

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2645, 2014

A bylaw to regulate the collection of sanitary effluent for the community of Gallagher Lake within Electoral Area 'C'

WHEREAS by Bylaw No. 2630, 2013 the Regional District provided for the establishment as a service of the Regional District of Okanagan-Similkameen the collection of sanitary effluent in and for the community of Gallagher Lake;

AND WHEREAS under the *Local Government Act* a Regional District may regulate in relation to a service;

NOW THEREFORE the Board of the Regional District of Okanagan-Similkameen, in open meeting assembled, enacts as follows:

1. Citation

This Bylaw may be cited as "Gallagher Lake Sanitary Sewer Collection Regulation Bylaw No. 2645, 2014".

2. Interpretation

In this Bylaw, unless the context otherwise requires:

- 2.1. "Air" means the atmosphere but, except in a sewer or as the context may otherwise require, does not include the atmosphere inside a constructed enclosure that is not open to the weather.
- 2.2. "Building or Structures" means any building or structure used wholly or in part for human habitation, or in which human beings are employed in respect of any trade, business or calling.
- 2.3. "Collector" means the Finance Manager of the Regional District or his or her designate.
- 2.4. "Condensed Water" means water which is produced through the process of condensation and includes condensate drainage from refrigeration equipment, air conditioning equipment and steam heating systems.
- 2.5. "Deputy Corporate Officer" means the Deputy Corporate Officer of the Regional District or his or her designate.

- 2.6. "Discharge" means to directly or indirectly introduce a substance by spilling, disposing of, abandoning, depositing, leaking, seeping, pouring, draining, emptying or by any other means.
- 2.7. "Enactment" means any applicable act, regulation, bylaw, order, or authorization, by a federal, provincial, regional government or their authorized representatives.
- 2.8. "High Volume Discharge" means any discharge of non-domestic waste into a sewer in excess of 10 cubic metres per day or 300 cubic metres over any consecutive 30 day period but not including water from a pool.
- 2.9. "Main sewer" means a sanitary sewer.
- 2.10. "Monitoring Point" means an access point to a sewer or a sewer lateral for the purpose of:
 - 2.10.1. measuring the rate of flow or volume of wastewater being discharged from a building or a structure; or
 - 2.10.2. collecting representative samples of wastewater being discharged from a building or a structure.
- 2.11. "Owner" means any person who is registered under the Land Title Act as the owner of land or any other person who is in lawful possession of land or who is in lawful possession or occupancy of any buildings situated on the land.
- 2.12. "Permission" means permission given by the Public Works Manager or his duly authorized representative.
- 2.13. "Plumbing System" means an assembly of pipe, fittings, fixtures, traps, pumps, valves and appurtenances that is used to convey waste water to a sanitary sewer.
- 2.14. "Pool" means any water receptacle designed for decorative purposes or used for swimming or as a bath or hot tub designed to accommodate more than one bather at a time.
- 2.15. "Premises" means any land or building, structure or all or any part thereof.
- 2.16. "Prohibited Waste" means prohibited waste as defined in Schedule 'A'.
- 2.17. "Public Property" means a highway, road, roadway, street, public sidewalk, boulevard, lane, alley or land controlled by the Regional District and includes a right of way.
- 2.18. "Public Works Manager" means the Public Works Manager of the Regional District or his or her designate.
- 2.19. "Regional District" means the Regional District of Okanagan-Similkameen.
- 2.20. "Residential Property" means a property which is used primarily for the purpose of residence by persons on a permanent, temporary or seasonal basis.
- 2.21. "Restricted Waste" means restricted waste as defined in Schedule 'B'.

