

THE CORPORATION OF THE TOWN OF MARATHON

BY-LAW NO. 1582

Being a by-law to control discharges to the Municipal
Sewer System pursuant to Section 11(3) and 87 of the
Municipal Act 2001, S.O. 2001, .25, as amended.

WHEREAS Section 11(3) of the Municipal Act, 2001, permits a Municipality to pass bylaws respecting matters concerning waste management; and

WHEREAS the Council of the Corporation of the Town of Marathon deems it necessary to regulate and inspect discharges to any sewer, sewer system or sewage works;

NOW THEREFORE the Council of the Corporation of the Town of Marathon hereby enacts as follows:

Part 1 -DEFINITIONS

1. In this by-law:

- (1) “acute hazardous waste chemicals” means acute, hazardous waste chemicals within the meaning of O.Reg. 347, as amended from time to time, made under the Environmental Protection Act, R.S.O. 1990, c.E.19 (EPA);
- (2) “biochemical oxygen demand (B.O.D.)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at twenty (20) degrees Celsius as determined in accordance with Standard Methods and expressed in milligrams per litre.
- (3) “blowdown water” means recirculating water that is discharged from a cooling or heating water system for the purpose of controlling the level of water in the system or for the purpose of discharging from the system materials contained in the system, the further build-up of which would impair the operation of the system;
- (4) “combustible liquids” means a liquid that has a flash point not less than 37.8 degrees Celsius and not greater than 93.3 degrees Celsius;
- (5) “composite sample” means a volume of sewage, storm water, uncontaminated water, or effluent made up of three or more grab samples that have been combined automatically or manually and taken at intervals during the sampling periods;
- (6) “connection” or “drain” means that part of those parts of any pipe or system of pipes leading directly to a sewage works;
- (7) “cooling water” means water that is used in a process for the purpose of removing heat and that has not, by design, come into contact with process materials and that has been circulated through the cooling device, but does not include blowdown water;
- (8) “Discharger” means an owner or operator of an industrial, commercial or institutional premises who is discharging sewage, stormwater, cooling water or uncontaminated water into a sewage works;
- (9) “double municipal sewer connection” means a municipal sewer connection servicing two or more premises;
- (10) “Environmental Protection Act” means the Environmental Protection Act, R.S.O. 1990 cE.10 as amended;
- (11) “fuels” means alcohol, gasoline, naphtha, diesel fuel, fuel oil or any other ignitable substance intended for use as a fuel;

- (12) “grab sample” means a portion of the discharge from or deposit to the sewage works, that is collected at one instant in time;
- (13) “groundwater” means water beneath the earth’s surface accumulating as a result of seepage;
- (14) “hailed sewage” means waste removed from a sewage system, including a cesspool, a septic tank system, a privy vault or privy pit, a chemical toilet, a portable toilet, or a sewage holding tank;
- (15) “hailed waste” means any industrial waste which is transported to and deposited into any location in the sewage works excluding hailed sewage;
- (16) “hazardous industrial waste” means hazardous industrial waste within the meaning of O.Reg. 347, as amended from time to time, made under the Environmental Protection Act, R.S.O. 1990 c.E.19. (EPA);
- (17) “ignitable waste” means a substance that,
- (a) is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume and has a flash point less than 61 degrees Celsius, as determined by the Tag Closed Cup Tester (ASTM D-56-97a), the Setaflash Closed Cup Tester (ASTM D-3828-97 or ASTM D-3278-96e1), the Pensky-Martens Closed Cup Tester (ASTM D-93-097), or as determined by an equivalent test method,
 - (b) is a solid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a danger;
 - (c) is an ignitable compressed gas (Class 2, Division D) as defined in the regulations under the Transportation of Dangerous Goods Act, 1992 S.C. 1992, as amended, or,
 - (d) is an oxidizing substance (Class 5, Divisions 1 and 2) as defined in the regulations under the Transportation of Dangerous Goods Act 1992 S.C. 1992, as amended;
- (18) “industrial” means of or pertaining to industry, manufacturing, commerce, trade, business, or institutions as distinguished from domestic or residential;
- (19) “maintenance access point” means an access point in a private sewer connection, large enough for a man to enter to allow for observation, sampling and flow measurement of the sewage, uncontaminated water or storm water therein;
- (20) “Manager” means Manager of Works & Operations of the Town of Marathon and his/her successors or his/her duly authorized representatives.
- (21) “matter” means any solid, liquid or gas;
- (22) “Municipal Act” means the Municipal Act, S.O. 2001, c.25 as amended;
- (23) “municipal sewer connection” means that part of any drain leading from the private sewer connection to the municipal sewer and located within the limits of the public road allowance, or other public lands or public land interests held for sewage purposes;
- (24) “Municipality” means the Corporation of the Town of Marathon;
- (25) “pathological waste” means pathological waste within the meaning of O.Reg. 347, as amended from time to time, made under the Environmental Protection Act, R.S.O. 1990 c.E.19 (EPA);

- (26) “PCB” means any monochlorinated or oligochlorinated biphenyl or any mixture of them or mixture that contains one or more of them;
- (27) “pH” means the logarithm of the reciprocal of the concentration of hydrogen ions in grams per litre of solution.
- (28) “person” includes an individual, association, partnership, corporation or municipality and includes an agent or employee of such person.
- (29) “pesticide” means a pesticide regulated under the Pesticides Act, R.S.O. 1990, c.P.(PA);
- (30) “private sewer connection” means that part of any drain or system of drains, including drains or subsurface drainage pipe for surface or subsurface drainage of the land in or adjacent to a building, lying within the limits of the private lands and leading to a municipal sewer connection;
- (31) “prohibited discharge” means any discharge or deposit of matter that enters or is likely to enter any sewage works, that is not specifically authorized by this by-law;
- (32) “reactive waste” means a substance that,
- (a) is normally unstable and readily undergoes violent changes without detonating;
 - (b) reacts violently with water;
 - (c) forms potentially explosive mixtures with water;
 - (d) when mixed with water, generates toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment;
 - (e) is a cyanide or sulphide bearing waste which, when exposed to pH conditions between 2 and 12.5, can generate toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment;
 - (f) is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement,
 - (g) is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure,
 - (h) is an explosive (Class 1) as defined in the regulations under the Transportation of Dangerous Goods Act, 1992 S.C. 1992 as amended;
- (33) “sanitary sewer” means a sewer for the collection and transmission of domestic or industrial sewage or any combination thereof;
- (34) “severely toxic waste” means any contaminant listed in Schedule 3 of O.Reg. 347, as amended from time to time, made under the Environmental Protection Act, R.S.O. 1990 c.E.19 (EPA);
- (35) “sewage” means any liquid, solid or gas containing organic, inorganic, animal, vegetable or mineral matter in solution or in suspension and includes things that float but does not include storm water or uncontaminated water;
- (36) “sewage works” means any works for the collection, transmission, treatment or disposal of sewage, storm water or uncontaminated water, including a sanitary sewer or storm sewer, or any part of such works, but not include plumbing or other works to which the Building Code Act, 1992, as amended;
- (37) “sewer” means a pipe, conduit, drain, open channel, or ditch for the collection and transmission of sewage, storm water and/or uncontaminated water, or any

