

**THE CORPORATION OF THE TOWN OF SMITHS FALLS
BY-LAW NO. 6022-94**

A By-law of the Corporation of the Town of Smiths Falls respecting the Use, Installation, Inspection, and Regulation of Sewers and Sewage and Drainage Works.

WHEREAS Section 210, Subsection 83 of The Municipal Act, R.S.O. 1990, Chapter M.45, as amended, provides that municipalities may enact by-laws for the making of regulations for sewage or drainage that may become necessary for sanitary purposes;

AND WHEREAS Section 210, Subsection 150 of The Municipal Act, R.S.O. 1990, Chapter M.45, as amended, provides that municipalities may enact by-laws for prohibiting and abating public nuisances;

AND WHEREAS Section 210, Subsection 150 of The Municipal Act, R.S.O. 1990, Chapter M.45, as amended, provides that municipalities may enact by-laws for prohibiting, regulating, and inspecting the discharge of any gaseous, liquid, or solid matter into land drainage of any private branch drains and connections to any sewer, sewer system, or industrial wastes or both, whether connected to a treatment works or not, and for the appointing of a person or persons under this paragraph to carry out inspections under this paragraph who may, for the purpose of carrying out such inspections, enter in or upon any land or premises except land or premises being used as a dwelling at any time without a warrant and who may take such tests and samples as are necessary for the purposes of the inspection;

AND WHEREAS Section 320 of The Municipal Act, R.S.O. 1990, Chapter M.45, as amended, provides that municipalities may enact by-laws for providing that any person who contravenes any by-law of the Council passed under the authority of this Act is guilty of an offence and for the imposition of fines on every person who is convicted of an offence under the by-law.

NOW THEREFORE THE COUNCIL of the CORPORATION of the TOWN of SMITHS FALLS 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 309 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) "biochemical oxygen demand" means carbonaceous oxygen demand (biochemical) as determined by Method 507 in Standard Methods when an inhibiting chemical has been added to prevent ammonia oxidation;
- (d) "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;
- (e) "building drain" means that part of the lowest horizontal piping of a drainage system in or adjacent to a building and which receives the discharge from a soil pipe, or waste pipe, or other drainage pipe, and conveys it to the building sewer;
- (f) "building sewer" means that part of a drainage system outside a building or other structure commencing from the outer face of the wall of the building and connecting the building drain to the public sewer or place of disposal of sewage;

- (g) "building storm sewer" means that part of a storm drainage system outside a building or other structure commencing from the outer face of the wall of the building or other structure and connecting the building storm drain to the main storm sewer;
- (h) "combined sewer" means a sewer intended to function simultaneously as a storm sewer and a sanitary sewer;
- (i) "commercial waste chemical" means a material which is a commercial waste chemical within the meaning of Ontario Regulation 309 made under the Environmental Protection Act (Ontario);
- (j) "composite sample" means a sample which is composed of a series of grab samples taken at intervals during the sampling periods;
- (k) "Corporation" means The Corporation of the Town of Smiths Falls;
- (l) "cyanide (total)" means cyanide as determined by Method 412B plus one of Methods 412C or 412D in Standard Methods;
- (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) "Engineer" means the Engineer of the Town of Smiths Falls or such other person as may from time to time be authorized to act on his behalf;
- (o) "force main" means a sewer main under pressure by means of pumping;
- (p) "force line" means a sewer connection from a building to a sewer main which is under pressure by means of pumping;
- (q) "Foundation drain" means a drain installed below the surface of the ground to collect and convey water from the foundation of a building or other structure;
- (r) "fuels" includes:
 - (i) any ignitable liquid intended for use as a fuel with a flash point less than 61 degrees Celsius as determined by one of the methods in Ontario Regulation 309 made under the Environmental Protection Act (Ontario), and
 - (ii) gasoline, naphtha, diesel fuel, or fuel oil;
- (s) "garbage" means household generated solid wastes, especially from the preparation and cooking of food and from the handling and storage of produce;
- (t) "grab sample" is an aliquot of the flow being sampled taken at one particular time and place;
- (u) "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 VII of the Environmental Protection Act (Ontario);
- (v) "hazardous industrial waste" means a material which is a hazardous industrial waste within the meaning of Ontario Regulation 309 made under the Environmental Protection Act (Ontario);
- (w) "hazardous waste chemical" means a material which is a hazardous waste chemical within the meaning of Ontario Regulation 309 made under the Environmental Protection Act (Ontario);
- (x) "ignitable waste" means a material which is an ignitable waste within the meaning of Ontario Regulation 309 made under the Environmental Protection Act (Ontario);
- (y) "industrial" shall mean of or pertaining to industry, manufacturing, commerce, trade, business, or institutions as distinguished from domestic or residential;
- (z) "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;
- (aa) "Kjeldahl Nitrogen" means organic nitrogen as determined by one of Methods 420A or 420B in Standard Methods;

- (bb) "matter" includes any solid, liquid, or gas;
- (cc) "Municipality" means The Corporation of the Town of Smiths Falls;
- (dd) "natural outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water;
- (ee) "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, or finished product other than heat;
- (ff) "once-through cooling water" means noncontact cooling water that has been circulated once through the cooling device;
- (gg) "owner" or "operator" means the owner operator of any facility or activity subject to the provisions of this by-law;
- (hh) "pathological waste" means a material which is a pathological waste within the meaning of Ontario Regulation 309 made under the Environmental Protection Act (Ontario) or any material which may be designated in writing by the Chief Medical Officer of Health (Ontario);
- (ii) "PCB" means any mono-chlorinated or poly-chlorinated biphenyl or any mixture of these or mixture that contains one or more of them;
- (jj) "PCB waste" means a PCB waste within the meaning of Ontario Regulation 148/86 made under the Environmental Protection Act (Ontario);
- (kk) "person" includes an individual, association, partnership, corporation, municipality, provincial or federal agency, or an agent or employee thereof;
- (ll) "pesticide" means a pesticide regulated under the Pesticides Act (Ontario);
- (mm) "ph" means the logarithm to the base 10 of the reciprocal of the concentration of hydrogen ions in moles per litre of solution;
- (nn) "phenolic compounds" means those derivatives of aromatic hydrocarbons which have a hydroxyl group directly attached to the ring as determined by one of Method 510B or 510C in Standard Methods;
- (oo) "phosphoric" means total phosphorus, as determined by both Method 424C plus one of Method 424D, 424E, 424F, or 424G in Standard Methods;
- (pp) "polluted water" means water which has been altered from its natural state by the introduction of contaminants which render said water unacceptable for discharge to a natural outlet prior to treatment by a sewage treatment works.
- (qq) "private sewage disposal" means any method of disposing of sewage except those mentioned in Schedule "B" of the Public Health Act, being R.S.O. 1980, C.409 as amended;
- (rr) "public sewer" means a sewer to which all owners of abutting properties have equal rights, and which is controlled by the Corporation;
- (ss) "rain water leader" means a conductor inside or outside a building or other structure that conveys storm water from the roof of the building or other structure to a building storm drain or other place of disposal;
- (tt) "reactive waste" means a material which is a reactive waste within the meaning of Ontario Regulation 309 made under the Environmental Protection Act (Ontario);
- (uu) "sanitary sewer" means a sewer for the collection and transmission of domestic, commercial, institutional, and industrial sewage or any combination thereof;
- (vv) "severely toxic material" means any material listed in Schedule 3 of Ontario Regulation 309 made under the Environmental Protection Act (Ontario);
- (ww) "sewage" means any liquid waste containing animal, vegetable, or mineral matter in solution or in suspension, except uncontaminated water;

- (xx) "sewage works" means any works (or any part thereof) for the collection, transmission, treatment or disposal of sewage;
- (yy) "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);
- (zz) "solvent extractable matter of animal or vegetable origin" means grease and oil as determined by one of Methods 503A, 503B, 503C, or 503D in Standard Methods;
- (aaa) "solvent extractable matter of mineral or synthetic origin" means grease and oil is determined by Method 503E in Standard Methods;
- (bbb) "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 Waterworks Association and Water Pollution Control Federation, 16th Edition (1985), 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;
- (ccc) "storm sewer" means a sewer for the collection and transmission of uncontaminated water, stormwater, drainage from land or from a watercourse, or from any combination thereof;
- (ddd) "stormwater" means water from rainfall or other natural precipitation or from the melting of snow or ice;
- (eee) "suspended solids" means solid matter in or on a liquid which matter is removable by filtering and may be dried at 103-105 degrees Celsius as determined by Method 209C in Standard Methods;
- (fff) "uncontaminated water" means water to which no matter has been added in consequence of its use, or water which has not been modified by use;
- (ggg) "waste disposal site leachate" means leachate from any waste disposal site;
- (hhh) "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; and
- (iii) "watercourse" means a channel in which a flow of water occurs either continuously or intermittently.

SECTION 2

GENERAL

- 2.1 No person shall place, deposit, or permit to be deposited in an insanitary manner upon public or private property within the Town of Smiths Falls any human or animal excrement, garbage, or other objectionable waste.
- 2.2 No person shall discharge to any natural or artificial outlet within the Town of Smiths Falls any sanitary sewage, industrial wastes, or other polluted waters except where suitable treatment has been provided in accordance with the provisions of this By-Law.
- 2.3 No person shall construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except in accordance with the provisions as set out in Schedule "B" to the Public Health Act, R.S.O. 1990. C.409 as amended.
- 2.4 The owner of every building within the Town of Smiths Falls abutting on any street, alley, or right-of-way in which there is a public sanitary sewer or a public combined sewer of the Corporation shall connect toilet, bathroom, laundry, and other sanitary or lavatory facilities in the building to such sewer unless the connection is otherwise prohibited by the provisions of this By-Law.
- 2.5 Storm water, surface water, ground water, roof run-off, subsurface drainage, cooling water, or unpolluted industrial process waters shall be discharged into storm sewers, combined sewers (as permitted by the Engineer), or to a natural outlet, provided that the storm sewers, combined sewers, or natural outlets are sufficient to take the discharge.