- 2.22. "Right of Way" means an acquired legal right for the specific use of land owned by others.
- 2.23. "Sanitary Sewer" means all pipes, conduits, drains, and other equipment and facilities, owned or otherwise under the control or jurisdiction of the Regional District for collecting, pumping and transporting wastewater and includes all such pipes, conduits, drains and other equipment and facilities, but which does not include a sanitary sewer connection or a sanitary sewer lateral.
- 2.24. "Sanitary Sewer Connection" means the section of sewer piping on public property from the sanitary sewer to the property line which is intended to receive only sewage.
- 2.25. "Sanitary Sewer Lateral" means the section of sewer piping on private property from the property line to the building or structure it serves which is intended to receive only sewage.
- 2.26. "Sanitary Waste" means waste that contains human faeces, urine, blood or body fluids originating from sanitary conveniences or other sources.
- 2.27. "Sewage" means wastewater from buildings, structures, lands and industrial establishments, together with such storm water that is not intentionally admitted.
- 2.28. "Sewage Facility" means works owned or otherwise under the control or jurisdiction of the SUL that gathers, treats, transports, stores, utilizes or discharges waste.
- 2.29. "Sewer Main" means a sanitary sewer.
- 2.30. "Standard Methods" means the current or latest edition of Standard Methods for the Examination of Water and Wastewater jointly prepared and published from time to time by the American Public Health Association, American Water Works Association and the Water Environment Federation.
- 2.31. "Storm Drain" means all pipes, conduits, drains and other equipment and facilities owned or otherwise under the control or jurisdiction of the Ministry of Transportation and Infrastructure or the Regional District for the collection and transmission of storm water or uncontaminated water but does not include a storm drain connection or a storm drain lateral.
- 2.32. "Storm Drain Connection" means the section of storm drain piping on public property from the storm drain to the property line which is intended to receive only storm water.
- 2.33. "Storm Drain Lateral" means the section of storm drain on private property from the property line to the building or structure it serves which is intended to receive only storm water.
- 2.34. "Storm Water" means water resulting from natural precipitation from the atmosphere and which is directed into a storm drain or a watercourse.
- 2.35. "Subdivision Bylaw" means the "Subdivision Servicing Bylaw, 2000, 2002" as amended or a successor bylaw as adopted by the Regional District.

- 2.36. "SUL" means the Senkulmen Utilities Ltd. (Inc. No. BC0908175), a company duly incorporated under the laws of the Province of British Columbia that provides bulk sanitary effluent collection and treatment to the Gallagher Lake Waterworks.
- 2.37. "Uncontaminated Water" means any water excluding storm water but including cooling water, condensed water and water from waterworks or a private water supply to which no contaminant has been added as a consequence of its use or to modify its use by any person.
- 2.38. "Waste" means any substance whether gaseous, liquid or solid that is or is intended to be discharged or discarded, directly or indirectly, to a sewer or storm drain.
- 2.39. "Wastewater" means the composite of water and water-carried wastes from residential, commercial, industrial or institutional premises or any other source.
- 2.40. "Wastewater Quality Parameter" means any parameter used to describe the quality of wastewater.
- 2.41. "Water" includes surface water, ground water and ice.
- 2.42. "Water Service Connection" means a water service connection from the Water Utility to a parcel of land.
- 2.43. "Water Utility" means the water distribution system owned and operated by the Regional District to supply water.
- 2.44. "Watercourse" means:
- 2.44.1. a river, stream, creek, waterway, lagoon, lake, spring, swamp, marsh or other natural body of fresh water, or
- 2.44.2. a canal, ditch, reservoir or other manmade surface feature designed to carry or hold water or storm water, whether it contains or conveys water continuously or intermittently.
- 2.45. "Waterworks" means any works owned or otherwise under the control or jurisdiction of the Regional District that include components of the water system that are capable of or are useful for diverting, storing, measuring, conveying, conserving, retarding, confining or using water.

3. Sewer Service Area

- 3.1. All those parcels of land or portion of parcels of land located within the area shown in Bylaw No. 2630, 2013, Gallagher Lake Sewer and Water Service Establishment Bylaw shall be known as the "Sewer Service Area".
- 3.2. No Premises outside the Sewer Service Area shall be connected to a sanitary sewer.
- 3.3. An Owner may apply to the Regional District to have land included in the Sewer Service Area by submitting a petition in writing to the Deputy Corporate Officer.

4. Sewer User Charges

- 4.1. A sewer user charge is imposed against the owners of premises served by a plumbing system which is connected directly or indirectly to a sanitary sewer.
- 4.2. The sewer user charge shall be calculated in accordance with the Regional District of Okanagan-Similkameen Fees and Charges Bylaw.
- 4.3. Sewer user charges unpaid at the end of the year in which they are due shall be deemed to be taxes in arrears and shall be so entered on the tax roll by the Collector.

