

B Y - L A W N U M B E R 11446

A BY-LAW TO PROHIBIT, REGULATE AND INSPECT THE DISCHARGE OF
SEWAGE INTO THE MUNICIPAL SEWERAGE SYSTEM IN THE CITY OF
WINDSOR

Passed the 17th day of May, 1993.

AND WHEREAS pursuant to s. 11(3) 3 of the **Municipal Act**, 2001, S.O. 2001, c.25 as amended, municipalities may pass by-laws respecting waste management;

AND WHEREAS under Part V of the **Clean Water Act**, 2006, S.O. 2006, c.22, by-laws may be passed by a municipality to regulate drinking water threats;

AND WHEREAS s. 87 of the **Municipal Act** authorizes the municipality to enter on land at reasonable times, to inspect the discharge of any matter into the sewage system of the municipality, the contents of which ultimately empty into the municipal sewage system, and to conduct tests and take samples for this purpose. ("Whereas" preamble deleted & substituted B/L 136-2012, Oct. 1/12)

THEREFORE the Council of The Corporation of the City of Windsor enacts as follows:

SECTION 1

DEFINITIONS

1. In this by-law
 - (a) "acute hazardous waste chemical" means a material which is an acute hazardous waste chemical within the meaning of Ontario Regulation 347 made under the Environmental Protection Act (Ontario);
 - (b) "authorized representative of the owner or operator" means
 - (i) A principal executive officer of at least the level of vice president, if the owner or operator is a corporation; or
 - (ii) A general partner or proprietor if the owner or operator is a partnership or proprietorship, respectively; or
 - (iii) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the sewage discharge originates;
 - (c) "average water usage" shall mean the total volume of water used over a given period of time as determined by taking water meter or meters readings, subtracting the previous readings from the most recent, summing the differences, and dividing by the number of days between the two meter readings.
 - (d) "biochemical oxygen demand" means the 5-day biochemical oxygen demand as determined by Standard Methods.
 - (e) "blowdown" means the discharge of recirculating noncontact cooling water for the purpose of discharging materials contained in the water, the further buildup of which would cause concentrations in amounts exceeding limits established by best engineering practices;
 - (f) "combined sewer" means a sewer intended to function simultaneously as a storm sewer and a sanitary sewer;
 - (g) "commercial waste chemical" means a material which is a commercial waste chemical within the meaning of Ontario Regulation 347 made under the Environmental Protection Act (Ontario);
 - (h) "Commissioner of Works" means the Commissioner of Works of the Corporation;
 - (i) "composite sample" means a sample which is composed of a series of grab samples taken at intervals during the sampling period;

- (j) "Corporation" means the Corporation of the City of Windsor;
- (k) "cyanide (total)" means cyanide as determined by Methods in Standard Methods;
- (l) "de minimis dose" means a dose of radiation to an individual of .05 millisieverts per year.
- (m) "de minimis waste" means any waste radioactive material that will not result in a dose of radiation exceeding the de minimis dose regardless of the quantity of the material or how it is used or managed.
- (n) "fuels" includes
 - (i) any ignitable liquid intended for use as a fuel with a flash point less than 61°C Celsius as determined by one of the methods in Ontario Regulation 347 made under the Environmental Protection Act (Ontario); and
 - (ii) gasoline, naphtha, diesel fuel or fuel oil;
- (o) "grab sample" is an aliquot of the flow being sampled, taken at one particular time and place;
- (p) "hauled sewage" means waste removed from a cesspool, a septic tank system, a privy vault or privy pit, a chemical toilet, a portable toilet, a sewage holding tank or any other sewage system of a type regulated under Part VIII of the Environmental Protection Act (Ontario);
- (q) "hauled industrial waste" means a material which is a hazardous industrial waste within the meaning of Ontario Regulation 347 made under the Environmental Protection Act (Ontario);
- (r) "hazardous industrial waste" means a material which is a hazardous waste chemical within the meaning of Ontario Regulation 347 made under the Environmental Protection Act (Ontario);
- (s) "hazardous waste chemical" means a commercial waste chemical having a generic name listed in Part B of Schedule 2 of Ontario Regulation 347 under the Environmental Protection Act.
- (t) "ignitable waste" means a material which is an ignitable waste within the meaning of Ontario Regulation 347 made under the Environmental Protection Act (Ontario);
- (u) "industrial" shall mean of or pertaining to industry, manufacturing, commerce, trade, business, or institutions as distinguished from domestic or residential;
- (v) "industrial process area" means any industrial building, property or land area which during manufacturing, processing or storage comes into direct contact with any raw material, intermediate product, finished product, byproduct, or waste product;
- (w) "Kjeldahl Nitrogen" means organic nitrogen as determined by one of the Methods in Standard Methods;
- (x) "landfill leachate" means liquid that has percolated through the material buried in a landfill and is collected by an underdrain liquid collection system.
- (y) "matter" includes any solid, liquid or gas;
- (z) "municipality" means The Corporation of the City of Windsor or its designated representative;