2.6 No person shall:

- (a) connect a building sewer (sanitary) to a storm sewer;
- (b) connect a building storm sewer (foundation drain, rainwater leader, property drain) to a sanitary sewer.

At his discretion the Engineer may permit the connection of a distinct building storm sewer to a combined sewer.

- 2.7 (1) Grease, oil, and sand interceptors shall be provided for the proper handling of liquid wastes containing grease, flammable wastes, sand, and other harmful ingredients.
- (2) The preceding subsection shall not apply to private living quarters or dwelling units.
 - (3) The capacity of the interceptor(s) (referred to above) shall be of sufficient size to handle the said grease, flammable wastes, sand, or other harmful ingredients.
 - (4) All interceptors shall:
 - (a) be located so as to be readily and easily accessible for cleaning and inspection;
 - (b) be constructed of impervious materials capable of withstanding abrupt or extreme changes in temperature;
 - (c) be of substantial construction, be watertight, and be equipped with easily removable covers which when bolted in place shall be gastight and watertight; and
 - (d) be maintained by the owner, at his expense, in continuously efficient operation at all times.

SECTION 3

PROTECTION FOR SEWAGE WORKS AND WATERCOURSES

- 3 (1) No person shall willfully or negligently interfere with the proper functioning of any existing sewage works and/or watercourse.
- (2) The development or the filling in of any watercourse on private property shall:
 - (a) be done only with the written consent of the Engineer,
 - (b) conform to the design and specifications of the Engineer,
 - (c) be performed under the supervision of the Engineer.
- (3) The installation of a culvert within a street allowance shall:
 - (a) be performed by Town workmen under the direction of the Engineer, or
 - (b) be performed by a qualified contractor approved in writing by the Engineer and under the supervision of the Engineer.
- (4) No person shall construct any permanent building within a sewer easement.
- (5) An accessory structure may be constructed within a sewer easement with the approval of the Town Council, which approval shall be conditional upon the owner entering into an agreement with the Corporation on such terms and conditions as Town Council deems appropriate.
- (6) The agreement referred to in subsection (5) hereof shall be registered in the appropriate Land Registry Office, at no cost to the Corporation.
- (7) For the purposes of subsection (5), "accessory structure" means a subordinate structure on the same lot as the permanent building and includes a storage building, or other structure which may easily be relocated in the event that access should be required to undertake maintenance of the sewer.
- (8) No person shall break, damage, destroy, deface, tamper with; 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 4

BUILDING SEWERS AND CONNECTIONS

- 4 (1) In this section "building sewer" shall mean both the building sanitary sewer and the building storm sewer unless specified to the contrary.
- (2) Subject to the provision of this section, the property owner shall maintain the proper operation of the building sewer at his own expense at all times.
- (3) When a building sewer is malfunctioning, the property owner shall take the necessary measures to determine if the problem exists in the building's plumbing or in the building sewer. The latter being the case, the property owner shall at his own expense proceed with the cleaning (rodding) of the building sewer.
- (4) If there is sufficient reason to suspect a malfunctioning sewer main, or the existence of a damaged building sewer located upon municipal property (i.e. within the road allowance), the property owner shall immediately notify the Engineer (or his designate) who will proceed to investigate and remedy the problem.
- (5) The Engineer (or his designate) may, at his discretion and with the written consent of the owner, elect to repair a building sewer (or portion thereof) which is located upon private property. Such repair, if and when performed, shall not constitute an admission or acceptance of liability on the part of the Corporation for the problem thus addressed.
- (6) All persons desiring to construct or to replace a building sewer shall make written application on the necessary form to the Engineer, and no person shall construct a building sewer without first having procured a permit. The permit holder shall strictly abide by the obligations inherent in the application for the permit (especially the requirement to arrange for timely inspections at the appropriate stages of construction).
- (7) Subject to the provisions of Section 4 hereof, a separate and independent building sewer shall be provided for every single family home, each unit in doubles, each unit in row housing or tenement, and each apartment building, office building, factory, or other similar building; except where an auxiliary building stands at the rear of another building on an interior lot, and where no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway; in which case the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- (8) Where a single building sewer (sanitary and/or storm) has heretofore been constructed to serve one parcel of land for the purpose of building row houses, town houses, or condominiums; then the aforementioned buildings may be serviced by said building sewer provided that each dwelling unit is supplied with its own distinct service line which shall be connected to a trunk lateral. In all cases the system shall be designed in accordance with good engineering practice, and shall be subject to approval by the Engineer.
- (9) In the case of a Shopping Centre or Apartment Complex, a system of building sewers or building storm sewers may be constructed to serve more than one building or unit on the lot, provided that the system is designed in accordance with good engineering practice and provides adequate manholes and/or other appurtenances to permit the proper cleaning and maintenance thereof. The design shall be subject to approval by the Engineer.
- (10) Where a building sewer is made inactive for any reason (e.g. new property service for future development, demolition of existing building), that sewer shall be plugged to the satisfaction of the Engineer in order to prevent contamination by debris. At no time shall an inactive building sewer be left unplugged.
- (11) All building sewers shall be laid in accordance with good construction practice, and without limiting the generality of the foregoing, shall:
 - (a) be constructed of polyvinylchloride (PVC) pipe (SDR 28 or SDR 35) or as approved in writing by the Town Engineer;
 - (b) be laid true to a grade of not less than 0.02m per metre length of pipe, provided that where the diameter of the pipe exceeds 0.128 metres, the pipe may be laid at a grade that is in accordance with good engineering practice;
 - (c) be constructed in straight alignment insofar as possible and any change in direction shall be made with properly curved pipe and fittings;

- (d) be laid at a depth not less than 1.52 metres to the top of the pipe and be brought to the building at an elevation below the basement floor;
- (12) (a) No building sewer shall be less than 0.128 metres in diameter, and no building storm sewer shall be less than 0.100 metres in diameter;
- (b) Where in the opinion of the Engineer a pipe diameter greater than the minimum size is required, the building sewer or building storm sewer shall be constructed of the size specified by the Engineer;
- (c) Every building sewer shall be laid on a bed of acceptable compacted granular material having a depth of not less than 0.152 metres, and the trench shall be backfilled to a height of 0.304 metres above the pipe by similar material. The balance of the trench may be backfilled with acceptable local material which shall exclude boulders and rock having any dimensions exceeding 0.100 metres.
- (d) No building sewer having a diameter of 0.128 metres or less shall have a length greater than 30 metres between the main sewer and a structure (e.g. manhole, clean-out) suitable for access to such building sewer or building storm sewer for cleaning purposes.
- (e) No building sewer having a diameter exceeding 0.128 metres shall have a length greater than 60 metres between the main sewer and a structure (e.g. manhole, clean-out) suitable for access to such building sewer or building storm sewer for cleaning purposes;
- (f) Where in the opinion of the Engineer it is not feasible to comply with the requirements of clauses 11(b) and 11(d) above, the Engineer may permit such deviations as in his opinion are satisfactory;
- (g) All jointing of building sewers to public sewers shall be by an approved rubber gasket or other material satisfactory to the Engineer.
- (13) No person shall pump any water onto any public highway, boulevard, or sidewalk within the Town of Smiths Falls unless authorized in writing by the Engineer to do so.
- (14) Where in the opinion of the Engineer it is deemed advisable to construct drainage facilities on any land in conjunction with any development undertaken after the passing of this by-law, such drainage facilities shall be constructed and shall be connected to a public storm sewer or any other adequate place of disposal.
- (15) No person shall drain an excavation into a building sewer or building storm sewer unless authorized in writing by the Engineer to do so, and unless the discharge of water is adequately filtered.

SECTION 5

DISCHARGES TO SANITARY SEWERS

DISCHARGES TO COMBINED SEWERS

- 5 (1) No person shall discharge or deposit or cause to 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 January 1986) unless the person has been advised in writing by the operator of the sewage treatment works 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; and
 - 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 sulfide, carbon disulfide, 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, stormwater, water from drainage of roofs or land, water from a watercourse or uncontaminated water.
- (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 9.5.
- (g) Sewage containing more than 15 milligrams per litre of solvent extractable matter of mineral or synthetic origin.
- (h) Sewage containing more than 150 milligrams per litre of solvent extractable matter of animal or vegetable origin.
- (i) Sewage in which the biochemical oxygen demand exceeds 300 milligrams per litre.
- (j) Sewage containing more than 350 milligrams per litre of suspended solids.
- (k) Sewage containing more than 10 milligrams per litre of phosphorus.
- (l) Sewage containing more than 100 milligrams per litre of Kjeldahl nitrogen.
- (m) Sewage containing more than 1 milligram per litre of phenolic compounds.
- (n) Sewage which consists of two or more separate liquid layers.
- (o) Sewage containing dyes or colouring materials which pass through a sewage works and discolour the sewage works effluent.
- (p) Sewage containing any of the following in excess of the indicated concentrations:

1500 milligrams/litre

Chlorides expressed as Cl
Sulfates expressed as SO₄

50 milligrams/litre

Aluminum expressed as Al
Iron expressed as Fe

10 milligrams/litre

Fluoride expressed as F

5 milligrams/litre

Antimony expressed as Sb
Bismuth expressed as Bi
Chromium expressed as Cr
Cobalt expressed as Co
Lead expressed as Pb
Manganese expressed as Mn
Molybdenum expressed as Mo
Selenium expressed as Se
Silver expressed as Ag
Tin expressed as Sn
Titanium expressed as Ti
Vanadium expressed as V

3 milligrams/litre

Copper expressed as Cu
 Nickel expressed as Ni
 Zinc expressed as Zn

2 milligrams/litre

Cyanide (total) expressed as CN

1 milligram/litre

Arsenic expressed as As
 Cadmium expressed as Cd

0.1 milligram/litre

Mercury expressed as Hg

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

Fuels
 PCBs
 Pesticides
 Severely Toxic Materials
 Waste Radioactive Materials

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

Hauled Sewage
 Waste Disposal Site Leachate

- (s) The following hazardous wastes in any amount:

Acute Hazardous Waste Chemicals
 Hazardous Industrial Wastes
 Hazardous Waste Chemicals
 Ignitable Wastes
 Pathological Wastes
 PCB Wastes
 Reactive Wastes

- (2) In determining whether the limit with respect to any matter prescribed in subsection 5(1) is contravened, the volume of any water that has been added for the purpose of enabling the limit to be met and of any storm sewer discharges to a combined sewer shall be disregarded for the purposes of calculating whether the limit has been met so that compliance with the limit can not be attained by dilution.
- (3) Subclauses 5(1)2.(b) and 5(1)2.(s) do not apply to prevent the discharge of human waste.
- (4) Subclause 5(1)2.(d) does not apply to prevent the discharge of:
- (a) Water taken in an amount greater than 50,000 litres per day from a separate source when the owner or operator of the premises has a Permit To Take Water issued by the Ontario Ministry of the Environment and a copy of such permit has been provided to the municipality, or
 - (b) Water taken in an amount less than 50,000 litres per day from a separate source when the owner or operator of the premises has provided the municipality with the following information:
 - (i) Address of premises where the water is being used;
 - (ii) Location of water source; and
 - (iii) Amount of water being taken.
- (5) Subclause 5(1)2.(q) does not apply to prevent the discharge of waste radioactive materials where they are being discharged in accordance with a license from the Atomic Energy Control Board and a copy of the license has been provided to the municipality or to the discharge of de minimis waste.
- (6) Subclause 5(1)2.(q) does not apply to prevent the discharge of PCBs when:

- (a) the owner or operator of the premises has a certificate of approval relating to the premises from the Ontario Ministry of the Environment which expressly allows the discharge or written approval from the Director of the Ontario Ministry of the Environment which expressly authorizes the discharge from the premises;
 - (b) the owner or operator of the premises has written approval from the municipality which expressly authorizes the discharge from the premises;
 - (c) the discharge contains a concentration of less than 5 micrograms per litre of PCBs; and
 - (d) a copy of the certificate of approval or written authorization referred to in clause (a) has been provided to the municipality.
- (7) Subclause 5(1)2.(r) does not apply to prevent the discharge of waste disposal site leachate when:
- (a) the waste disposal site leachate is being discharged pursuant to 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;
 - (b) the owner or operator of the premises has written approval from the municipality which expressly authorizes the discharge from the premises; and
 - (c) a copy of the certificate of approval or written authorization referred to in clause (a) has been provided to the municipality.
- (8) Subclause 5(1)2.(r) does not apply to prevent the discharge of hauled sewage when:
- (a) the carrier of the hauled sewage is a waste transportation system operating under a license issued under Part VII of the Environmental Protection Act (Ontario);
 - (b) the carrier has written approval from the municipality which includes a specific time and location for the discharge; and
 - (c) the discharge occurs at the approved time and location.
- (9) Subclause 5(1)2.(s) does not apply to prevent the discharge of pathological waste that has been decontaminated prior to discharge when:
- (a) the owner or operator of the premises has a certificate of approval from the Ontario Ministry of the Environment which expressly allows the discharge or written approval from the Director of the Ontario Ministry of the Environment which expressly authorizes the discharge from the premises;
 - (b) the owner or operator of the premises has written approval from the municipality which expressly authorizes the discharges from the premises; and
 - (c) a copy of the certificate of approval or written authorization referred to in clause (a) has been provided to the municipality.
- (10)(a) Where sewage exceeds the aforementioned limits, the owner shall provide at his own expense such preliminary treatment as may be necessary to ensure compliance. Such preliminary treatment facilities shall be maintained continuously in satisfactory and effective operation by the owner at his own expense.
- (b) At the discretion of the Corporation the owner may be permitted exemption from Section 5 (10)(a) subject to the provisions of Sections 8 and 9 of this By-Law.

SECTION 6

DISCHARGES TO STORM SEWERS

- 6 (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 (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 degrees 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 suspended solids;
 - (d) water containing dyes or colouring material which discolours the water;
 - (e) water containing solvent extractable matter of animal or vegetable origin or of mineral or synthetic origin which causes a visible film, sheen, or discolouration on the water surface;
 - (f) water containing any of the following in excess of the indicated concentrations:

200 micrograms/litre

Chromium expressed as Cr

50 micrograms/litre

Zinc expressed as Zn
Lead expressed as Pb
Nickel expressed as Ni

10 micrograms/litre

Copper expressed as Cu

1 microgram/litre

Cadmium expressed as Cd
Mercury expressed as Hg

200 per 100 millilitres

Fecal coliforms
 - (g) the following matter in any amount:

Sewage
Once-through cooling water
Blowdown
 - (h) the following materials in any amount:

Automotive or Machine Oils and Greases
Fuels
Paints and Organic Solvents
PCBs
Pesticides
Severely Toxic Materials
Waste Disposal Site Leachate
Waste Radioactive Materials

- (i) the following hazardous wastes in any amount:

Acute Hazardous Waste Chemicals
 Hazardous Industrial Wastes
 Hazardous Waste Chemicals
 Ignitable Wastes
 Pathological Wastes
 PCB Wastes
 Reactive Wastes

- (2) Subclause 6(1)2.(g) does not apply to prevent the discharge of once-through cooling water or blowdown when:
- (a) the once-through cooling water or blowdown is being discharged pursuant to 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;
 - (b) the owner or operator of the premises has written approval from the municipality which expressly authorizes the discharge from the premises; and
 - (c) a copy of the certificate of approval or order referred to in clause (a) has been provided to the municipality.
- (3) The provisions of Clause 6(1)2. apply only to (1) the discharge of stormwater runoff from industrial process areas to a storm sewer, and (2) to any stormwater discharge to a storm sewer to which the matter prohibited by Subsection 1 has been added for the purpose of disposing of the matter.
- (4) The provisions of Subclauses 6(1)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 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'.
- (5) The Corporation may at any time without assigning cause, disconnect any building drain from a combined, storm, or sanitary sewer; and no drain so disconnected shall subsequently be reconnected except with the written consent of the Engineer.

SECTION 7

REPORTS

- 7 (1) Notwithstanding Sections 5 and 6, the owner or operator of any industrial premises or class of industrial premises listed in 'Schedule B' shall not discharge or deposit or cause or permit the discharge or deposit of sewage into or in land drainage works, private branch drains, or connections to any sanitary sewer, combined sewer, or storm sewer after the first day of January 1995.
- (2) Subsection (1) does not apply with respect to any industrial premises for which a current Waste Survey Report prepared in accordance with Subsections (3) and (4) has been filed at the Municipality.
- (3) The Waste Survey report shall contain the following information and shall be signed by an authorized representative of the owner or operator:
- (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 309 made under the Environmental Protection Act (Ontario); and
 - (e) the waste class, hazardous waste number, primary and secondary characteristics, and analytical date, and the name of the laboratory, if any, furnished to the Ontario Ministry of the Environment under Ontario Regulation 309 made under the Environmental Protection Act (Ontario) relating to any material discharged into or in land drainage works, private branch drains, or connections to any sanitary, combined, or storm sewer.
- (4) The Waste Survey report shall be in the form attached as 'Schedule B1'.
 - (5) Where a change occurs in the information required under Clause (3)(a) contained in a Waste Survey Report, the owner or operator of the premises shall submit the new information within 30 days of the change.
 - (6) Where a change occurs in any information required under Clauses (3)(b),(c),(d), or (e) described in a Waste Survey Report, the owner or operator of the premises shall not discharge or deposit or cause or permit the discharge or deposit of sewage into or in land drainage works, private branch drains, or connections to any sanitary sewer, combined sewer, or storm sewer, after 60 days after the change occurs unless a new Waste Survey Report has been submitted setting out the change.

SECTION 8

AGREEMENTS

- 8 (1) Subject to subsections (2),(3), and (4), the discharge or deposit of sewage that would otherwise be prohibited by this by-law may be permitted into or in any connection to any sanitary sewer or combined sewer to an extent fixed by agreement with the municipality under such conditions with respect to payment of additional sewage service rates or otherwise as may be necessary to compensate for any additional costs of operation, repair, and maintenance of the sewage works.
- (2) An agreement can only be made for discharge of the following parameters in sewage: suspended solids, biochemical oxygen demand, phenolic compounds, solvent extractable matter of animal or vegetable origin, Kjeldahl nitrogen, and phosphorus.
- (3) The agreement shall be in the form attached as 'Schedule C' and upon recommendation of the Works Committee of Town of Smiths Falls Council, the Utilities Superintendent is authorized to execute such agreements under authority of this By-Law.
- (4) Where the operating authority for the sewage treatment plant which is receiving sewage defined in the agreement is not the municipality, an agreement under this section does not become effective unless the operating authority has reviewed and approved the agreement.
- (5) A person who has entered into an agreement with the Municipality shall not be prosecuted under Section 5 of this By-Law for the discharge or deposit of sewage containing the matters specified in the agreement and in compliance with the agreement during the period within which the agreement is applicable and so long as the agreement is being fully complied with.