5. Requirements to Connect to Sanitary Sewers

- 5.1. At the time of construction of the main sewers within the Sewer Service Area, sanitary sewer connections shall be laid from the main to real property within the Sewer Service Area upon which buildings or structures are situated.
- 5.2. There is hereby imposed upon the owners of real property to which sanitary sewer connections are laid pursuant to this Bylaw, a charge for each connection to the main sewer (hereinafter referred to as "the connection charge") shall be paid.
- 5.3. The connection charge shall be specifically charged against the real property in respect of which the sewer is laid.
- 5.4. Any person being the owner of property in the Sewer Service Area upon which no building or structure is situated, may make application to the Public Works Manager for one sanitary sewer connection to be laid to the said property at the time of constructing the main sewer and upon payment in advance of the appropriate connection charge as set out in this Bylaw, shall be entitled to receive such sanitary sewer connection.

Any additional connections to be laid to the said property at the time of constructing the main sewer shall be laid upon payment of the actual estimate of cost of each additional connection.

- 5.5. Every person erecting a building or structure within the Sewer Service Area where the sanitary sewer is available for use shall, unless a sanitary sewer connection has been laid in accordance with this Bylaw, make application for a sanitary sewer connection and shall pay in advance the appropriate connection charge as set out in this Bylaw and shall connect such building or structure to the sanitary sewer connection.
- 5.6. Where more than one building or structure is erected on any lot or parcel of land, or in the case of any multiple family dwelling, apartment, boarding or lodging house, the Public Works Manager shall prescribe the size and number of sanitary sewer connections required to serve such buildings or structures and the owners thereof shall pay for such connection or connections as prescribed by the Public Works Manager.
- 5.7. Notwithstanding the provisions of any other Bylaw, the charge for sanitary sewer connections imposed and the regulations for sanitary sewer connections made by this Bylaw shall apply within the Sewer Service Area.

6. Design and Installation

- 6.1. Pursuant to the provisions of this Bylaw and subject to the authority of the Public Works Manager under the Subdivision Bylaw, all sewerage works provided by persons other than the Regional District shall be constructed and installed strictly in accordance with the Subdivision Bylaw of the Regional District and shall comply with the relevant provisions of the current or latest editions of the British Columbia Plumbing Code or British Columbia Building Code as the case may require.

7. Application for Service

- 7.1. Each connection to the sanitary sewer shall be made only where and in the manner authorized or ordered by the Regional District.
- 7.2. Each application to connect to the sanitary sewer shall be made to the Regional District by the owner or his authorized agent in the form prescribed by the Public Works Manager.
- 7.3. Such owner shall, on making application, pay to the Regional District the applicable connection fee. If such connection is practicable the Public Works Manager shall provide and install a sanitary sewer connection for service to the applicant's property. If such connection is not practicable, the Public Works Manager shall and the Regional District shall refund any applicable charges or fees paid by the applicant.
- 7.4. It shall be the responsibility of the applicant for a sanitary sewer connection to provide the Regional District with accurate information as required by the application and to construct any building or structure or to locate therein any fixtures requiring discharge to a sanitary sewer connection at such elevation or provide such equipment or device as will permit their discharge into the sanitary sewer.
- 7.5. Where possible, a sanitary sewer connection will be installed at the location requested by the applicant. In the event the applicant's preferred location is not practicable due to topographical features, the existence of installed surface improvements or is in conflict with installed underground utilities, the Public Works Manager shall designate the location of each sanitary sewer connection to each parcel of land or premises.

8. Installation of Sewers

- 8.1. The Public Works Manager shall determine the location, size and depth of each sanitary sewer connection on public property.
- 8.2. Whenever possible, the sanitary sewer connection to the sanitary sewer shall be installed at a gradient and elevation that will allow gravity flow of sewage from the building to the main sewer.
- 8.3. When, in the opinion of the Public Works Manager, problems may occur because of the surcharging of the sanitary sewer, the Public Works Manager may refuse an application and the provisions of the Subdivision Bylaw shall apply.
- 8.4. The connecting of a sanitary sewer lateral into a sanitary sewer connection shall conform to the regulations contained the Subdivision Bylaw, amendments thereto and

any successor bylaws and the current or latest editions of the British Columbia Building Code and the British Columbia Plumbing Code. All such connections shall be made gas-tight and water-tight and be verified by proper testing in accordance with Standard Methods. Any deviation from the prescribed procedures and materials must be approved by the Public Works Manager before installation.