- (aa) "noncontact cooling water" means water which is used to reduce temperature for the purpose of cooling and which does not come into direct contact with any raw material, intermediate product other than heat, or finished product;
- (bb) "once-through cooling water" means noncontact cooling water that has been circulated once through the cooling device;
- (cc) "owner" or "operator" means the owner or operator of any facility or activity subject to the provisions of this by-law;
- (dd) "paints" means a liquid of chemical composition designed to serve as a surface cover material which is soluble in water or in an organic solvent.
- (ee) "pathological waste" means a material which is a pathological waste within the meaning of Ontario Regulation 347 made under the Environmental Protection Act (Ontario) or any material which may be designated in writing by the Chief Medical Officer of Health (Ontario);
- (ff) "PCB" means any monochlorinated or poly-chlorinated biphenyl or any mixture of these or mixture that contains one or more of them;
- (gg) "PCB waste" means a PCB waste within the meaning of Ontario Regulation 352 made under the Environmental Protection Act (Ontario);
- (hh) "person" includes an individual, association partnership, corporation, municipality, Provincial or Federal agency, or an agent or employee thereof;
- (ii) "pesticides" means a pesticide regulated under the Pesticides Act (Ontario);
- (jj) "pH" means the logarithm to the base 10 of the reciprocal of the concentration of hydrogen ions in moles per litre of solution;
- (kk) "phenolic compounds" means those derivatives of aromatic hydrocarbons which have a hydroxyl group directly attached to the ring as determined by one of Methods in Standard Methods;
- (ll) "phosphorus" means total phosphorus as determined by both Methods in Standard Methods.
- (mm) "Pollution Control Branch" means the Pollution Control Branch of the Corporation's Public Works Department.
- (nn) "reactive waste" means a material which is a reactive waste within the meaning of Ontario Regulation 347 made under the Environmental Protection Act (Ontario);
- (oo) "sanitary sewer" means a sewer for the collection and transmission of domestic, commercial, institutional and industrial sewage or any combination thereof;
- (pp) "severely toxic contaminants" means any material listed in Schedule 3 of Ontario Regulation 347 made under the Environmental Protection Act (Ontario);
- (qq) "sewage" means any liquid waste containing animal, vegetable or mineral matter in solution or in suspension, except uncontaminated water;
- (rr) "sewage works" means any works for the collection, transmission, treatment or disposal of sewage, or any part of such works;