combination thereof;

- (38) “spill” means a direct or indirect discharge of any matter regulated by this by-law or the Environmental Protection Act, into the sewage works, storm sewer or natural environment which is abnormal in quantity or quality, given the circumstances at the time of the discharge;
- (39) “Standard Methods” means a procedure or method set out in Standard Methods for the Examination of Water and Wastewater published jointly by the American Public Health Association, American Water Works Association and the Water Environment Federation, Latest edition;
- (40) “storm sewer” means a sewer for the collection and transmission of uncontaminated water, storm water, drainage from land or from a watercourse or any combination thereof;
- (41) “storm water” means water from rainfall or other natural precipitation or from the melting of snow or ice;
- (42) “subsurface drainage pipe” means a pipe that is installed underground to intercept and convey surface water, and includes foundation drain pipes;
- (43) “uncontaminated water” means potable water supplied by the Municipality that has not had any matter added to it after it has been supplied and any water to which no matter has been added intentionally or unintentionally;
- (44) “waste disposal site leachate” means the liquid containing dissolved or suspended contaminants which emanates from the waste and is produced by water percolating through the waste or by liquid in the waste;
- (45) “waste radioactive prescribed substances” means uranium, thorium, plutonium, neptunium, deuterium, their respective derivatives and compounds and such other substances as the Atomic Energy Control Board may by regulation designate as being capable of releasing atomic energy or as being requisite for the production, use or application of atomic energy; and
- (46) “watercourse” means an open channel, ditch or depression either natural or artificial, in which flow of water occurs either continuously or intermittently.

Part 2 -SANITARY SEWER REQUIREMENTS

2. (1) No person shall discharge or deposit or cause or permit the discharge or deposit of sewage or any other material into or in land drainage works, private branch drains or connections to any sanitary sewer in circumstances where,
- (A) to do so may cause or result in,
- (i) a health or safety hazard to a person authorized by the Manager to inspect, operate, maintain, repair or otherwise work on a sewage works;
 - (ii) an offence under the Ontario Water Resources Act or the Environmental Protection Act, as amended from time to time, or any regulation made there under from time to time;
 - (iii) biosolids from the sewage works to which either sewage discharges, directly or indirectly, to fail to meet the objectives and criteria as listed in the Ministry of the Environment publication entitled “Guidelines for the Utilization of Biosolids and Other Wastes on Agricultural Land” dated March 1996, as amended from time to time;
 - (iv) interference with the operation or maintenance of a sewage works, or which may impair or interfere with any treatment process;
 - (v) a hazard to any person, animal, property or vegetation;

- (vi) an offensive odour to emanate from the sanitary sewer, and without limiting the generality of the foregoing, sewage containing hydrogen sulphide, carbon disulphide, other reduced sulphur compounds, amines or ammonia in such quantity as may cause an offensive odour;
- (vii) damage to sewage works infrastructure; or
- (viii) an obstruction or restriction to the flow in the sanitary sewer.

(B) the sewage has one or more of the following characteristics:

- (i) a pH less than 6.0 or greater than 10.5;
- (ii) two or more separate liquid layers; or
- (iii) a temperature greater than sixty degrees Celsius

(C) the sewage contains:

- (i) acute hazardous waste chemicals;
- (ii) combustible liquids;
- (iii) dyes or colouring materials which pass through a sewage works and discolour the sewage works;
- (iv) fuel;
- (v) hauled sewage, except where:
 - a) the carrier of the hauled sewage is a waste management system operating under a certificate of approval or provisional certificate of approval issued under the Environmental Protection Act or is exempt from the requirement to have a certificate or provisional certificate of approval;
 - (b) a copy of the most recent certificate of approval or provisional certificate and any amendment is provided to the Municipality; and
 - (c) the carrier meets all conditions for discharge that are or may be required from time to time by the Municipality;

(vi) hauled waste, except where

- (a) the carrier of the hauled sewage is a waste management system operating under a certificate of approval or provisional certificate of approval issued under the Environmental Protection Act or is exempt from the requirement to have a certificate or provisional certificate of approval;
- (b) a copy of the most recent certificate of approval or provisional certificate and any amendment is provided to the Municipality; and
- (c) hauled waste meets the conditions set out in Clauses 23(3)(c) and 25(5)(b) of O.Reg. 347, R.R.O. 1990, as amended from time to time; and
- (d) the carrier meets all conditions for discharge that are or may be required from time to time by the Municipality;

- (vii) ignitable waste;
 - (viii) hazardous industrial waste;
 - (ix) hazardous waste chemicals;
 - (x) pathological waste;
 - (xi) PCBs, except where:
 - a) the person has a certificate of approval for a mobile site or PCB mobile waste disposal system issued under the EPA or where the person is claiming exemption under a regulation;
 - b) the person has demonstrated to the Municipality that the conditions of the exemption are met;
 - c) a copy of the most recent certificate of approval or provisional certificate and any amendment is provided to the Municipality; and
 - d) the person has written approval from the Municipality for the discharge of the PCBs to the sewage works;
 - (xii) pesticides;
 - (xiii) reactive waste;
 - (xiv) severely toxic waste;
 - (xv) waste radioactive prescribed substances, except where:
 - a) the waste radioactive prescribed substances are being discharged under a valid and current licence issued by the Atomic Energy Control Board or its successor; and
 - b) a copy of the licence has been provided to the Municipality;
- (D) the sewage contains a concentration, expressed in milligrams per litre, in excess of any one or more of the limits in Table 1 of this by-law entitled “Limits for Discharge Into Sanitary Sewers”.
- (2.) No person shall discharge storm water, groundwater, non-contact cooling water or uncontaminated water to a sanitary sewer except where the Municipality has provided by written notice of exemption to the person and so long as the person to whom the notice is directed is complying with any terms and conditions set out in the notice of exemption by the Manager.