SECTION 9

COMPLIANCE PROGRAM

- 9 (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 non-compliance.
- (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 Municipality 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 Municipality may issue an approval for a compliance program to the person who submitted the program.

- (5) Every compliance program shall be for the 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 attached the form attached as 'Schedule D', and upon recommendation of the Works Committee of Council, the Utilities Superintendent 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 attached as 'Schedule E'.
- (9) Where the operating authority for the sewage treatment plant, land drainage works, or storm sewer is receiving sewage, uncontaminated water, or stormwater from the premises identified in the letter of compliance program is not the Municipality, the compliance program does not become effective unless the operating authority has reviewed and approved the compliance program.
- (10) A person to whom a compliance program has been issued shall not be prosecuted under Section 5 or 6 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 10

SAMPLING AND ANALYSIS

- 10(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, analysis, and examinations of sewage, uncontaminated water and stormwater, shall be carried out in accordance with Standard Methods; and
 - (c) for each one of the following metals: aluminum, antimony, arsenic, bismuth, cadmium, chromium, cobalt, copper, iron, lead, manganese, mercury, molybdenum, nickel, selenium, silver, tin, titanium, vanadium, and zinc whose concentration is limited in Subclauses 5(1)2.(p) and 6(1)2.(f), the analysis shall be for the quantity of total metal, which includes all metal both dissolved and particulate.

SECTION 11

SPILLS

- 11(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 authority responsible for operating the sewage works receiving the discharge or deposit, and shall, furthermore, forthwith notify the Ministry of the Environment and Energy, Spills Branch.
- (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 Municipality or agency responsible for managing the land drainage works or storm sewer.
- (3) Every person who discharges or deposits or causes or permits the discharge or deposit of any of the items listed in Subclauses 5(1)2.(q) and (s) into or in land drainage works, private branch drains, or connections to any sanitary sewer or combined sewer shall, forthwith notify the

Municipality or the agency responsible for operating the sewage works receiving the discharge or deposit.

- (4) Every person who discharges or deposits or causes or permits the discharge or deposit of any of the items listed in Subclauses 6(1)2.(h) and (i) into or in land drainage works, private branch drains, or connections to any storm sewer shall forthwith notify the Municipality or agency responsible for managing the land drainage works or storm sewer.
- (5) For any of the discharges in subsections 11(1),(2),(3), and (4) for which the person is required to forthwith notify the Municipality or agency, 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.
- (6) Within five days following a discharge to which subsection (5) applies, the person shall submit to the Municipality or agency at detailed written report describing the cause of the spill and the actions taken or to be taken to prevent a recurrence.

SECTION 12

INDUSTRIAL CONNECTIONS

- 12(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 Engineer.
- (2) The manhole or alternate device shall be located on the property of the owner or operator of the premises, unless the Engineer has given written approval for a different location.
- (3) Every manhole, device, or facility installed as required by Subsection (2) shall be designed and construction 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 own 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 Municipality 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) For the purpose of the administration of this by-law, a person appointed by Council for the purpose may, upon production of his identification, enter any industrial premises to observe, to measure the flow of sewage to any sewer, and to collect any samples required.

SECTION 13

OFFENCES

- 13 (1) Every person who contravenes any provision of this By-Law is guilty of an offence, and on conviction is liable to a fine of not more than \$2,000 for every day or part thereof upon which such offence occurs or continues.
- (2) Every person other, than an individual or a corporation, who contravenes any provision of this By-Law 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 for first offence and \$10,000 for any subsequent conviction.

- (3) Every corporation which contravenes any provision of this By-Law 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 \$25,000 for a first offence and \$50,000 for any subsequent conviction.
- (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.
- (5) In addition to the above and pursuant to section 326 of the Municipal Act, in default of any matter or thing being done by the person directed or required to do it, such matter or thing may be done at the person's expense and the Town may recover the expense incurred in doing it by action or the same may be recovered in like manner as municipal taxes.

SECTION 14

TERMINATION

- 14 (1) The agreement contemplated by Section 8 and the compliance program contemplated by Section 9 may be terminated by the municipality on 30 days written notice if the discharge of sewage covered by such agreement or compliance is causing contravention of Clauses 5(1)1. and 6(1)1. of the by-law.
- (2) The agreement contemplated by Section 8 and the compliance program contemplated by Section 9 may be terminated by the municipality by written notice at any time where there is an emergency situation of immediate threat or danger to any person, property, plant, or animal life, or waters.

SECTION 15

SEVERABILITY

Should any part, section, subsection or portion of this by-law be repealed or declared by a court of competent jurisdiction to be illegal the same shall not affect the validity of this by-law as a whole or in part thereof, except for that which was declared to be invalid.

SECTION 16

REPEAL OF PREVIOUS BY-LAWS

By-law No 4202-75 and amendments thereto of the Corporation of the Town of Smiths Falls are hereby repealed.

SECTION 17

EFFECTIVE DATE

The by-law shall come into force and take effect upon the passing thereof.

Read a first and second time this 7th day of March, 1994.

Read a third time and passed this 21st day of MARCH, 1994

Mayor

Clerk

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 areas; 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

SCHEDULE B - INDUSTRIAL SECTORS

CATEGORY	SIC	SIC (CANADIAN)
Construction Industry	1600-1799	4011-4499
<u>Food and Kindred Products</u>		
Meat	2011-2013	1011
Poultry	2016-2017	1012
Dairy	2021-2026	1041-1049
Fruit and Vegetables	2032-2038	1031-1032
Grain Mills	2041-2048	1051-1059
Fats and Oils	2074-2079	1061
Bakery Products	2051-2052	1071-1072
Sugar Processing	2061-2067	1081-1089
Beverages	2082-2087	1111-1141
Seafood Processing	2091-2092	1021
Misc. Food Processing	2095-2099	1091-1099
Tobacco	2110-2141	1211-1221
<u>Textile Mill Products</u>		
Primary Textiles	2211-2269	1800-1899
Textile Products	2271-2299	1900-1999
Apparel & Other Textile Prod.	2311-2399	2441-2499
<u>Lumber and Wood Products</u>		
Timber Products Processing	2411-2499	2511-2599
Wood Preserving	2491	2591
Wood & Metal Furniture Manu.	2510-2599	2611-2699
<u>Paper and Allied Products</u>		
Pulp, Paper & Paperboard Mills	2600-2631	2711-2712
Misc. Converted Paper Products	2640-2655	2731-2799
Building Paper and Board Mills	2661	2713-2719
Printing and Publishing	2700-2799	2811-2899
<u>Chemicals and Allied Products</u>		
Inorganic Chemicals Manufact.	2810-2819	3711
Phosphate Manufacturing	2819	3721-3729
Plastics, Resins & Synthetic Fibers M.	2821-2824	3731
Pharmaceutical Manufacturing	2830-2834	3741
Soaps and Cosmetics	2840-2844	3761-3771
Paints, Varnishes Manufacture	2851	3751
Gums and Wood Chemicals	2861	3712
Dye Manufacture	2865	3712
Organic Chemicals & Pesticide Man.	2869	3712
Pesticide Formulation	2879	3712
Fertilizer Manufacture	2873-2875	3721-3729
Adhesives and Sealants	2891	3792
Explosives	2892	3711
Ink Manufacture	2893	3791
Carbon Black	2895	3711
Chemicals & Chemical Prepar.	2899	3711
Petroleum Refining	2911	3611
Paving and Roofing Materials	2951-2952	3699
Coal & Petroleum Products	2991-2999	3612-3698
<u>Rubber and Misc. Plastic Products</u>		
Rubber Products	3011-3069	1500-1599
Plastics Molding	3070-3079	1600-1699

SCHEDULE B - INDUSTRIAL SECTORS

CATEGORY	SIC	SIC (CANADIAN)
<u>Leather and Leather Products</u>		
Leather Tanning and Finishing	3111	1711
Leather Goods	3131-3199	1712-1719
<u>Stone Clay and Glass Products</u>		
Stone, Clay and Glass Products	3200-3299	3511-3599
Asbestos Manufacturing	3292	3592
Glass Manufacturing	3211-3229	3561-3562
Cement Manufacturing	3271-3273	3521-3551
<u>Primary Metal Industries</u>		
Iron and Steel	3300-3317	2911-2921
Foundries	3321-3325	2941
Nonferrous Metals Forming/Manu.	3331-3369	2951-2999
Aluminum Forming	3353-3355	2951
Copper Forming	3351-3357	2959
Misc. Primary Metal Products	3390-3399	2999
<u>Fabricated Metal Products</u>		
Metal Finishing	3411-3469	3011-3099
Electroplating	3471	3011-3099
Coil Coating	3479	3011-3099
Ordinance and Accessories	3482-3489	3011-3099
Misc. Fabricated Metal Products	3490-3499	3011-3099
<u>Equipment and Machinery</u>		
Machinery Manufacturing	3500-3599	3111-3199
Electrical & Electronic Comp.	3612-3690	3311-3399
Battery Manufacturing	3691-3692	3391
Misc. Electrical Equipment	3693-3699	3392-3399
Transportation Equipment	3711-3799	3211-3299
Instruments & Related Products	3811-3873	3911-3914
Misc. Manufacturing	3911-3999	3921-3999
Photographic Chemicals Manu.	3861	
<u>Transportation and Public Services</u>		
Transportation Services	4000-4799	4511-4599
Electricity Generation & Dist.	4911-4931	4911
Water Supply	4941	4931
Waste Treatment and Disposal	4952	4999
Refuse Systems	4953	4999
Hazardous Waste Treaters	4953	4999
<u>Wholesale and Retail Industry</u>		
Petroleum Products Dealers	5983-5989	5111
Automobile Wrecking	5015	5911
Barrel and Drum Reclaimers	5085	5919
Scrap and Waste Materials	5093	5919
Solvent Reclaimers	5093	5919
Waste Oil Reclaimers	5093	5919
<u>Services</u>		
Furniture Refinishing	7641	6213
Gasoline Service Stations	5541	6331
Automotive Repair	7532-7549	6351-6399
Photographic Services	7384	6571
Hospitals and Clinics	8062-8072	8611-8619
Industrial and Commercial Laundries	7211-7219	9721-9729
Funeral Services	7261	9731
Disinfecting & Exterminating	7342	9951
Building Maintenance	7349	9952-9959

