Permit or Authorization such as containment, recovery or neutralization facilities for substances which, if accidentally discharged, would constitute Prohibited or Restricted Waste;
 - (b) post, and keep posted, permanent signs in conspicuous locations on the premises displaying the name, telephone number of the person to call as prescribed in this bylaw in the event of accidental discharge of a Prohibited or Restricted Waste, and
 - (c) inform employees, who may cause or discover the discharge of Prohibited or Restricted Waste, of the notification procedures set out in Section 9 of this bylaw.
- (7) No person shall directly or indirectly discharge, or allow or cause to be discharged, any recreational vehicle waste into a sewer connected to a sewage facility operated by the District except:
- (a) with a Waste Discharge Permit, authorization or order; or
 - (b) at a sani-dump operating under a Waste Discharge Permit, Authorization or order.
- (8) No person shall directly or indirectly discharge, or allow or cause to be discharged, any carpet cleaner wastes into a sewer connected to a sewage facility operated by the District except:
- (a) at the premises where the waste was produced;
 - (b) with a Waste Discharge Permit, authorization or order; or
 - (d) at a sani-dump operating under a Waste Discharge Permit, authorization or order.

6. **Waste Discharge Permits and Authorizations**

- (1) The Manager may, by order under Section 22 of the Waste Management Act, issue a Waste Discharge Permit or Authorization to allow a High Volume Discharge or to allow the discharge of waste other than domestic sewage upon such terms and conditions as the Manager considers appropriate for the protection of sewers, sewage facilities, human or animal health and safety, and the environment, and

without limiting the generality of the foregoing, may in the Waste Discharge Permit or Authorization:

- (a) place limits and restrictions on the quantity, frequency of discharge, and nature of the waste permitted to be discharged;
 - (b) require the holder of a Waste Discharge Permit or Authorization, at his or her expense, to repair, alter, remove, or add works, or construct new works to ensure that the discharge will comply with the Waste Discharge Permit or Authorization, this bylaw, and any enactment;
 - (c) require the holder of a Waste Discharge Permit or Authorization, at his or her expense, to monitor the waste being discharged under the Waste Discharge Permit or Authorization in the manner specified by the Manager and to provide information concerning the discharge as requested by the Manager including, but not limited to, routine maintenance check dates, cleaning and waste removal dates, and the means of disposal of accumulated wastes and waste treatment residuals;
 - (d) require the holder of the Waste Discharge Permit or Authorization to submit to the Manager detailed plans and operating procedures for all existing facilities installed on the premises for the purpose of preventing accidental discharge;
 - (e) require compliance by the holder of the Waste Discharge Permit or Authorization with such other enactments as the Manager considers necessary or desirable in the circumstances;
 - (f) make such other requirements as the Manager deems necessary or desirable.
- (2) Notwithstanding paragraphs 6(1)(b) and (c) the Manager may, by order under Section 22 of the Waste Management Act, require any person or any class of persons to obtain a Waste Discharge Permit or Authorization for the discharge by that person or class of persons of any non-domestic waste that is not a High Volume Discharge or a Restricted Waste.
 - (3) Upon receipt of notice under Subsection 3(2) the person receiving the notice shall, within 30 days, apply for a Waste Discharge Permit or Authorization and shall provide to the Manager such information relating to the discharge of non-domestic waste by that person as the Manager may require.
 - (4) The Manager may suspend or revoke a Waste Discharge Permit or Authorization for a failure to comply with the terms and conditions of the Waste Discharge Permit or Authorization or for any failure to comply with this bylaw, or any enactment applicable to the discharge of waste into a sanitary sewer connected to a sewage facility operated by the District.
 - (5) (a) A Waste Discharge Permit or an Authorization may not be transferred or assigned without the Manager's consent in writing.

- (b) The Manager may withhold consent where there has been a breach of this bylaw or a condition of the Waste Discharge Permit or Authorization.
- (6) An application for a Waste Discharge Permit for a new discharge, or an amendment to an existing Waste Discharge Permit shall be made to the Manager on the form attached hereto as Schedule 'C' and shall be accompanied by such information, drawings, and specifications as may be required under Schedule 'C'.

