

Authority: Works Committee Report No. 9, Clause No. 7,
as adopted by City of Toronto Council on October 26, 27, 28 and 31, 2005
Enacted by Council: October 28, 2005

CITY OF TORONTO

BY-LAW No. 867-2005

To amend Municipal Code Chapter 681, Sewers, respecting the implementation of Best Management Practices and other matters.

WHEREAS Council is desirous of amending certain provisions in Municipal Code Chapter 681, Sewers, Article 1, Sewage and Land Drainage;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The City of Toronto Municipal Code is amended as follows:

A. Section 681-1 is amended by adding the following definitions:

ACCREDITED LABORATORY — Any laboratory accredited by an authorized accreditation body in accordance with a standard based on “ISO/IEC/EN 17025: General Requirements for Competence of Calibration and Testing Laboratories” established by the International Organization for Standardization, as amended.

BEST MANAGEMENT PRACTICES (BMP) — An integrated plan to control and reduce the release of restricted and prohibited waste into the sewage works to a practicable extent, through methods including physical controls, pre-treatment processes, operational procedures and staff training.

BIOMEDICAL WASTE — Biomedical waste as defined in the Ontario Ministry of the Environment Guideline C-4 entitled “The Management of Biomedical Waste in Ontario” dated April 1994, as amended from time to time.

DENTAL AMALGAM — A dental filling material consisting of an amalgam of mercury, silver and other materials such as copper, tin or zinc.

DENTAL AMALGAM SEPARATOR — Any technology, or combination of technologies, designed to separate dental amalgam particles from dental operation wastewater.

GENERAL MANAGER — The person appointed by the City from time to time as the General Manager of Toronto Water, and his or her successors or his or her duly authorized representative.

INSPECTOR — A person authorized by the City to carry out observations and inspections and take samples as prescribed by this chapter.

- B. The definition of “Commissioner” in § 681-1 is deleted and substituted with the following:

COMMISSIONER — The General Manager.

- C. Subsection 681-2A(3) is amended by adding a new subsection A(3)(b.1) as follows:

(b.1) Biomedical waste, except where:

- [1] the biomedical waste has been discharged in accordance with the Ontario Ministry of the Environment Guideline C-4 entitled “The Management of Biomedical Waste in Ontario” dated April 1994, as amended; and
- [2] any human blood and body fluids known to contain viruses and agents in listed “Risk Group 4” as defined in “Laboratory Biosafety Guidelines” published by Health and Welfare Canada, dated 1996, as amended, are decontaminated prior to discharge”.

- D. Section 681-2 is amended by deleting § 681-2A(4) and substituting the following:

- (4) The sewage contains a concentration, expressed in milligrams per litre, in excess of any one or more of the limits in Table 1 of this article entitled “Limits for Sanitary and Combined Sewers Discharge,” at the end of this section, unless:
 - (a) the discharge is authorized in a Best Management Practices (BMP) plan approved by Council; or
 - (b) the discharge is in accordance with a valid discharge agreement or Compliance Program; or
 - (c) the person has demonstrated to the General Manager that one or more of the parameter limits contained in Table 1 cannot be met as a result of water conservation measures and the General Manager has exercised discretion to impose mass loading limits in addition to or in place of concentration-based limits.

- E. Subsection 681-2A is amended by adding the following as § 681-2A(5):

- (5) The City may, from time to time, adopt a BMP plan or plans with respect to any class or classes of industrial sector, and to impose conditions and requirements specific to any such industrial sector that may vary between sectors in any way that the City determines to be appropriate.

- F. Section 681-5 is amended by deleting § 681-5A and substituting the following:
- A. Every subject sector industry and every industry which discharges any amount of a subject pollutant shall prepare a plan and submit to the General Manager a plan summary with respect to the premises from which the discharge occurs by no later than the date set out in Column 3 of Appendix 1 to this article, at the end of this chapter, that corresponds to the industrial category for that industry as set out in Column 2 of Appendix 1, unless such industry continually meets the requirements and is participating in a Best Management Practices Plan approved by Council.
- G. Section 681-10 is amended by deleting § 681-10J(1) and substituting the following:
- (1) Every owner or operator of a premises from which dental amalgam may be discharged, which waste may directly or indirectly enter a sewer, shall install, operate and properly maintain dental amalgam separator(s) in any piping system at its premises that connects directly or indirectly to a sewer by no later than January 1, 2002, except where the sole dental related practice at the premises consists of one or more of the following specialties or type of practice:
- (a) Orthodontics and Dentofacial Orthopaedics;
- (b) Oral and Maxillofacial Surgery;
- (c) Oral Medicine and Pathology;
- (d) Periodontics; or
- (e) A dental practice consisting solely of visits by a mobile dental practitioner who prevents any dental amalgam from being released directly or indirectly to the sewage works.
- H. Section 681-11 is amended by deleting § 681-11C and substituting the following:
- C. In those cases where the existing municipal sewer connection does not meet the current standard therefor as adopted by the City from time to time as a result of a resubdivision of lots or change in location of a building on a lot or the construction of a new or reconstructed building, the owner or agent shall apply to the City for a new installation or installations and for the disconnection of the existing sewer connections, where necessary, and to pay to the City the cost of such work on an actual cost basis with a minimum charge equal to the applicable flat rate, as determined by the City from time to time.

