



## **THE CORPORATION OF THE CITY OF MISSISSAUGA STORM SEWER BY-LAW 259-05**

WHEREAS the *Municipal Act 2001*, R.S.O. 2001, S.O. 2001, c. 25, as amended authorizes the City to regulate with respect to storm sewers and drainage from land;

AND WHEREAS it is necessary to regulate the discharge of matter to municipal and private storm sewer systems and to protect water quality by preventing the discharge of harmful substances to municipal and private storm sewer systems, and, in due course, waterbodies within the City;

NOW THEREFORE the Council of The Corporation of the City of Mississauga ENACTS as follows:

### **PART I - DEFINITIONS**

1. For the purposes of this By-law, the following definitions and interpretations shall govern:
  - (1) “*Biochemical Oxygen Demand*” or “*B.O.D.*” means carbonaceous oxygen demand (biochemical) as during a 5-day incubation period for the biochemical degradation of organic material, and the oxygen used to oxidize inorganic material such as sulphides and ferrous iron, and the amount of oxygen used to oxidize reduced forms of nitrogen (nitrogenous demand.)
  - (2) “*Blowdown*” means re-circulating non-contact cooling water used to discharge materials contained in a heating or cooling system, the further buildup of which would or might impair the operation of the system.
  - (3) “*Body of Water*” includes any brook, creek, stream, river, lake, pond, waterway, canal or other flowing or standing water, including open channels, ditches, road ditches, and natural or man-made depressions which may or may not connect to a private storm sewer system or a municipal storm sewer system.
  - (4) “*City*” means the Corporation of the City of Mississauga.
  - (5) “*Commissioner*” means the Commissioner of the Transportation and Works Department of the City of Mississauga or his designate.
  - (6) “*Combustible liquid*” means a liquid that has a flash point not less than 37.8 degrees Celsius and not greater than 93.3 degrees Celsius.

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- (7) “*Composite sample*” means a portion of storm water composed of a series of grab samples taken at intervals during the sampling period and combined.
- (8) “*Connection*” means any drainage pipe, lateral connection, sewer, open channel, or ditch which connects a private storm sewer system to a municipal storm sewer system.
- (9) “*Discharge*” means the release or deposit of any matter.
- (10) “*Fuels*” means alcohol, gasoline, naphtha, diesel fuel or fuel oil, or any other liquid intended for use as a combustible source of energy.
- (11) “*Grab sample*” means a portion of the storm water taken at one particular time and place.
- (12) “*Hazardous waste*” means any
  - (a) acute hazardous waste chemical;
  - (b) hazardous industrial waste;
  - (c) hazardous waste chemical;
  - (d) ignitable waste;
  - (e) pathological waste;
  - (f) reactive waste;
  - (g) severely toxic waste.as defined in RRO 1990, Reg. 347, as amended.
- (13) “*Industrial*” means of or pertaining to industry, manufacturing, commerce, trade, business, or institutions as distinguished from domestic or residential;
- (14) “*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, by-product, or waste product;
- (15) “*Inspector*” means an inspector appointed by Council for the enforcement of this By-law;
- (16) “*Matter*” includes any solid, liquid or gas or any combination thereof.
- (17) “*Municipal storm sewer system*” means any inlet, catchbasin, catchbasin manhole combination, manhole, drainage pipe, sewer, channel, ditch, culvert, or depression created to divert or collect storm water on public property or within a public easement.

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- (18) “*Non-Contact Cooling Water*” means once-through process water that is used for the purpose of removing heat, and has not come into contact with any raw material, intermediate product, waste product, or finished product.
- (19) “*Oil and Grease*” means any substance which is:
  - (a) solvent extractable matter of animal or vegetable origin as determined by Methods 503 B to 503 C or in Standard Methods;
  - (b) solvent extractable matter of mineral or synthetic origin grease and oil as determined by Method 503E in Standard Methods.
- (20) “*Order*” means written or verbal instructions and or notices, including action requests and notices of contravention issued by the Commissioner.
- (21) “*Owner*” means the registered owner of the property at which the spill or discharged occurred, and includes, the owner’s representative, a tenant, or the property manager;
- (22) “*PCB*” means any monochlorinated or poly-chlorinated biphenyl or any mixture of these or mixture that contains one or more of them.
- (23) “*PCB Waste*” means a PCB waste within the meaning of Ontario Regulation 362 made under the *Environmental Protection Act* (Ontario).
- (24) “*Person*” means any individual, firm, partnership, company or Corporation or any trustee, manager or other person, either individually or jointly with others, owning, occupying, or having the management or supervision of any building or property, and shall also include any agent, workman, servant, employee, or authorized representative of such individual, firm, partnership, company or corporation.
- (25) “*Pesticides*” means a pesticide regulated under the *Pesticides Act* (Ontario).
- (26) “pH” means logarithm to the base 10 of the reciprocal of the concentration of hydrogen ions in moles per litre of solution.
- (27) “*Phenolic Compounds*” means those derivatives of aromatic hydrocarbons which have a hydroxyl group directly attached to the ring as determined by one of Method 510 B or 510 C in Standard Methods.
- (28) “*Phosphorus*” means total phosphorus expressed as P and as determined by both Method 424 C plus one of Method 424 D, 424 E, 424 F, or 424 G in Standard Methods.
- (29) “*Pollution Prevention*” means the use of processes practices, materials, products or energy that avoids or minimizes the creation of pollutants and wastes, at the source.
- (30) “*Pollution Prevention Plan*” means a detailed plan that identifies specific methods of pollution prevention and a schedule of implementation, as described by Schedule A of this By-law.

