

**Chapter 29  
Sewer Use By-law**



**Title**

1. This By-law may be cited as the Sewer Use By-law for the Municipality of the County of Colchester and shall apply to all the areas within the Municipality of the County of Colchester and to all the areas outside the Municipality of the County of Colchester that are serviced by a sewer system discharging directly or indirectly into any of the wastewater facilities owned, operated and maintained by the Municipality of the County of Colchester.

**Interpretation**

2. In this By-law the word “shall” is mandatory and not permissive. Words used in the present tense shall include the future. Words used in the singular shall include the plural except where otherwise indicated and words used in the plural shall include the singular. All other words shall carry their customary meaning except those defined in this By-law.

**Definitions**

3. (1) “Accredited Laboratory” means any laboratory accredited by an authorized accreditation body in accordance with a standard based on “CAN-P-1585: Requirements for the Accreditation of Environmental Testing Laboratories” established by the Standards Council of Canada, as may be amended from time to time, or “ISO/IEC/EN 17025: General Requirements for Competence of Calibration and Testing Laboratories” established by the International Organization for Standardization, as may be amended from time to time.
- (2) “Appeals Committee” means the Appeals Committee appointed pursuant to the Appeals Committee By-law
- (3) "Biochemical Oxygen Demand (BOD)" means the five-day BOD which is the determination of the molecular oxygen utilized during a five-day incubation period for the biochemical degradation of organic material (carbonaceous demand), the oxygen used to oxidize inorganic material such as sulphides and ferrous iron, and the amount of oxygen used to oxidize reduced forms of nitrogen (nitrogenous demand) as determined by the appropriate procedure in Standard Methods.
- (4) "Biosolids" means stabilized organic material produced during the treatment of sewage or wastewater and septic sludge which has undergone treatment to reduce pathogen content.
- (5) "Blow-down Water" means the discharge of recirculating cooling water for the purpose of discharging materials contained in the water.
- (6) "Building" means any dwelling, house, shop, store, office or any other structure which requires sewage services.
- (7) "Building Service Connection” means any piping system which conveys sewage, wastewater or other liquid waste from the buildings on any property to the sewer lateral.
- (8) "Chemical Oxygen Demand (COD)" means a measure of the capacity of water to consume oxygen as a result of oxidation of inorganic chemicals and decomposition of organic matter.
- (9) “Chief Administrative Officer” means the Chief Administrative Officer of the Municipality of the County of Colchester.

- (10) "Clear Water" means cooling water and uncontaminated water that has not come into contact with wastewater contaminant sources.
- (11) "Combined Sewer" means a sewer intended to function simultaneously as a storm water and a wastewater sewer.
- (12) "Combustible Liquid" means a liquid that has a flash point not less than 37.8 degrees Celsius and no greater than 93.3 degrees Celsius.
- (13) "Composite Sample" means a volume of wastewater, storm water, clear water or effluent made up of three or more grab samples that have been taken at representative intervals during the sampling periods and combined automatically or manually.
- (14) "Cooling Water" means water that is used in a process for the purpose of removing heat which has not, by design, come into contact with any raw material, intermediate product, waste product, or finished product, but does not include blow-down water.
- (15) "Council" means the Municipal Council of the Municipality of the County of Colchester.
- (16) "Discharge" means to release, permit to be released or cause to be released into wastewater facilities, the sewerage system or the storm water systems owned by or under the control of the Municipality of the County of Colchester.
- (17) "Discharger" means the owner, occupant or a person who has charge, management or control of effluent, sewage, wastewater, storm water, uncontaminated water or any combination thereof, which is discharged to wastewater facilities, the sewerage system or the storm water system owned or controlled by the Municipality.
- (18) "Dwelling Unit" means living quarters that are accessible from a private entrance from either outside a building or from a common area within a building, and which are occupied or reasonably fit for occupancy, contain kitchen facilities within the unit, and have toilet facilities that are not shared with the occupants of other dwelling units.
- (19) "Effluent" means treated wastewater flowing out of wastewater facilities.
- (20) "Engineer" means the Director of Public Works of the County of Colchester and their designate.
- (21) "Extra Strength Wastewater" means wastewater that exceeds the provisions of this By-law.
- (22) "Federal Regulations" means a statute of Canada or any Regulation or Order made pursuant to any statute of Canada.
- (23) "Fuel" includes alcohol, gasoline, naphtha, diesel fuel, fuel oil or any other ignitable substance intended for use as a fuel.
- (24) "Grab Sample" means a volume of wastewater, storm water, clear water or effluent which is collected over a period of time.
- (25) "Grease" means total oil and grease extracted from aqueous solution or suspension according to the laboratory procedures provided by Standard Methods, and includes but is not limited to hydrocarbons, esters, oils, fats, waxes and matter with or containing high molecular fatty acids.
- (26) "Hauled Wastewater" means waste removed from wastewater facilities, including a cesspool, a septic tank system, a privy vault or privy pit, a chemical toilet, a portable toilet or a wastewater holding tank.

- (27) "Hazardous Substance" means any substance or mixture of substance, other than a pesticide, that exhibits characteristics of flammability, corrosivity, reactivity or toxicity, and any substance that is designated as a hazardous substance within the meaning of any applicable provincial or federal legislation, as amended from time to time.
- (28) "Hazardous Waste" means any hazardous substance disposed of as waste.
- (29) "Ignitable Waste" means a substance that is:
- a. a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume, and has a flash point less than 93 degrees Celsius, as determined by the Tag Closed Cup Tester (ASTM D-56-97a), the Seta-flash Closed Cup Tester (ASTM D-3828-97 or ASTM D-3278-96e1), the Pensky-Martens Closed Cup Tester (ASTM D-93-97), 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 as defined by applicable provincial or federal legislation;  
or
  - d. is an oxidizing substance as defined by applicable provincial or federal legislation.
- (30) "Industrial, commercial or Institutional" includes or pertains to industry, manufacturing, commerce, trade, business, institutions, or building consisting of three or more dwelling units as distinguished from domestic or residential.
- (31) "Industrial Premises" means a property, with or without buildings, on which industrial, commercial or institutional activities are undertaken.
- (32) "Interceptor" means a receptacle that is installed to trap and prevent oil, grease, sand, sediment or other materials from passing.
- (33) "Leachate" means any liquid that has percolated through solid waste and has extracted dissolved or suspended materials from it, including but not limited to the liquid produced from the decomposition of waste and liquid that has entered the waste from external sources including surface drainage, rainfall and groundwater.
- (34) "Lot" means any parcel created by the filing of a plan of subdivision.
- (35) "Matter" means any solid, liquid or gas.
- (36) "Monitoring Access Point" means a location in a building service connection, such as a manhole, which allows for monitoring flow measurement and sampling of the wastewater, uncontaminated water or storm water within.
- (37) "Municipality" means the Municipality of the County of Colchester.
- (38) "National Building Code of Canada" means the 2010 edition of the National Building Code of Canada and such further amendments as may be approved from time to time.
- (39) "NORM" means Naturally Occurring Radioactive Materials, or Naturally Occurring Nuclear Substances as defined by the Nuclear Safety and Control Act (Canada), which include radioactive materials found in the environment including uranium, thorium, potassium and their decay products such as radium and radon.
- (40) "Owner" means an owner, part owner, joint owner, tenant in common or joint tenant of the whole or any part of any property or building and includes a trustee, an executor, an

administrator, a guardian, an agent, a mortgagee in possession or any other persons having the care or control of any land or building in case of the absence or disability of the person having title thereto.