SCHEDULE B1 - WASTE SURVEY REPORT

TOWN OF SMITHS FALLS
WASTE SURVEY REPORT

SECTION 1 - General Information

(a) Name of Person Submitting Report: _____
(name)

(company name, corporation, owner) (telephone no.)

(postal address) (postal code)

(b) Company Officer responsible for effluent control:

(name) (telephone no.)

(c) Location of Premises:

(number, street, or road, municipality)

THE INFORMATION CONTAINED IN THIS REPORT TO THE BEST OF MY KNOWLEDGE AND
BELIEF IS TRUE, COMPLETE AND ACCURATE.

(authorized representative)

(title) (date)

SECTION 2 - Product or Service Information

- (a) Canadian or Standard Industrial Classification Codes (SIC)

These are ☐ Canadian SICs or ☐ SICs.

- (b) Brief description of manufacturing or service activities:

- (c) Principal products produced or services rendered:

- (d) Number of employees:

plant: _____ office: _____

- (e) Number of shifts per day: _____ Number of days per week: _____

- (f) Are major processes:

☐ batch ☐ continuous ☐ both

If batch, average number of batches per 24-hour day: _____

- (g) Is the production subject to seasonal variation:

☐ yes ☐ no

If yes, briefly describe seasonal production cycle:

- (h) Is there a special clean-up period: ☐ yes ☐ no

If yes, briefly describe clean-up period activities:

SECTION 3 - Waste Characteristics

(a) List all sources of water supply: _____

(b) Type of waste discharged (check all that apply):

<u>TYPE</u>	<u>AVE. FLOW/DAY</u> (m ³ /day)		
☐ sanitary	_____	☐ estimated	☐ measured
☐ noncontact cooling	_____	☐ estimated	☐ measured
☐ contact cooling	_____	☐ estimated	☐ measured
☐ process	_____	☐ estimated	☐ measured
☐ other	_____	☐ estimated	☐ measured

(c) Wastes are discharged to (check all that apply):

<u>TYPE</u>	<u>AVE. FLOW/DAY</u> (m ³ /day)		
☐ sanitary #1	_____	☐ estimated	☐ measured
☐ sanitary #2	_____	☐ estimated	☐ measured
☐ storm sewer #1	_____	☐ estimated	☐ measured
☐ storm sewer #2	_____	☐ estimated	☐ measured
☐ ground water	_____	☐ estimated	☐ measured
☐ surface water	_____	☐ estimated	☐ measured
☐ evaporation	_____	☐ estimated	☐ measured

(attach additional list as necessary)

(d) Expected characteristics of wastes discharged to sanitary and storm sewers (complete Pollutant Information Sheets for the discharge to each sewer).

SECTION 4 - Physical Lay-out

Layout sketch of property (to scale or approximate) to co-ordinate buildings, pretreatment works, property boundaries, effluent lines, and sanitary and storm sewer connections. (Number sewers so that they can be related to Pollutant Information Sheets).

SECTION 5 - Regulation 309 Information

For wastes discharged into or in connections to any sanitary sewer or combined sewer or storm sewer.

(a) Generator registration number: _____

SECTION 6 - Regulation 309 Information

For wastes discharged into or in connections to any sanitary sewer or combined sewer or storm sewer (complete Section 6 for each sewer).

(a) Description of waste: _____

(b) Description of generating process: _____

(c) Primary characteristic: _____

Analytical data (if applicable): _____

Name of Laboratory (if applicable): _____

Waste Class: _____ Hazardous Waste Number: _____

(d) Secondary characteristic: _____

Analytical data (if applicable): _____

SECTION 7 - Pretreatment

Pretreatment devices or processes used for treating wastes or sludges before discharge to the sanitary sewer system (check as many as appropriate):

- ☐ Air flotation
- ☐ Centrifuge
- ☐ Chemical precipitation
- ☐ Chlorination
- ☐ Cyclone
- ☐ Filtration
- ☐ Flow Equalization
- ☐ Grease or oil separation, type _____
- ☐ Grease trap
- ☐ Grit Removal
- ☐ Ion Exchange
- ☐ Neutralization, pH correction
- ☐ Ozonation
- ☐ Reverse Osmosis
- ☐ Screening
- ☐ Sedimentation
- ☐ Septic tank
- ☐ Solvent separation
- ☐ Spill protection
- ☐ Sump
- ☐ Biological treatment, type _____
- ☐ Rainwater diversion or storage _____
- ☐ Other chemical treatment, type _____
- ☐ Other physical treatment, type _____
- ☐ Other, type _____
- ☐ No pretreatment provided

SECTION 8 - Pollutant Information Sheet (Controlled Matter)

Information for: [] sanitary sewer [] storm sewer
sewer number _____

Indicate by placing an "x" in the appropriate box for each listed parameter whether it is "suspected to be absent", "known to be absent", "suspected to be present" or "known to be present" and the known or expected concentration in milligrams per litre.

<u>PARAMETER</u>	<u>KNOWN PRESENT</u>	<u>SUSPECTED PRESENT</u>	<u>KNOWN ABSENT</u>	<u>SUSPECTED ABSENT</u>	<u>CONCENTRATION mg/litre</u>
1. chlorides	[]	[]	[]	[]	_____
2. sulphates	[]	[]	[]	[]	_____
3. aluminum	[]	[]	[]	[]	_____
4. iron	[]	[]	[]	[]	_____
5. fluoride	[]	[]	[]	[]	_____
6. phosphorus	[]	[]	[]	[]	_____
7. antimony	[]	[]	[]	[]	_____
8. bismuth	[]	[]	[]	[]	_____
9. chromium	[]	[]	[]	[]	_____
10. cobalt	[]	[]	[]	[]	_____
11. lead	[]	[]	[]	[]	_____
12. manganese	[]	[]	[]	[]	_____
13. molybdenum	[]	[]	[]	[]	_____
14. selenium	[]	[]	[]	[]	_____
15. silver	[]	[]	[]	[]	_____
16. tin	[]	[]	[]	[]	_____
17. titanium	[]	[]	[]	[]	_____
18. vanadium	[]	[]	[]	[]	_____
19. copper	[]	[]	[]	[]	_____
20. cyanide	[]	[]	[]	[]	_____
21. nickel	[]	[]	[]	[]	_____
22. zinc	[]	[]	[]	[]	_____
23. arsenic	[]	[]	[]	[]	_____
24. cadmium	[]	[]	[]	[]	_____
25. phenolic compounds	[]	[]	[]	[]	_____
26. mercury	[]	[]	[]	[]	_____

SECTION 8 - Pollutant Information Sheet (Controlled Matter)

<u>PARAMETER</u>	<u>KNOWN PRESENT</u>	<u>SUSPECTED PRESENT</u>	<u>KNOWN ABSENT</u>	<u>SUSPECTED ABSENT</u>	<u>CONCENTRATION mg/litre</u>
27. BOD	[]	[]	[]	[]	_____
28. TSS	[]	[]	[]	[]	_____
29. oil & grease (animal/veg)	[]	[]	[]	[]	_____
30. oil & grease (mineral/syn)	[]	[]	[]	[]	_____
31. Kjeldahl nitrogen	[]	[]	[]	[]	_____

SECTION 9 - Pollutant Information Sheet (No Discharge)

Information for: [] sanitary sewer number _____

Indicate by placing an "x" in the appropriate box for each listed parameter whether it is "suspected to be absent", "known to be absent", "suspected to be present" or "known to be present" and the known or expected quantity in kg/month.

<u>PARAMETER</u>	<u>KNOWN PRESENT</u>	<u>SUSPECTED PRESENT</u>	<u>KNOWN ABSENT</u>	<u>SUSPECTED ABSENT</u>	<u>QUANTITY kg/month</u>
32. pesticides	[]	[]	[]	[]	_____
33. acute hazardous waste chemicals	[]	[]	[]	[]	_____
34. fuels	[]	[]	[]	[]	_____
35. hazardous industrial wastes	[]	[]	[]	[]	_____
36. hazardous waste chemicals	[]	[]	[]	[]	_____
37. ignitable wastes	[]	[]	[]	[]	_____
38. pathological wastes	[]	[]	[]	[]	_____
39. PCB wastes	[]	[]	[]	[]	_____
40. reactive wastes	[]	[]	[]	[]	_____
41. severely toxic materials	[]	[]	[]	[]	_____
42. waste radio- active materials	[]	[]	[]	[]	_____

SCHEDULE C - AGREEMENT FORM

THIS AGREEMENT made
this _____ day of _____ A.D.19 ____.