Table 1 -Limits for Discharge Into Sanitary Sewers

PARAMETER	LIMIT (mg/L)
Biochemical Oxygen Demand	350
Suspended Solids, Total	350
Cyanide, Total	2
Fluoride	10
Phenolics (4AAP)	1.0
Phosphorus, Total	10
Kjeldahl Nitrogen, Total	150
Total Oil and Grease	150
Antimony, Total	5
Arsenic, Total	1
Cadmium, Total	0.7
Chromium, Total	5

Cobalt, Total	5
Copper, Total	3
Lead, Total	2
Mercury, Total	0.05
Molybdenum, Total	5
Nickel, Total	3
Selenium, Total	5
Silver, Total	5
Zinc, Total	3
Chloroform	0.04
1,4 -dichlorobenzene	0.05
Methylene chloride	2
1,1,2,2 -Tetrachloroethane	1.4
Tetrachloroethylene	1
Trichloroethylene	0.4
Benzene	0.01
Ethylbenzene	0.16
Toluene	0.27
Xylene, Total	1.44
Gallium	
Technetium	

Part 3 -PROHIBITION OF DILUTION

3. No person shall discharge directly or indirectly or deposit or cause or permit the discharge or deposit of sewage into a sanitary sewer, storm sewer, municipal sewer connection or private sewer connection to any sanitary sewer, or storm sewer in circumstances where water has been added to the discharge for the purposes of dilution to achieve compliance with this by-law.

Part 4 -STORM SEWER REQUIREMENTS

4. (1) No person shall discharge or cause or permit the discharge or, or cause or permit the deposit that is likely to discharge any matter into or in land drainage works, private branch drains or connections to any storm sewer, matter of any type, which may:
- (a) interfere with proper operation of a storm sewer;
 - (b) obstruct or restrict a storm sewer or the flow therein;
 - (c) damage the storm sewer;
 - (d) result in any hazard or adverse impact, to any person, animal, property or vegetation;
 - (e) contravene or result in the contravention of a certificate of approval or provisional certificate of approval issued under the Ontario Water Resources Act or the Environmental Protection Act (Ontario) with respect to the storm sewer and or its discharge;
 - (f) have one or more of the following characteristics:
 - (i) visible film, sheen or discoloration;
 - (ii) two or more separate layers;
 - (iii) a pH less than 6.0 or greater than 9.5;
 - (iv) a temperature greater than 40 degrees Celsius
 - (g) contain one or more of the following:
 - (i) acute hazardous waste chemicals;
 - (ii) blowdown;
 - (iii) combustible liquids;
 - (iv) floating debris;

- (v) fuel;
 - (vi) hauled sewage;
 - (vii) hauled waste;
 - (viii) hazardous industrial waste;
 - (ix) hazardous waste chemicals;
 - (x) ignitable waste;
 - (xi) pathological waste;
 - (xii) PCBs;
 - (xiii) pesticides;
 - (xiv) reactive waste;
 - (xv) severely toxic waste;
 - (xvi) sewage;
 - (xvii) waste radioactive prescribed substances;
 - (xviii) waste disposal site leachate;
- (xix) a substance from raw materials, intermediate or final product, used or produced in, through or from an industrial process; or
 - (xx) a substance used in the operation or maintenance of an industrial site;
- (h) contain ecoli colonies in excess of 200 per 100mL;
- (i) contain contaminants from raw materials, intermediate or final products or wastewater from an industrial operation; or
- (j) contain a concentration, expressed in milligrams per litre, in excess of any one or more of the limits in Table 2 of this By-law entitled “Limits for Discharge into Storm sewers”.
- (2) A person may be required, by written notice from the Municipality to perform or undertake one or more of the following activities addressing storm water quality from the person’s property:
- (a) a study on storm water quality and/or quantity;
 - (b) modification and/or construction of storm water facilities;
 - (c) development and implementation of a best management plan;
 - (d) adoption and implementation of pollution prevention techniques and measures; or
 - (e) any other activity set out in the notice.
- (3) No person shall fail to comply with the requirements of a written notice as stipulated in Section 4(2) within the time lines specified in the notice.

Table 2 -Limits for Discharge into Storm Sewers

PARAMETER	LIMIT (mg/L)
Biochemical Oxygen Demand	15
Suspended Solids, Total	15
Cyanide, Total	0.02
Phenolics (4AAP)	0.008
Phosphorus, Total	0.4
Arsenic, Total	0.02
Cadmium, Total	0.008
Chromium, Total	0.08
Copper, Total	0.04
Lead, Total	0.12
Mercury, Total	0.0004
Nickel, Total	0.08
Selenium, Total	0.02
Silver, Total	0.12
Zinc, Total	0.04
1,4 -dichlorobenzene 0.50	0.0068

Methylene chloride	0.0052
1,1,2,2 -Tetrachloroethane	0.017
Tetrachloroethylene	0.0044
Trichloroethylene	0.0076
Benzene	0.002
Ethylbenzene	0.002
Toluene	0.002
Xylene, Total	0.0044

Part 5 -REPORTING REQUIREMENTS

5. (1) Where requested by the Manager, and prior to any discharge of sewage, storm water, cooling water, uncontaminated water or any combination thereof, to the sewage works or the storm sewer, a Discharger is required to complete and return to the Municipality the following report(s) as set out in Appendix “A” (Discharge Reports);
 - (a) Form 1, the “Short Version of the Discharger Information Report”; and
 - (b) Form 2, the “Complete Discharger Information Report” under the following conditions:
 - (i) where in the opinion of the Municipality, the Discharger may have a significant impact on the sewage works; or
 - (ii) the Discharger has or may require an extra strength agreement with the Municipality.
- (2) If a person discharging to the sewage works or the storm sewer prior to the enactment of this By-law, the Discharger shall comply with the requirements of 5(1) within 30 days after the passage of this By-law.
- (3) The conditions in 5(2) do not apply to an existing Discharger, if in the opinion of the Municipality, adequate information has been provided to and accepted by the Municipality prior to the date of enactment of this By-law;
- (4) Written notification must be provided to the Municipality of any change to the information reported under 5(1), 5(2) or 5(3) within 15 days of the change.