- (41) "Pathological Waste" includes those fluids or materials which may contain pathogens of human or animal origin.
- (42) "PCBs" means any mono-chlorinated or poly-chlorinated biphenyl chemicals or their congener or any mixture of them or mixture that contains one or more of them.
- (43) "Person" means an individual, association, partnership, company, municipality, or an heir, executor, administrator, agent, employee or other legal representative of such person.
- (44) "Pesticides" includes any substance that is a pest control product within the meaning of the Pest Control Products Act (Canada), or a fertilizer within the meaning of the Fertilizers Act (Canada) that contains a pest control product.
- (45) "pH" means the measure of the intensity of the acidic or alkaline condition of a solution determined by the hydrogen ion concentration of the solution in accordance with Standard Methods.
- (46) "Phenolic Compounds" means hydroxyl derivatives of benzene and its condensed nuclei.
- (47) "Polluted" means altered physical, chemical, biological, or aesthetic properties of the natural waters of an area, including change of temperature, taste or odour of the natural waters or the addition of any matter which will cause or may cause the natural waters to be harmful to public health, safety or welfare or harmful or less useful for domestic, municipal, industrial, agricultural, recreational or other lawful uses for birds, animals or aquatic life.
- (48) "Private Sewer" means a sewer servicing one or more buildings which is located on private property and which is not owned or maintained by the Municipality.
- (49) "Property" means any existing parcel of land or lot as described by its boundaries.
- (50) "Provincial Regulations" means any statute of Nova Scotia or any Regulation or Order made pursuant to any statute of Nova Scotia.
- (51) "Radioactive Materials" means nuclear substances as defined by the Nuclear Safety and Control Act (Canada).
- (52) "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; or
  - h. is an explosive (Class 1) as defined in the regulations under any applicable provincial or federal legislation as amended.
- (53) "Residential premises" means a building consisting of one or two dwelling units.
- (54) "Service" means the collection of wastewater or storm water or any combination thereof.
- (55) "Sewage" means the combination of liquid and water-carried wastes from buildings, containing animal, vegetable or mineral matter in suspension or solution, together with such groundwater, surface water or storm water as might be present and has the same meaning as wastewater.
- (56) "Sewer" means a pipe or conduit for carrying sewage, wastewater, groundwater, storm water or surface runoff, and includes all wastewater sewers, storm sewers, clear water sewers, storm drains and combined sewers vested, owned and operated by the Municipality.
- (57) "Sewer Lateral" means the sewer line which extends from the sewer main to a property line.
- (58) "Sewer Main" means a sewer laid within a public right of way or public easement which connects to one or more sewer laterals and receives sewage from such sewer laterals for transport to wastewater facilities.
- (59) "Sewerage System" means all pipes, sewer mains, sewer laterals, equipment, buildings and structures for the collecting, pumping or treatment of wastewater and operated by the Municipality, but does not include a storm sewer or the storm water system.
- (60) "Solvent Extractable Matter" includes grease or oils from animal, vegetable, mineral or synthetic sources.
- (61) "Spill" means any discharge of wastewater from residential premises which is in excess of the regular flow of discharge or in excess of any parameters as set out in Part 5 of this By-law which may cause harm to the sewerage system, storm water system, wastewater treatment facilities, persons, property or the environment.
- (62) "Standard Methods" means the manner of examination of water and wastewater by way of analytical and examination procedures provided in the edition of Standard Methods for the Examination of Water and Wastewater (published jointly by the American Public Health Association and the American Water Works Association) current at the time of testing, or any publication by or under the authority of the Canadian Standards Association for the testing of water and wastewater to determine water quality standards.
- (63) "Standard Specifications for the Design and Construction of Municipal Services in Colchester County" means the specifications and requirements for water systems, sewerage systems, roads, utilities, storm-water systems, sidewalks, ramps, curbs and gutters and other related infrastructure, as adopted by a resolution of Council as amended from time to time.
- (64) "Storm Sewer" means a sewer owned or controlled by the Municipality that carries storm water and surface runoff water, excluding sewage or wastewater.
- (65) "Storm water" means water from precipitation of all kinds and includes water from the melting of snow and ice, groundwater discharge and surface runoff water.

- (66) "Storm water System" means a method or means of carrying storm water including, but not limited to, ditches, swales, storm sewers, retention ponds, streets or roads that are owned or controlled by the Municipality.
- (67) "Suspended Solids" means the insoluble matter suspended in wastewater or storm water that is separable by laboratory filtration.
- (68) "Total Kjeldahl Nitrogen" means organic nitrogen.
- (69) "Total PAHs" means the total of all the Polycyclic Aromatic Hydrocarbons including Acenaphthene, Acenaphthylene, Anthracene, Benzo(a)anthracene, Benzo(a)phenanthrene, Benzo(a)pyrene, Benzo(b)fluoranthene, Methylchrysene, Benzo(j)fluoranthene, Benzo(k)fluoranthene, Benzo(j,k)fluorene, Nitropyrene, Benzo(g,h,i)perylene, Fluorene, Benzo(r,s,t)pentaphene, Dibenz(a,h)acridine, Dibenz(a,j)acridine, Naphthalene, Pyrene, Phenanthrene, Dibenzo(a,h)anthracene, Dibenzo(a,e)fluoranthene, Chrysenes, Dibenzo(a,e)pyrene, Dibenzo(a,h)pyrene, Dibenzo(a,l)pyrene, Dibenzo(c,g)carbazole, Dimethylbenz(a)anthracene, Indeno(1,2,3-cd)pyrene, Methylcholanthrene, Methylnaphthalene.
- (70) "Toxic Substance" means any substance defined as toxic under the Environmental Protection Act of Canada, as amended from time to time, and within the meaning of any applicable provincial or federal legislation.
- (71) "Uncontaminated Water" means potable water or any other water to which no matter has been added as a consequence of its use.
- (72) "Waste" means a substance that would cause or tend to cause an adverse effect if added to the environment, wastewater facilities, the sewerage system or storm water system and includes rubbish, slimes, tailings, or other industrial wastes, effluent, septic sludge, sewage, garbage, refuse, scrap, litter or other waste products of any kind.
- (73) "Waste Radioactive Materials" means nuclear substances as defined by the Nuclear Safety and Control Act (Canada) such as uranium, thorium, plutonium, neptunium, deuterium, their respective derivatives and compounds and such other substances as the Canadian Nuclear Safety Commission may designate as being capable of releasing ionizing radiation and require approval of the Canadian Nuclear Safety Commission for disposal into a sanitary sewer under the Nuclear Safety and Control Act.
- (74) "Wastewater" means liquid waste containing animal, vegetable, mineral or chemical matter in solution or suspension carried from any premises and has the same meaning as sewage.
- (75) "Wastewater Sewer" means a sewer receiving sewage or wastewater and to which storm, surface or ground waters are not intentionally admitted.
- (76) "Wastewater Facilities" means the structures, pipes, devices, equipment, processes, or other things used, or intended to be used, for the collection, transportation, pumping or treatment of sewage or wastewater and disposal of effluent.
- (77) "Waste Survey Report" means a report as better described in Part 10 of this By-law.

## **Connections**

### **Building Service Connections Provided by Municipality**

4. (1) Where a sewerage system has been constructed within a street, the Municipality shall, upon a person obtaining a permit, provide not more than one sewer lateral from the sewer main to service each property abutting such street, except that nothing herein requires

the Municipality to provide sewer laterals to land which is not being used for any residential, commercial, industrial or institutional purpose for which a sewer might be required.

- (2) A sewer lateral as provided by section 4.1 shall extend from the sewer main to the boundary of the property and shall be installed prior to the installation of the building service connection and the connection of the building service connection to the sewer lateral. The Municipality shall not be responsible for any expenses associated with connecting a building service connection to the sewer lateral beyond the boundary of a property.

#### **Permit Required to Connect**

- (3) No person shall connect a building on residential premises or industrial premises to the sewerage system without first obtaining a permit from the Municipality.

#### **Compulsory Connection**

- (4) Where a sewerage system has been constructed within a street, the Municipality may require a person to obtain a permit and connect to the sewerage system.

#### **Mandatory Supervision by Engineer**

- (5) No connection to the sewerage system shall be made except under the supervision of the Engineer, and no building service connection shall be covered until it has been inspected and approved by the Engineer.
- (6) Where a change occurs in the nature of sewage or wastewater discharged from industrial premises, the owner or operator of the industrial premises must apply to the Engineer for a new permit.