7. Maintenance of Works and Procedures

- (1) It is a condition of the discharge of waste produced on property other than residential property into a sanitary sewer by a person who holds a Waste Discharge Permit or Authorization or who has received or is subject to an Order or who otherwise discharges waste that all measures be taken to keep all equipment and facilities maintained and in good repair as may be necessary to ensure compliance with the terms and conditions of this bylaw, a Waste Discharge Permit, Authorization or Order.
- (2) No person shall discharge or allow or cause to be discharged into a sewer connected to a sewage facility or into a sewage facility non-domestic waste which has bypassed any waste control works authorized and required by the Manager or which is not otherwise in compliance with this bylaw.

8. Records Retention

- (1) Holders of a Waste Discharge Permit or Authorization, or an Order permitting the discharge of waste produced on property other than residential property:
 - (a) shall retain and preserve for not less than six years after their creation, any records, books, documents, memoranda, reports, correspondence, and any and all summaries of such documents, relating to monitoring, sampling and chemical analysis required by the Manager, a Waste Discharge Permit, Authorization or Order;
 - (b) shall retain and preserve all records which pertain to issues which are the subject of administrative action or any other enforcement or litigation activities by the District until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

9. Notification

- (1) Any person who discharges waste or allows the discharge of waste into a sewer or a sewage facility in contravention of any Waste Discharge Permit, Authorization or Order or that is otherwise in contravention of this bylaw, after becoming aware of the discharge, shall stop the discharge, and after reporting the discharge in accordance with the Spill Reporting Regulation shall immediately notify:
 - (a) the Manager or an Officer by telephone and provide the information specified in subsection 9(2);

- (b) the owner of the premises; and
 - (c) any other person whom the person reporting knows, or reasonably should know, may be directly affected by the discharge.
- (2) The Manager shall be supplied with the following information under subsection 9(1)(a):
- (a) identification of the premises where the discharge occurred;
 - (b) location of the discharge;
 - (c) name of the person reporting the discharge and telephone number, or numbers, where that person can be reached;
 - (d) date, time and duration of the discharge;
 - (e) type and concentration of all substances discharged and any known associated hazards;
 - (f) total weight or volume of the material discharged; and
 - (g) corrective action being taken, or anticipated to be taken, to control the discharge or to prevent similar discharges.
- (3) A person who discharged or allowed a discharge of waste referred to in Subsection 9(1) shall, as soon as that person becomes aware or reasonably should have become aware of the discharge, take all reasonable measures to:
- (a) confine, minimize, counteract, mitigate, remedy, and repair the effects of the discharge; and
 - (b) remove or otherwise dispose of the substance discharged in a manner consistent with this bylaw and other applicable enactments.
- (4) A person operating under an existing Waste Discharge Permit shall notify the Manager in writing not less than 90 days prior to:
- (a) commencing a new activity; or
 - (b) expanding or changing an existing activity;
- which affects or may affect the average composition or the total volume of waste discharged by that person.

10. **Powers of the Manager**

- (1) The Manager or an Officer may enforce the provisions of this bylaw.
- (2) The Manager, an officer or any person authorized by the 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 a Waste

Discharge Permit, an Authorization, or an Order have been or are being complied with or the regulations of this bylaw are being observed.

- (3) Nothing in this bylaw shall be interpreted as restricting the powers of a Sewage Control Manager or an Officer under the Waste Management Act of British Columbia and Regulations.