- (ss) "SIC code" means Standard Industrial Classification Code contained in either the Standard Industrial Classification Manual published by the Minister of Supply and Services Canada, 1980 (Canadian SIC) or the Standard Industrial Classification Manual published by the Executive Office of the President, Office of Management and Budget, 1972 (U.S. SIC);
- (tt) "solvent extractable matter" means grease and oil as determined by one of the Methods listed in Standard Methods;
- (uu) "Standard Methods" means a procedure 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 Water Environment Federation, current at the date of testing, or a procedure published by the Ontario Ministry of the Environment as a standard method or the equivalent of a standard method;
- (vv) "storm sewer" means a sewer for the collection and transmission of uncontaminated water, stormwater, drainage from land or from a watercourse or any combination thereof;
- (ww) "stormwater" means water from rainfall or other natural precipitation or from the melting of snow or ice;
- (xx) "suspended solids" means solid matter in or on a liquid which matter is removable by filtering and dried at 103-105°C as determined by a Method in Standard Methods;
- (yy) "uncontaminated water" means water to which no matter has been added as a consequence of its use, or to modify its use, by any person;
- (zz) "unionized ammonia" means the percentage of total aqueous ammonia in solution not ionized at the prevailing pH and temperature;
- (aaa) "waste disposal site leachate" means leachate from any waste disposal site;
- (bbb) "waste radioactive materials" means any waste material exhibiting the property of spontaneous disintegration of atomic nuclei usually with the emission of penetrating radiation or particles;

SECTION 2

DISCHARGES TO SANITARY SEWERS **DISCHARGES TO COMBINED SEWERS**

2(1) No person shall discharge or deposit or cause or permit the discharge or deposit of matter of a kind listed below into or in land drainage works, private branch drains or connections to any sanitary sewer or combined sewer:

1. matter of any type or at any temperature or in any quantity which may be or may become a health or safety hazard to a sewage works employee, or which may be or may become harmful to a sewage works, or which may cause the sewage works effluent to contravene any requirement by or under the Ontario Water Resources Act or the Environmental Protection Act (Ontario), or which may cause the sludge from sewage works to fail to meet the criteria relating to contaminants for spreading the sludge on agricultural lands under Ontario's Guidelines for Sewage Sludge Utilization on Agricultural Lands (as revised October 1992) unless the person has been advised in writing by the "Chemist-Pollution Control Officer of the City of Windsor" that the sludge from the sewage treatment works will never be used on agricultural lands, or which may interfere with the proper operation of a sewage works, or which may impair or interfere with any sewage treatment process, or which is or may result in a hazard to any person, animal, property or vegetation or;

2. without limiting the generality of the foregoing, any of the following:
- (a) Solid or viscous substances in quantities or of such size as to be capable of causing obstruction to the flow in a sewer, including but not limited to ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, animal guts or tissues, paunch manure, and whole blood.
 - (b) Sewage that may cause an offensive odour to emanate from a sewage works, and without limiting the generality of the foregoing, sewage containing hydrogen sulphide, carbon disulphide, other reduced sulphur compounds, amines or ammonia in such quantity that may cause an offensive odour.
 - (c) Except in the case of discharge into a combined sewer, as approved by the Commissioner of Works, stormwater, water from drainage roofs or land, water from a watercourse or uncontaminated water. **(amended B/L 197-2002, July 22/2002)**
 - (d) Water other than stormwater that has originated from a source separate from the water distribution system of the municipality.
 - (e) Sewage or uncontaminated water at a temperature greater than 65 degrees Celsius.
 - (f) Sewage having a pH less than 5.5 or greater than 10.5.
 - (g) Sewage containing more than 120 milligrams per litre of solvent extractable matter, generally referred to as oil and grease.
 - (h) Sewage in which the biochemical oxygen demand exceeds 400 milligrams per litre.
 - (i) Sewage containing more than 500 milligrams per litre of suspended solids.
 - (j) Sewage containing more than 30 milligrams per litre of phosphorus.
 - (k) Sewage containing more than 100 milligrams per litre of Kjeldahl nitrogen.
 - (l) Sewage containing more than 1 milligram per litre of phenolic compounds.
 - (m) Sewage which consists of two or more separate liquid layers.
 - (n) Sewage containing dyes or colouring materials which pass through a sewage works and discolour the sewage works effluent.