#### **Permit Fees**

- (7) Every person seeking to connect to the sewerage system shall pay a Sewer Permit Fee as determined by Council from time to time by policy.

#### **Connection Construction Requirements**

- (9) Every person connecting to a sewerage system shall construct the building service connection according to the requirements of the National Building Code of Canada, the National Plumbing Code of Canada and the Standard Specifications for the Design and Construction of Municipal Services in Colchester County.
- (10) In addition to the requirements contained in section 4.9, the following requirements shall apply to all building service connections intended to connect to the sewerage system:
  - (a) No right-angle junctions shall be installed;
  - (b) The pipe shall have a uniform grade when laid, of a minimum of 2% or 20 mm per meter length from the building towards the sewerage system;
  - (c) All pipe and fittings shall be constructed of gasketed Polyvinyl Chloride pipe (PVC) with a minimum diameter of 100mm;
  - (d) A back-flow check valve shall be installed in the building service connection in an accessible location; and

- (e) A clean-out of 100mm diameter PVC pipe shall be provided at the junction of the building service connection to the sewer lateral at the boundary of the property. If the building service connection is more than 30 metres long, clean-outs shall be provided at a maximum of every 30 metres measured from the clean-out at the property line.

### **Effect of Connection**

- (11) Where a building has been connected to the sewerage system or the Municipality has ordered a building to be so connected, Council may, by resolution, order the owners of outhouses or septic tanks to remove such outhouses and to destroy or fill such septic tanks as may be situated on the property containing the building.

### **Abandoning Existing Private Building Service Connections**

- (12) When a private sewer is abandoned, the owner shall notify the Engineer and the owner shall effectively block up the private sewer at the connection of the private sewer to the building with an approved water tight seal.
- (13) Where the owner does not effectively block up a private sewer connection as required by section 4.12 the Engineer may direct the owner to do so within twenty-four hours of receipt of a notice from the Engineer requiring the owner to do so. If the owner fails to abide by the direction of the Engineer within twenty-four (24) hours, the Engineer may cause the same to be done and the cost of such work may be recovered from the owner, with interest from the date of completion of the work until the date of payment, as a first lien on the property upon which or for the benefit of which the work was done.

### **Service Lateral and Building Service Connection Maintenance**

- (14) For building service connections for residential premises, the owner of the property shall be responsible for maintenance and repairs of connections including maintenance and repairs to clean-outs, back-flow check valves installed on the building service connection and all associated permit fees and installation charges. An owner's responsibility to maintain and repair connections includes:
  - (a) For conventional gravity sewers, where the building is connected to the sewerage system through a service lateral, the owner's responsibility extends from the property boundary to the service entrance to the building and includes all sewer and wastewater plumbing and fixtures within the property and building; or
  - (b) For small diameter gravity sewers, where the building is connected to the sewerage system through a solids separation tank, the owner's responsibility extends from the building service connection with the solids separation tank to the service entrance to the building and includes all sewer and wastewater plumbing and fixtures within the property and building.
- (15) For sewer laterals for residential premises, the Municipality shall be responsible for maintenance and repairs to the sewerage system, including sewer lateral extending from the sewer main to the boundary of a property, except as provided in this clause. In particular, the Municipality's responsibility to maintain and repair connections includes:
  - (a) For conventional gravity sewers, where properties are connected to the sewer main by a sewer lateral 100 mm diameter in width or larger, the Municipality's responsibility for maintenance and repairs shall be limited to the sewer lateral from the sewer main up to the boundary of a property, save and except for the removal of blockages preventing wastewater from a property from flowing into the sewer main, the responsibility for which remains with the owner of such property, unless the blockage is caused by a failure of the sewer lateral.



- (b) For small-diameter gravity sewers where the sewer lateral is terminated in a solids-separation tank installed inside or outside of the boundary of a property, the Municipality's responsibility for maintenance and repairs shall be limited to the sewer lateral connecting the solids-separation tank to the small diameter sewer main and the solids separation tank.
  - (c) For small-diameter gravity sewers where the sewer lateral is terminated in a solids-separation tank installed within the boundary of a property, the installation of the solids-separation tank and connection of the building service connection to the tank by the property owner shall constitute an easement agreement between the Municipality and the owner of the property, whereby the property owner shall not
    - (i) prevent, hinder, obstruct or interfere in any way with the Engineer from accessing the property at any reasonable time for the purpose of inspection and maintenance of the solids-separation tank; or
    - (ii) construct or place any structure within three metres from any of the edges of the solids-separation tank or three metres on either side of the sewer lateral connecting the solids-separation tank with the sewerage system.
  - (d) The property owner shall, at the direction of the Engineer, promptly remove any structure or other obstruction that prevents, hinders, obstructs or interferences with inspection and maintenance of the solids-separation tank and sewer lateral or other appurtenances connected to it.
- (16) For building service connections to industrial premises, the maintenance and repair of the sewer lateral as well as the building service connection, from the building to the sewer main including any clean-outs and back-flow check valves, shall be the responsibility of the property owner whose property is serviced by the sewer lateral and building service connection.

#### **New Development and Connection to Sewage System**

- (17) Where any development results in the laying out and construction of a new highway, street or lane, and the developer seeks to construct an extension of the sewerage system to service such development, that construction shall conform to the Standard Specifications for the Design and Construction of Municipal Services in Colchester County, in addition to applicable Federal and Provincial Regulations applicable to the public infrastructure constructed by the developer.
- (18) A developer seeking to construct an extension of the sewerage system shall be responsible for all costs of such development and extension of the sewerage system, including any fee associated with obtaining necessary permits, connections and installation charges.
- (19) Where an extension to the sewerage system is made by a developer in accordance with this Part, the Municipality shall assume responsibility for the maintenance and repair of the sewerage system extension, provided that:
  - (a) All roads in the subdivision must have been approved by the Municipality;
  - (b) All requirements of the Standard Specifications for the Design and Construction of Municipal Services in Colchester County have been met and all items related to the development as required in the said Standard Specifications for the Design and Construction of Municipal Services in Colchester County have been provided to the Municipality, including but not limited to "as-built" drawings conforming to Municipality's drafting standards and requirements, video inspection report and

proof that all such requirements have been satisfied certified by a licensed professional engineer in a form satisfactory to the Engineer;

- (c) The Engineer has reviewed the information provided by the developer pursuant to section 4.19(b) and the Engineer has given its approval to the developer; and
  - (d) Title to the road or an easement to the road under which the extension to the sewerage system is located has been granted in a manner satisfactory to the Municipality.
- (20) After the Municipality has taken over an extension to the sewerage system, all subsequent connections to the sewerage system will be made in accordance with this By-law.

#### **Building Service Connection Charges – Residential Premises**

- (21) Owners of residential premises, upon applying for a building service connection to the sewerage system, shall pay:
- (a) a Service Lateral Installation Charge as determined by Council from time to time by policy, and this Service Lateral Installation Charge shall be payable upon applying for a building service connection, provided, however, that a Service Lateral Installation Charge shall not be payable if a sewer lateral already exists from the sewerage system to the boundary of the property and is capable of being utilized for providing building service connection to the building; and
  - (b) a Sewage Disposal Capital Charge as determined by Council from time to time by policy, which shall be payable upon applying for a building service connection.

#### **Industrial Premises Bear Installation Costs**

- (22) Owners of industrial premises shall be responsible for all costs associated with installation of a sewer lateral from the sewerage system to the boundary of the property to be connected, as follows:
- (a) If the sewer lateral is installed and completed by the Municipality, the owner shall reimburse to the Municipality its actual costs incurred for providing the sewer lateral, including but not limited to costs of material, labour and supervision, and such costs shall be payable within thirty days of the rendering of an invoice to the owner by the Municipality and, in the event of non-payment, shall be a first lien on the property upon which or for the benefit of which the work was done; or
  - (b) If the installation of the sewer lateral is completed by the owner, the construction of the sewer lateral shall be carried out at the owner's cost but, as noted elsewhere in this By-law, under the supervision of the Engineer.