11. **Monitoring of Discharges**

- (1) The Manager may, pursuant to Section 22 of the Waste Management Act, require that a person who is discharging any waste other than domestic sewage into a sewer shall, at his or her expense, install one or more monitoring points suitable for inspection, flow monitoring, and sample collection at locations determined by the Manager, to be constructed in accordance with plans approved by the Manager and maintained in good working order by the person.
- (2) A monitoring point required under Subsection 11(1) shall be installed in a manner so as not to be affected by any discharge of domestic waste from a premises, unless otherwise authorized by the Manager.
- (3) A monitoring point required under Subsection 11(1) shall, for the purposes of enforcing this bylaw, be deemed to be the point or points at which a discharge into a sewer or sewage facility is made.
- (4) In the absence of a monitoring point under Subsection 11(1), the point of discharge into a sewer or sewage facility shall, for the purposes of enforcing this bylaw, be the location determined by the Manager where access can be had to the waste for the purpose of sampling and flow monitoring.
- (5) Where a person is required to install a monitoring point under Subsection 11(1), and the person cannot comply with such requirement within 60 days of being notified of the requirement by the Manager the person shall, within 60 days of the notice being issued by the Manager, inform the Manager of his or her inability to install the monitoring point and the District may install or cause to be installed the monitoring point at the person's expense.
- (6) The owner of a premises shall ensure that all monitoring points, flow measuring devices and other devices specified in the Waste Discharge Permit, including water meters, are accessible for inspection by the Manager or an Officer at all times.
- (7) The Manager may require that a person who is discharging waste into a sewer undertake, at that person's expense, sampling and analysis of the waste discharged.
- (8) All sampling and analysis required by the Manager shall be carried out in accordance with methods and procedures specified in Standard Methods or in a manner specified by the Manager.
- (9) Samples, which have been collected as the result of a requirement of the Manager, shall be analyzed by an independent agency or by a laboratory authorized by the Manager.

12. **Offences and Penalties**

- (1) A person who contravenes this bylaw, a Waste Discharge Permit, Authorization or Order issued under this bylaw, or other requirement made or imposed under this bylaw, is guilty of 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 District from pursuing any other remedy that would otherwise be available to the District at law.

13. **Transition**

- (1) Section 5(1)(b) shall not apply to a discharge of Restricted Waste in existence on the date of enactment of this bylaw provided that within six months of the enactment of this bylaw the person discharging or allowing or causing the discharge of a Restricted Waste obtains a Waste Discharge Permit or an Authorization.
- (2) Section 5(1)(c) shall not apply to a High Volume Discharge in existence on the date of enactment of this bylaw provided that within six months of the enactment of this bylaw the person who is discharging or allowing or causing the discharge of a High Volume Discharge obtains a Waste Discharge Permit or an Authorization.

14. **Review of Sewage Control Manager's Decision**

- (1) A person affected by a decision, order or requirement of the Sewage Control Manager pursuant to Sections 5(1), 11(1), 11(2), 11(4) or 11(7) may request a review within 21 working days of delivery of the decision, order or requirement by delivery to the Manager of the Notice of Review Request in the form attached as Schedule 'E'.
- (2) The Manager may extend the time for requesting a review either before or after the time has elapsed.
- (3) The matter will be reviewed by the Manager pursuant to Section 14(7) unless the person seeking the review requests, on the form attached as Schedule 'E', that the matter be referred first to mediation.
- (4) Mediation shall be conducted by a party agreeable to the applicant and to the Manager and, if the parties cannot agree, then each party shall appoint a representative and the representatives shall jointly select a mediator.
- (5) The costs of mediation shall be borne equally by all parties involved.
- (6) If mediation does not resolve the matter in dispute, the review shall proceed to the Manager.

- (7) Upon considering the matter under review and the results of the mediation, if any, the Manager may:
 - (a) confirm, reverse or vary the decision, order or requirement under review; and
 - (b) make any decision that the Manager considers appropriate.
- (8) Any decision made by the Manager pursuant to Section 14(7) must be communicated in writing to the applicant within 10 working days of receiving the written review request or the results of the mediation.
- (9) In the event that the Manager is absent from the office due to vacation, illness, disability or other reason, a decision of the Manager may be delayed until 10 working days following the Manager's return.
- (10) The Manager may extend the time limits set out in Sections 14(8) and 14(9) for doing any of the things referred to in Section 14(7).
- (11) A request for a review does not operate as a stay or suspend the operation of the decision being reviewed unless the Manager orders otherwise.
- (12) A review under this bylaw will not prejudice any right of appeal, which a person may have under the Waste Management Act.

15. **Repeal of Regional District of Nanaimo Sewer Use Bylaw No. 1112, 1998.**

- (1) "Regional District of Nanaimo Sewer Use Regulatory Bylaw No. 1112, 1998" is hereby repealed.

Introduced and read three times this 12th day of March, 2002.

Adopted this 12th day of March, 2002.

CHAIRPERSON
CORPORATE SERVICES

GENERAL MANAGER,

Schedule `A' to accompany
"Regional District of Nanaimo
Sewer Use Regulatory Bylaw
No. 1225, 2002".