Part 6 -DISCHARGER SELF-MONITORING

6. (1) A Discharger shall complete any monitoring and sampling of a discharge to the sewage works as determined by the Municipality, and provide the results to the Municipality according to a reporting format, as determined by the Municipality.
- (2) The duties of the Discharger as determined in 6(1) shall be completed at the expense of the Discharger.
- (3) The condition listed in 6(2) is not in effect where the Municipality has made an agreement to share the expense with the Discharger.

Part 7 -EXTRA STRENGTH SURCHARGE AGREEMENT

7. (1) The discharge or deposit of sewage, or other sewage related matters, that would otherwise be prohibited by this By-law may be permitted to the extent fixed by an Industrial Waste Surcharge Agreement or a Sanitary Discharge Agreement with the Municipality under conditions which may include payment of additional sewage service rates or otherwise as may be deemed necessary by the Municipality to compensate for any additional costs of operation, repair and maintenance of the sewage works.
- (2) (a) The Municipality may authorize an Industrial Waste Surcharge Agreement to permit exceedences of the parameter limits as set out in Table 1 “Limits for

Discharge Into Sanitary Sewers”.

- (b) Upon recommendation of the Director, the Municipality is authorized to execute such agreements under the authority of this By-law.
- (3) (a) A Sanitary Discharge Agreement shall be made for the discharge of sewage that contains water that has originated from a source separate from the municipal water supply system.
 - (b) Upon recommendation of the Director, the Municipality is authorized to execute such agreements under the authority of this By-law.
- (4) The agreements contemplated by Parts 7(2)(a) and 7(3)(a) may be terminated by the Municipality by written notice at any time where there is an emergency situation of immediate threat or danger to any person, property, plant or animal life, water or the sewage works.
- (5) A person who has entered into an agreement with the Municipality shall not be prosecuted under Part 2 of this By-law for the discharge or deposit of any matter specified in the agreement and in compliance with the agreement during the period within which the agreement is applicable and so long as the agreement is fully complied with.
- (6) An Industrial Waste Surcharge Agreement or a Sanitary Discharge Agreement shall be in the form and of the content as set out by the Manager from time to time.

Part 8 -COMPLIANCE PROGRAM

- 8. (1) The Municipality may issue a compliance program to address a non- compliance situation, where a Discharger is out of compliance with one or more conditions in Section 2 or Section 4 of this by-law, if, in the opinion of the Manager, there are no other practical options available to eliminate the non-complying discharge.
- (2) Every compliance program shall be for a specific length of time during which treatment facilities are to be installed and shall be specific as to the remedial actions to be implemented by the industry, the dates of commencement and completion, and the materials or other characteristics or the matter to which it relates. The final activity completion date shall not be later than the final compliance date specified in the compliance program.
- (3) A person to whom a compliance program has been issued shall submit a compliance program progress report to the Manager within 14 days after the scheduled completion date of each activity listed in the compliance program.
- (4) A person to whom a compliance program has been issued shall not be prosecuted under Part 2 of this By-law for the discharge or deposit of any matter specified in the compliance program during the period within which the compliance program is applicable and so long as the person complies with the compliance program.
- (5) The Municipality may levy an extra strength sewage service rate as described in Section 7 for non-complying wastes specified in the compliance program during the period within which the compliance program is applicable.
- (6) The Manager may require the person to self-monitor for such parameters as specified in the compliance program for the duration in which the compliance program is applicable.
- (7) All costs associated with self-monitoring shall be the responsibility of the person to whom the approved compliance program is issued.
- (8) The Manager may terminate a compliance program at any time in the event that the person issued the compliance program fails or neglects to carry out or diligently

pursue the activities required of it and the termination shall be effective within 30 days of a written notice of termination.

- (9) A compliance program may be terminated by the Manager by written notice at any time where there is an emergency situation of immediate threat or danger to any person, property, plant or animal life, waters or the sewage works, and the termination shall be effective immediately.

Part 9 -MAINTENANCE ACCESS POINTS

9. (1) The owner or operator of commercial, institutional or industrial premises or apartment/condominium building with one or more connections to a sewage works shall install and maintain in good repair in each connection a suitable maintenance access point to allow observation, sampling and flow measurement of the sewage, uncontaminated water or storm water therein, provided that where installation of a maintenance access point is not possible, an alternative device or facility may be substituted with the written approval of the Manager.
- (2) Where there is no maintenance access point meeting the requirements of this Bylaw, the Municipality may require in written notification, the installation of a maintenance access point within a specified period of time or may permit the use of an alternate device or facility for the purpose of sampling a discharge to the sewage works.
- (3) Maintenance access points required under this by-law shall be:
- (a) located on the property of the discharger as close to the property line as practicable unless the Municipality permits an alternative location;
 - (b) accessible at all times by the Municipality;
 - (c) constructed in a manner which meets with standards of the Municipality;
 - (d) maintained to ensure access and structural integrity; and
 - (e) maintained and constructed at the expense of the discharger.

Part 10 -SAMPLING AND ANALYTICAL REQUIREMENTS

10. (1) The sampling and analysis required by this By-law shall be in accordance with the procedures, modified or unmodified, as described in the Standard Methods or a document generated by the Municipality.
- (2) Non-compliance with this By-law may be determined by the analysis of;
- (a) a single grab sample, or
 - (b) a composite sample done in accordance with Section 10(1).
- (3) Conditions in this By-law are applicable to discharges as sampled at the last point of control prior to or after the discharge to the sewage works crosses the property boundary.
- (4) In the event that the person cannot provide a maintenance access point due to space limitations and the Municipality has agreed on an alternative sampling location, the conditions in the By-law are applicable to discharges as sampled at the agreed upon alternative sampling location.

