

**The Corporation of the City of Mississauga
Storm Sewer Use By-law**

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THE CORPORATION OF THE CITY OF MISSISSAUGA

Storm Sewer Use
By-law 0046-2022

WHEREAS sections 8 and 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (“*Municipal Act, 2001*”) authorize the City of Mississauga (“City”) to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6, 7 and 8 of subsection 11(2) authorize by-laws respecting: the economic, social and environmental well-being of the City, including respecting climate change; the health, safety and well-being of persons; services and things that the municipality is authorized to provide under subsection 11(1); the protection of persons and property;

AND WHEREAS it is desirable to regulate the discharge of all matter into the City storm sewer system;

AND WHEREAS subsections 425(1) and 429(1) of the *Municipal Act, 2001* authorizes the City to pass by-laws providing that a person who contravenes a by-law of the City passed under that Act is guilty of an offence and to establish a system of fines for offences under a by-law;

AND WHEREAS section 87 of the *Municipal Act, 2001* authorizes the City to enter on land, at reasonable times, to inspect the discharge of any matter into the City's storm sewer system the contents of which ultimately empty into the City's sewage system and authorizes the City to conduct tests and take samples for this purpose;

AND WHEREAS subsection 436(1) of the *Municipal Act, 2001* provides that the City has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a by-law passed under the *Municipal Act, 2001* is being complied with;

AND WHEREAS sections 444 and 445 of the *Municipal Act, 2001* authorize the City to make an order requiring a person who has contravened a by-law, caused or permitted the contravention, or the owner or occupier of land on which a contravention has occurred to discontinue the contravening activity or to do work to correct the contravention;

AND WHEREAS the *Municipal Act, 2001* further authorizes the City, amongst other things, to delegate its authority, to impose fees or charges, to provide for inspections, and to make orders to discontinue activity or to do work;

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

PART 1 – DEFINITIONS

1.1 For the purposes of this By-law:

- (a) “**Accredited Laboratory**” means any laboratory accredited by an authorized accreditation body in accordance with a standard based on “*CAN-P-1585: requirements for the Accreditation of Environmental Testing Laboratories*” established by the Standards Council of Canada, as amended, or “*ISO/IEC/EN 17025: General Requirements for Competence of Calibration and Testing Laboratories*” established by the International Organization for Standardization, as amended;

- (b) **“algaecides”** means a chemical substance or agent for killing, preventing the growth of, or to stop reproduction of algae;
- (c) **“biochemical oxygen demand” (BOD)** 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);
- (d) **“blowdown water”** 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.
- (e) **“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 or a municipal storm sewer;
- (f) **“business day”** means 8:30 a.m. to 4:30 p.m. on any day on which the City’s administrative offices are open for business;
- (g) **“City”** means the municipality of The Corporation of the City of Mississauga or the geographic area of the City of Mississauga as the context requires;
- (h) **“City land”** means land owned by, leased, licensed to or under the management of the City, and includes an easement in favour of the City;
- (i) **“Commissioner”** means the Commissioner of the Transportation and Works Department of the City or their designate;
- (j) **“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;
- (k) **“composite sample”** means a portion of stormwater composed of a series of grab samples taken at intervals during the sampling period and combined;
- (l) **“connection”** means a pipe, drain, channel or ditch, including any part or combination thereof;
- (m) **“dewatering activities”** means the process of the removal of any water that accumulates in earthwork excavations or below ground structures, as a result of intersecting aquifers, seepage of soil water/groundwater, or storm events or rainfall (including surface water runoff);
- (n) **“discharge”** means the release or deposit of any matter;
- (o) **“emergency”** means a situation or an impending situation that constitutes a danger that could result in serious harm to a person or substantial damage to property, including the loss of an essential service or damage to infrastructure or equipment;
- (p) **“environmental compliance approval”** includes an environmental compliance approval, certificate of approval or provisional certificate of approval issued under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, or an equivalent approval granted under s. 53 of the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40;
- (q) **“flammable liquid”** means any liquid having a flashpoint at or below 93 degrees Celsius;
- (r) **“floating debris”** means remains of something broken down or destroyed that is buoyed on or in a fluid;
- (s) **“fuels”** means alcohol, gasoline, naphtha, diesel fuel, fuel oil or any other liquid intended for use as a combustible source of energy;
- (t) **“Government body”** includes: (i) any Ontario municipality together with its agencies, boards and commissions; (ii) a public utility or public transportation system owned or operated by the City or the Region or by their boards; (iii) the Governments of Canada and Ontario together with their ministries and agencies;