BETWEEN: THE CORPORATION OF THE TOWN OF SMITHS FALLS
(hereinafter called the Municipality)

OF THE FIRST PART

-and- _____

(hereinafter called the Company)

OF THE SECOND PART.

WHEREAS the Municipality enacted By-law No. _____
on the _____ day of _____, relating to the discharge of
sewage in the Municipality; and

WHEREAS the said By-law prohibits the discharge of
industrial sewage containing certain substances in quantities in excess
of the limits set by the By-law but provides that the Municipality may
permit the discharge of industrial waste which would otherwise be
prohibited by the said By-law to an extent fixed by agreement with the
Municipality under such conditions with respect to payment or otherwise
as may be necessary to compensate for any additional costs of treatment;
and

WHEREAS the Company carries on an industrial activity
within the Municipality at premises known as _____
which activity produces a sewage discharge in which the quantity of one
or more of Suspended Solids, Biochemical Oxygen Demand (hereinafter
referred to as B.O.D.), Phenolic Compounds, Kjeldahl nitrogen,
Phosphorus, or solvent extractable matter of animal and vegetable origin
(hereinafter referred to as Grease) is above the permissible limits set
out in the said By-law which results in materially adding to the cost of
treatment at the municipal sewage works.

NOW THEREFORE THIS INDENTURE WITNESSETH that the parties hereto mutually covenant and agree as follows:-

1. (1) During the currency of this agreement the **QUANTITY OF SEWAGE DISCHARGED** by the Company from its premises at _____ to the sanitary sewer or combined sewer system shall not exceed _____ cubic metres per day and the **RATE OF SUCH DISCHARGE OF SEWAGE** from the said premises shall not exceed _____ cubic metres per hour.

(2) In calculating the quantity of sewage for the purposes of this agreement, stormwater shall be excluded.

2. During the currency of this agreement only, the **QUALITY OF THE SEWAGE** discharged by the Company from the said premises to the sanitary sewer or combined sewer system **MAY EXCEED THE LIMITS SET BY THE BY-LAW** with respect to the quantity of Suspended Solids, B.O.D., Phenolic Compounds, Grease, Phosphorus and Kjeldahl Nitrogen provided that they **SHALL NOT EXCEED THE FOLLOWING LIMITS AT ANY TIME.**

- | | | | |
|------------------------|---|-------|------------------|
| (a) Suspended Solids | - | _____ | milligrams/litre |
| (b) B.O.D. | - | _____ | milligrams/litre |
| (c) Phenolic Compounds | - | _____ | milligrams/litre |
| (d) Grease | - | _____ | milligrams/litre |
| (e) Phosphorus | - | _____ | milligrams/litre |
| (f) Kjeldahl Nitrogen | - | _____ | milligrams/litre |

3. **THE DISCHARGE OF SEWAGE BY** the Company from the said premises containing Suspended Solids, B.O.D., Phenolic Compounds, Grease, Phosphorus or Kjeldahl Nitrogen, **IN EXCESS OF THE ABOVE LIMITS** shall constitute a contravention of this agreement and thus a contravention of the By-law.

4. In determining the quality of sewage for the purposes of this agreement, the volume of any stormwater or any water which is required to be deducted for the purposes of Section 5(1) of By-law No. _____ shall be deducted and Standard Methods as defined in the by-law shall be used.

5. THIS AGREEMENT SHALL REMAIN IN FORCE from _____ until December 31st, _____, and be automatically renewed on January 1st, _____ and annually thereafter, on the same terms unless a new agreement is reached or this agreement is terminated as hereinafter provided.

6. THIS AGREEMENT MAY BE TERMINATED BY THE MUNICIPALITY at any time on 30 days written notice sent by registered mail addressed to the Company at the said premises, if:

- (a) The sewage is causing a health or safety hazard to a sewage works employee; or
- (b) The sewage is causing damage to the sewers, materially increasing their maintenance costs or causing a dangerous condition; or
- (c) The sewage is causing damage to the sewage treatment process or causing a dangerous condition in the treatment works; or
- (d) The sewage is causing the sludge from the sewage works, to fail to meet criteria relating to contaminants for spreading the sludge on agricultural lands under Ontario's Guidelines for Sewage Sludge Utilization on Agricultural Lands (as revised January, 1986); or
- (e) The sewage is causing the sewage works effluent to contravene any requirement by or under the Ontario Water Resources Act or the Environmental Protection Act (Ontario); or
- (f) The sewage is causing a hazard to any person, animal, property, or vegetation; or
- (g) The sewage is contrary to By-law No. _____ in any way other than as provided herein.

7. THIS AGREEMENT MAY BE TERMINATED BY THE MUNICIPALITY at any time where there is an emergency situation of immediate threat or danger to any person, property, plant or animal life, or waters.
8. THIS AGREEMENT MAY BE TERMINATED BY THE COMPANY at any time on 30 days written notice sent by registered mail addressed to the _____ of the Municipality.
9. IN THE EVENT OF A RENEWAL IF THE MUNICIPALITY GIVES WRITTEN NOTICE sent by registered mail to the Company as aforesaid at any time within 30 days before or after the start of each calendar year, THAT THE AMOUNT OF THE FEE OR ANY OF THE LIMITS HEREINBEFORE SET OUT ARE TO BE CHANGED and no new agreement can be reached between the Municipality and the Company, this agreement may be terminated at the option of the Municipality at any time without notice 90 days after the registered notice was sent.
10. EXCEPT AS HEREIN OTHERWISE EXPRESSLY PROVIDED THE COMPANY SHALL CONFORM TO THE PROVISIONS OF THE SAID BY-LAW of the Municipality relating to the discharge of sewage and in the event of termination of this agreement the Company shall conform to the provisions of the said By-law.
11. THE COMPANY HEREBY CONVENANTS AND AGREES TO PAY TO THE MUNICIPALITY a fee based on an average excess suspended solids of _____ milligrams/litre, an average excess B.O.D. of _____ milligrams/ litre, an average excess phenolic compounds of _____ milligrams/ litre, an average excess of grease of _____ milligrams/litre, an average excess of Kjeldahl nitrogen of _____ milligrams/litre, an average excess of phosphorus of _____ milligrams/litre. An estimated annual plant discharge of _____ cubic meters, and at a treatment cost set by the Municipality on a year to year basis.

The said fee shall become due and be paid quarter yearly on the last days of March, June, September and December in each year of any renewal until terminated as herein provided. The fee payable for the period _____, to December 31, _____, shall be (\$ _____), payable in quarter yearly installments of (\$ _____).

12.(1) THE COMPANY COVENANTS AND AGREES TO PAY TO THE MUNICIPALITY on demand interest on overdue amounts at the prime rate existing for the day on which such amount is due and calculated from such date to the date of payment.

(2) In Subsection (1), "Prime rate" means the lowest rate of interest quoted by chartered banks to the most creditworthy borrowers for prime business loans as determined and published by the Bank of Canada in the periodic publication entitled the Bank of Canada Review.

13. THE MUNICIPALITY MAY TERMINATE THIS AGREEMENT at its option without notice if the Company fails for more than two months to pay an overdue amount but such termination shall not relieve the Company from its liability to make such payment.

14.(1) Where the Company has substantially reduced the quantity of the substances discharged under the terms of this agreement by reason of the installation of pretreatment facilities or a change in its processes or operations, the Company shall be entitled to a reduction in the charge so that the payments shall be based on the reduced quantity discharged.

(2) A reduction under Subsection (1) in the amount of the charge shall not take effect until 30 days from the date that the Company notifies the Municipality in writing of the change and until the Municipality has had such additional time as may be necessary in the circumstances to take samples and re-evaluate the waste being discharged.

(3) Where it is determined that the quantity of the substances discharged under the terms of this agreement has substantially increased, the Municipality shall be entitled to increase the charge so that payments shall be based on the increased quantity discharged.

(4) An increase under Subsection (3) shall not take effect until the Municipality notifies the Company in writing of the increase in the amount of the charge, and the effective date of the increase.

15. THIS AGREEMENT shall enure to the benefit of, and be binding upon the heirs, executors, administrators, successors and assigns of the parties hereto.

16. THIS AGREEMENT has been reviewed and is acceptable to the operating authority of the Sewage Treatment Plant. (This section is to be deleted where the municipality is the operating authority.)

17. THIS AGREEMENT has been reviewed and is acceptable to The Corporation of The _____ of _____. (This section is only used where the contaminants dealt with may have an effect on sewers of a second municipality e.g., where the sewage first runs through an area municipality's collector sewers before entering a regional municipality's sewage works).

IN WITNESS WHEREOF the parties hereto have hereunto affixed their Corporate Seals attested to by the hands of their respective proper officers in that behalf duly authorized.

SIGNED, SEALED AND
DELIVERED in the presence of:

) MUNICIPALITY
)
)
) _____
) Municipal Official
)
)
) _____
) Treasurer
)
)
) _____
) Operating Authority of STP
)
)
) _____
) Company Name
)
)
) _____
) Company Official

SCHEDULE D - LETTER OF COMPLIANCE PROGRAM

LETTERHEAD

Address: _____ Date: _____

Attention of: _____

COMPLIANCE PROGRAM NUMBER _____

In accordance with the provision of Section _____ of
_____ By-law _____, you are hereby granted a
compliance program for the attached program identified in Appendix I
subject to the following conditions:

1. During the period covered by this compliance program only, the
quality of the _____ (sewage,
uncontaminated water, or stormwater) discharged by your Company
from the said premises to the _____
(sanitary, combined or storm) sewer system or land drainage works
may exceed the limits set by By-law _____ with respect to the
parameters listed below provided that they shall not exceed the
following limits at any time:

<u>parameter</u>	<u>limit (mg/litre)</u>
(a) _____	_____
(b) _____	_____
(c) _____	_____
(d) _____	_____
(e) _____	_____
(f) _____	_____

1. The discharge of _____ (sewage, uncontaminated water or stormwater) by your company from the said premises containing the parameters listed in Item 1 in excess of the limits listed in Item 1 shall constitute a contravention of this compliance program and thus a contravention of the said by-law.