Part 11 -SPILLS

11. (1) In the event of a spill to a sewage works, the person shall immediately notify the Municipality, provide any information with respect to the spill that the Municipality requires and complete any work the Municipality may require to mitigate the spill.

- (2) The person shall provide a report on the spill to the Municipality, within five days after the spill, containing the following information:
 - (a) location where spill occurred;
 - (b) name and phone number of person who reported the spill and location where they can be contacted;
 - (c) date and time of spill;
 - (d) material spilled;
 - (e) characteristics of material spilled, including MSDS sheets;
 - (f) volume of material spilled;
 - (g) duration of spill event;
 - (h) work completed and/or still in progress in the mitigation of the spill; and
 - (i) preventative actions being taken to ensure the situation does not occur again.
- (3) All costs incurred by the Municipality as a result of such spill shall be borne by the person responsible for the spill.
- (4) Notwithstanding the requirements of a person to make reports under sub-sections (1) and (2) above, this does not relieve said persons from any other statutory reporting requirement that may pertain to the materials or situation involved, including reporting requirements pursuant to the Environmental Protection Act.

Part 12 - INTERCEPTORS

12. (1) Every owner or operator of a restaurant or other industrial, commercial or institutional premises where food is cooked, processed or prepared, which premises is connected directly or indirectly to a sewer, shall take all necessary measures to ensure that oil and grease are prevented from entering the sewer. In particular, the owner or operator shall install, operate and properly maintain grease interceptor in any piping system at its premises that connects directly or indirectly to a sewer.
- (2) Every owner or operator of a commercial, industrial or institutional premise at which floor drains of a service garage are connected directly or indirectly to a sewer shall install, operate and maintain an oil interceptor designed to prevent motor oil and lubricating grease from passing into drainage piping which is connected directly or indirectly to a sewer.
- (3) Every owner or operator of a premises from which sediment may directly or indirectly enter a sewer, including but not limited to premises using a ramp drain or area drain, car and vehicle wash establishments, shall install, operate and maintain a sediment interceptor and shall take all necessary measures to ensure that such sediment is prevented from entering the drain or sewer.
- (4) Every grease, oil or sediment interceptor shall be installed, operated and maintained in accordance with the manufacturer's instructions, and shall be inspected and cleaned frequently and no less than once (1) monthly, to ensure that it is operating effectively.
- (5) Owners or operators of premises having grease, oil or sediment interceptors shall keep a record of interceptor maintenance including the date(s) on which cleaning/maintenance occurred, the person or contractor responsible, the condition and actions taken, including method and destination of waste disposal, and these records shall be maintained on site and produced immediately upon request of the Manager.

Part 13 -PRETREATMENT AND SELF-MONITORING AND REPORTING

13. (1) The Manager may require the owner or operator of industrial premises discharging, or proposing to discharge, into the municipal sewage works effluent exceeding the strength, nature, quantity or quality provided for this By-law to install and maintain a pretreatment facility or holding tank so that the effluent will be reduced accordingly.
- (2) The pretreatment facility or holding tank shall be located on the property of the owner or operator of the premises.
- (3) Any pretreatment facility or holding tank installed as required in Section 14(1) shall be designed and constructed in accordance with good engineering practice and the requirements of the Manager, and shall be constructed and maintained by the owner or operator of the premises at his/her expense.
- (4) The Manager may require the owner or operator of the industrial premises to install and maintain devices to monitor sewage, uncontaminated water or storm water discharges and to submit regular reports regarding the discharges to the Municipality.
- (5) No person with a pretreatment facility or holding tank shall fail to keep a record of cleaning and maintenance and to produce such record to the Municipality on request.

Section 14 -GENERAL

14. (1) No person shall prevent, hinder, obstruct or interfere in any way with any person authorized by the Municipality for the purposes of this by-law or The Municipal Act.
- (2) No person shall, without the Managers' consent, uncover, make any connection with, or opening into, break, alter, damage, destroy, deface, or tamper or cause or permit the breaking, damaging, destroying, defacing or tampering with,
- (a) any part of a sewage works; or
- (b) any permanent or temporary device installed in a sewage works for the purpose of flow measuring, sampling and testing of sewage, uncontaminated water or storm water.
- (3) Any person discharging sewage, uncontaminated water or storm water to the municipal sewage works shall be responsible for ensuring that such sewage, uncontaminated water or storm water conforms at all times to the provisions of this By-law, and shall be liable for any damage or expense arising out of his/her failure to properly check and control such discharge, including the cost of investigation, repairing or replacing any part of any municipal sewage works damaged thereby.
- (4) Unless specifically authorized by the Manager, no person shall enter any sewage works.

Part 15 -SEWER CONNECTIONS

15. (1) No person shall:
- (a) erect or cause or permit to be erected any new building on lands that are serviced by a sanitary sewer unless the new building is connected to the sanitary sewer;
- (b) erect or cause or permit to be erected any new building on lands that are serviced by both sanitary and storm sewers unless the new building is connected to both sanitary and storm sewers; and
- (c) construct, install, maintain or cause or permit to be constructed, installed or maintained, whether installed prior to the date of the passing of this bylaw or any of its predecessors, a direct or indirect connection to the sanitary sewer

connection which would permit anything other than sanitary sewage to discharge into the sanitary sewer connection.