- (iv) a board as defined in the *Education Act*, R.S.O. 1990, c. E.2 and any school operated by a board and located within the boundaries of the City of Mississauga; an Ontario university, college of applied arts and technology or other post-secondary institution; (v) an institution approved as a public hospital under the *Public Hospitals Act*, R.S.O. 1990, c. P.40; (vi) a conservation authority established under the *Conservation Authorities Act*, R.S.O. 1990, c. C.27;
- (u) “**grab sample**” means a portion of stormwater taken at one particular time and place;
- (v) “**hauled sewage**” means hauled sewage as defined in R.R.O. 1990, Reg. 347 (General – Waste Management);
- (w) “**hazardous waste**” means any substance or mixture of substances, other than a pesticide, that exhibits characteristics of flammability, corrosivity, reactivity or toxicity and any substance defined as subject waste in R.R.O. 1990, Reg. 347 (General – Waste Management);
- (x) “**industrial**” means of or pertaining to business, industry, manufacturing, commerce, trade, , or institutions as distinguished from domestic or residential;
- (y) “**matter**” includes any solid, liquid or gas or any combination thereof;
- (z) “**municipal storm sewer**” means a storm sewer or any part of a storm sewer owned or controlled by the City and located on City land;
- (aa) “**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;
- (bb) “**occupier**” includes:
- i. any person who is in physical possession of a premises, or
 - ii. any person who has responsibility for and control over the condition of a premises or the activities carried thereon, or control over persons allowed to enter the premises;
- (cc) “**Officer**” means a provincial offences officer of the City, or person appointed under the authority of a municipal by-law, including this By-law, or by Council to enforce City by-laws, and includes a police officer employed by the Peel Regional Police, the Ontario Provincial Police or the Royal Canadian Mounted Police;
- (dd) “**oil and grease**” means any substance which is:
- i. solvent extractable matter of animal or vegetable origin as determined by 503 B to 503 C in Standard Methods; or
 - ii. solvent extractable matter of mineral or synthetic origin as determined by Method 503 E in Standard Methods;
- (ee) “**oil and grease / sediment separator**” means a receptacle that is designed and installed to prevent oil, grease, sand or other materials from passing into a drainage system;
- (ff) “**owner**” means the registered owner of a premises, and includes the owner’s representative or the authorized representative or agent of the owner;
- (gg) “**PCB**” means any monochlorinated or polychlorinated biphenyl or any mixture of them or mixture that contains one or more of them;
- (hh) “**peak flow rate**” means the rate at which stormwater is discharged to a municipal storm sewer during the single highest five-minute discharge period as reported in Litres per second;
- (ii) “**Permit**” includes any one or more of the following:
- i. an approval or permit to discharge into a municipal storm sewer issued pursuant to this By-law;
 - ii. an approval or permit to access or connect to a municipal storm sewer issued pursuant to this By-law;

- (jj) “**person**” includes any individual, firm, partnership, corporation, trustee, manager or other person, either individually or jointly with others, and shall also include any agent, workman, servant, employee, or authorized representative of such individual, firm, partnership, company or corporation;
- (kk) “**pesticide**” means a pesticide regulated under the *Pesticides Act*, R.S.O. 1990, c. P. 11;
- (ll) “**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;
- (mm) “**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;
- (nn) “**Pollution Prevention Plan**” or “**Plan**” means a detailed plan that identifies pollution sources, specific methods of pollution prevention and a schedule of implementation, as described in Schedule B of this By-law;
- (oo) “**premises**” means land, a building, structure or a combination of any of them, including but not limited to:
 - i. ships and vessels;
 - ii. trailers and portable structures;
 - iii. trains, railway cars, vehicles and aircraft;
- (pp) “**private storm sewer**” means a storm sewer located on private property but does not include plumbing and other installations to which the *Building Code Act, 1992* and the Ontario Building Code (O. Reg. 245/04) applies;
- (qq) “**Region**” means the Regional Municipality of Peel;
- (rr) “**Regional sewer**” means any storm or sanitary sewer owned or controlled by the Region;
- (ss) “**residential pool water**” means chemically treated pool water from private or residential swimming pools, hot tubs, spas and similar structures;
- (tt) “**sanitary sewer**” means a sewer for the collection and transmission of domestic or industrial sewage or any combination thereof;
- (uu) “**sewage**” means any liquid or mixture containing domestic or industrial waste, or waste containing animal, vegetable, mineral or chemical matter in solution or in suspension but does not include stormwater or uncontaminated water;
- (vv) “**sewer plug**” means a device designed to completely block flow within storm sewer pipe infrastructure;
- (ww) “**spill**” means a direct or indirect discharge into a private storm sewer, municipal storm sewer, or the natural environment, which is abnormal in quality or quantity in light of all circumstances of the discharge;
- (xx) “**Spills Action Centre**” means the 24-hour Spills Action Centre of the Ontario Ministry of the Environment, Conservation and Parks;
- (yy) “**Standard Methods**” means a procedure set out in *Standard Methods for the Examination of Water and Wastewater* published jointly by the American Public Health Association, American Water Works Association and Water Environment Federation, current at the date of testing, or a procedure published by the Ontario Ministry of the Environment, Conservation and Parks as a standard method or equivalent of a standard method;
- (zz) “**storm sewer**” means an inlet, catchbasin, catchbasin maintenance hole, maintenance access hole, drain, pipe, conduit, open channel, ditch, culvert, tank, outlet, pond or depression created or used to divert, collect, transmit or manage stormwater, or any combination thereof;

- (aaa) **“stormwater”** means water from rainfall, other natural precipitation, the melting of snow or ice, surface drainage from land or a watercourse or any combination thereof;
- (bbb) **“stormwater control device”** means a device or piece equipment installed in a storm sewer that treats or controls stormwater quality and/or quantity and includes but is not limited to a manufactured treatment device (MTD);
- (ccc) **“Total Suspended Solids”** (TSS) means solid matter in or on a liquid, which matter is removable by filtering and drying at 103-105 degrees Celsius as determined by Method 209 C in Standard Methods;
- (ddd) **“Total PAHs”** means the total of all of the following polycyclic aromatic hydrocarbons: acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, benzo(k)fluoranthene, chrysenes, dibenzo(a,h)anthracene, fluoranthene, fluorene, indeno (1,2,3-cd)pyrene, methylnaphthalene, naphthalene, phenanthrene and pyrene;
- (eee) **“uncontaminated water”** means water to which no matter has been added to modify its use or as a consequence of its use;
- (fff) **“waste disposal site leachate”** means the liquid containing dissolved or suspended contaminants which emanates from waste and is produced by water percolating through waste or by liquid in waste; and
- (ggg) **“waste radioactive substances”** means uranium, thorium, plutonium, neptunium, deuterium, their respective derivatives and compounds and such other substances as the Canadian Nuclear Safety Commission may designate as being capable of releasing atomic energy or as being requisite for the production, use or application of atomic energy.