- I. Subsection 681-11D is amended by deleting § 681-11D(3) and substituting the following:
- (3) An owner who is applying for a permit to construct a replacement building or to disconnect a dwelling from a septic tank to connect to a sanitary sewer connection shall be entitled to use an existing municipal sewer connection which, upon inspection by the General Manager, is found to be in accordance with current Toronto Water Standard Construction Specifications and Drawings for Sewers and Watermains, provided that there is no history of sewer connection maintenance problems on public property between the sewer main and private property. The applicant shall pay for the cost of the above inspection, and any other applicable City fees in relation to the connection, the amount of which shall be determined from time to time by the City.
- J. Section 682-11 is amended by adding a new § 681-11H(1)(c) as follows:
- (c) if required by the General Manager, subject to the execution of an agreement between the owner and the City setting out such terms and conditions as the General Manager may determine are appropriate, and the General Manager shall have the authority to execute any such agreement.
- K. Section 681-11 is amended by adding a new § 681-11H(3) and § 681-11H(4) as follows:
- (3) Where a sewer connection on public property between the sewer main and private property is installed by the owner of the private property pursuant to Subsection 681-11H(1)(b), the owner of the private property shall pay for the cost of an inspection, the amount of which shall be determined by the City from time to time.
- (4) An owner may request the General Manager to conduct an inspection by means of an excavation or closed circuit television inspection of any existing municipal sewer connection deemed by the General Manager to be eligible for such an inspection under Subsection 681-11D(3). In the event the General Manager determines that an inspection is appropriate, the owner shall deposit a sum of money with the City, in an amount determined by the General Manager to represent the cost of the inspection. If upon inspection a structural problem is found in the City portion of the connection, the deposit will be refunded. If not, the owner shall pay for the full cost of the inspection, and will be given credit for the amount of the deposit made.

- L. Section 681-11 is amended by deleting § 681-11Q(3) and substituting the following:
- (3) An owner may request the General Manager to conduct an inspection by means of an excavation or closed circuit television inspection to determine the source of inflow or infiltration into the sanitary sewer system. The terms of § 681-11H(4) shall apply to any such investigation.
- M. Section 681-11 is amended as follows:
- (1) By deleting the reference in § 681-11R(3) to “Subsection R(2)” and substituting for it a reference to “Subsection R(3)”.
 - (2) By inserting the words, “multi-unit residential,” between “operator of” and “industrial,” in § 681-11R(3).
 - (3) By deleting § 681-11R(2) and substituting the following:
 - (2) The direct connection of any new private sewer connection to the municipal storm sewer is prohibited for any new or reconstructed residential, industrial, commercial or institutional buildings.
 - (4) By deleting § 681-11R(4).
 - (5) By renumbering § 681-11R(3) to § 681-11R(4).
- and
- (6) By adding a new § 681-11R(3) as follows:
 - (3) An owner may make an application to the General Manager for an exemption from the provisions of Subsection R(2), and the General may permit a connection that does not comply with Subsection R(2) where there is no practical alternate means of drainage available, and compliance with Subsection R(2) is not feasible.
- N. The heading of subsection 681-11S shall be amended to read, “Storm water drainage”.
- O. Section 681-11 is amended by deleting § 681-11S(1) and substituting the following:
- (1) No person shall construct, install or maintain, or cause or permit to be constructed, installed or maintained, drainage from any roof water leader or downspout that conveys storm water from any new or reconstructed residential, industrial, commercial or institutional buildings directly or indirectly to a sanitary, combined or storm sewer connection for the

purpose of storm water drainage. Storm water shall be discharged at grade away from the building in such a manner that the storm water will not accumulate at or near the building and will not adversely affect adjacent properties.

- P. Sections 681-13 and 681-14 are renumbered to become 681-14 and 681-15 respectively and a new subsection 681-13 is added as follows:

§ 681-13. Self-monitoring and sampling.

- A. Every owner of an industrial premises shall carry out any monitoring and sampling of any discharge to a sewer, as may be required in writing by an inspector, and provide the results to the inspector in a format acceptable to the inspector within the time specified by the inspector.
- B. An inspector may require that samples obtained under Subsection A be submitted by the owner for analysis by an accredited laboratory, at the owner's expense.
- C. The owner shall supply the results of the analysis in Subsection B to the inspector in a format acceptable to the inspector within the time specified by the inspector.

ENACTED AND PASSED this 28th day of October, A.D. 2005.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)