3. The compliance program may be terminated at any time on 30 days written notice sent by registered mail addressed to the Company at the said premises, if
 - (a) The sewage is causing a health or safety hazard to a sewage works employee; or
 - (b) The sewage is causing damage to the sewers, materially increasing their maintenance costs or causing a dangerous condition; or
 - (c) The sewage is causing damage to the sewage treatment process or causing a dangerous condition in the treatment works; or
 - (d) The sewage is causing the sludge from the sewage-works, to fail to meet criteria relating to contaminants for spreading the sludge on agricultural lands under Ontario's Guidelines for Sewage Sludge Utilization on Agricultural Lands (as revised January, 1986); or
 - (e) The sewage is causing the sewage works effluent to contravene any requirement by or under the Ontario Water Resources Act or the Environmental Protection Act (Ontario); or
 - (f) The sewage is causing a hazard to any person, animal, property, or vegetation; or
 - (g) The sewage is contrary to By-law No. _____ in any way other than as provided herein.

(The above clauses should be appropriately changed if the compliance program is being issued for the discharge of stormwater.)

4. The compliance program may be terminated at any time where there is an emergency situation of immediate threat or danger to any person, property, plant or animal life, or waters.

5. This compliance program shall remain in force until _____
provided the following timetable is adhered to:

<u>COMPLIANCE PROGRAM ACTIVITIES</u>	<u>SCHEDULED COMMENCEMENT DATE</u>	<u>SCHEDULED COMPLETION DATE</u>
a. Select Engineer	_____	_____
b. Engineering Investigation of Plant Conditions (Industrial Process Review & Wastewater Characterization)	_____	_____
c. Select Treatment Process & Design Criteria (Treatability Studies)	_____	_____
d. Detailed Design of Treatment System (Plans & Specifications)	_____	_____
e. Preparation of Operations Manual	_____	_____
f. Select Contractor For Installation/Construction	_____	_____
g. Commence Construction		
i. Site Preparation (survey, excavation, etc.)	_____	_____
ii. Foundation Work & Under- ground Utilities (slabs, sewer, etc.)	_____	_____
iii. Structural Work (bldgs., etc.)	_____	_____
iv. Mechanical Work (control panels, etc.)	_____	_____
v. Electrical Work (control panels, etc.)	_____	_____
vi. Site Finish Work (fences, clean-up, etc.)	_____	_____
h. Pretreatment System Start Up	_____	_____

6. You must, however, take all necessary steps to ensure that all other conditions and parameters listed in the By-law are not exceeded, as there are no other exemptions.
7. This Compliance Program has been reviewed and is acceptable to the operating authority of the Sewage Treatment Plant. (This section is to be deleted where the municipality is the operating authority).
8. This Compliance Program has been reviewed and is acceptable to the Corporation of The _____ of _____. (This section is only used where the contaminants dealt with may have an effect on sewers of a second municipality e.g., where the sewage first runs through an area municipality's collector sewers before entering a regional municipality's sewage works).
9. You must acknowledge your acceptance of this compliance program by returning a signed copy of this letter of compliance program within 30 days of your receipt of the letter.

Municipal Officer

Operating Authority of STP

Signed and Accepted by:

Authorized Representative

Company Name

SCHEDULE E - COMPLIANCE PROGRAM PROGRESS REPORT*

COMPANY NAME: _____ ADDRESS: _____

DATE SUBMITTED: _____ AUTHORIZED REPRESENTATIVE: _____

1. COMPLIANCE PROGRAM ACTIVITY DESCRIPTION: _____

2. SCHEDULED COMPLETION DATE FOR ABOVE ACTIVITY: _____

3. ACTIVITY COMPLETED ON SCHEDULE? YES [] NO []

4. IF NOT ON SCHEDULE, INDICATE ANTICIPATED COMPLETION DATE: _____

5. STATE REASON FOR DELAY, IF APPLICABLE: _____

6. WHAT ACTION HAS BEEN INITIATED TO RETURN PROJECT TO ORIGINAL SCHEDULE?

* Report is to be submitted within 14 days after scheduled completion of each Activity listed in the Compliance Program.

SCHEDULE C – AGREEMENT FORM

THIS AGREEMENT made this 19th day of March, 2007.

BETWEEN: THE CORPORATION OF THE TOWN OF SMITHS FALLS
(hereinafter called the Municipality)

OF THE FIRST PART

AND: STANLEY CANADA INC.
Operating as Stanley Mechanics Tools
(hereinafter called the Company)

OF THE SECOND PART

WHEREAS the Municipality enacted By-law No. 6022-94 on the 21st day of March 1994, relating to the discharge of sewage in the Municipality; and

WHEREAS the said By-law prohibits the discharge of industrial sewage containing certain substances in quantities in excess of the limits set by the By-law, but provided that the Municipality may permit the discharge of industrial waste which would otherwise be prohibited by the said By-law to an extent fixed by agreement with the Municipality under such conditions with respect to payment or otherwise as may be necessary to compensate for any additional costs of treatment; and

WHEREAS the Company carries on an industrial activity within the Municipality at premises known as manufacturing of metal tool boxes which activity produces a sewage discharge in which the quantity of one or more of Suspended Solids, Biochemical Oxygen Demand (hereinafter referred to as BOD), Phenolic Compounds, Kjeldahl Nitrogen, Phosphorus, or solvent extractable matter of animal and vegetable origin (hereinafter referred to as Grease) is above the permissible limits set out in the said By-law which results in materially adding to the cost of treatment at the municipal sewage works.

NOW THEREFORE THIS INDENTURE WITNESSETH that the parties hereto mutually covenant and agree as follows:

- 1.1 In calculating the quantity of sewage for the purposes of this agreement, stormwater shall be excluded.
2. During the currency of this agreement only, the **QUALITY OF THE SEWAGE** discharged by the Company from the said premises to the sanitary sewer or combined sewer system **MAY EXCEED THE LIMITS SET BY THE BY-LAW** with respect to the quantity of BOD, provided that they **SHALL NOT EXCEED THE FOLLOWING LIMIT.**

(a) BOD 900 milligrams/litre

3. **THE DISCHARGE OF SEWAGE BY** the Company from the said premises containing Suspended Solids, BOD, Phenolic Compounds, Grease, Phosphorus, or Kjeldahl Nitrogen, **IN EXCESS OF THE ABOVE LIMITS** shall constitute a contravention of this agreement, and thus a contravention of the By-law.
 4. **THIS AGREEMENT SHALL REMAIN IN FORCE** from March 18, 2007, until March 19, 2008. The parties agree to review and evaluate the discharges over the period of the Agreement and, upon its termination and upon mutual agreement; the Agreement may be extended for a period of time to be determined.
 5. **THIS AGREEMENT MAY BE TERMINATED BY THE MUNICIPALITY** at any time 30 days written notice sent by registered mail addressed to the Company at the said premises, if:
 - (a) The sewage is causing a health or safety hazard to a sewage works employee; or
-

- (b) The sewage is causing damage to the sewers, materially increasing their maintenance costs or causing a dangerous condition; or
 - (c) The sewage is causing damage to the sewage treatment process or causing a dangerous condition in the treatment works; or
 - (d) The sewage is causing the sewage works effluent to contravene any requirement by or under the Ontario Water Resources Act or the Environmental Protection Act (Ontario); or
 - (e) The sewage is causing a hazard to any person, animal, property, or vegetation; or
 - (f) The sewage is contrary to By-law No. 6022-94 in any way other than as provided herein.
6. **THIS AGREEMENT MAY BE TERMINATED BY THE MUNICIPALITY** at any time where there is an emergency situation of immediate threat or danger to any person, property, plant or animal life, or waters.
7. **THIS AGREEMENT MAY BE TERMINATED BY THE COMPANY** at any time on 30 days written notice sent by registered mail addressed to the Clerk of the Municipality.
8. **IN THE EVENT OF A RENEWAL IF THE MUNICIPALITY GIVES WRITTEN NOTICE** sent by registered mail to the Company as aforesaid at any time within 30 days before or after the start of each calendar year, **THAT THE AMOUNT OF THE FEE OR ANY OF THE LIMITS HEREINBEFORE SET OUT ARE TO BE CHANGED** and no new agreement can be reached between the Municipality and the Company, this agreement may be terminated at the option of the Municipality at any time without notice 90 days after the registered notice was sent.
9. **EXCEPT AS HEREIN OTHERWISE EXPRESSLY PROVIDED THE COMPANY SHALL CONFORM TO THE PROVISIONS OF THE SAID BY-LAW** of the Municipality relating to the discharge of sewage and in the event of termination of this agreement the Company shall conform to the provisions of the said By-law.
-

10. **THE COMPANY HEREBY COVENANTS AND AGREES TO PAY THE MUNICIPALITY** a fee based on an average excess Suspended Solids of (N/A) milligrams/litre, and average excess BOD of 300 milligrams/litre, an average excess Phenolic Compounds of (N/A) milligrams/litre, an average excess of Grease of (N/A) milligrams/litre, and average excess of Phosphorus of (N/A) milligrams/litre. An estimated daily plant discharge of 97 cubic metres, and at a treatment cost set by the Municipality on a daily basis.