PART 2 – STORM SEWER CONNECTIONS AND GENERAL PROHIBITIONS

Storm Sewer Connection and Maintenance Requirements

- 2.1 No person shall construct or install, or cause or permit to be constructed or installed a connection to a municipal storm sewer except where:
 - (a) a valid Permit has been obtained from the City; and
 - (b) all fees and charges applicable to the Permit and connection have been paid.
- 2.2 A direct or indirect interconnection of a sanitary sewer to a private storm sewer or a municipal storm sewer is prohibited.
- 2.3 Every person who constructs or installs a connection to a municipal storm sewer or causes or permits the construction or installation of a connection from a private storm sewer to a municipal storm sewer shall do so in compliance with all applicable laws, City standards and guidelines.
- 2.4 The City may sample or require an owner or occupier of a premises to submit to the City a sample from any connection to a municipal storm sewer.
- 2.5 All applications for a connection to a Regional sewer shall be directed to the Region.

Disconnection of Sewers

- 2.6 Every person, where buildings or structures are to be removed or demolished at a premises, shall sever or cap all connections to a municipal storm sewer at the property line before the premises is cleared of buildings or structures, unless the connection will be re-used and prior approval for its re-use has been obtained from the City.
- 2.7 No person shall re-use a connection under section 2.6 without first applying for and receiving a Permit from the City.

- 2.8 If the Commissioner determines it is necessary to protect a municipal storm sewer, the owner or occupier of a premises with an erroneous connection or interconnection to a sanitary sewer shall sever or cap the connection at the property line to the satisfaction of the Commissioner.
- 2.9 The City will not be held liable for any damages caused by the severing of a connection as provided for in this By-law.

Municipal Storm Sewer – General Prohibitions

- 2.10 No person shall enter a municipal storm sewer, except with prior authorization of the Commissioner.
- 2.11 No person shall break, damage, destroy, deface, alter or tamper with any part of a municipal storm sewer, any connection to a municipal storm sewer, or any device whether permanently or temporarily installed in a municipal storm sewer for the purpose of measuring, sampling and testing any matter.

PART 3 – DISCHARGE REQUIREMENTS

- 3.1 No person shall, directly or indirectly, discharge or deposit or permit the discharge or deposit of matter of any type or quantity into a municipal storm sewer, private storm sewer or a connection to a municipal storm sewer or private storm sewer which may result in:
- (a) interference with the proper operation of any part of a municipal storm sewer;
 - (b) obstruction of any part of a municipal storm sewer or the flow therein;
 - (c) damage to any part of a municipal storm sewer or private storm sewer;
 - (d) a hazard to persons, animals, property or vegetation;
 - (e) impairment of the quality of water in any body of water;
 - (f) the contravention of an approval, requirement, direction, environmental compliance approval or other order under the *Ontario Water Resources Act* or the *Environmental Protection Act* with respect to the storm sewer or its discharge;
 - (g) erosion that negatively impacts any part of a municipal storm sewer or private storm sewer;
 - (h) solid or viscous substances in quantities or of such size to be capable of causing obstruction to the flow in any part of a municipal storm sewer, including but not limited to ashes, bones, cinders, sand, mud, soil, straw, shaving, metal, glass, rags, feathers, tar plastics, wood, unground garbage, animal parts or tissues and paunch manure; or
 - (i) an offensive or nuisance odour to emanate from any part of a municipal storm sewer.
- 3.2 No person shall, directly or indirectly, discharge or deposit or permit the discharge or deposit of matter into a municipal storm sewer, private storm sewer or a connection to a municipal storm sewer or private storm sewer which has one or more of the following characteristics:
- (a) a temperature greater 40 degrees Celsius;
 - (b) a pH less than 6 or greater than 9;
 - (c) a visible film, sheen or discolouration on the water surface;
 - (d) two or more separate liquid layers.
- 3.3 No person shall, directly or indirectly, discharge or deposit or permit the discharge or deposit of matter into a municipal storm sewer, private storm sewer or a connection to a municipal storm sewer or private storm sewer:
- (a) where the discharge contains any one or more of the following:
 - i. algaecides;
 - ii. combustible liquid;
 - iii. e.coli colonies in excess of 200 per 100 ml;
 - iv. flammable liquid;
 - v. floating debris;
 - vi. fuels;
 - vii. hauled sewage;
 - viii. hazardous waste;
 - ix. herbicides;

- x. oil and grease;
- xi. paints and organic solvents;
- xii. PCBs;
- xiii. PCB wastes;
- xiv. pesticides;
- xv. sewage;
- xvi. substance from a raw material, intermediate or final product, used or produced in, through or from an industrial process;
- xvii. waste disposal site leachate;
- xviii. waste radioactive substances; or

(b) where the discharge contains any one or more of the following, except as permitted pursuant to section 4.3, 4.5 or section 4.6:

- i. blowdown water;
- ii. groundwater drainage;
- iii. non-contact cooling water;
- iv. residential pool water;
- v. water from dewatering activities.