#### **Building Service Connection Charges – Industrial Premises**

- (23) Owners of industrial premises, upon applying for a building service connection to the sewerage system, shall pay a Sewage Disposal Capital Charge as determined by Council from time to time by policy, and the Sewage Disposal Capital Charge shall be payable upon applying for a building service connection.

#### **Building Service Connection Charges – New Developments**

- (24) A developer who constructs an extension of the sewerage system to service a new development shall pay a connection fee for connecting to the sewerage system as determined by Council from time to time by policy, and the connection fee shall be payable:

- (a) in full, prior to connection of new development to the sewerage system; or
- (b) by installments each and every time the Municipality assumes responsibility for a section of newly developed street, the amount of installment being pro-rated by the number of properties having frontage on the newly developed street section.

### **Discharge to Sewerage System**

#### **Prohibited Discharge**

- 5. (1) No person shall discharge into a sewerage system or wastewater facilities, sewage or wastewater which causes or may cause:
  - (a) A health or safety hazard;
  - (b) An offensive odour or foam to emanate from wastewater facilities, the sewerage system and/or the sewerage system;
  - (c) Damage to the sewerage system and/or wastewater facilities;
  - (d) An obstruction, restriction or other interference with the flow of or proper operation of wastewater facilities, the sewers and/or the sewerage system;
  - (e) Interference with the operation and maintenance of wastewater facilities, the sewers and/or the sewerage system;
  - (f) A restriction of the beneficial use of biosolids from the Municipality's wastewater facilities;
  - (g) Effluent from the Municipality's wastewater facilities which is in violation of any Provincial or Federal legislation.
- (2) No person shall discharge into a sewerage system or wastewater facilities, sewage or wastewater with any one or more of the following characteristics:
  - (a) pH less than 5.5 or greater than 9.5;
  - (b) Substance or substances containing two or more separate liquid layers; or
  - (c) Temperature greater than 65 degrees Celsius.
- (3) No person shall discharge into a sewerage system or wastewater facilities, sewage or wastewater containing one or more of the following:
  - (a) Combustible liquids;
  - (b) Fuel;
  - (c) Hauled wastewater, leachate or waste from septic tanks, except where written permission from the Municipality has been obtained;
  - (d) Inflammable or explosive matter;
  - (e) Sewage or wastewater containing dyes or colouring materials which pass through wastewater facilities and discolour wastewater facilities their effluent and/or impact the ability to treat the wastewater;

- (f) Pathological waste in any quantity;
  - (g) Waste containing herbicides, pesticides, xenobiotics, polychlorinated biphenyls (PCBs) or waste radioactive materials in concentrations greater than those permitted for release into the environment by Federal Regulations and Provincial Regulations;
  - (h) Any waste classified as hazardous waste; or
  - (i) any other substances as may be determined by Council from time to time by policy.
- (4) No person shall discharge into a sewerage system or wastewater facilities, sewage or wastewater containing a substance in concentration exceeding any of the limits as set out in policy as determined by Council from time to time.
- (5) No person shall discharge cooling water or uncontaminated water into a sewerage or wastewater facilities unless the discharge has been permitted by the Municipality.

#### **No Dilution**

- (6) No person shall discharge into a sanitary sewer or wastewater facilities, sewage or wastewater under circumstances where water has been added for the purpose of dilution of such sewage or wastewater to achieve compliance with this By-law.

#### **Separate Offences**

- (7) The presence in sewage or wastewater of any one of the matters in sections 5.1 through 5.5 in a concentration in excess of its limits constitutes a separate offence.

#### **Obligation to Disclose Discharge**

- (8) On request of the Engineer, any person who is permitted to discharge sewage or wastewater to the sewerage system shall disclose the nature of any sewage or wastewater discharged to the sewerage system within 48 hours of receiving such a request from the Engineer.
- (9) Disclosure pursuant to section 5.8 shall include a comprehensive description of all sewage or wastewater discharged to the sewerage system within the time period specified by the Engineer, including but not limited to the quantity or volume of such sewage or wastewater and frequency of discharge, and if required by the Engineer, shall include an independent analysis of the sewage or wastewater discharged to the sewerage system conducted by an Accredited Laboratory.

#### **Offence to Fail to Disclose**

- (10) A failure to disclose pursuant to sections 5.8 and 5.9 shall be an offence, and each day that a person fails to disclose pursuant to sections 5.8 and 5.9 constitutes a separate offence.

#### **Obligation to Give Notice of Potentially Prohibited Discharge**

- (11) Where a person intends to discharge sewage or wastewater into the sewerage system which they know or reasonably ought to know is prohibited pursuant to this By-law, that person shall advise the Engineer in advance of such discharging such sewage or wastewater and provide the Engineer an opportunity to evaluate whether or not the concerning sewage or wastewater may or may not be discharged into the sewerage system in accordance with section 5.12 of this Part.

## **Engineer Action where Prohibited Discharge Occurs or is Proposed to Occur**

- (12) Where sewage or wastewater is discharged or proposed to be discharged, to the sewerage system and such sewage or wastewater contains the matters prohibited by this By-law, the Engineer may do any of the following:
- (a) Reject the discharge of sewage or wastewaters and discontinue access to the sewerage system until adequate measures are undertaken by the person discharging or proposing to discharge such sewage or wastewaters to comply with this By-law and to avoid recurrence of non-compliance with this By-law, which may include entering into a Wastewater Discharge Compliance Agreement pursuant to Part 12 of this By-law, if required by the Engineer;
  - (b) Require pre-treatment of the sewage or wastewaters as a condition for discharge to the sewerage system to the satisfaction of the Engineer by way of installing and utilizing a pre-treatment facility pursuant to Part 10 of this By-law;
  - (c) Exert control over the quantities or rates of discharge of the sewage or wastewater;
  - (d) Levy a charge to cover the expenses associated with handling or treating the sewage or wastewater where such sewage or wastewater is extra strength wastewater by way of a Wastewater Extra Strength Surcharge Agreement pursuant to Part 13 of this By-law.

## **Engineer May Stop and Close Up to Prevent Discharge**

- (13) The Engineer shall have the power to stop and close up and prevent from discharging into the sewerage system,
- (a) any private sewer or drain, or
  - (b) building service connections and any other part of the sewerage system

through which substances are discharged or into which substances are thrown, deposited, or supposed to be put, prohibited by this By-law or which are liable to injure the sewers or obstruct the flow of sewage, however the Engineer shall not cause any sewer to be closed up pursuant to this sub-section unless the owner of the sewer is first notified and given an opportunity to be heard by the Engineer, provided that the urgency of the circumstances enables the Engineer to give such notice and opportunity to be heard.

## **Discharge to Storm Water System**

6. (1) Except as otherwise permitted in this By-law or where permission has been obtained from the Municipality, no one shall discharge any matter other than uncontaminated water or storm water into a storm sewer.

## **Oil and Grease Interceptors**

### **Interceptors Required**

7. (1) Every owner or operator of a restaurant or other industrial premises where food is cooked, processed or prepared and which are is connected directly or indirectly to the sewerage system shall take all necessary measures to ensure that oil and grease are prevented from entering the sewerage system in excess of the provisions of this By-law.

- (2) The owner or operator of a restaurant or other industrial premises as set out in this Part shall, at its own expense, install, operate and properly maintain an interceptor in any piping system at its industrial premises that connects directly or indirectly to the sewerage system.
- (3) An interceptor installed pursuant to this Part shall be installed in compliance with the most current requirements of the National Building Code of Canada as well as the most current requirements of the CAN/CSA B-481.