- 8.5. The Public Works Manager may require a user of sewer services to provide information needed to determine compliance with this Bylaw. These requirements may include:
- 8.5.1. sewage discharge peak rate and volume over a specified time period;
 - 8.5.2. chemical analysis of sewage;
 - 8.5.3. information on raw materials, processes and products affecting sewage volume and quality;
 - 8.5.4. quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control;
 - 8.5.5. a plot plan of sewer laterals on the user's property showing details of sewage pre-treatment facilities; or
 - 8.5.6. details of systems to prevent and control the losses of materials through spills to the sanitary sewer.
- 8.6. When the Public Works Manager has reasonable grounds to believe that Restricted Waste or Prohibited Waste may be discharged to a sanitary sewer, he may require the owner of a property to install monitoring points to facilitate monitoring of discharges as specified in this bylaw.
- 8.7. The Public Works Manager may modify or relocate any existing sanitary sewer connection to any property to accommodate improvements or changes to the sanitary sewer system and may require the owner of the property to make any changes to the sanitary sewer lateral or plumbing system at the owner's expense necessary to accommodate that change, or may require an owner of a property to make changes on their property at the owner's expense to provide for the proper operation of the sewer system.

9. Maintenance of Sanitary Sewer Laterals and Sanitary Sewer Connections

- 9.1. The owner of a property serviced by a sanitary sewer shall be responsible for the costs of servicing, clearing, rodding, removing blockages or tree roots or maintaining in any way the sanitary sewer lateral that serves that property.
- 9.2. The Regional District shall be responsible for the costs of servicing, clearing, rodding, removing blockages or tree roots or maintaining in any way the sanitary sewer connection that serves real property.
- 9.3. The owner of real property is responsible for all costs of repairing or replacing a sanitary sewer connection where the required repair or replacement of the sanitary sewer connection is required as a result of a blockage or damage which has arisen as the result of a condition existing on private property, an improper connection between the sanitary sewer connection and the sanitary sewer lateral or a prohibited waste being discharged by the owner into the sanitary sewer connection, lateral or main.

10. Discharges to Sanitary Sewers

- 10.1. No person shall discharge into any sanitary sewer
 - 10.1.1. any prohibited waste;
 - 10.1.2. any restricted waste, unless that person has obtained written permission from the Public Works Manager;
 - 10.1.3. any high volume discharge unless that person has obtained written permission from the Public Works Manager;
 - 10.1.4. any storm water, ground water, surface water, ice, snow or uncontaminated water.
- 10.2. Where the Public Works Manager determines that storm water, ground water or other uncontaminated water is entering the sanitary sewer lateral, the owner may be directed to carry out all such repairs or improvements necessary to prevent such inflow or infiltration, failing which the Regional District may carry out such work at the expense of the owner.

11. Prohibitions

- 11.1. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the sewer system.
- 11.2. No person shall make any connection whatsoever to the sanitary sewer or in any way tamper with the sanitary sewer or sanitary sewer connection without first obtaining permission from the Public Works Manager.
- 11.3. Sanitary Sewer Laterals
 - 11.3.1. No person shall connect or allow to remain connected any sanitary sewer lateral to any storm drain, storm drain connection or storm drain lateral.
 - 11.3.2. No person shall connect or allow to remain connected any storm drain lateral to any sanitary sewer, sanitary sewer connection or sanitary sewer lateral.
 - 11.3.3. In the event of any owner failing to make the necessary disconnection from the sanitary sewer within thirty (30) days after being notified in writing by the Public Works Manager to do so, the Public Works Manager may direct that the Regional District, by its workers or others, may have the required disconnection or disconnections completed at the expense of such owner, and the Regional District shall recover the expense thereof with costs in like manner as taxes.
 - 11.3.4. Notwithstanding the foregoing, an owner failing to disconnect his building or structure sewer lateral from the sanitary sewer pursuant to this Section within the aforesaid period of thirty (30) days shall still be liable for any penalties provided by this Bylaw.
 - 11.3.5. Notice in writing required to be given by the Public Works Manager pursuant to this Section shall be sufficiently given if sent by registered mail to the owner at the address as shown on the last revised assessment roll of the Regional District.