- 3.4 No person shall, directly or indirectly, discharge or deposit or permit the discharge or deposit of matter into a municipal storm sewer, private storm sewer or a connection to a municipal storm sewer or private storm sewer where the discharge contains a concentration, expressed in milligrams per litre (mg/L), in excess of any one or more of the limits for the parameters in Schedule A of this By-law.
- 3.5 No person shall discharge groundwater to a municipal storm sewer on a permanent basis, except where a Permit has been issued or prior written approval has been obtained from the Commissioner.
- 3.6 Any person discharging groundwater to a municipal storm sewer on a permanent basis pursuant to an approval or Permit under section 3.5 shall:
- (a) comply with conditions applicable to the discharge;
 - (b) obtain and comply with any applicable permit or approval required by Ontario Ministry of the Environment, Conservation and Parks;
 - (c) carry out, manage and control the discharge to the satisfaction of the Commissioner; and
 - (d) not exceed the limits for any of the parameters in Schedule A.

Prohibition on Dilution

- 3.7 No person shall, directly or indirectly, discharge or permit the discharge or deposit of any matter into a municipal storm sewer or private storm sewer where water has been added to the discharge for the purposes of dilution to achieve compliance with Part 3 of this By-law.

Stormwater Drainage

- 3.8 No person shall construct, permit or maintain a direct or indirect connection of any downspout or rainwater leader into a municipal storm sewer except with the prior written consent of the Commissioner.
- 3.9 No owner or occupier of industrial, commercial, or institutional premises shall alter any stormwater control device installed on the premises which may increase the design peak flow rates of stormwater or impair the quality of stormwater discharged to a private storm sewer or a municipal storm sewer.

Oil, Grease and Sediment

- 3.10 Every owner or occupier of a premises from which oil, grease, or sediment may directly or indirectly enter a private storm sewer or municipal storm sewer shall take all necessary measures to ensure that such matter is prevented from entering a storm sewer or a connection to a storm sewer.
- 3.11 Every owner or occupier of a premises where an oil and grease / sediment separator is installed, or where any other type of stormwater quality control device intended to protect water quality by filtering or removing common contaminants is installed, shall maintain the

oil and grease / sediment separator or stormwater quality control device at their cost to ensure its proper operation.

PART 4 – EXCEPTIONS – AUTHORIZED DISCHARGES TO STORM SEWERS

Request and Approval of Permitted Discharge into Storm Sewers

- 4.1 The Commissioner may issue a Permit to the owner or occupier of a premises or jointly to the owner and occupier of a premises to discharge into a municipal storm sewer.
- 4.2 If, in the opinion of the Commissioner, the proposed discharge referred to in an application for a Permit for discharge into a municipal storm sewer will harm any person, animal, property, sewer works, watercourse or vegetation, the Commissioner may refuse to issue such Permit.
- 4.3 Where the Commissioner has issued a Permit or given prior written approval for the discharge of stormwater, water from construction dewatering activities, or temporary groundwater drainage into a municipal storm sewer, a person shall carry out such discharge to the municipal storm sewer only to the extent permitted by and where the person is complying with all terms and conditions of the Permit or prior written approval.
- 4.4 Despite sections 3.1, 3.2, 3.3 and 3.4, the City or a Government body may discharge into a municipal storm sewer without first obtaining a Permit if the discharge is necessary to deal with an emergency but only where the City is notified within 24 hours of the emergency discharge being commenced, and with all required Permits being applied for.
- 4.5 Despite subsection 3.3(b), a person may discharge or permit the discharge of matter into a municipal storm sewer, private storm sewer or a connection to a municipal storm sewer or private storm sewer where the discharge contains any of the following only in accordance with the conditions set out below:
 - (a) blowdown water;
 - (b) non-contact cooling water;
 - (c) permanent groundwater drainage; or
 - (d) water from construction dewatering activities;

Where the discharge complies with a valid Permit and all fees required in relation to the discharge and Permit are paid.

- 4.6 Despite subparagraph 3.3(b)(iv), a person may discharge or permit the discharge of residential pool water into a municipal storm sewer only in accordance with the conditions set out below:
 - (a) the residential pool water is held in the pool/spa/hot tub for at least 7 days after the last dosage of chlorine or other chemical treatment;
 - (b) the copper and chlorine concentrations of the residential pool water are at or below the limits for the parameters in Schedule A;
 - (c) the person discharging the residential pool water complies with all applicable City or other regulatory guidelines and requirements for the disposal of residential pool water;
 - (d) the residential pool water is discharged by way of slow, controlled discharge to the curb in front of the owner's premises such that the discharge is at all times safely entering a storm sewer; and
 - (e) the discharge does not occur within 24 hours of a storm event.