- (o) Sewage containing any of the following in excess of the indicated concentrations in Column II if the (average water usage) is equal to or less than 500,000 litres per day; and in excess of the concentrations in Column III if the average water usage is greater than 500,000 litres per day respectively set out opposite:

	Column I	Column II	Column III
Aluminum	as	Al	50.0 mg/L
Arsenic	as	As	1.0 mg/L
Antimony	as	Sb	5.0 mg/L
Barium	as	Ba	5.0 mg/L
Bismuth	as	Bi	5.0 mg/L
Cadmium	as	Cd	2.0 mg/L
Chloride	as	Cl	1500.0 mg/L
Chromium	as	Cr	5.0 mg/L
Cobalt	as	Co	5.0 mg/L
Copper	as	Cu	5.0 mg/L
Cyanide	as	HCN	2.0 mg/L
Fluoride	as	F	10.0 mg/L
Lead	as	Pb	5.0 mg/L
Manganese	as	Mn	5.0 mg/L
Molybdenum	as	Mo	5.0 mg/L
Mercury	as	Hg	0.1 mg/L
Nickel	as	Ni	5.0 mg/L
Phenol	as		1.0 mg/L
Selenium	as	Se	5.0 mg/L
Silver	as	Ag	5.0 mg/L
Sulphate	as	SO ₄	1500.0 mg/L
Tin	as	Sn	5.0 mg/L
Titanium	as	Ti	5.0 mg/L
Vanadium	as	V	5.0 mg/L
Zinc	as	Zn	5.0 mg/L

- (p) Any of the wastes or contaminants other than those contained in Section 2(0) and listed in Schedules 1, 2, and 3 of Ontario Regulation 347 made under the Environmental Protection Act having a concentration greater than 200 times the respective Method Detection Limit for each waste or contaminant as listed in Schedule I of the Ontario Ministry of Environment's Draft Protocol for the Sampling and Analysis of Industrial/Municipal Wastewater, July 1992, as amended from time to time.

- (q) Waste radioactive materials excepting those being discharged in accordance with a licence from the Atomic Energy Control Board and a copy of the licence has been provided to the municipality or to the discharge of de minimis waste.

- (r) The following materials or sewage containing any of the following in any amount:

Fuels
 Ignitable Waste
 PCBs
 Pesticides

- (s) The following materials or sewage containing any of the following:

Hauled Sewage
 Landfill Leachate

SECTION 3

DISCHARGES TO STORM SEWERS

3(1) No person shall discharge or deposit or cause or permit the discharge or deposit of matter of a kind listed below into or in land drainage works, private branch drains or connections to any storm sewer,

1. matter of any type or at any temperature or in any quantity which may:
 - (a) interfere with the proper operation of a storm sewer;
 - (b) obstruct a storm sewer or the flow therein;
 - (c) result in a hazard to any person, animal, property or vegetation;
 - (d) impair the quality of the water in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse; or
 - (e) result in the contravention of an approval, requirement, direction or other order under the Ontario Water Resources Act or the Environmental Protection Act (Ontario) with respect to the storm sewer or its discharge; and

2. without limiting the generality of the foregoing, any of the following:
 - (a) water at a temperature greater than 40° Celsius;
 - (b) water having a pH less than 6.0 or greater than 9.0;
 - (c) water containing more than 15 milligrams per litre of biochemical oxygen demand.
 - (d) water containing more than 15 milligrams per litre of suspended solids;
 - (e) water containing dye or a colouring material which discolours the water;
 - (f) water containing more than 15 milligrams per litre of solvent extractable matter.

- (g) water containing any of the materials set out in Column I in excess of the concentration respectively set out opposite each material in Column II.