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- (31) “*Premises*” means the building(s) or structure(s) located on publicly or privately owned property which may be serviced by a connection to a municipal storm sewer system.
- (32) “*Private storm sewer system*” means any inlet, catchbasin, catchbasin manhole combination, manhole, drainage pipe, sewer, channel, ditch, culvert, tank, or depression created to divert or collect stormwater on private property, which has a connection excluding plumbing and installations covered by the *Building Code Act*, 1992 Amended O. Reg 245/04.
- (33) “*Regional storm sewer system*” means any municipal storm sewer system located within the boundaries of a road for which the responsibilities for the construction, maintenance and operation of the road belong to the Regional Municipality of Peel.
- (34) “*Severely toxic waste*” means any material listed in Schedule 3 of Ontario Regulation 347, as amended, made under the *Environmental Protection Act* (Ontario).
- (35) “*Sever the Connection*” means to disconnect, stop up the pipe, close the link to, or otherwise prevent the discharge of materials to the municipal sewer system.
- (36) “*Sewage*” means any liquid containing domestic or industrial waste.
- (37) “*Spill*” means a direct or indirect discharge into a private storm sewer system, municipal storm sewer system, or natural environment, which is abnormal in quality or quantity in light of all circumstances of the discharge.
- (38) “*Spills Action Centre*” means the 24-hour Spills Action Centre of the Ontario Ministry of the Environment.
- (39) “*Standard Methods*” means a procedure set out in Standard Methods for the Examination of Water and Waste Water published jointly by the American Public Health Association, American Water Works Association and Water Environment Federation, current at the date of testing, or a procedure published by the Ontario Ministry of the Environment as a standard method or the equivalent of a standard method.
- (40) “*Storm Water*” shall mean any liquid found within a municipal storm sewer system or private storm sewer system or connection, including water from rainfall or other natural precipitation or from the melting of snow or ice.
- (41) “*Storm Water Management Facility*” means any inlet, catchbasin, catchbasin manhole combination, maintenance access hole, manhole, drainage pipe, sewer, channel, ditch, culvert, tank, outlet, pond, depression or body of water created to divert, or collect or used to manage storm water quantity or treat storm water quality on public or private property.
- (42) “*Suspended Solids*” means solid matter in or on a liquid, which matter is removable by filtering and dried at 103-105 degrees Celsius as determined by Method 209 C in Standard Methods.

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- (43) “*Uncontaminated Water*” means water to which no matter has been added to modify its use or as a consequence of its use.
- (44) “*Waste radioactive materials*” means any waste material exhibiting the property of spontaneous disintegration of atomic nuclei usually with the omission of penetrating radiation or particles.

- 2. Terms not defined in this By-law shall have the meaning ascribed to them in the Act or the most recent version of the *Ontario Building Code*.

**PART II - CONNECTIONS**

- 3. Any person requiring a connection to the municipal storm sewer system shall apply to and receive approval from the City.
- 4. Any person requiring a connection to the municipal storm sewer system must pay, prior to construction being undertaken, the charges stipulated by the City at the time of application.
- 5. Every person, upon connection of a private storm sewer system to a municipal storm sewer shall maintain, in good working order, the private storm sewer system on his property.
- 6. Connection materials and workmanship shall be to the satisfaction of the Commissioner.
- 7. Every person, where premises are to be removed or demolished shall sever or cap the connection at the property line before the property is cleared of structures, unless the connection is to be re-used and approval for this has been received from the City. Prior to re-use, an application to connect must be made, and approval shall be received from the City. Any costs thereof will be borne by the applicant.

**PART III - REGIONAL CONNECTIONS**

- 8. All applications for connection to a Regional storm sewer system shall be directed to the Regional Municipality of Peel.