Permits and Approvals

- 4.7 A person applying for a Permit to temporarily discharge into a municipal storm sewer shall:
 - (a) submit a written request to the City for the proposed discharge which includes:
 - i. the reason for discharge;
 - ii. the proposed flow rate in litres per second;
 - iii. the location of the water source or source of discharge;
 - iv. the discharge location;
 - v. the details of the proposed discharge plan, including dates and timeframes;

- vi. a copy of recent certified laboratory results representative of the matter to be discharged;
 - vii. confirmation that the proposed discharge complies at all times with Part 3 of this By-law; and
 - viii. such other information that the City may require to determine if the Permit should be issued;
 - (b) where applicable, provide to the City:
 - i. a copy of a valid permit to take water issued by the Ministry of the Environment, Conservation and Parks;
 - ii. a copy of a valid environmental compliance approval;
 - (c) upon request by the City,
 - i. complete and submit the results of sampling of the discharge at a frequency satisfactory to the City;
 - ii. complete and provide a Pollution Prevention Plan, reports, data, studies, results, documentation, or other information to the satisfaction of the City that would enable the City to assess whether or not the actual or potential discharge may or could interfere with a municipal storm sewer or fail to comply Part 3 of this By-law; and
 - (d) submit payment of any applicable fees and charges that may be imposed by the City.
- 4.8 A Permit authorizing a temporary discharge into a municipal storm sewer:
- (a) permits a maximum discharge rate which shall be no greater than the amount authorized by the City;
 - (b) will not be issued within 24 hours of a storm event; and
 - (c) is the property of the City and is not transferrable.
- 4.9 A Permit holder shall immediately inform the City of any change to:
- (a) the information contained in an application for a Permit;
 - (b) the information contained in a Permit that has been issued; or
 - (c) the characteristics of the discharge for which the Permit has been issued.
- 4.10 The Commissioner may impose conditions on a Permit that they consider necessary for the protection of a municipal storm sewer, private storm sewer or connection to either, any property abutting a storm sewer or of any person.
- 4.11 In the event of a spill or non-compliance with any of the requirements of a Permit to discharge to a municipal storm sewer issued pursuant to this By-law, the person shall immediately stop the discharge and follow the notification procedure specified in Part 6 – Spills of this By-law.
- 4.12 The Commissioner may, on their own initiative, amend a Permit to impose, vary or remove conditions of the Permit at any time after it has been issued, if the Commissioner considers it necessary for the purposes of this By-law.
- 4.13 The Commissioner may immediately suspend or revoke a Permit issued under this By-law, in writing, where the Commissioner is satisfied that a suspension or revocation is necessary in an emergency situation of immediate threat or danger to a municipal storm sewer, any property abutting a municipal storm sewer or to any person.
- 4.14 The Commissioner may suspend a Permit for up to 30 days, or revoke a Permit, if in their opinion, the person discharging under the Permit:
- (a) fails to comply with any term or condition of a Permit or this By-law;
 - (b) fails to notify the City immediately of any changes referred to in section 4.9;
 - (c) fails to apply immediately for an amendment to a Permit where the characteristics of the discharge for which the Permit has been issued have changed;
 - (d) provides false or inaccurate information in the application for a Permit under this By-law; or
 - (e) fails to comply with any applicable statutes, regulations, standards, codes, by-laws, rules or similar requirements.

- 4.15 The Commissioner may give notice of the suspension or revocation of a Permit by contacting a Permit holder in writing, by telephone or by email in accordance with the contact information provided on the Permit application.
- 4.16 The Commissioner may reinstate a suspended or revoked Permit, subject to any terms or conditions, where the Commissioner is satisfied that the discharge no longer poses a threat or danger to a municipal storm sewer, any property abutting a municipal storm sewer or to any person, and that the Permit holder is no longer in violation of any of the provisions of section 4.14.
- 4.17 Where a person has a valid environmental compliance approval or an approval from the Region a person is still subject to section 4.7 of this By-law.
- 4.18 Street cleaning, hydrant flushing, Regional sewer overflows, dye testing and pond maintenance dewatering which have been authorized by the City shall be deemed not to constitute a contravention of Part 3 of this By-law.

PART 5 – MONITORING AND ANALYZING DISCHARGES

- 5.1 Where a sample is required for the purpose of determining the characteristics or contents of a discharge, a single sample shall be deemed sufficient. The sample may be a grab sample or a composite sample that may contain additives for its preservation and may be collected manually or by using an automatic sampling device.
- 5.2 All tests, measurements, analyses and examinations of discharge, its characteristics or contents, that are required pursuant to this Part 5 or otherwise under this By-law shall be carried out in accordance with Standard Methods at an Accredited Laboratory.
- 5.3 For each one of the metals, concentrations of which are limited pursuant to Schedule A of this By-law, the analysis shall be for the quantity of total metal, which includes all metal both dissolved and particulate.
- 5.4 Upon written notice from an Officer, any person discharging to a municipal storm sewer or a connection to a municipal storm sewer shall, at their expense:
- (a) carry out all monitoring and/or sampling and analysis of the discharge as required by the Officer; and
 - (b) submit the results of such monitoring and/or sampling and analysis to the Officer in accordance with the notification from the Officer.
- 5.5 Upon written notice from an Officer, the owner or occupier of a premises shall, at their expense:
- (a) install a device to monitor the quality or quantity, or both, of stormwater discharges; and
 - (b) submit to the Officer records of calibration and maintenance of a device installed under subsection 5.5(a).