Column I		Column II
Aluminum expressed	as Al	5.0 mg/L
Ammonias (Unionized) as	NH ₃	0.2 mg/L
Arsenic	as As	0.5 mg/L
Barium	as Ba	0.5 mg/L
Cadmium	as Cd	0.1 mg/L
Chlorine	as Cl ₂	1.0 mg/L
Chromium	as Cr	1.0 mg/L
Copper	as Cu	1.0 mg/L
Cyanide	as HCN	0.1 mg/L
Fecal Coliform	as	200.colonies/100ml
Fluoride	as F	1.0 mg/L
Iron	as Fe	5.0 mg/L
Lead	as Pb	1.0 mg/L
Manganese	as Mn	1.0 mg/L
Mercury	as Hg	0.001 mg/L
Nickel	as Ni	1.0 mg/L
Phenol	as	0.02 mg/L
Phosphorus	as P	1.0 mg/L
Selenium	as Se	1.0 mg/L
Silver	as Ag	1.0 mg/L
Sulphate	as SO ₄	150 mg/L
Tin	as Sn	1.0 mg/L
Zinc	as Zn	1.0 mg/L

- (h) Any of the wastes or contaminants listed in Schedules 1, 2 and 3 of Ontario Regulation 347 made under the Environmental Protection Act having a concentration greater than 10 times the respective Method of Detection Limit of each waste or contaminant listed in Schedule I of the Ontario Ministry of the Environment's Draft Protocol for the Sampling and Analysis of Industrial/Municipal Wastewater, July 1992, as amended from time to time.

- 3(2) The provisions of Subclauses 2.(c), (d), (e), and (f) do not apply to prevent the discharge of stormwater runoff from industrial process areas to a storm sewer when,
- (a) the owner or operator of the premises has a certificate of approval or order relating to the premises under the Environmental Protection Act (Ontario) or the Ontario Water Resources Act which expressly allows the discharge and a copy of the certificate of approval or order has been provided to the municipality; or
 - (b) the owner or operator of the premises has written approval from the municipality for a Best Management Practices Plan (BMP) which has been prepared in accordance with Schedule A attached hereto.

SECTION 4

REPORTS

- 4(1) The owner or operator of any industrial or commercial or class of industrial premises listed in Schedule B attached hereto shall submit to the Corporation a Waste Survey Report which shall be signed by an authorized representative of the owner or operator. The Waste Survey Report shall be in the form attached as Schedule B1 attached hereto and contain the following information:
- (a) name and address of the premises, and names of its owner and operator;
 - (b) description of process operations, including waste discharge rates and contaminant concentrations, hours of operation, and Canadian or U.S. Standard Industrial Classification codes;
 - (c) a schematic process diagram indicating waste discharge points and waste descriptions;
 - (d) the generator registration number, if any, assigned with respect to the premises under Ontario Regulation 347 made under the Environmental Protection Act (Ontario); and
- (2) Where a change occurs in the information required in a Waste Survey Report, the owner or operator of the premises shall submit the new information within 30 days of the change.
- (3) The owner or operator of any industrial premises shall comply with the requirements listed in this Section before any wastewater is discharged into a public sewage works.

SECTION 5

PERMITS

- 5(1) The Commissioner of Works may permit, under permit, the discharge of waste water which;
- (i) has a biochemical oxygen demand exceeding 400 mg/L and/or
 - (ii) has a suspended solids concentration exceeding 500 mg/L and/or
 - (iii) has solvent extractable matter exceeding 120 mg/L and/or
 - (iv) has a phosphorus concentration exceeding 30 mg/L

into a sanitary or combined sewer providing the person discharging is in possession of a current permit issued pursuant to the terms of the Corporation's By-law No. 8346, as amended from time to time, and the volume and strengths of wastes discharged are not in excess of the volume and strength shown on the permit.

SECTION 6

COMPLIANCE PROGRAM

- 6(1) A compliance program may be issued as set out in subsections (2) to (6) and (9) for the discharge of a non-complying effluent during the period of planning, design, construction or installation of facilities to eliminate the noncompliance.
- (2) The owner or operator of industrial premises may submit to the municipality a program to prevent or to reduce and control the discharge or deposit of sewage into or in land drainage works, private branch drains or connections to any sanitary sewer or combined sewer from premises.