#### **Maintenance of Interceptor Required**

- (4) An interceptor installed pursuant to this Part shall be maintained and kept in good working condition at all times and in accordance with the manufacturer recommendations, at the expense of the owner or operator of the industrial premises, and in doing so the owner or operator of the industrial premises shall:
  - (a) Establish and post maintenance requirements for the interceptor at the workplace in reasonable proximity to the interceptor, which shall include a schedule for the regular maintenance of the interceptor;
  - (b) Establish and post cleaning requirements for the interceptor, which shall include a schedule for the regular cleaning of the interceptor and proper directions as to the disposal of the waste captured by the interceptor;
  - (c) Maintain a complete record of all maintenance, cleaning and waste disposal from each and every interceptor installed at the premises, which shall be maintained for no less than two years; and
  - (d) Make available to the Engineer the established and posted maintenance, cleaning and disposal requirements and the record of maintenance, cleaning and disposal from each and every interceptor, upon the Engineer's request.

#### **Emulsifiers and Facilitating Agents Prohibited**

- (5) Emulsifiers shall not be discharged to the sewerage system by way of an interceptor.
- (6) No person shall use enzymes, bacteria, solvents, hot water or any other agents to facilitate the passage of matter through an interceptor.

#### **Removal of Retained or Trapped Matter**

- (7) Removal of retained or trapped matter in an interceptor shall be achieved by pumping or other physical means and shall be hauled away and disposed of as required by law, and the owner or operator shall:
  - (a) Maintain a comprehensive record of such disposal of materials for no less than two years for each interceptor installed, and
  - (b) Make the comprehensive record(s) of such disposal available to the Engineer upon request.

#### **Request for Inspection by Engineer**

- (8) Any reasonable request for inspection of interceptors by the Engineer shall be granted by the owner or operator of any industrial premises to which this Part applies.

## **No Discharge from Interceptors into Storm Sewer**

- (9) No interceptor installed, operated and maintained pursuant to this Part shall discharge into a storm sewer.

## **Vehicle and Equipment Service Interceptors**

### **Interceptors Required**

8. (1) Every owner or operator of a vehicle or equipment service station, repair shop or garage or of other industrial premises or any other establishment where motor vehicles are repaired, lubricated or maintained and where the wastewater discharge is directly or indirectly connected to the sewerage system shall install an interceptor designed to prevent motor oil and grease from passing into the sewerage system in excess of the limits in this By-law.
- (2) The owner or operator of an establishment or other industrial premises as set out in this Part shall install, operate and properly maintain an interceptor in any piping system at its industrial premises that connects directly or indirectly to a sewerage system.
- (3) The owner or operator of an establishment or other industrial premises obliged to install, operate and maintain an interceptor shall be responsible for cleaning such interceptor and shall dispose of all matter captured by the interceptor as required by law.

### **Maintenance of Interceptors Required**

- (4) An interceptor installed pursuant to this Part shall be installed in compliance with the most current requirements of National Building Code of Canada and be maintained as recommended by the Canadian Petroleum Products Institute (CPR).
- (5) An interceptor installed pursuant to this Part shall be maintained and kept in good working condition at all times and in accordance with the manufacturer's recommendations, at the expense of the owner or operator of the industrial premises, and in doing so the owner or operator of the industrial premises shall:
  - (a) Establish and post a regular inspection schedule designed to ensure that the interceptor is regularly maintained to the manufacturer's specifications for performance and to ensure surface oil and sediment levels do not exceed the recommended level;
  - (b) Establish and post maintenance requirements for the interceptor at the industrial premises in reasonable proximity to the interceptor, which shall include a schedule for the maintenance of the interceptor;
  - (c) Establish and post regular cleaning requirements for the interceptor, which shall include a schedule for the regular cleaning of the interceptor and proper direction as to the disposal of the waste captured by the interceptor;
  - (d) Maintain a complete record of all maintenance, cleaning and waste disposal from each and every interceptor installed at the premises, which shall be maintained for no less than two years; and
  - (e) Make available to the Engineer the established and posted maintenance, cleaning and disposal requirements, and the record of maintenance, cleaning and disposal from each and every interceptor, upon the Engineer's request.

### **Emulsifiers and Facilitating Agents Prohibited**

- (6) Emulsifiers shall not be discharged to the sewerage system by way of an interceptor.
- (7) No person shall use enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of matter through an interceptor.

### **Removal of Retained or Trapped Materials**

- (8) Removal of retained or trapped materials shall be achieved by pumping or other physical means and shall be hauled away and disposed of as required by law, and the owner and operator shall:
  - (a) Maintain a comprehensive record of such disposal of materials two years for each interceptor installed, and
  - (b) Make the comprehensive record(s) of such disposal available to the Engineer upon request.

### **Request for Inspection by Engineer**

- (9) Any reasonable request for inspection of interceptors by the Engineer shall be granted by the owner or operator of any industrial premises to which this Part applies.

### **No Discharge from Interceptor into Storm Sewer**

- (10) No interceptor installed, operated and maintained pursuant to this Part shall discharge into a storm sewer.

### **Sediment Interceptors**

- 9. (1) Every owner or operator of vehicle or equipment service station, repair shop or garage or of industrial premises or any other establishment from which sediment may directly or indirectly enter the sewerage system, including but not limited to premises using a ramp drain or area drain and vehicle wash establishments, shall take all necessary measures to ensure that such sediment is prevented from entering the drain or sewer in excess of the limits in this By-law.
- (2) Catch basins or other receptacles installed on private property for the purposes of collecting storm water or other run-off water and carrying it into the storm sewer system shall:
  - (a) be equipped with a sediment interceptor, if required by the Engineer;
  - (b) be installed in a manner that complies with the Standard Specifications for the Design and Construction of Municipal Services in Colchester County, as may be amended from time to time.
- (3) All sediment interceptors equipped pursuant to section 9.2 of this Part shall be maintained and kept in good working order by the owner or operator of the premises



according to manufacturer's recommendations and shall be inspected regularly to ensure performance is maintained to the manufacturer's specifications for performance.

- (4) Removal of retained or trapped materials shall be achieved by pumping or other physical means and shall be hauled away and disposed of as required by law, and the owner or operator shall:
  - (a) Maintain a comprehensive record of such disposals of materials for no less than two years for each sediment interceptor installed; and
  - (b) Make the comprehensive record(s) of such disposal of materials available to the Engineer upon request.
- (5) Any reasonable request for inspection of sediment interceptors by the Engineer shall be granted by the owner or operator of any industrial premises to which this Part applies.

### **Wastewater Pre-Treatment Facilities**

#### **Wastewater Pre-Treatment Facility Required by Engineer**

10. (1) Where required by the Engineer, an owner shall install a wastewater pre-treatment facility on its property at a location designated by the Engineer, which will treat sewage and wastewater prior to discharge into the sewerage system and achieve any and all other pre-treatment objectives which may be identified by the Engineer as necessary on a case-by-case basis.

#### **Owner's Obligation to Ensure Proper Design, Operation and Maintenance of the Wastewater Pre-Treatment Facility**

- (2) The owner shall ensure the design, operation and maintenance of the wastewater pre-treatment facility is conducted in accordance with the manufacturer recommendations and properly treats sewage and wastewater prior to discharge into the sewerage system, and which achieves any and all pre-treatment objectives identified by the Engineer, and in particular, the owner and operator shall:
  - (a) Ensure that all electronic sensors installed to monitor the effluent quality at the wastewater pre-treatment facility automatically and/or all electronic devices and testing equipment used to monitor the effluent quality manually are calibrated no less than once per year, and maintain a comprehensive record of such calibration for a period of no less than five years;
  - (b) Ensure any waste from the wastewater pre-treatment facility are disposed of as required by law, and maintain a comprehensive record of all such waste from the wastewater pre-treatment facility and its disposal for a period of no less than five years;
  - (c) Retain any and all documentation pertaining to operation and maintenance of the wastewater pre-treatment facility for a period of no less than five years; and
  - (d) Upon request of the Engineer, make such comprehensive records and documentation available for inspection by the Engineer.

## **Surcharges and Penalties for Failure to Properly Design, Operate and Maintain Wastewater Pre-Treatment Facility**

- (3) Upon failure of an owner or operator to properly design, operate and maintain the wastewater pre-treatment facility in accordance with this Part, the Municipality may levy a surcharge and a penalty for untreated wastewater discharged into the sewerage system against the owner of the property.