PART 6 – SPILLS

- 6.1 In the event of a spill to either a private or municipal storm sewer, the person responsible or the person having the charge, management and control of the spill shall:
- (a) if there is any threat or danger to human health and/or safety, call 9-1-1 emergency; and
 - (b) in all cases, immediately notify:
 - i. the Spills Action Centre by contacting 1-800-268-6060;
 - ii. the Region by contacting 905-791-7800;
 - iii. the City of Mississauga by contacting 311 or 905-615-4311; and
 - iv. the owner or occupier of the premises where the spill occurred.
- 6.2 Every person who causes or permits a spill shall submit the following information to all of the entities described in subsection 6.1(b):

- (a) name of the company and the address and location of spill;
 - (b) date, time, and duration of the spill event;
 - (c) complete description of the spill, including type and volume of material discharged and any associated hazards;
 - (d) a material safety data sheet (MSDS) if available;
 - (e) 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 premises;
 - (f) the name(s) of any contractors that may be on site to assist with the clean up;
 - (g) if spilled material is being vacuumed or captured by another method, the destination of the captured material;
 - (h) confirmation that all entities in section 6.1 have been notified of the spill and corresponding notification times;
 - (i) name of person reporting the spill, and the telephone number and location where that person can be reached; and
 - (j) name of the person(s) in charge of cleaning up the spill and the telephone number and location where that person can be reached.
- 6.3 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.
- 6.4 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.
- 6.5 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 a municipal storm sewer as a result of a discharge or a spill.
- 6.6 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 and/or the person responsible for the spill as taxes.
- 6.7 Upon a request by the City, to address future risk of incidents, person(s) responsible for the spill shall complete and submit:
- (a) a Pollution Prevention Plan; and
 - (b) a spill response plan in a form satisfactory to the City which addresses response to a spill.
- 6.8 The person responsible for an industrial premises where a spill has occurred that is required to have a Pollution Prevention Plan shall prepare an updated plan and submit the updated Plan to the City within a period as determined by the City.

PART 7 – POLLUTION PREVENTION PLANNING

- 7.1 Upon written notice from an Officer, an owner or occupier of an industrial premises shall submit a Pollution Prevention Plan in accordance with this Part 7 for approval by the City and follow the approved Plan.
- 7.2 A Pollution Prevention Plan required under section 7.1 shall:
- (a) be submitted to the City within 90 days of being notified by an Officer that a Plan is required; and
 - (b) include all of the content outlined in Schedule B of this By-law.
- 7.3 Upon submission of a Plan to the City, if the Officer reviewing the Plan determines that the submitted Plan will not control or reduce the discharge of pollutants in a manner that will bring the premises into compliance with the provisions of this By-law within a reasonable period of time, or fails to contain enough information to determine if it will control or reduce the discharge of pollutants, the Plan may be rejected.

- 7.4 A person who is required to submit a Pollution Prevention Plan shall:
- (a) where the Plan is rejected, submit an amended Plan within 90 days of being notified that the Plan has not been approved;
 - (b) where the Plan is approved, implement the Plan within 60 days of approval;
 - (c) notify the City of any change to any information referred to in Schedule B within 30 days of the change, including any change in ownership of the premises to which a Plan applies;
 - (d) submit annual progress updates on the Plan to the City, with sufficient information to evaluate progress made on the Plan and the ability to carry out and complete the Plan; and
 - (e) at least once every three years, renew the Plan by submitting a new or revised Plan or confirming the commitment to the existing Plan, within 90 days of being notified by an Officer.
- 7.5 If a submitted progress update, renewal or revision of a Plan does not contain adequate information, an Officer may refuse to accept the progress update, renewal or revision of the Plan and the owner or occupier of the premises shall amend and re-submit the progress update, renewal or revision of the Plan within 90 days of being notified of such a requirement.
- 7.6 An Officer may extend or reduce the time frames for submitting and implementing a Plan, or any related update, renewal, revision or document required under sections 7.2, 7.4 or 7.5, or vary the requirement to include all of the content outlined in Schedule B of this By-law as part of a Plan where the Officer is satisfied that such an exception is required and does not create a risk of harm to a municipal storm sewer.

PART 8 – ADMINISTRATION AND ENFORCEMENT

General

- 8.1 The Commissioner is authorized to administer and enforce this By-law, including but not limited to:
- (a) arranging for:
 - i. the assistance or work of City staff, City agents, Region staff or the assistance of police officers;
 - ii. the making of notices, orders or other requirements and the imposition of conditions as authorized under this By-law;
 - iii. the obtaining of court orders or warrants as may be required;
 - iv. the commencement of such actions on behalf of the City to recover the costs or restrain contravention of this By-law as deemed necessary; and
 - (b) prescribing the format and content of any forms or other documents required under this By-law.
- 8.2 The Commissioner may assign Officers to enforce this By-law and Officers so assigned or appointed by Council to enforce this By-law shall have the authority to:
- (a) carry out inspections;
 - (b) make notices, orders or other requirements as authorized under this By-law; and
 - (c) give immediate effect to any orders or other requirements made under this By-law.
- 8.3 The Commissioner, the City's Director of Infrastructure Planning & Engineering, the City's Director of Works Operations and Maintenance and all City employees in the Environmental Services Section of the Infrastructure Planning & Engineering Division and the Works Operations and Maintenance Division of the Transportation and Works Department of the City are appointed as Officers for the purposes of the administration and enforcement of this By-law and the applicable sections of the *Municipal Act, 2001*.
- 8.4 The Commissioner may assign duties or delegate tasks under this By-law to be carried out in the Commissioner's absence or otherwise and without limiting the Commissioner's authority to assign such duties or delegate tasks, the Director is authorized to issue, suspend or revoke any Permit under this By-law.

- 8.5 All information submitted under this By-law, including all information submitted for any approval or Permit issued under this By-law, plan summaries, reports, surveys, monitoring and inspection and sampling activities may be made available for disclosure to the public in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*.