Chairperson

General Manager, Corporate
Services

SCHEDULE 'A'

PROHIBITED WASTE

Prohibited Waste means:

1. Special Waste

Special Waste as defined by the Waste Management Act of British Columbia and its Regulations.

2. Air Contaminant Waste

Any waste, other than sanitary waste, which by itself or in combination with another substance is capable of creating, causing or introducing an air contaminant outside any sewer or sewage facility or is capable of creating, causing or introducing an air contaminant within any sewer or sewage facility which would prevent safe entry by authorized personnel.

3. 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 sewer or sewage facility including, but not limited to gasoline, naphtha, propane, diesel, fuel oil, kerosene or alcohol.

4. 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 or performance of any sewer or sewage 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.

5. Corrosive Waste

Any waste with corrosive properties which, by itself, or in combination with any other substance, may cause damage to any sewer or sewage facility or which may prevent safe entry by authorized personnel.

6. 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 sewer or sewage facility or with the treatment of waste in a sewage facility;
- (b) Any waste which will raise the temperature of waste entering any sewage facility to 40 degrees Celsius (104 degrees Fahrenheit) or more;
- (c) Any non-domestic waste with a temperature of 65 degrees Celsius (150 degrees Fahrenheit) or more.

7. Biomedical Waste

Any of the following categories of Biomedical Waste: human anatomical waste, animal waste, untreated microbiological waste, waste sharps and untreated human blood and body fluids known to contain viruses and agents listed in "Risk Group 4" as defined in Laboratory Biosafety Guidelines published by Health and Welfare Canada and dated 1990.

8. PCB's, Pesticides

Any waste containing PCB's or pesticides.

9. Miscellaneous Wastes

Any waste, other than sanitary waste, which by itself or in combination with another substance:

- (a) constitutes or may constitute a significant health or safety hazard to any person;
- (b) may interfere with any sewage treatment process;
- (c) may cause a discharge from a sewage facility to contravene any requirements by or under any B.C. Waste Management discharge permit or any other act, law or regulation governing the quality of the discharge, or may cause the discharge to result in a hazard to people, animals, property or vegetation;
- (d) may cause biosolids to fail criteria for beneficial land application use in British Columbia as set out in the draft Guidelines for the Disposal of Domestic Sludge" under the Waste Management Act prepared by the Ministry of Environment and dated March 18, 1992, or may cause the emissions from a wastewater sludge combustion facility to be out of compliance with appropriate permits, or may cause the ashes from a wastewater sludge combustion facility to be considered a Special Waste under the Waste Management Act of British Columbia.

Schedule 'B' to accompany
"Regional District of Nanaimo
Sewer Use Regulatory Bylaw
No. 1225, 2002".

Chairperson

General Manager, Corporate
Services

BYLAW NO. 1225
SCHEDULE 'B'
RESTRICTED WASTE

Restricted Waste means:

1. **Specified Waste**

Any waste which, at the point of discharge into a sewer, contains any contaminant at a concentration in excess of the limits set out below. All concentrations are expressed as total concentrations which includes all forms of the contaminant, whether dissolved or undissolved. The concentration limits apply to both grab and composite samples. Contaminant definitions and methods of analysis are outlined in Standard Methods or methods specified by the Manager.

Any of the contaminants listed below in tables (a), (b) or (c) that are present in a waste at dissolved concentrations in excess of the Special Waste Regulation Leachate Quality Criteria will qualify that waste, regardless of the sampling method used, as a Special Waste.

(a) CONVENTIONAL CONTAMINANTS [mg/L]	
Biochemical Oxygen Demand (BOD)	300
Chemical Oxygen Demand (COD)	600
Oil and Grease*	100
Suspended Solids	350

Note: * Total oil and grease includes Petroleum Hydrocarbons (see table (b))

(b) ORGANIC CONTAMINANTS [mg/L]	
Benzene, Ethyl Benzene, Toluene, Xylenes (BETX)	1
Chlorinated Phenols	0.05
Polycyclic Aromatic Hydrocarbons (PAH)	0.05
Phenols	1
Petroleum Hydrocarbons	15

(c) INORGANIC CONTAMINANTS [mg/L]	
Arsenic (As)	0.2
Cadmium (Cd)	0.1
Chromium (Cr)	5
Cobalt (Co)	5
Copper (Cu)	1
Cyanide (CN)	1
Iron (Fe)	50
Lead (Pb)	0.5
Manganese (Mn)	5
Mercury (Hg)	0.05
Molybdenum (Mo)	5
Nickel (Ni)	1
Silver (Ag)	2
Sulphate (SO ₄)	1500
Sulphide (S)	1
Zinc (Zn)	3

2. Food Waste

Any non-domestic waste from cooking and handling of food that, at the point of discharge into a sewer, contains particles larger than 0.5 centimetres in any dimension.