- 11.4. Where any sanitary sewer is laid in private property in respect of which the Regional District holds a right of way for sewer purposes, no person shall connect to or disturb such sanitary sewer except by direction of and with permission of the Public Works Manager.
- 11.5. No person shall connect or attempt to connect or allow to be connected or allow to remain connected any real property to the sanitary sewer otherwise than in accordance with the provisions of this Bylaw.

12. Inspection

- 12.1. The Public Works Manager or a bylaw enforcement officer may enter at all reasonable times, on any property that is subject to this Bylaw, to ascertain whether the regulations of this Bylaw are being observed or the requirements of this Bylaw are being met.

13. Penalties

- 13.1. Any person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention of this Bylaw or who neglects to do or refrains from doing any act or thing required to be done by the provisions of this Bylaw, shall be guilty of an offence and shall be liable, upon conviction, to a fine of not less than \$200.00, not more than \$2,000.00 or to a term of imprisonment not exceeding six (6) months or to both, for each offence; and each day during which any violation, contravention or breach shall continue shall be deemed a separate offence.

14. General

- 14.1. No person shall hinder or prevent the Public Works Manager, a person authorized by the Public Works Manager or a bylaw enforcement officer from entering any premises or from carrying out his or her duties with respect to the administration of this Bylaw.
- 14.2. Nothing in this Bylaw shall be interpreted as relieving a person discharging waste from complying with Federal, Provincial and local government enactments governing the discharge of storm water into storm drains and watercourses and in the event of a conflict between the provisions of this Bylaw and a Federal or Provincial enactment, the provisions of the Federal or Provincial enactment shall prevail.
- 14.3. In this Bylaw words importing the male gender include the female gender and either includes the neuter and vice versa and words importing the singular number include the plural number and vice versa.
- 14.4. Schedules 'A' and 'B' annexed to this Bylaw shall be deemed to be integral parts of this Bylaw.
- 14.5. If any provision of this Bylaw is found to be invalid by a court of competent jurisdiction it may be severed from the Bylaw.

- 14.6. The headings in this Bylaw are for the convenience of reference only and are not intended to interpret, define, or limit the scope, extent or intent of the provisions of this Bylaw.

READ A FIRST, SECOND AND THIRD TIME this _____ day of February, 2014

ADOPTED this _____ day of February, 2014.

RDOS Board Chair

Chief Administrative Officer

SCHEDULE 'A'

SANITARY SEWER PROHIBITED WASTE

Prohibited Waste means:

1. Special Waste

Special Waste as defined by the Waste Management Act of British Columbia and its Regulations or any legislation that replaces the Waste Management Act.

2. Air Contaminant

Any substance or odour whether gaseous, liquid, solid or a combination that is emitted into the air and that:

- 2.1. injures or is capable of injuring the health or safety of a person;
- 2.2. injures or is capable of injuring property or any life form;
- 2.3. interferes or is capable of interfering with visibility;
- 2.4. interferes or is capable of interfering with the normal conduct of business;
- 2.5. causes or is capable of causing material physical discomfort to a person; or
- 2.6. damages or is capable of damaging the environment.

3. Flammable or Explosive Waste

Any waste, which by itself or in combination with another substance, is capable of causing or contributing to an explosion or supporting combustion in any sanitary sewer or sewage facility including but not limited to, gasoline, naphtha, propane, diesel, fuel oil, kerosene or alcohol.

4. Obstructive Waste

Any waste which by itself or in combination with another substance, is capable of obstructing the flow of, or interfering with, the operation or performance of any sanitary sewer or sewage facility including but not limited to earth, sand, sweepings, gardening or agricultural waste, ash, chemicals, paint, metal, glass, sharps, rags, cloth, tar, asphalt, cement based products, plastic, wood, waste portions of animals, fish or fowl and solidified fat.