Fees

- 8.6 All fees and charges referred to in this By-law, including any fees for services provided, shall be as set out in the City's User Fees and Charges By-law 0247-2021, or as otherwise set and approved by Council from time to time.

Entry and Inspections

- 8.7 An Officer may enter on land at any reasonable time and in accordance with the conditions set out in sections 435 and 437 of the *Municipal Act, 2001* for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- (a) any requirement of this By-law;
 - (b) an order or other requirement made under this By-law;
 - (c) a Permit issued under this By-law;
 - (d) a term or condition of a Permit issued under this By-law; or
 - (e) an order made under section 431 of the *Municipal Act, 2001*.
- 8.8 An Officer, for the purposes of the inspection under section 8.7 and in accordance with the conditions set out in section 436 of the *Municipal Act, 2001*, may:
- (a) require, for inspection, the production of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information in writing or otherwise from any person concerning a matter related to the inspection;
 - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 8.9 An Officer may undertake an inspection pursuant to an order issued by a provincial judge or justice of the peace under section 438 of the *Municipal Act, 2001*, in accordance with the conditions set out in that section, where they have been prevented or are likely to be prevented from carrying out an inspection under section 8.7.

Orders

- 8.10 In accordance with section 444 and 445 of the *Municipal Act, 2001*, an Officer who finds a contravention of this By-law may make one or more orders requiring that the contravening activity be discontinued or that work be done to correct the contravention.
- 8.11 An order to discontinue a contravening activity under section 8.10 shall set out:
- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the premises on which the contravention occurred; and
 - (b) the date or dates by which there must be compliance with the order, which may be of immediate effect should the Officer determine that the circumstances warrant.
- 8.12 An order to do work to correct a contravention under section 8.10 shall set out:
- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the premises on which the contravention occurred;
 - (b) the work to be completed which may include but is not limited to requiring that prior to performing any work, all necessary permits or other approvals be applied for and obtained;
 - (c) the date or dates by which the work must be completed; and
 - (d) notice that if the order is not complied with, then the work may be done at the expense of the person ordered to do the work.
- 8.13 An order under section 8.10 may be given verbally and shall be confirmed in writing within two business days and served in accordance with section 8.14.

- 8.14 An order under section 8.10 may be served:
- (a) personally on the person to whom it is directed;
 - (b) to an email address provided on a Permit application form;
 - (c) by registered mail to the last known address of a person who committed a contravention, and in the case of Permit holder, the address of the Permit holder on the Permit application form;
 - (d) in a conspicuous place on the premises where the contravention occurred; or
 - (e) in a conspicuous place on or near the premises affected by the work where the contravention occurred.
- 8.15 Where an order under this By-law is served personally or by email by the City, it shall be deemed to have been served on the date of delivery to the person or persons named.
- 8.16 Where an order issued under this By-law is sent by registered mail, it shall be sent to the address of the Permit holder noted on the application, or last known address of the person that committed the contravention, and shall be deemed to have been served on the next business day following the date of mailing.
- 8.17 If there is no application for an approval or Permit with respect to an order issued under this By-law, the Officer may issue the order to the person the Officer determines to be responsible for the work and the order may be served in accordance with section 8.14.
- 8.18 Where a time frame is set out in an order or other document for carrying out any action, an Officer may extend the time for compliance beyond the established time frame provided such extension is required and is acceptable to the Officer.
- 8.19 In addition to any other remedy authorized under this By-law, where there is a discharge to a municipal storm sewer in violation of this By-law, an Officer may:
- (a) order the owner or occupier of a premises, to disconnect, stop up a connection, including by use of a sewer plug, close the link to a connection, or otherwise prevent a discharge to a municipal storm sewer for the lands and premises from which the discharge is occurring, on 30 days notice; and
 - (b) refuse reconnection of the said premises to a municipal storm sewer by the owner or occupier.

City Carrying Out Work

- 8.20 Where a person does not comply with a direction or a requirement, including an order or a condition of a permit under this By-law to do a matter or thing, the Commissioner or Director, with such assistance by others as may be required, may carry out such direction, requirement or order at the person's expense.
- 8.21 The City may recover the costs of doing a matter or thing under section 8.20 by means of any one or more of:
- (a) bringing an action;
 - (b) adding the costs to the tax roll and collecting them in the same manner as property taxes and such costs shall include an annual interest rate commencing on the day the City incurs the costs and ending on the day the costs, including the interest, are paid in full;
 - (c) realizing on security provided for this purpose; or
 - (d) charging a fee as set out in the applicable City fees and charges by-law or as otherwise set and approved by Council from time to time.
- 8.22 The amount of the City's costs, including interest to the date payment is made in full, constitutes a lien upon the land, upon the registration of a notice of lien upon the land.
- 8.23 The Commissioner may permit exceptions to the provision of this By-law where the Commissioner is satisfied that such an exception does not create an unreasonable risk of harm to a municipal storm sewer or private storm sewer, or to any person, animal, property, body of water or vegetation.

Offences and Penalties

- 8.24 Every person who:

- (a) contravenes any provision of this By-law;
- (b) fails to comply with an order issued under this By-law;
- (c) fails to comply with a Permit or any condition of a Permit;
- (d) obstructs, hinders, or interferes or attempts to obstruct, hinder or interfere with any person or an Officer exercising a power or performing a duty under this By-law;
- (e) provides false information in any document, report or return required under this By-law or who wilfully withholds information required under this By-law;

is guilty of an offence.