## **Removal of Retained or Trapped Materials**

- (4) Removal of retained or trapped materials shall be achieved by pumping or other physical means and shall be hauled away and disposed of as required by law.

## **Request for Inspection by Engineer**

- (5) Any reasonable request for inspection of the wastewater pre-treatment facility by the Engineer shall be granted by the owner of the property.

## **Wastewater Survey Report**

### **Wastewater Survey Report Required of Industrial Premises**

11. (1) No person shall discharge sewage, wastewater, cooling water, uncontaminated water or any combination thereof from industrial premises to wastewater facilities of the Municipality, including such discharge as may be described as a spill, without first submitting a Wastewater Survey Report to the Municipality and receiving approvals pursuant to this Part.
- (2) Where a person seeks to discharge sewage, wastewater, cooling water, uncontaminated water or any combination thereof from industrial premises to wastewater facilities of the Municipality, the owner or operator of the industrial premises shall first:
  - (a) submit to the Municipality a Wastewater Survey Report in such form as is approved from time to time by the Engineer;
  - (b) receive an approval issued by the Engineer permitting the discharge of such sewage, wastewater, cooling water, uncontaminated water or any combination thereof into the wastewater facilities of the Municipality; and
  - (c) receive any and all other approval(s) as may be required from other regulatory authorities for the lawful discharge of sewage, wastewater, cooling water, uncontaminated water or any combination thereof sought to be discharged from the industrial premises.
- (3) If a person has been discharging sewage, wastewater, cooling water, uncontaminated water or any combination thereof from industrial premises to wastewater facilities of the Municipality, prior to the enactment of this By-Law, that owner or operator of the industrial premises shall comply with the requirements set out sections 11.2 within seven (7) days of receiving written notice from the Municipality that a Wastewater Survey Report is required of the industrial premises.

### **Wastewater Survey Report Required of Spills**

- (4) Where any person intends to cause a spill on residential premises or industrial premises, that person shall:

- (a) submit to the Municipality a Wastewater Survey Report in such form as is approved from time to time by the Engineer;
  - (b) receive an approval issued by the Engineer permitting the spill into the wastewater facilities of the Municipality; and
  - (c) receive any and all other approval(s) as may be required from other regulatory authorities for the lawful discharge of sewage, wastewater, cooling water, uncontaminated water or any combination thereof sought to be discharged from the industrial premises.
- (5) Where a person unintentionally causes a spill on residential premises or industrial premises, that person shall submit a Wastewater Survey Report in such form as is approved from the time to time by the Engineer within forty-eight (48) hours of causing the spill.

#### **Obligation to Notify Municipality of Change to Information in Wastewater Survey Report**

- (6) A person who has submitted a Wastewater Survey Report pursuant to this Part shall give written notice to the Municipality of any changes to the information reported to the Municipality pursuant this Part within seven (7) days of such a change.

#### **Offence**

- (7) A failure to comply with this Part shall be an offence, and each day that a person fails to comply with this Part constitutes a separate offence.

#### **Wastewater Discharge Compliance Program and Compliance Agreement**

#### **Wastewater Discharge Compliance Program for the Planning, Design, Construction or Installation of Facilities at Industrial Premises**

12. (1) A Wastewater Discharge Compliance Program may be issued by the Engineer pursuant to this Part for the discharge of a non-complying sewage, wastewater, effluent or other discharge during periods of planning, design, construction or installation of facilities to eliminate the noncompliance with the limits prescribed herein.
- (2) The owner or operator of industrial premises may submit to the Engineer a proposed Wastewater Discharge Compliance Program to eliminate, prevent or to reduce and control the discharge of non-compliant sewage, wastewater or effluent to the sewerage system or storm sewers.
  - (3) The proposed Wastewater Discharge Compliance Program shall be in such form as is approved from time to time by the Engineer and shall be signed by person submitting the proposed Wastewater Discharge Compliance Program and the Engineer.
  - (4) The Engineer may, in their discretion, issue or refuse to issue an approval for a Wastewater Discharge Compliance Program to the person who submitted the proposed Wastewater Discharge Compliance Program. Where an approval has been issued by the Engineer, the person who submitted the proposed Wastewater Discharge Compliance Program shall be authorized to execute such programs under the authority of this By-Law.
  - (5) Every Wastewater Discharge Compliance Program shall be for a fixed period of time during which the facilities are to be planned, designed, constructed and installed and shall:

- (a) identify the dates of commencement and completion for each significant activity of the planning, design, construction and installation of the facilities, and the final activity to be completed shall be completed no later than the final compliance date of the Wastewater Discharge Compliance Program;
  - (b) identify the materials or other characteristics of the non-complying sewage wastewater or other discharge to which it relates, including the nature, quantity and frequency of such discharge at the various stages of the Wastewater Discharge Compliance Program; and
  - (c) specify the remedial actions to be implemented at the various stages of the Wastewater Discharge Compliance Program.
- (6) The person to whom an approval for a Wastewater Discharge Compliance Program has been issued shall submit a Compliance Program Progress Report within fourteen (14) days after the scheduled completion dates for each activity identified by the Wastewater Discharge Compliance Program, and the Compliance Program Progress Report shall be in such form as is approved from time to time by the Engineer.
- (7) The person to whom the Wastewater Discharge Compliance Program has been issued shall immediately provide written notice to the Municipality of any change in sewage or wastewater discharged or intending to be discharged as may be governed by the terms and conditions of the Wastewater Discharge Compliance Program.

#### **Controlled Release of Non-Compliant Discharge by Municipality**

- (8) In this By-Law,
- (a) Nothing shall be construed as impairing the right of the Municipality to accept delivery at wastewater facilities owned by the Municipality of waste, sewage, wastewater or other discharge which would not comply with the specifications contained in this By-Law for controlled release by the operator of the Municipality's wastewater facilities.
  - (b) Notwithstanding subsection 12.8(a), the Municipality shall not accept delivery of or release or permit the release of any waste, sewage, wastewater or other discharge which is prohibited by Part XIV the Municipal Government Act (Nova Scotia).

#### **Wastewater Discharge Compliance Agreement for Non-Compliance upon coming into force of By-Law or any time thereafter**

- (9) Where, at the coming into force of this By-law or any time thereafter, a discharger into the sewerage system is not in compliance with this By-Law, the Engineer may enter into a Wastewater Discharge Compliance Agreement with the discharger to provide a plan for achieving compliance with this By-Law within a specified time.
- (10) The Wastewater Discharge Compliance Agreement pursuant to section 12.9 shall:
- (a) Be of a fixed term;
  - (b) Include interim limits and perimeters for non-compliant discharge which shall be temporarily permitted at specified periods as identified by the Wastewater Discharge Compliance Agreement; and
  - (c) Contain reporting requirements to the Engineer at specified intervals as to the progress towards achieving compliance with this By-law.

- (11) During the term of the Wastewater Discharge Compliance Agreement, the discharger shall be exempt from those and only those provisions of this By-Law as identified in the Wastewater Discharge Compliance Agreement, provided that all of the conditions of the Wastewater Discharge Compliance Agreement are satisfied by the discharger while the Wastewater Discharge Compliance Agreement is in effect.
- (12) The person to whom the Wastewater Discharge Compliance Agreement has been issued shall immediately provide written notice to the Municipality of any change in sewage or wastewater discharged or intending to be discharged as may be governed by the terms and conditions of the Wastewater Discharge Compliance Agreement.
- (13) The Wastewater Discharge Compliance Agreement may be terminated with forty-eight (48) hours' notice by the Municipality at any time where the terms and conditions of the agreement are not being met by the discharger subject to the Wastewater Discharge Compliance Agreement, and upon termination, the discharger shall be required to fully comply with all provisions of this By-law as if a Wastewater Discharge Compliance Agreement had never been entered into.