- (d) construct, install, maintain, or cause or permit to be constructed, installed, or maintained a direct or indirect connection to the sanitary sewer connection without final inspection by the Municipality and all such connections require a clean out as per the Ontario building code, as amended.
- (2) No person shall construct a sewer connection on any road allowance, easement or other public land unless under a contract or agreement with the Municipality.
- (3) Reconstructed Buildings:
- (a) Whenever an existing building is substantially demolished, the existing municipal sewer connections shall be disconnected at the municipal sewers and inspected at the expense of the owner of the building or agent. The owner or agent holding the permit to construct the replacement building shall be required to apply and pay for the installation of new municipal sewer connections. For the purpose of this section, an existing building is substantially demolished when more than fifty percent of the exterior walls of the first story above grade are removed whether or not they are subsequently replaced.
 - (b) An owner or agent who is applying for a permit to construct a replacement building or to disconnect a dwelling from a septic tank to connect to a sanitary sewer connection shall be entitled to use an existing municipal sewer connection, which, upon inspection by the Municipality, is found to be in satisfactory condition. The applicant shall pay for the cost of the inspection, the amount of which shall be determined from time to time by the Municipality.
- (4) The Manager may order the temporary disconnection of any sewer connection whenever the Manager considers it necessary and for so long as the Manager considers it necessary to prevent continued or repeated violations of this by-law, and during that time no person shall use or cause or permit the use of such a connection.
- (5) The Manager shall not order such temporary disconnection unless the Manager has first mailed to the property owner a registered letter specifying the nature of the violation of this By-law and indicating the intention to order temporary disconnection no sooner than thirty days after the date of mailing unless the Manager can be satisfied such violations will not continue or recur. The cost of the disconnection and reconnection shall be borne by the property owner and shall be payable before any reconnection is made.
- (6) Any person desiring a sewer connection shall make an application to the Municipality on forms supplied by the Municipality and accompanied by such plans as may be required and pay a fee for the application. The owner of the property to be served, or the owners' agent shall sign the application, and the furnished on such application and plans.
- (7) A sewer connection on public property between the sewer main and private property shall be installed by the owner or agent at their expense. Sewer connections on private property shall be installed by the owner pursuant to a building permit having been previously issued for such purpose by the Municipality and at the expense of the owner or agent.
- (8) Methods and materials used on the construction of sewer connections shall resist entry of roots and acid or alkali damage, and shall be acceptable to the Manager.
- (9) Double municipal sewer connections will not be permitted.
- (10) A private sewer connection shall not be installed until:

- (a) the municipal sewers to which the municipal sewer connection is made are fully completed and accepted for operation;
 - (b) the municipal sewer connection is satisfactorily installed;
 - (c) the backfilling is properly completed around the building and the lot has been sufficiently graded to eliminate the possibility of any ponding on the property and the sub-flooring has been installed over foundation to prevent the entry of storm water which could run off through the private sewer connection; and
 - (d) all existing surface water in the excavation or basement has been pumped out.
- (11) In event that any person constructs a municipal sewer connection in a manner other than provided for herein, the Manager may order the re-excavation of the connection for the purpose of inspection and testing, and if necessary, reconstruction of the work, and the Manager may have these works performed at the expense of the owner or may disconnect the said sewer connection, in which case it shall not be reconstructed except with the approval of the Manager.
- (12) Where a private owner has requested an inspection by means of an excavation or closed circuit television inspection of any existing municipal sewer connection by the Municipality, the owner shall deposit a sum of money with the Municipality, the amount of which shall from time to time be determined by the Municipality. If upon inspection a structural problem is found in the municipal portion of the connection, the deposit will be refunded.
- (13) Appropriate lot level storm water management measures are to be used to reduce storm water quantity and improve storm water quality. The direct connection of any drainage works to the municipal storm sewer system is prohibited unless, in the opinion of the Manager, there is no practical alternate means of drainage available. Where a new connection is deemed necessary for the servicing of hard surface parking or vehicle access areas, the applicant may be required to submit a storm water management report identifying the storm water control measures being proposed for the site to the satisfaction of the Manager. Where a new connection is deemed to be necessary for the purposes of providing groundwater drainage, the discharge must be regulated by means of:
- (a) a sump pump, that must elevate the water, via a loop system, to an elevation above that of the centre line elevation of the road before being discharged to the private storm drainage system. No direct or indirect interconnection between the private storm drain system and the sanitary drainage system is permitted. The above systems shall be installed and maintained by the owner and operator of the premises at his/her expense; and
 - (b) a backwater valve in circumstances where a storm sewer connection is at such an elevation so as to provide gravity flow. The above system shall be installed and maintained by the owner or operator of the premises at his/her expense.
- (14) The owner of any building which has a roof water leader discharging storm water, either directly or indirectly, into the sanitary sewer connection shall disconnect the down-pipe from the underground portions at grade and shall conduct the storm water away from the building in such a manner that the storm water will not accumulate at or near the building and will not adversely affect adjacent properties.
- (a) For the purpose of this section,
 - (1) “directly” shall mean by any physical connection or series of connections between the roof water leader and the sanitary sewer system;
 - (2) “indirectly” shall mean in any manner whatsoever whereby storm water enters the sanitary sewer system, and for the greater certainty includes any situation where open joints in underground sewer

connections on private property permit storm water to infiltrate the sanitary sewer system;

- (3) notwithstanding the provisions of this subsection, an owner may request that the Municipality conduct an inspection as provided in subsection 16(12) of this By-law;
 - (4) if, as a result of the inspection, it is determined that the infiltration of storm water into the sanitary sewer occurs solely as a result of a structural problem in the municipal portion of the connection, the provisions of subsection 16(16) will not apply to the owner;
 - (5) if, as a result of the inspection, it is determined that the infiltration of storm water into the sanitary sewer occurs as a result of structural problems in both the municipal portion of the connection and the owner portion of the connection, the provisions of subsection 16(16) will not apply to the owner and the deposit will be refunded if the owner completes repairs to the owners' portion of the connection to the satisfaction of the Manager.
- (15) The owner of any building erected upon lands that abut on a street which is not serviced by a storm sewer shall construct a down-pipe from the eaves trough that shall discharge the water at a grade with provisions to prevent soil erosion and shall conduct the storm water away from the building in such a manner that the storm water will not accumulate at or near the building and will not adversely affect adjacent properties.
- (16) No person shall construct, install, maintain, or cause or permit to be constructed, installed or maintained, drainage from any roof water leader or down spout that conveys storm water to the sanitary sewer. The Manager may waive this provision in appropriate circumstances.

Part 16 -OFFENCES

16. (1) Any person who contravenes any of the provisions of this by-law is guilty of an offence and is subject to such fines and penalties authorized pursuant to the Municipal Act, S.O. 2001, c.25 as amended.
- (2) Any director or officer of a corporation who knowingly concurs in the contravention of any provisions of this by-law is guilty of an offence and is subject to such fines and penalties authorized pursuant to the Municipal Act, S.O. 2001, c.25 as amended.

Part 17 – SYSTEM OF FINES

17. For the purpose of establishing a system of fines, as set out in Subsection 429(2) of the Municipal Act, sections 18(1), 18(2), 18(3) apply.