- 8.25 Every person, other than a corporation, who is guilty of an offence under this By-law shall, upon conviction, be liable for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$10,000 for a first offence and not more than \$25,000 for a subsequent offence.
- 8.26 Every corporation who is guilty of an offence under this By-law shall, upon conviction, be liable for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$50,000 for a first offence and not more than \$100,000 for a subsequent offence.
- 8.27 Any person who contravenes this By-law, an order made under this By-law, or an officer or director of a corporation who knowingly concurs in such a contravention by the corporation, is guilty of a continuing offence and upon conviction is liable to a daily fine or penalty of a maximum of \$10,000 for each day or part of a day that the offence continues, and despite section 8.25 and section 8.26, the total of all the daily fines imposed for an offence is not limited by the fine amounts listed in those sections.
- 8.28 Every person who is convicted of an offence under this By-law may be liable, in addition to the fines established under sections 8.25, 8.26 and 8.27, to a special fine, which may exceed \$100,000, designed to eliminate or reduce any economic advantage or gain from contravening this By-law or failing to comply with an order made under this By-law.
- 8.29 Where a person has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed by this By-law, make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 8.30 Where any person contravenes any provision of this By-law, such person shall be responsible for all costs incurred by the City related to the contravention.
- 8.31 If there is a contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 8.32 If an order has been issued under this By-law and the order has not been complied with, the contravention of the order shall be deemed to be a continuing offence for each day or part of a day that the order is not complied with.

PART 9 – GENERAL PROVISIONS

Interpretation

- 9.1 The following Schedules are attached to and form part of this By-law:

Schedule A: Limits for Storm Sewer Discharge
Schedule B: Pollution Prevention Plan Content
- 9.2 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.
- 9.3 Headers are for reference purposes and shall not affect in any way the meaning or interpretation of the provisions of this By-law.
- 9.4 In this By-law, unless context otherwise requires words imparting in the singular number shall include the plural.

- 9.5 In the event that any provision of this By-law 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.

Repeal and Transition

- 9.6 City of Mississauga By-law 0259-2005, as amended, is repealed.

- 9.7 Despite the repeal of By-law 0259-2005 under section 9.6:

- (a) that by-law shall continue to apply to proceedings in respect of offences that occurred before its repeal;
- (b) all approvals or authorizations, including letters of approval or authorizations for discharge issued under that by-law that are valid and in effect at the time of the repeal shall be deemed to be approvals or Permits issued under this By-law with all necessary modifications, and all the rules, requirements and regulations of this By-law shall apply;
- (c) approvals under that by-law that are deemed to be an approval or Permit under this By-law shall continue to remain valid and in force as until expiry of the term of the original approval.

Short Title

- 9.8 This By-law shall be known and may be cited as the “Storm Sewer Use By-law.”

In Force

- 9.9 This By-law shall come into force on the day it is passed.

ENACTED and **PASSED** this 23rd day of March, 2022.

Signed by John Kovac, Acting Mayor and Diana Rusnov, City Clerk.

SCHEDULE A: LIMITS FOR STORM SEWER DISCHARGE

Type of Parameter	Parameter	Limit
Conventional	Biochemical Oxygen Demand (BOD)	15 mg/L
	Phenolic Compounds	0.008 mg/L
	Phosphorous (total)	0.4 mg/L
	Total Suspended Solids	15 mg/L
	pH	>6 to <9
	E.coli	200 per 100mL
	Temperature	<40 degrees Celsius
	Aesthetics	Sample should be devoid of debris, oil, scum and any substance which would produce an objectionable deposit, colour, odour or turbidity.
Inorganics	Aluminum	1.0 mg/L
	Arsenic	0.02 mg/L
	Cadmium	0.008 mg/L
	Chlorine	1.0 mg/L
	Chromium (total)	0.08mg/L
	Chromium (hexavalent)	0.04 mg/L
	Copper	0.04 mg/L
	Cyanide	0.02 mg/L
	Lead	0.12 mg/L
	Manganese	2.0 mg/L
	Mercury	0.0004 mg/L
	Nickel	0.08 mg/L
	Selenium	0.02 mg/L
	Silver	0.12 mg/L
	Zinc	0.2 mg/L
Organics	Benzene	0.002 mg/L
	Dichlorobenzene (1,2)	0.0056 mg/L
	Dichlorobenzene (1,4)	0.0068 mg/L
	Ethyl Benzene	0.002 mg/L
	Methylene Chloride (dichloromethane)	0.0052 mg/L
	Total PAHs (polycyclic aromatic hydrocarbons)	0.002 mg/L
	Total PCBs	0.0004 mg/L
	Tetrachloroethane	0.017 mg/L
	Tetrachloroethylene	0.0044 mg/L
	Toluene	0.002 mg/L
	Trichloroethylene	0.0076 mg/L
	Xylenes	0.0044 mg/L

SCHEDULE B: POLLUTION PREVENTION PLAN CONTENT

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, email and mailing address of the person responsible for administering pollution prevention measures.
3. Identification of industrial or business processes and practices, both on a map and in writing, which may result in materials, set out in Part III being brought on site or generated on site.
4. Identification of all materials set out in Part III 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 a municipal storm sewer.
6. Identification of pathways:
 - (a) map of the sewer system, including all of the features mentioned above; and
 - (b) 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, employee training 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 the implementation of contaminant reduction, indicating a distinct timeline for each pollution prevention measure.
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 at the premises in respect to which it was prepared and shall be available for inspection at any time.