### **Wastewater Extra Strength Surcharge Agreement**

#### **Wastewater Extra Strength Surcharge Agreement may be Entered Into**

13. (1) Where the Engineer chooses to levy a charge to cover the expenses associated with handling or treating sewage or wastewater which is not in compliance with this By-law by way of a Wastewater Extra Strength Surcharge Agreement as a means to permit discharge of extra strength wastewater by a discharger, all of the provisions of this Part shall apply.
- (2) The Wastewater Extra Strength Surcharge Agreement may include terms and conditions with respect to the permitted non-compliant discharge, including but not limited to:
  - (a) the duration of the Wastewater Extra Strength Surcharge Agreement;
  - (b) specific discharge limits to which the person subject to the Wastewater Extra Strength Surcharge Agreement must comply;
  - (c) specific direction as to how the discharge is permitted by the person subject to the Wastewater Extra Strength Surcharge Agreement; and
  - (d) the manner in which the Municipality shall recover costs incurred by the Municipality on collection, pumping, treatment and discharge of the extra-strength wastewater from the discharger subject to the Wastewater Extra Strength Surcharge Agreement.
- (3) Where a person has entered into a Wastewater Extra Strength Surcharge Agreement, that person shall immediately notify the Municipality in writing of change or anticipated change in the information provided pursuant to the Wastewater Survey Report, following which the Engineer shall assess the impact of the change or anticipated on the Wastewater Extra Strength Surcharge Agreement and whether or not the Wastewater Extra Strength Surcharge Agreement may continue.

#### **Termination of Wastewater Extra Strength Surcharge Agreement**

- (4) A Wastewater Extra Strength Surcharge Agreement may be terminated by the Municipality at any time upon providing written notice to the person subject to the Wastewater Extra Strength Surcharge Agreement, for reasons including but not limited to an emergency and immediate threat of danger to any person, property, plant or animal life, water or wastewater facilities.

- (5) If at any time the terms and conditions of the Wastewater Extra Strength Surcharge Agreement are not met, the Municipality shall notify the person subject to the Wastewater Extra Strength Surcharge Agreement in writing that compliance with the Wastewater Extra Strength Surcharge Agreement is required within seven (7) days of receipt of a notice from the Municipality that compliance is required, the failure of which may result in the Municipality terminating the Wastewater Extra Strength Surcharge Agreement without further notice to the person subject to the Wastewater Extra Strength Surcharge Agreement.

### **Wastewater Discharge Self-Monitoring and Testing**

#### **Monitoring, Flow Metering and Sampling by Person Discharging**

14. (1) The Municipality may require the person discharging sewage or wastewater to the sewerage system and wastewater facilities of the Municipality to undertake monitoring, flow metering, or sampling of any such discharge, and to provide the results of such monitoring, flow metering or sampling to the Municipality to demonstrate compliance with this By-law.
- (2) Where sampling is required for the purposes of determining the concentration of substances in discharge the samples may:
  - (a) Be collected manually or by using an automatic sampling device;
  - (b) Contain additives for its preservation; and
  - (c) Be collected by grab sample or composite or sequential samples, and all tests, measurements and analyses as may be required by the Municipality shall be carried out in accordance with "Standard Methods" and by an Accredited Laboratory.
- (3) Where a person discharging sewage or wastewater is required to undertake monitoring, flow metering or sampling in accordance with section 14.1, the expense of such monitoring, flow metering or sampling, and the provision of the results of such monitoring, flow metering or sampling to the Municipality, shall be borne by the discharger.
- (4) With respect to equipment and devices used for monitoring, flow measuring or sampling:
  - (a) All equipment and devices used for monitoring, flow measuring or sampling shall be kept in good working order and maintained according to the manufacturer recommendations, and calibrated each year at the expense of the owner of such equipment or devices; and
  - (b) Records of such maintenance and calibration activities shall be maintained by the owner and retained for a period of no less than five (5) years and shall be provided to the Engineer upon request.

#### **Monitoring, Flow Metering and Sampling by Municipality**

- (5) The Engineer may from time to time enter any premises and conduct any monitoring, flow metering and sampling as may be deemed necessary by the Engineer.
- (6) The expense of any monitoring, flow metering and sampling conducted by the Engineer pursuant to section 14.5 shall be borne by the Municipality.

## **Wastewater Monitoring Access Point**

15. (1) The Engineer may require the installation of a monitoring access point or the upgrading of an existing monitoring access point, for any building service connection to the sewerage system for the purpose of monitoring, flow metering or sampling discharges to the sewerage system by way of such building service connections.
- (2) A monitoring access point under this Part shall be:
  - (a) Located on the property on which the connection for which a monitoring access point is being installed, unless the Engineer permits an alternative location;
  - (b) Constructed and maintained at the expense of the owner of the property on which the building service connection for which a monitoring access point is being installed;
  - (c) Accessible at all times by the Engineer;
  - (d) Constructed in a manner directed by the Engineer; and
  - (e) Maintained at the expense of the owner of the property on which the building service connection for which a monitoring access point is being installed to ensure unobstructed access, structural integrity and safety of those accessing the monitoring access point.
- (3) Where the installation of a monitoring access point is not possible or practicable, the Engineer may approve an alternative device, facility or location to enable monitoring, flow metering and sampling of discharge to a sewerage system from a particular building service connection.

## **Spills to the Wastewater System**

16. (1) In the event of a spill to the sewerage system, storm water system or wastewater facilities, or in the event of a spill which may enter the sewerage system, storm water system or wastewater facilities, the person responsible for the spill or the person having the charge, management and control of the spill shall immediately notify and provide any requested information with regard to the spill as follows:
  - (a) If there is any immediate danger to human health or safety, to all appropriate local emergency services;
  - (b) After all appropriate local emergency services have been notified pursuant to section 16.1(a), or if there is no immediate danger to human health or safety requiring local emergency services to be notified first, to:
    - (i) The Municipality;
    - (ii) The owner of the property where the spill occurred; and
    - (iii) Any other person whom the person responsible for the spill or the person having the charge, management and control of the spill knows or ought to know may be directly affected by the spill.
- (2) Within five (5) business days of a spill, the person responsible for the spill or the person having the charge, management and control of the spill shall provide a detailed report of the spill to the Municipality, which shall contain the following information to the best of their knowledge:

- (a) The date, time and location of the spill;
  - (b) Name and telephone number of the person who reported the spill and the location and time where they can be contacted;
  - (c) Material spilled;
  - (d) Characteristics and composition of material spilled;
  - (e) Volume of material spilled;
  - (f) Duration of spill event;
  - (g) Work completed and any work still in progress in the mitigation of the spill;
  - (h) Preventive actions being taken to ensure a similar spill does not occur again; and
  - (i) Copies of applicable spill prevention and spill response plans.
- (3) The person responsible for the spill or the person having the charge, management and control of the spill shall do everything reasonably possible to contain the spill, to protect the health and safety of citizens, to minimize damage to property, to protect the environment, to clean up the spill and contaminated residue and to restore the affected area to its condition prior to the spill, and the expense of such action shall be borne by the person responsible for the spill.
- (4) The Municipality may invoice the person responsible for the spill to recover any costs of time, materials and services incurred by the Municipality as a result of any response required by the Municipality to clean and remediate the spill, and the person responsible for the spill shall pay the invoice in full within thirty (30) days of receiving such invoice.
- (5) In addition to the obligations set out in this Part, the Municipality may require the person responsible for the spill to prepare and submit a spill contingency plan to the Municipality to indicate how the risk of future incidents will be reduced and how future incidents will be addressed.

#### **Cross Connection of Wastewater Discharges to Storm Water Systems**

17. (1) No person shall connect, cause or allow to be connected, or cause or allow to remain connected to the storm water system any sewers, piping, fixtures, fitting or appliance in a manner which may allow sewage, wastewater, or any other liquid or waste to enter or flow into the storm water system, without the express written consent of the Municipality.
- (2) Where, in the opinion of the Engineer, there may be a risk of sewage, wastewater or any other liquid or waste entering or flowing into the storm water system, the Engineer may require a person to install or remove one or more fittings or appurtenances at any point in an owner's building service connection to prevent such entrance or flow as directed by the Engineer, the expense of which shall be borne by the owner directed to install such fittings or appurtenances.
- (3) The Municipality may enter a property for the purpose of conducting investigations or tests to locate cross connections or potential cross connections which may allow sewage, wastewater, or any other liquid or waste to enter or flow into the storm water system.