Part 18 – PROHIBITED DISCHARGE

18. (1) i) where the offence of prohibited discharge occurs and is;
- a) uninterrupted, and
 - b) from one connection or pipe, and
 - c) at one fixed location, and
 - d) continues for more than one (1) hour,

it shall be deemed to be a continuing offence, and the minimum fine for each hour of prohibited discharge shall be \$300 dollars per hour.

- ii) where the offence of prohibited discharge occurs and is;

- a) interrupted or intermittent during the period, or
- b) emanates from multiple connections or pipes, or
- c) occurs at multiple locations on the property, or
- d) resumes after being instructed by the Manager or any authorized person, to cease discharging,

each event, location, connection or pipe, or failure to comply with instructions shall be considered multiple offences and each offence shall have minimum fine of \$300 dollars each, per day.

PART 18 - REPORTING/MONITORING OFFENCES

- (2) i) where the offence of failure to comply with reporting or monitoring requirements occurs and is;

- a) ongoing, uninterrupted, and
- b) in relation to one specific requirement of the by-law to report or a report requested by the Manager, and
- c) pertains to one fixed location, and
- d) continues for more than one day, it shall be deemed to be a continuing offence, and the minimum fine for

each day of failure to comply with reporting or monitoring requirements shall be \$100 dollars per day

- ii) where the offence of failure to comply with reporting or monitoring requirements occurs and is;

- a) for more than one specific requirement of the by-law to report or the more than one report requested by the Manager, or
- b) pertains to more than one connection or pipe on the same specific property, or
- c) pertains to multiple locations on the same specific property, or
- d) in relation to multiple events on a specific property that occur on the same day but which are interrupted or intermittent,

each event, report or monitoring required or requested, connection or pipe, location shall be considered a multiple offence and each offence shall have a minimum fine of \$100 dollars each, per day.

PART 18 - REQUIRED EQUIPMENT-OFFENCES

- (3) i) where the offence of failure to properly install, operate, or maintain specific equipment required by the by-law occurs and is;

- a) uninterrupted, and
- b) pertains to one connection or pipe that attaches or leads directly or indirectly to a “sewer works”, and
- c) continues for more than one day,

it shall be deemed to be a continuing offence, and the minimum fine for each day of failure to properly install/operate or maintain required equipment shall be \$100 dollars per day.

- ii) where the offence of failure to properly install, operate, or maintain specific equipment

- a) interrupted or intermittent during the period, or
- b) occurs at multiple locations on the property, or

- c) has multiple connections or pipes that attach or lead directly or indirectly to a “sewer works”; or
- d) resumes use after being instructed by the Manager or other authorized municipal employee to cease use of the interceptor,

each event, location, connection or pipe or failure to comply with instructions, shall be considered multiple offences, and each offence of failure to properly install, operate or maintain required equipment shall be \$100 dollars each, per day.

PART 19 – OBSTRUCTION

19. (1) a) Any person who, without lawful authority, contravenes section 14(1) of this by-law is subject to a minimum fine of \$500 dollars, upon conviction.
- b) Any person who contravenes sections 14(2) or 14(4) of this by-law is subject to a minimum fine of \$500 dollars, upon conviction.

PART 20 - MULTIPLE CONVICTIONS

20. Where a person or corporation has been previously convicted for the same offence under this by-law, the minimum fine for each subsequent offence shall be;
- i) second offence – minimum fine shall be \$1,000 dollars per conviction.
 - ii) third and subsequent offences – minimum fine shall be \$5,000 dollars per conviction.

PART 21 - SPECIAL FINES

21. Where any person or corporation has contravened this by-law and has gained any economic advantage as a result, then, in addition to the regular fines imposed, a special fine may be imposed to eliminate or reduce any economic advantage.

PART 22 – POWER OF ENTRY FOR INSPECTION

22. The Manager or his designates or others authorized to enforce this by-law may, pursuant to the Municipal Act, enter on to land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- 1) This By-law.
 - 2) A direction or order of the municipality made under the Municipal Act or a by-law of the municipality.
 - 3) A condition of a licence issued under a by-law of the municipality passed under the Municipal Act.
 - 4) An order made under section 431 of the Municipal Act.

PART 23 – OFFENCE REMEDIAL ACTION – COST RECOVERY

23. 1) Any person who contravenes an order made by the municipality under section 445(1) of the Municipal Act is guilty of an offence pursuant to the Municipal Act.
- 2) Where a person is required by a by-law of the municipality or an order to follow directions contained in the order, and the person is in default, the municipality may enter upon land at any reasonable time for the purpose of correcting the default and all costs shall be at the persons expense.

This by-law shall come into effect on the final day of its passing.

READ A FIRST AND SECOND TIME THIS 22ND DAY OF OCTOBER, 2007.

.....
Mayor

(SEAL)

.....
Clerk

READ A THIRD TIME AND FINALLY PASSED THIS 22ND DAY OF OCTOBER, 2007.

.....
Mayor

(SEAL)

.....
Clerk

**APPENDIX “A”
OF
BY-LAW NO. 1582
DISCHARGE REPORT
FORM 1 – SHORT VERSION**

The Town of Marathon Sewer Use Program

The completion of this form is required by all Dischargers to the sewage works under By-law 1582 addressing sewer use in the Municipality of Marathon. The completed form is to be forwarded to:

The Corporation of the Town of Marathon
Attn: Sewer Use Staff
P.O. Bag “TM”, 4 Hemlo Drive
Marathon, Ontario P0T 2E0

Please print clearly while completing the form.