The said fee shall become due and be paid quarter yearly on the last days of March, June, September, and December in each year of any renewal until terminated as herein provided. The fee payable for the period March 18, 2007 to March 19, 2008, shall be \$XX.xx (i.e. \$0.28/kg * xxx kg monthly average).

- 11.1 **THE COMPANY COVENANTS AND AGREES TO PAY TO THE MUNICIPALITY** on demand interest on overdue amounts at the prime rate existing for the day on which such amount is due and calculated from such date to the date of payment.

- 11.2 In Subsection '1', "Prime Rate" means the lowest rate of interest quoted by chartered banks to the most creditworthy borrowers for prime business loans as determined and published by the Bank of Canada in the periodic publication entitled the Bank of Canada Review.

12. **THE MUNICIPALITY MAY TERMINATE THIS AGREEMENT** at its option without notice if the Company fails for more than two months to pay an overdue amount, but such termination shall not relieve the Company from its liability to make such payment.
-

- 13.1 Where the Company has substantially reduced the quantity of the substances discharged under the terms of this agreement by reason of the installation of pre-treatment facilities or a change in its processes or operations, the Company shall be entitled to a reduction in the charge so that the payments shall be based on the reduced quantity discharged.
- 13.2 A reduction under Subsection '1' in the amount of the charge shall not take effect until 30 days from the date that the Company notifies the Municipality in writing of the change and until the Municipality has had such additional time as may be necessary in the circumstances to take samples and re-evaluate the waste being discharged.
- 13.3 Where it is determined that the quantity of the substances discharged under the terms of this agreement has substantially increased, the Municipality shall be entitled to increase the charge so that payments shall be based on the increased quantity discharged.
- 13.4 An increase under Subsection '3' shall not take effect until the Municipality notifies the Company in writing of the increase in the amount of the charge, and the effective date of the increase.
14. **THIS AGREEMENT** shall endure to the benefit of, and be binding upon the heirs, executors, administrators, successors, and assigns of the parties hereto.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their Corporate Seals
attested to by the hands of their respective proper officers in that behalf duly authorized.

SIGNED, SEALED AND DELIVERED

In the presence of:

) MUNICIPALITY

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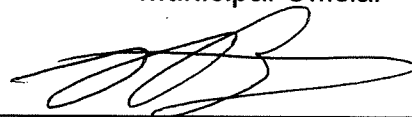
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Municipal Official



Treasurer



Operating Authority of WPCP

STANLEY CANADA INC.

Operating as Stanley Mechanics Tools

Company Name



Company Official

ADDENDUM "A"

SCHEDULE C

TERMS AND CONDITIONS (Suggested)

1. A WASTE SURVEY REPORT shall be completed as supplied by Town of Smiths Falls officials.
2. For the purposes of sampling the Town of Smiths Falls shall install a discrete/composite sampler at a location suitable to The Operations Superintendent.
3. The samples will be collected and sent to Caduceon Labs for analysis. All results will be forwarded to Stanley Tools.
4. Samples will be collected three times per week at a time suitable to the Operations Superintendent and with previous notice to Stanley Tools plant manager.
5. No person shall add or cause or permit the addition of water or any other material from any source to sewage for the sole purposes of dilution to achieve compliance with this agreement.
6. Throughout the term of this agreement the discharger shall maintain a means, satisfactory to the Operations Superintendent, of measuring the quantity of sewage. The discharger shall discharge all sewage subject to surcharge through this sewage meter.
7. Should the installed flow meter fail, the total volume of sewage discharged shall be deemed to be the same as the total volume of water supplied to the premises discharging over the same period, less any water proven, to the satisfaction of the Operations Superintendent to have left the site by other means.
8. The surcharge calculation period shall be monthly
9. Total costs incurred by the Town of Smiths Falls, with respect to sampling and analyses shall be borne by Stanley Tools
10. The method used to calculate the sewer surcharge shall be as follows:

- a. The total of all samples collected and analyzed in a single month shall be averaged. Should the monthly average be greater than the 300 mg/l By-Law limit, the difference between the average and the allowable. 300 mg/L limits shall be subject to payment of surcharge amount as specified in section 10 of this Agreement. Should the average be less than the monthly allowable there will be no surcharge applied.

Formulae

$$\frac{\text{avg.flow} * (\text{avg. BOD (plant effluent)} - \text{max. allowable BOD limit (300 mg/l)})}{1\text{kg}/1000000\text{mg} * 1000\text{L}/\text{m}^3}$$

THE CORPORATION OF THE TOWN OF SMITHS FALLS

BY-LAW NO. 7363-98

A By-law to amend Sewer Use By-law No. 6022-94 respecting the prohibition of certain extraneous flows to combined sewers.

WHEREAS By-law No. 6022-98 regulates the use, installation and inspection of sewage and drainage works pursuant to section 210 (150) of the Municipal Act, Chapter M.45, R.S.O. 1990 as amended; and

WHEREAS it is deemed appropriate to amend By-law No. 6022-98 thereby prohibiting the connection of certain drains to the Town's combined sewer system, in addition to the current prohibition of connection to the sanitary sewer system;

NOW THEREFORE the Council of the Corporation of the Town of Smiths Falls enacts as follows:

1. That By-law No. 6022-94 be and the same is hereby amended by deleting the following words from section 5(1) 2.(c) "Except in the case of discharge into a combined sewer," such that section 5(1) 2.(c) shall read as follows:

"Stormwater, water from drainage of roofs or land, water from a watercourse or uncontaminated water."

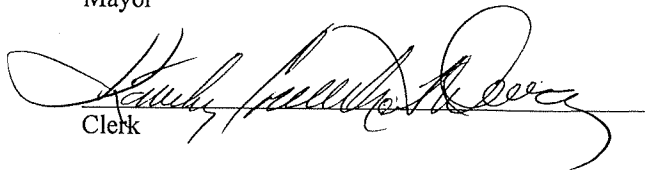
2. That the provisions of this by-law shall come into force and take effect upon the passing thereof.

Read a first and second time this 6th day of July, 1998

Read a third time and passed this 6th day of July, 1998



Mayor



Clerk

THE CORPORATION OF THE TOWN OF SMITHS FALLS

BY-LAW NO. 7381-98

File this with
BYLAW #
6022-94

A By-law to amend Sewer Use By-law No. 6022-94 thereby requiring the installation of a backflow prevention valve in all new construction.

WHEREAS By-law No. 6022-94 dictates use, installation, inspection and regulation of sewers and sewage and drainage works pursuant to section 210 (83) and (150) of the Municipal Act, R.S.O. 1990 as amended; and

WHEREAS the installation of a backflow prevention valve is not a standard requirements of the Building Code Act; and

WHEREAS it is deemed appropriate to require the installation of a backflow prevention valve in all new construction as a preventative measure against overflow of a supercharged sewage collection system during excessively high rainfall;

NOW THEREFORE the Council of the Corporation of the Town of Smiths Falls enacts as follows:

1. That By-law No. 6022-94, as amended, be and the same is hereby amended by adding thereto the following sub-clause:

" 11(e) be installed with an approved backflow preventer valve. Such valve shall be located within the building envelope and immediately upstream of the building sewer clean out. "

2. That all other provisions of By-law 6022-98, as previously amended, shall remain unchanged.
3. That the provisions of this by-law shall come into force and take effect upon the passing thereof.

Read a first and second time this 4th day of August, 1998

Read a third time and passed this 4th day of August, 1998


Mayor


Clerk

COPY

THE CORPORATION OF THE TOWN OF SMITHS FALLS

BY-LAW NO. 8182-2009

BY-LAW TO AMEND BY-LAW 6022-94 BEING A BY-LAW OF THE CORPORATION OF THE TOWN OF
SMITHS FALLS RESPECTING THE USE, INSTALLATION, INSPECTION, AND REGULATION OF
SEWERS AND SEWAGE AND DRAINAGE WORKS

WHEREAS By-law No. 6022-94 dictates use, installation, inspection and regulation of sewers and sewage and drainage works;

AND WHEREAS the Municipal Act, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS the Municipal Act, as amended, provides that Section 8 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

AND WHEREAS the Municipal Act, as amended, provides that a single tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

NOW THEREFORE the Council of the Corporation of the Town of Smiths Falls enacts as follows:

1. That By-law No. 6022-94, as amended as follows:

THAT the following definitions be added:

- (zz) "sidewalk" is defined as the concrete or asphalt walkway adjacent to a street what is intended for pedestrian traffic.
- (fff) "street" is defined as that part of the road allowance that is meant for vehicular traffic and does not include the unpaved shoulder or ditch.

That Section 4 (2), Building Sewers and Connections be Amended to the following:

- (2) If there is sufficient reason to suspect a malfunctioning sewer main, or the existence of a damaged building sewer that is located under the street or sidewalk as defined in this By-Law, the property owner shall immediately notify the Engineer (or his designate) who will proceed to investigate and repair the damaged pipe at the Town's expense.
2. That all other provisions of By-law 6022-94, as previously amended, shall remain unchanged. Should any section of this by-law, including any section or part of any schedules attached hereto be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.
 3. That the provisions of this by-law shall come into force and take effect upon the passing thereof.

Read a first and second time this 5th day of January, 2009

Read a third time and passed this 5th day of January, 2009

Mayor

Clerk