**PART IV - DISCHARGES**

- 9. No person shall discharge matter of any type or quantity into any connections, municipal storm sewer system, or private storm sewer system which may:
  - (1) interfere with the proper operation of a municipal storm sewer system;
  - (2) obstruct a municipal storm sewer system or the flow therein;
  - (3) cause damage to the municipal storm sewer system or private storm sewer system;
  - (4) be or become a hazard to persons, animals, property or vegetation;

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- (5) impair the quality of water in any body of water;
- (6) contravene or result in the contravention of an approval, requirement, direction, Certificate of Approval or other order under the *Ontario Water Resources Act* or the *Environmental Protection Act* (Ontario) with respect to the storm sewer or its discharge.
- (7) Have one or more of the following characteristics
  - (a) matter at a temperature greater than 40 degrees Celsius;
  - (b) matter having a pH which is less than 6.0 or greater than 9.0;
  - (c) matter which causes a visible film, sheen or discolouration on the water surface;
  - (d) matter which contains e.coli colonies in excess of 200 per 100 ml;
  - (e) matter containing two or more layers;
  - (f) substance from a raw material, intermediate or final product, used or produced in, through or from an industrial process.
- (8) Contains one or more of the following:
  - (a) Oils and Greases;
  - (b) Blowdown;
  - (c) Non-Contact Cooling water;
  - (d) Combustible Liquids;
  - (e) Floating Debris;
  - (f) Fuels;
  - (g) Paints and Organic Solvents;
  - (h) PCBs;
  - (i) PCB Wastes;
  - (j) Pesticides;
  - (k) Sewage;
  - (l) Hazardous Wastes;
  - (m) Leachate from any Waste Disposal Site; or

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- (n) Waste Radioactive Materials.
- (9) Contain matter with a concentration, expressed in milligrams per litre, in excess of any one or more of the following:

<u>Matter</u>	<u>Expressed As</u>	<u>Concentrations (in mg/l)</u>
Aluminum	Al	1.0
Arsenic (total)	As	0.02
Benzene		0.002
Biochemical oxygen demand	BOD	15
Cadmium (total)	Cd	0.008
Chlorine	Cl <sub>2</sub>	1.0
Chromium (total)	Cr	0.08
Chromium (hexavalent)	Cr	0.04
Copper (total)	Cu	0.04
Cyanide (total)	HCN	0.02
Ethyl Benzene		0.002
Lead (total)	Pb	0.12
Manganese (total)	Mn	0.05
Mercury (total)	Hg	0.0004
Nickel (total)	Ni	0.08
Polycyclic Aromatic Hydrocarbons (total)	PAH	0.002
Phenolic Compounds		0.008
Phosphorous (total)	P	0.4
Selenium		0.02
Silver		0.12
Suspended Solids		15
Toluene		0.002
Total Kjeldahl Nitrogen	TKN	1
Xylenes (total)		0.0044
Zinc (total)	Zn	0.04

**PART V - PROHIBITION OF DILUTION**

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

**PART VI - EXCEPTIONS**

11. A person who has obtained a Certificate of Approval or filed a Pollution Prevention Plan satisfactory to the Commissioner, and is in compliance with all provisions and conditions of such approval or plan, shall be deemed not to be in contravention of Part IV of this By-law where the discharge of matter is specifically contemplated by such approval or plan.

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12. Street cleaning, hydrant flushing, fire extinguishing and dye testing which has been authorized by the City shall be deemed not to constitute a contravention of Part IV of this By-law.
13. Part IV, Subsection 9 (8) (c) does not apply to prevent the discharge of non-contact cooling water when the owner or operator has written approval from the City.

**PART VII - SPILLS**

14. Every persons who causes or permits a spill shall notify the City, the Spills Action Centre, and the Region of Peel immediately with the following information:
  - (1) name of the company and the address and location of spill;
  - (2) date, time, and duration of the spill event;
  - (3) complete description of the spill, including type and volume of material discharged and any associated hazards;
  - (4) a material safety data sheet (MSDS) if available;
  - (5) details of clean up actions that have been initiated, completed, or are in progress, including corrective actions being taken to control the spill, actions taken to prevent the material from leaving the property;
  - (6) the name(s) of any contractors that may be on site to assist with the clean up;
  - (7) if spilled material is being vacuumed or captured by another method, and the destination of the captured material;
  - (8) agencies notified of the spill and corresponding notification times;
  - (9) name of person reporting the spill, and the telephone number and location where that person can be reached;
  - (10) name of the person(s) in charge of cleaning up the spill; and the telephone number and location where that person can be reached
15. The owner and any person responsible for the spill and any person having the charge, management and control of the spill shall clean up the spill and any associated residue, and restore the affected area to its condition prior to the spill.
16. Where any person fails or neglects to carry out or diligently pursue the activities required by this By-law, the City may take such measures as it deems appropriate to contain the spill, protect the health and safety of citizens, minimize damage to property, protect the environment, clean up the spill and any associated residue, and restore the affected area to its condition prior to the spill.