<u>The “Short Version of the Discharger Information Report”</u>	
1	Name of Company
2	Address of Company Phone: Fax:
3	Owner of property (if different from Company listed above) Phone: Fax:
4	Brief Description of Product or Service
5	Brief Description of the Process(es) used in the Manufacturing or Servicing
6	“Are there” or “Will there be” any of the following wastewater discharges from the description as provided in #5? Process wastewater Yes/No cooling water Yes/No other sources of wastewater (other than sanitary) Yes/No (if yes, brief description)
7	Does the site have any existing connections to the following sewers? sanitary Yes/No storm Yes/No
8	Location of process units? Inside / Outside / Outside but covered Storage of raw materials? Inside / Outside / Outside but covered Storage of intermediate products? Inside / Outside / Outside but covered Storage of final products? Inside / Outside / Outside but covered
9	Does the site have any of the following programs in place to address discharges to the sewer system? Pollution Prevention Yes/No Best Management Plan Yes/No Environmental Management System Yes/No
Date form completed: _____	
Name and Title of Company Representative: _____	
Signature of Authorized Company Representative: _____	
Note: Completion of the “Complete Discharger Information Report” may be required based on this report and/or subsequent verification of the site by the Municipality. For Municipality use only -date completed form received:	

**DISCHARGE REPORT
OF
BY-LAW NO. 1582
FORM 2 – COMPLETE VERSION**

The Town of Marathon Sewer Use Program

The completion of this form is required by all Dischargers to the sewage works under By-law 1582 addressing sewer use in the Municipality of Marathon. The completed form is to be forwarded to:

The Corporation of the Town of Marathon
Attn: Sewer Use Staff
P.O. Bag “TM”, 4 Hemlo Drive
Marathon, Ontario P0T 2E0

Please note the following:

- Print clearly while completing the form.
- Additional information and attachments -are required
- Indicate what material has been attached to ensure that the municipality is aware of all the information provided.

FORM 2 - PART A

The "Complete Discharger Information Report"	
1	Name of Company
2	Address of Company Phone: Fax:
3	Owner of property (if different from Company listed above) Phone: Fax:
4	General site Operation Information Number of Employees involved in plant: office: other: Total: Number of shifts per day: Number of operating days per week:
5	Description of Product(s) or Service Include Standard Industrial Code (SIC) -state if SIC is Canadian or American
6	Description of the Process(es) used in the Manufacturing or Servicing. Include characteristics such as Batch (how many per time period), Continuous, or Both (explanation to be provided), Seasonal Production Cycles, Specific Clean-up Periods and Clean -up Activities
7	Average Daily Water Use and Sources Municipal Supply Yes / No _____m3/day Estimated or Measured Surface Water** Yes / No _____m3/day Estimated or Measured Groundwater* Yes / No _____m3/day Estimated or Measured Other sources** Yes / No _____m3/day Estimated or Measured If flow rate varies significantly provide peak flow rates per day and month and explanation. Provide copy of the Permit to Take Water (as required by the OWRA) according to By-law Requirements. ** If "Yes" -provide explanation as an attachment
8	Discharge Points from Site - List all discharge points and average daily flow in cubic metres per day of sanitary, non- contact cooling water, process wastewater, contact cooling water and other discharge water to the sanitary sewer, storm sewer, groundwater, surface water, evaporation losses (if applicable), and percent of water in final product (if significant and applicable to the site). i.e. process wastewater from manufacturing line to sanitary sewer at an average daily flow of 200 m3/day (measured)
9	Known Characteristics of Discharges Provide existing data on quality of the discharges listed above in #8 (complete Parameter Information Form for each discharge point as provided with this form)
10	Physical Layout <ul style="list-style-type: none"> ▪ Provide sketch of property (to scale or approximate) showing buildings, pretreatment works, property boundaries, effluent lines, and connections to sanitary and storm sewers. Please identify sewers as listed on the Parameter Information Form as completed above. ▪ Layout may be attached as separate document -leave note to indicate submission with this form. ▪ A flow diagram of the site flows/processes is also required.
11	Regulation 347 Information Provide any Generator Registration Numbers that the site under the requirements of Ontario Regulation 347 under the EPA

12	<p>Extra Strength Surcharge Agreements (ESSA) Does the site have any existing ESSA with the Municipality? Yes / No Did the site previously have an ESSA with the Municipality? Yes / No If yes to either question -Attach a copy of each agreement to this form</p>						
13	<p>Pretreatment of Discharges Prior to Discharge Does the site have any pretreatment systems for process effluents prior to discharge to the sewer system? Yes / No</p> <p>If Yes -provide a description of the pretreatment devices, contaminants removed, operational procedures for the device and description of process utilized in the device.</p>						
14	<p>Does the site have any of the following programs addressing discharges to the sewer system in place?</p> <table data-bbox="365 645 1185 766"> <tr> <td>Pollution Prevention</td> <td>Yes / No</td> </tr> <tr> <td>Best Management Plan</td> <td>Yes / No</td> </tr> <tr> <td>Environmental Management System</td> <td>Yes / No</td> </tr> </table> <p>If yes -attach copy of each to the form and explanation of implementation.</p>	Pollution Prevention	Yes / No	Best Management Plan	Yes / No	Environmental Management System	Yes / No
Pollution Prevention	Yes / No						
Best Management Plan	Yes / No						
Environmental Management System	Yes / No						
<p>Date form completed: Name and title of Company Representative: Signature of Authorized Company Representative:</p>							
<p>The information submitted in this form may be subject to verification by the municipality:</p> <p>For Municipality use only Date completed form received: Date information verified/approved:</p>							

FORM 2 PART B

“Parameter Information Form” for discharges to sanitary sewers				
Plant Name and Location:				
Date:				
For Discharge Point Identified as:				
Parameter or Condition*	By-law Limit (mg/L)	Average Concentration or Range (in mg/L)	Significant Variation (Yes or No) and Reasons for the Variations	Additional Information Attached (Yes or No)
pH level*	6.0 - 10.5			
two or more layers*	one			
temperature*	60C			
B.O.D.	350			
Total Cyanide	2			
Total Kjeldahl Nitrogen	150			
Total Phosphorous	10			
Total Suspended Solids	350			
Total Cadmium	0.7			
Total Chromium	5			
Total Cobalt	5			
Total Copper	3			
Total Lead	2			
Total Molybdenum	5			
Total Nickel	3			
Total Silver	5			
Total Zinc	3			
Total Antimony	5			
Total Arsenic	1			
Total Selenium	5			
Total Mercury	0.05			
Phenolics (4AAP)	1.0			
Chloroform	0.04			
Methylene Chloride	2			
Fluoride	10			
1,1,2,2, Trichloroethylene	0.4			
Benzene	0.01			
Ethylbenzene	0.16			
Toluene	0.27			
Xylene Total	1.44			
Solvent Extractables (Mineral, Vegetable, Animal)	150			