3. **Radioactive Waste**

Any waste containing radioactive materials that, at the point of discharge into a sewer, exceeds radioactivity limitations as established by the Atomic Energy Control Board of Canada.

4. **pH Waste**

Any non-domestic waste which, at the point of discharge into a sewer, has a pH lower than 5.5 or higher than 11.0, as determined by either a grab or a composite sample.

5. **Dyes and Colouring Material**

Dyes or colouring materials which may pass through a sewage facility and discolour the effluent from a sewage facility except where the dye is used by the District, or one or more of its municipalities, as a tracer.

6. **Miscellaneous Restricted Wastes**

Any of the following wastes as defined in the bylaw.

- (a) seawater
- (b) PCBs
- (c) chlorinated phenols***
- (d) pesticides
- (e) tetrachloroethylene

*** Chlorinated phenols include:

chlorophenol (ortho, meta, para)
dichlorophenol (2,3, 2,4-, 2,5-, 2,6-, 3,4-, 3,5-)
trichlorophenol (2,3, 4-, 2,3,5-, 2,3,6-, 2,4,5-, 2,4,6-, 3,4,5-)
tetrachlorophenol (2,3,4,5-, 2,3,4,6-, 2,3,5,6-)
pentachlorophenol

Schedule 'C' to accompany
"Regional District of Nanaimo
Sewer Use Regulatory Bylaw
No. 1225, 2002".

Chairperson

General Manager, Corporate
Services

SCHEDULE 'C'
WASTE DISCHARGE PERMIT APPLICATION
REGIONAL DISTRICT OF NANAIMO
SEWER USE BYLAW NO. 1225

INFORMATION SHEET

This Information Sheet is provided to assist you in the preparation and submission of an application for a Waste Discharge permit under the Regional District of Nanaimo's Sewer Use Bylaw No. 1225. Once the form has been completed, initial each page and sign the declaration on Page 10. To assist RDN Environmental Services with the processing of the application, please make an accurate, readable and complete submission to the address provided below.

A. APPLICATION FORMS

1) Company Information

Indicate the company name, incorporation number, type of business, and location of the business. If your business or organization has more than one site address, please copy this form and complete a separate application for each site.

2) Summary of Effluent Discharge Characteristics

Complete this section to indicate discharge duration, volume, and quality.

3) Number of Connections

List the number and type of connections to sewer.

4) Sources of Wastewater

Where non-domestic waste is being discharged to sanitary sewer or storm sewer, list any pre-treatment works and the actual source of the wastewater.

5) Site Plan

A site plan must be submitted. Clearly mark the plant boundary, buildings, and approximate locations of new and existing works, monitoring points and sewer connections.

6) Declaration Form

The application form must be signed. Please ensure that the first box in the Declaration Section is complete. An application may be filed by an agent of the applicant and, unless the Sewage Control manager deems otherwise, an obligation imposed by this bylaw on an applicant may be carried out by his agent. If you wish to appoint an agent, please complete the appropriate box in the Declaration Section.

B. ADDITIONAL INFORMATION

- 1) Specifications and drawings of process equipment and control works associated with the discharge should be submitted to assist the RDN Engineering Department with the evaluation of the application. The Sewage Control Manager may request submission of additional details relevant to the application. Should additional application forms be required, they may be obtained from:

Sewage Control Manager
Environmental Services Department
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, B.C.
V9T 6N2

- 2) In the event of accidental discharge of a Prohibited or Restricted Waste to a sewer (as required under Section 2(7)(b) of this bylaw), please call:

Environmental Services Department
(250) 390-6560

Schedule 'D' to accompany
"Regional District of Nanaimo
Sewer Use Regulatory Bylaw
No. 1225, 2002".