#### **Cross Connection of Storm Water Discharges to Sanitary Systems**

18. (1) No person shall, without the express written consent of the Municipality:



- (a) Connect, cause or allow to be connected, or cause or allow to remain connected to the sewerage system or wastewater facilities any sewers, piping fixtures, fittings or appliances in a manner which may allow storm water, surface water, ground water, roof runoff or subsurface drainage to enter or flow into the sewerage system;
  - (b) Connect a sump pump to the sewerage system.
- (2) Where, in the opinion of the Engineer, there may be a risk of storm water, surface water, ground water, roof runoff or subsurface drainage entering or flowing into the sewerage system, the Engineer may require an owner to install or remove any fittings or appurtenances at any point on a building service connection or to repair or replace the building service connection, the expense of which shall be borne by the owner required to install or remove such fittings or appurtenances or repair or replace the building service connection.
- (3) The Engineer may enter a property for the purpose of conducting investigations or tests to locate cross connections or potential cross connections which may allow storm water, surface water, ground water, roof runoff or subsurface drainage entering or flowing into the sewerage system.

## **General**

### **Where Discharge Permitted**

- 19. (1) No person shall discharge sewage or wastewater anywhere except into wastewater facilities, private on-site sewage systems or private central sewage collection and treatment systems.

### **Protection from Damage**

- (2) No person shall open, uncover, break, alter, damage, destroy, deface or tamper or cause or permit the opening, uncovering, breaking, altering, damaging, destroying, defacing or tampering of:
  - (a) Any part of the sewerage system or storm sewer system; or
  - (b) Any permanent or temporary device installed in the sewerage system or storm sewer system for the purpose of monitoring, flow measuring, sampling or gathering of related information.

### **Work on Sewerage System or Storm Sewer System only with Authorization of Engineer**

- (3) No work shall be carried out on any portion of the sewerage system or storm sewer system unless authorization is first received from the Engineer.

### **Liability for Supply of Service**

- (4) The Municipality shall not be deemed to guarantee an uninterrupted wastewater service, and consequently the Municipality shall not be liable for any damage, direct or consequential, loss or liability or injury caused or done by reason of the interruption of the wastewater service, intermittent flow of the wastewater facilities or flooding of basements as a result of stoppages or interruption in the wastewater facilities for any cause or reason.

## **Transition**

- (5) Any request for connection or request for proposed discharge into the sewerage system commenced prior to the date of the coming into force of this By-law, and which are undecided as of the coming into force of this By-law, shall be deemed to be new requests for connection or for proposed discharge commenced as of the date of the coming into force of this By-law, and shall be decided in accordance with this By-law.

## **Appeals**

### **Appeals to the Committee**

20. (1) Where a decision is made by the Engineer pursuant to section 5.12 of this By-law, an appeal shall lie to the Appeals Committee, and on such appeal the Committee shall uphold, reverse or vary the decision.
- (2) All other decisions made by the Engineer pursuant to this By-law shall be final.
- (3) The Appeals Committee shall be delegated with the authority of Council pursuant to this By-law.

### **Appeal Not Suspension or Stay of Decision**

- (4) The filing of an appeal pursuant to this Part does not suspend or stay the decision of the Engineer, and decision of the Engineer remains in full force and effect unless and until it is varied or reversed by the Appeals Committee.

### **Filing and Hearing of Appeal**

- (5) An appeal shall be filed in written form with the Chief Administrative Officer, and the Appeals Committee shall hear the appeal in accordance with the policies and procedures of the Committee.
- (6) The right of appeal provided by this Part shall expire fifteen (15) days after the date of the Engineer's decision.

## **Enforcement, Penalties and Offenses**

### **Right of Entry of the Municipality**

21. (1) No person shall prevent, hinder, obstruct or interfere in any way with the Engineer from:
  - (a) At any reasonable time, entering in or upon property or dwelling those being used as a domestic residence or dwelling;
  - (b) Conducting such tests or taking such samples as the Engineer deems necessary;
  - (c) Inspecting or observing any plant, machinery, equipment, work, activity or documents.

### **Responsibility for Compliance with By-law on Person**

- (2) Any person discharging to the sewerage system shall be responsible for ensuring that such discharge at all times conforms with this By-Law and shall be liable for any damage or expense arising out of his or her failure to properly ensure such discharge at all times complies with this By-law, including the cost of investigating, repairing or replacing any

part of any municipal property, facilities or infrastructure related to the sewerage system and storm sewer system.

### Expenses Incurred by Municipality

- (3) Any expenses or charges incurred by the Municipality in relation to a person's failure to comply with this By-law shall be recoverable from the person by the Municipality as a lien against that person's property pursuant to section 507 of the Municipal Government Act.


### Contravention

- (4) Any person who contravenes any provision of this By-law is punishable on summary conviction as follows:
- (a) for a first offence, by a fine of not less than \$100.00 and not more than \$25,000.00 and in default of payment to imprisonment for a term of not more than ninety (90) days;
  - (b) for a second offence, by a fine of not less than \$1,000.00 and not more than \$35,000.00 and in default of payment to imprisonment for a term of not more than ninety (90) days; and
  - (c) for a third or subsequent offence, by a fine of not less than \$5,000.00 and not more than \$50,000.00 and in default of payment to imprisonment for a term of not more than ninety (90) days.

THIS IS TO CERTIFY, that amendments to Chapter 29 – Sewer Use By-law was duly approved at a duly called meeting of the Municipal Council of the Municipality of the County of Colchester, duly convened and held on the 25<sup>th</sup> day of September, A.D., 2024.

GIVEN under the hand of the Municipal Clerk and under the corporate seal of said Municipality on this 10<sup>th</sup> day of October, A.D., 2024.

Dan Troke  
Municipal Clerk



**Colchester**

Notice of Approval  
Second Reading – Various By-laws

**Take Notice** that on Wednesday, September 25, 2024, Council of the Municipality of the County of Colchester approved, by way of Second Reading, adoption of Chapter 17 Appeals Committee By-law and, amendments to Chapter 55 Adult Entertainment By-law, Chapter 36 Commercial Dog Care Kennel Facility By-law, Chapter 57 Construction and Demolition By-law, Chapter 21 Dangerous or Unightly Premises By-law, Chapter 14 Livestock Control By-law, Chapter 29 Sewer Use By-law, Chapter 20 Taxi By-law and Chapter 56 Wind Turbine Development By-law.

The Appeals By-law enables the establishment of a Committee and puts mechanisms in place to deal with appeals relating to the above noted By-laws. Amendments to the other noted By-laws remove references to appeals provisions which would be handled under the Appeals Committee By-law. Additionally, amendments to the Dangerous or Unightly Premises By-law grants authority to the Appeals Committee to issue Orders pursuant to Section XV of the MGA.

The text of the new and amended By-laws may be obtained the Community Development Office, 1 Church Street, Truro, by emailing [comdev@colchester.ca](mailto:comdev@colchester.ca), or can be viewed on the County website at [colchester.ca/administration/by-laws](http://colchester.ca/administration/by-laws).

Dated October 3, 2024

Dan Troke  
Chief Administrative Officer

I, Dan Troke, Municipal Clerk of the Municipality of the County of Colchester, do hereby certify that the adjacent Notice of Approval is a true copy of the Notice of Approval of Chapter 29 – Sewer Use By-law, duly advertised in the Thursday, October 3, 2024, issue of the Truro News.

Given under the hand of the Municipal Clerk and under the corporate seal of said Municipality this 10<sup>th</sup> day of October, 2024.

Dan Troke  
Municipal Clerk

*First Reading: August 29, 2024*  
*Notice of Intent: September 4, 2024 (Municipal website)*  
*Second Reading: September 25, 2024*  
*Notice of Approval: October 3, 2024 (Truro News)*