- (3) The owner or operator of industrial premises may submit to the Commissioner of Works a program to prevent or to reduce and control the discharge or deposit of uncontaminated water or stormwater or eliminate the discharge or deposit of sewage into or in land drainage works, private branch drains or connections to any storm sewer from the premises.
- (4) The Commissioner of Works may issue an approval for a compliance program to the person who submitted the program.
- (5) Every compliance program shall be for a specified length of time during which the facilities are to be installed and shall be specific as to the remedial actions to be implemented, the dates of commencement and completion, and the materials or other characteristics of the sewage, uncontaminated water or stormwater to which it relates. The final activity completion date shall not be later than the final compliance date in the compliance program.
- (6) The compliance program shall be in the form of Schedule C attached hereto and, upon recommendation of the Commissioner of Works, who is authorized to execute such compliance programs under the authority of this by-law.
- (7) A person to whom a compliance program has been issued shall submit a compliance program progress report within 14 days after the scheduled completion date for each activity listed in the compliance program.
- (8) The compliance program progress report shall be in the form of Schedule D attached hereto.
- (9) A person to whom a compliance program has been issued shall not be prosecuted under section 2 or 3 of this by-law for the discharge or deposit of sewage, uncontaminated water or stormwater containing the matters specified in the compliance program and in compliance with the compliance program during the period within which the compliance program is applicable and so long as the compliance program is being fully complied with.

SECTION 7

SAMPLING AND ANALYSIS

- 7(1) Where a sample is required for the purpose of determining the characteristics or contents of the sewage, uncontaminated water or stormwater to which reference is made in this by-law.
 - (a) one sample alone is sufficient and, without limiting the generality of the foregoing the sample may be a grab sample or a composite sample, may contain additives for its preservation and may be collected manually or by using an automatic sampling device;
 - (b) except as otherwise specifically provided in this by-law, all tests, measurements, analyses and examinations of sewage, uncontaminated water and stormwater, shall be carried out in accordance with Standard Methods; and
 - (c) for each one of the metals listed in Sections 2 and 3 the analysis shall be for the quantity of total metal, which includes all metal both dissolved and particulate.

SECTION 8

SPILLS

- 8(1) Every person who discharges or deposits or causes or permits the discharge or deposit of sewage into or in land drainage works, private branch drains or connections to any sanitary sewer or combined sewer shall, if such discharge or deposit is not in the ordinary course of events forthwith notify the Pollution Control Branch 253-7218.
- (2) Every person who discharges or deposits or causes or permits the discharge or deposit of uncontaminated water or stormwater into or in land drainage works, private branch drains or connections to any storm sewer shall, if such discharge or deposit is not in the ordinary course of events forthwith notify the Pollution Control Branch (telephone number) 253-7218.
- (3) For any of the discharges in subsections 8(1) and (2), for which the person is required to forthwith notify the Pollution Control Branch, the notification shall include the following information:
 - (a) name of the company and the address of location of spill;
 - (b) name of person reporting the spill and telephone number where that person can be reached;
 - (c) time of the spill;
 - (d) type and volume of material discharged and any associated hazards; and
 - (e) corrective actions being taken to control the spill.
- (4) Within five days following a discharge to which subsection (3) applies, the person shall submit to the Commissioner of Works a detailed written report describing the cause of the spill and the actions taken or to be taken to prevent a recurrence.