Chairperson

General Manager, Corporate
Services

SCHEDULE 'D'

(Section 4.1 (d))

NON-DOMESTIC WASTE DISCHARGERS

BYLAW NO. 1225

Dischargers of non-domestic waste from specific industrial, commercial or institutional sectors listed below are required to obtain a Waste Discharge Permit, authorization or operate under a Code of Practice for a Discharging Operation.

SIC	Description
1041	Dairy (Fluid Milk Industry)
3041	Metal Plater (Custom Coating of Metal Products Industry)
4999	Landfill (Garbage Dump Operation)

APPLICATION FOR A WASTE DISCHARGE PERMIT

Application for a WASTE DISCHARGE PERMIT under the Regional District of Nanaimo (RDN) Sewer Use Bylaw No. 1225. This application is to be filed with the Sewage Control Manager, at the address on Page 2, not less than 90 days prior to the date for which a permit is required.

1. I, _____
(Full name - if a company, British Columbia Registered Name)

Registered Address: _____

Incorporation Number: _____

hereby apply for a WASTE DISCHARGE PERMIT to discharge non-domestic waste into sanitary sewer from a:

(Type of Business)

Located at: _____

2. Summary of Wastewater Discharge Characteristics

Maximum Duration of Operation: (hours/day) _____

(days/week) _____

(weeks/year) _____

Flow

Is the Discharge greater than 300 m³ in a 30 day period?: () yes () no

Frequency

Maximum discharge flow rate: _____ (m³/day)

Average daily discharge flow rate: _____ (m³/day)

Method of flow rate determination: _____

() measured () estimated

(Note: 1m³ = 220 Imperial gallons, or 264 US gallons)

Type of Discharge

continuous batch both

Quality

Use the check boxes to indicate whether any of the following types of wastes are discharged:

Flammable or explosive waste	<input type="checkbox"/> yes	<input type="checkbox"/> no
Obstructive waste	<input type="checkbox"/> yes	<input type="checkbox"/> no
Air contaminant waste	<input type="checkbox"/> yes	<input type="checkbox"/> no
High temperature waste	<input type="checkbox"/> yes	<input type="checkbox"/> no
Corrosive waste	<input type="checkbox"/> yes	<input type="checkbox"/> no
Biomedical waste	<input type="checkbox"/> yes	<input type="checkbox"/> no
Food waste	<input type="checkbox"/> yes	<input type="checkbox"/> no
Radioactive waste	<input type="checkbox"/> yes	<input type="checkbox"/> no

Special Waste

Does any process within the plant produce Special Waste as defined under the Special Waste Regulation of the Waste Management Act of British Columbia?

yes no don't know

Wastewater Characteristics

In the space provided below, check the appropriate box for each wastewater contaminant to dictate whether the contaminant listed is "known to be present", "suspected to be present", "suspected to be absent", or "known to be absent", in the wastewater discharge.

If a contaminant is "known to be present" or "suspected to be present", estimate the expected average and maximum daily contaminant concentrations in the spaces provided.

If wastewater discharges have been sampled and analyzed in the past, please attach examples of sampling data.

Wastewater Contaminants	Known to be present	Suspected to be present	Suspected to be absent	Known to be absent	Expected Concentration mg/L (ppm)
					Average
Maximum					
Conventional Contaminants					
Ammonia _____	()	()	()	()	_____
Biochemical _____ Oxygen Demand (BOD)	()	()	()	()	_____
Chemical Oxygen _____ Demand (COD)	()	()	()	()	_____
Suspended Solids _____	()	()	()	()	_____
Oil and Grease _____ (total)	()	()	()	()	_____
pH max _____ min _____	()	()	()	()	_____
Organic Contaminants					
Petroleum _____ Hydrocarbons	()	()	()	()	_____
Phenols (total) _____	()	()	()	()	_____
Phenols _____ (chlorinated)	()	()	()	()	_____
Polycyclic _____ Aromatic	()	()	()	()	_____

Hydrocarbons (PAH)