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17. The owner and any person responsible for the spill shall be liable for all costs associated with the response to and clean up and restoration of the spill affected area to its condition prior to the spill including any damage to the municipal storm sewer system as a result of a discharge or a spill.
18. The costs incurred by the City with respect to response to, clean up and restoration of a spill affected area may be recovered from the owner of the land in the same manner as taxes.

**PART VIII - POLLUTION PREVENTION**

19. Where the nature of a business operation may result in discharge contrary to this By-law, the Commissioner may require a Pollution Prevention Plan be filed with the City, if deemed necessary to prevent impact to the municipal storm sewer system, any connections, or the storm water contained therein.
20. The Pollution Prevention Plan shall include the requirements listed in Schedule "A" and to the satisfaction of the Commissioner.
21. Every person required to submit a Pollution Prevention Plan shall do so within 60 days of such request.
22. Every person who has submitted a Pollution Prevention Plan shall update the Pollution Prevention Plan annually, unless otherwise notified by the Commissioner.
23. Every person who has filed a Pollution Prevention Plan shall ensure that the Pollution Prevention Plan is adhered to at all times.

**PART IX - SAMPLING AND ANALYSIS**

24. Where a sample is required for the purpose of determining the characteristics or contents of the water or storm water pursuant to this By-law, a single sample shall be deemed sufficient. 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;
25. Except as otherwise specifically provided in this By-law, all tests, measurements, analyses and examinations of uncontaminated water and storm water, shall be carried out in accordance with Standard Methods.
26. For each one of the following metals, concentrations of which are limited pursuant to Section 9 of this By-law, the analysis shall be for the quantity of total metal, which includes all metal both dissolved and particulate:

Aluminum  
Arsenic;  
Cadmium;  
Chromium;  
Copper;

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Iron;  
Lead;  
Manganese;  
Mercury;  
Nickel;  
Selenium;  
Silver; and  
Zinc.

**PART X - ENFORCEMENT**

27. An inspector may, at any time, enter any property or premises to inspect, observe, measure, test, and sample the discharge to a municipal storm sewer system or a private storm sewer system.
28. An inspector may require production of any documents pertaining to a spill or discharge including but not limited to: Certificates of Approval (COA), Compliance Programs, Hazardous Waste Manifests, Maintenance and Inspection Logs, Material Data Safety Sheets (MSDS), Provincial Officer's Orders (POO), Spill Reports, and past Action Requests and Notices of Contravention issued by the City.
29. An inspector who finds a contravention of this By-law may make an Order directing compliance and may require the order to be carried out immediately or within such time as specified in the Order.
30. An inspector may order an owner or any person who contravenes this By-law:
  - (1) to conduct a monitoring study of the storm water quality and/or quantity;
  - (2) to carry out modifications and/or construction of storm water management facilities;
  - (3) to adopt and implement pollution prevention techniques and measures;
  - (4) to provide a satisfactory Pollution Prevention Plan; and
  - (5) to do any other requirement to prevent contravention to the By-law.
31. Where a written notification has been issued by the Commissioner to any person discharging to a municipal storm sewer system, the person shall carry out all activities as required by the Commissioner, and provide the results to the City in accordance with written notification from the Commissioner.
32. Unless specifically authorized by the Commissioner, no person shall enter any municipal storm sewer system or sewage works.
33. No person shall break, damage, destroy, deface, alter or tamper with any part of a municipal storm sewer system or any device whether permanently or temporarily installed in a municipal

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storm sewer system for the purpose of measuring, sampling and testing of any matter.