SECTION 9

GENERAL

- 9(1) The owner or operator of industrial premises with one or more connections to a sewage works shall install and maintain in good repair in each connection a suitable manhole to allow observation and sampling of the sewage and measurement of the flow of sewage therein, provided that where installation of a manhole is not possible, an alternative device or facility may be substituted with the written approval of the Commissioner of Works of the municipality.
- (2) The manhole or alternate device shall be located on the property of the owner or operator of the premises, unless the Commissioner of Works of the municipality has given written approval for a different location.
- (3) Every manhole, device or facility installed as required by subsection (2) shall be designed and constructed in accordance with good engineering practice and the requirements of the municipality, and shall be constructed and maintained by the owner or operator of the premises at his expense.
- (4) The owner or operator of industrial premises shall at all times ensure that every manhole, device or facility installed as required by subsection (2) is at all times accessible for purposes of observing and sampling the sewage and measuring the flow of sewage therein.
- (5) The Commissioner of Works may require the owner or operator of industrial premises to install and maintain devices to monitor sewage discharges and to submit regular reports regarding the discharges to the municipality.

- (6) No person shall break, 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 measuring, sampling and testing of sewage.

SECTION 10

ENFORCEMENT

- (1) This by-law shall be administered by the City Engineer.
- (2) The Manager of Environmental Quality or his delegate is appointed inspector for the purposes of carrying out inspections for the enforcement of this by-law.
- (3) The Manager of Environmental Quality or his delegate may enter on lands or premises, except lands or premises being used as a dwelling unit, at reasonable times, without notice of warrant, to inspect the discharge of any matter into the sewage works, sanitary sewer or storm sewer as the case may be, of the Corporation, or into any other sewage system the contents of which ultimately empty into the Corporation's sewage works, sanitary sewer or storm sewer as the case may be, and may conduct tests and take samples for this purpose, inspect and observe any plant, machinery, equipment, work, activity or documents, make inquiries and take photographs.
(Section 10(Sections 1 to 3) deleted and substituted - B/L 136-2012, Oct. 1/12)

SECTION 11

OFFENCES

- (1) Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable,
 - a) on a first conviction, to a fine of not more than \$10,000.00, and
 - b) on any subsequent conviction, to a fine of not more than \$25,000.00.
- (2) Despite subsection (1), where the person convicted is a corporation, the maximum fines in clauses (1) a) and b) are \$50,000.00 and \$100,000.00, respectively.
- (3) Notwithstanding subsections (1) and (2) herein, every person who contravenes any provision of s. 9 or 10 herein, is guilty of an offence and on conviction is liable for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$5,000.00.
- (4) In this by-law, subsequent conviction means a conviction for an offence which offence occurs after the date of conviction for an earlier offence under this by-law or by-law 11446.
(Section 11(Sections 1 to 4) deleted and substituted - B/L 136-2012, Oct. 1/12)

SECTION 12

REPEAL

- 12(1) That By-Law Number 8319 is repealed.
- (2) Despite subsection (1) any matter or proceeding that has been commenced under by-law number 8319 before the day this by-law comes into force shall be continued and finally disposed of under by-law number 8319.
- (3) This by-law shall come into force and take effect on the date of the final passing thereof.

MICHAEL HURST, MAYOR

THOMAS LYND, CLERK

First Reading - February 9, 1993
Second Reading - February 9, 1993
Third Reading - May 17, 1993

SCHEDULE A - BEST MANAGEMENT PRACTICES (BMP) PLAN

A Best Management Practices Plan is a plan agreed to by the municipality with guidance from the Ontario Ministry of the Environment and is developed for activities which are associated with or ancillary to industrial manufacturing or treatment processes. The ancillary sources addressed in BMP plan are material storage area; loading and unloading areas; plant site runoff; in-plant transfer, process, and material handling areas; and sludge and hazardous waste disposal areas. In general, the BMP Plan will include practices used by industry for pollution control from these sources, safety programs, fire protection, protection against loss of valuable raw materials or products, etc. The following elements must be included in a BMP Plan.

General

1. Name and location of facility
2. Statement of BMP policy and objectives
3. Review by plant manager.

Specific

1. Establishment of BMP Committee
2. Risk Identification and Assessment
3. Reporting of BMP Incidents
4. Materials Compatibility
5. Good Housekeeping
6. Preventive Maintenance
7. Inspection and Records
8. Security
9. Employee Training