PCB's () () () () _____

Pesticides () () () () _____

Benzene () () () () _____

Ethylbenzene () () () () _____

Wastewater Contaminants	Known to be present	Suspected to be present	Suspected to be absent	Known to be absent	Expected Concentration mg/L (ppm)
					Average
Maximum					
Toluene _____	()	()	()	()	_____
Xylenes _____	()	()	()	()	_____
Solvents (specify) _____	()	()	()	()	_____
Inorganic Contaminants					
Arsenic _____	()	()	()	()	_____
Cadmium _____	()	()	()	()	_____
Chromium _____	()	()	()	()	_____
Cobalt _____	()	()	()	()	_____
Copper _____	()	()	()	()	_____
Cyanide _____	()	()	()	()	_____
Iron _____	()	()	()	()	_____
Lead _____	()	()	()	()	_____
Manganese _____	()	()	()	()	_____
Mercury _____	()	()	()	()	_____
Molybdenum _____	()	()	()	()	_____

Nickel	()	()	()	()	_____

Silver	()	()	()	()	_____

Sulphate	()	()	()	()	_____

Sulphide	()	()	()	()	_____

Zinc	()	()	()	()	_____

Other	()	()	()	()	_____

3. **Number of Connections to Sewer**

a. Sanitary Sewer

Domestic waste only _____

Non-domestic waste only _____

Combined domestic and non-domestic waste _____

(Note connection locations on attached site plan.)

Is stormwater discharged to sanitary sewer? yes () volume _____
m³/day no ()

Is uncontaminated water discharged to sanitary sewer? yes () volume _____
m³/day no ()

(Note connection locations on attached site plan.)

b. Storm Sewer

Stormwater only _____

Uncontaminated water only _____

Combined stormwater and uncontaminated water (Note connection locations on attached site plan.) _____

Is domestic waste discharged to storm sewer? yes () volume _____
m³/day no ()

(Note connection location on attached site plan.)

Is non-domestic waste discharged to storm sewer? yes () volume _____
m³/day no ()

4. Sources of Wastewater Discharge to Sewer

(Note location of sources and control works on attached site plan.)

SOURCE OF WASTEWATER
(e.g. galvanizing line rinse tank)

CONTROL WORKS TREATING EACH
SOURCE PRIOR TO DISCHARGE TO
SEWER*
(e.g. Trade Waste Interceptor)

a. **Sanitary Sewer**

b. **Storm Sewer**

* Control Works include: oil/water separators, grease traps, filters, electrolytic precipitators, reverse osmosis units, ion exchange units, neutralization facilities and other wastewater pre-treatment works.

5. **Site Plan**

Sketch a site plan in the area provided below or attach a site plan to this application form. The plan shall include property lines, buildings, pre-treatment works, effluent lines, sanitary and storm sewer connections, flow measuring devices, and monitoring points (or available sampling locations).

(Include approximate scale on site plan.)

North

6. Declaration

I, _____, declare that the information given on this application form is correct to the best of my knowledge.

(Date)

(Signature of Applicant or Agent)

(Title)

(Phone Number)

If you elect to appoint an Agent, please complete the following:

I, _____
(Print Name)

(_____)
(Title)

(Signature)

hereby authorize _____
(Print Name)

(Affiliation)

to deal with you directly on all aspects of the subject application.

Schedule 'E' to accompany
"Regional District of Nanaimo
Sewer Use Regulatory Bylaw
No. 1225, 2002".

Chairperson

General Manager, Corporate
Services

SCHEDULE 'E'
(Section 14(1))

NOTICE OF REVIEW REQUEST
BYLAW NO. 1225

A person affected by a decision of the Sewage Control Manager may request a review by completing and submitting this form within 21 days after the decision being appealed is given.

Business Name: _____ Date:

Address:

Contact Person: _____ Phone No.: _____ Fax No.:

Describe decision to be reviewed (and attach copy of decision):

Reasons for Review Request:

Check one of the following:

Request for Review by Sewage Control Manager Request for Third Party Mediation

List any documentation attached.

Send to: Sewage Control Manager, Environmental Services Department,
 Regional District of Nanaimo, 6300 Hammond Bay Road, Nanaimo, BC, V9T
6N2

Received by: _____ Date: _____ File No.

NOTE: YOU MAY BE ENTITLED TO A TIME-LIMITED STATUTORY RIGHT OF APPEAL TO THE ENVIRONMENTAL APPEAL BOARD UNDER THE *WASTE MANAGEMENT ACT*. PLEASE CONSULT A COPY OF THAT ACT FOR FURTHER DETAILS.