**PART XI - OFFENCES**

34. Every person who fails to comply with an Order issued pursuant to this By-law or who contravenes any provision of this By-law is guilty of an offence and is liable:
- (1) If a person; to a fine of not more than \$10,000 for a first offence and \$25,000 for any subsequent offence; or
  - (2) If a Corporation; to a fine of not more than \$50,000 for a first offence and \$100,000 for any subsequent offence.
35. In addition to any other remedy or penalty imposed by this By-law where matter is being discharged into a municipal storm sewer system in violation of this By-law, or any outstanding orders are not complied with, the Commissioner may:
- (1) at the cost of the owner of the said lands and premises, sever the connection for the lands and premises from which the matter is being discharged, on 30 days notice; and
  - (2) refuse reconnection of the said lands and premises to the City sewer system by the owner until authorized by the Commissioner and the City has been paid the cost of disconnecting the sewer, and other outstanding costs.
36. The City will not be held liable for any damages caused by the severing of a connection as provided for in this By-law.
37. In default of payment of any monies due to the City after due notice, the Commissioner may sever the connection. This authority does not preclude the City from taking other legal measures available to it for collection of accounts due for service rendered.
38. In the situation of a discharge of storm water containing one or more substances restricted by this By-law, each exceedance of a restricted matter or material constitutes a separate offence under this By-law.
39. Any person who fails to comply with any order issued pursuant to this By-law is guilty of an offence under this By-law.
40. Any person who obstructs an inspector or who otherwise obstructs the provision of this By-law is guilty of an offence under this By-law.
41. Any person who knowingly provides false information in any report or return required under this By-law or who wilfully withholds information required under this By-law, is guilty of an offence under this By-law.

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**PART XII - CONFIDENTIAL INFORMATION**

42. All information submitted to and collected by the City that is contained in plan summaries, reports, surveys, monitoring and inspection and sampling activities will, except as otherwise provided in this section, be available for disclosure to the public in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).
43. In the event that any person in submitting information in any form, as required by this By-law, where such information is confidential or proprietary or otherwise, believes he is exempt from disclosure under MFIPPA, the person submitting the information shall so identify that information upon its submission providing sufficient details as to the reason for its purported exemption from disclosure

**PART XIII - INTERPRETATION**

44. Nothing in this By-law shall be interpreted so as to permit the discharge of anything which by provisions of any applicable Act or Regulation is prohibited.
45. Headings are for reference purposes and shall not affect in any way the meaning or interpretation of the provisions of this By-law.
46. In this By-law, unless the context otherwise requires words imparting in the singular number shall include the plural, and words imparting the masculine gender shall include the feminine, and *vice versa*.
47. In the event that any provision is found to be invalid or unenforceable for any reason whatsoever, then that provision shall be deemed to be severed from the remainder of this By-law and all other provisions shall remain in force.
48. This By-law does not apply to the discharge of any matter or sewage, in an emergency as determined by the Medical Officer of Health.

**PART XIV - REPEAL**

49. By-law 414-89, as amended, is hereby repealed.

**PART XV - SHORT TITLE**

50. This By-law shall be known and may be cited as the "Storm Sewer Use By-law".

ENACTED AND PASSED this 6th day of July, 2005.

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Signed by: Hazel McCallion, Mayor and Crystal Greer, City Clerk

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**SCHEDULE “A”**

**Pollution Prevention Plan**

Every Pollution Prevention Plan submitted pursuant to this By-law shall, unless otherwise specified include:

1. The corporate or business name of the business submitting it, its industry type (including North American Industrial Classification system), mailing address, telephone and fax number.
2. The name, position, telephone number, fax number, e-mail and mailing address of the person responsible for administering pollution prevention measures.
3. Identification of all industrial or business processes and practices, both on a map and in writing, which may result in materials set out in Part IV being brought on site or generated on site.
4. Identification of all materials set out in Part IV which may be present on site.
5. Identification of all catchbasins, manholes, manhole catchbasins, sewer pipes, ditches, ditch inlets, oil/grit separators, ponds, or tanks on the property, which are connected and allow drainage to enter into the municipal storm sewer system.
6. Identification of pathways:
  - (1) Map of the sewer system, including all of the features mentioned above.
  - (2) Results of dye-testing and/or television inspection to ensure that complete system is operable and in good condition.
7. Identification of pollution prevention opportunities. Describe current at source reduction, recycling, efficiencies, materials substitution, product design changes, equipment modifications changes, and best management practices. Outline prevention options for specific contaminants.
8. Evaluation of pollution prevention options to ensure that contaminants are reduced or eliminated, and that there is no cross media transfer or new environmental impact arising from implemented pollution prevention options.
9. Identification of pollution remediation actions for those contaminants which cannot be avoided by pollution prevention techniques.
10. A timeline for contaminant reduction, indicating a distinct timeline for each pollution prevention measure.

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11. Prior to acceptance, the Pollution Prevention Plan must be signed and dated by an owner of the business or an officer of the corporation with signing authority.
12. The Commissioner may, at any time, request that a business or corporation who had previously submitted a pollution prevention plan but who had completed his prevention program, re-submit a pollution prevention plan.
13. A copy of the pollution prevention plan shall be kept at all times in the premises in respect to which it was prepared, and shall be available for inspection at any time.