5. Corrosive Waste

Any waste with corrosive properties which, by itself or in combination with any other substance, may cause damage to any sanitary sewer or sewage facility or which may prevent safe entry by authorized personnel.

6. High Temperature Waste

- 6.1. Any waste which, by itself or in combination with another substance, will create heat in amounts which will interfere with the operation and maintenance of a sanitary sewer or sewage facility or with the treatment of waste in a sewage facility;
- 6.2. Any waste which will raise the temperature of waste entering any sewage facility to 40 degrees Celsius or more;
- 6.3. Any non-domestic waste with a temperature of 65 degrees Celsius or more.

7. Biomedical Waste

Any of the following categories of Biomedical Waste: human anatomical waste, animal waste, untreated microbiological waste, waste sharps and untreated human blood and body fluids listed in "Risk Group 4" as defined in "*Laboratory Biosafety Guidelines*", published by Health and Welfare Canada and dated 1990.

8. PCBs, Pesticides

Any waste containing PCBs or pesticides.

9. Miscellaneous Wastes

Any waste, other than sanitary waste, which by itself or in combination with another substance:

- 9.1. constitutes or may constitute a health or safety hazard to any person;
- 9.2. may interfere with any sewage treatment process;
- 9.3. may cause a discharge from a sewage facility to contravene any requirements by or under any BC Waste Management Discharge Permit or any other act, law or regulation governing the quality of the discharge, or may cause the discharge to result in a hazard to people, animals, property, or vegetation.

SCHEDULE 'B' SANITARY SEWERS RESTRICTED WASTES

In this Schedule, Restricted Waste means:

1. **Specified Waste**

Any waste which, at the point of discharge into a sewer, contains any contaminant at a concentration in excess of the limits set out below. All concentrations are expressed as total concentrations which includes all forms of the contaminant, whether dissolved or undissolved. The concentration limits apply to both grab and composite samples. Contaminant definitions and methods of analysis are outlined in Standard Methods or methods specified by the Public Works Manager.

Any of the contaminants listed below in tables 1.1, 1.2 or 1.3 that are present in a waste at dissolved concentrations in excess of the Special Waste Regulation Leachate Quality Criteria will qualify that waste, regardless of the sampling method used, as a Special Waste.

1.1 CONVENTIONAL CONTAMINANTS	[mg/L]
Biochemical Oxygen Demand (BOD)	500
Chemical Oxygen Demand (COD)	600
Oil and Grease*	100
Suspended Solids	350

Note: *Total oil and grease includes Petroleum Hydrocarbons (see table 1.2)

1.2 ORGANIC CONTAMINANTS	[mg/L]
Benzene, Ethyl Benzene, Toluene, Xylenes (BETX)	1.0
Chlorinated Phenols	0.05
Polycyclic Aromatic Hydrocarbons (PAH)	0.05
Phenols	1.0
Petroleum Hydrocarbons	15

1.3 INORGANIC CONTAMINANTS	[mg/L]
Arsenic (As)	0.2
Cadmium (Cd)	0.1

Chromium (Cr)	5.0
Cobalt (Co)	5.0
Copper (Cu)	1.0
Cyanide (CN)	1.0
Iron (Fe)	50
Lead (Pb)	0.5
Manganese (Mn)	5.0
Mercury (Hg)	0.05
Molybdenum (Mo)	5.0
Nickel (Ni)	1.0
Silver (Ag)	2.0
Sulphate (SO ₄)	1500
Sulphide (S)	1.0
Zinc (Zn)	3.0

2. Food Waste

Any non-domestic waste from cooking and handling of food that, at the point of discharge into a sewer, contains particles larger than 0.5 centimetres in any dimension.

3. Radioactive Waste

Any waste containing radioactive materials that, at the point of discharge into a sewer, exceeds radioactivity limitations as established by the Atomic Energy Control Board of Canada.

4. pH Waste

Any non-domestic waste which, at the point of discharge into a sewer, has a pH lower than 5.5 or higher than 11.0, as determined by either a grab or a composite sample.

5. Dyes and Colouring Material

Dyes or colouring materials which may pass through a sewage facility and discolour the effluent from a sewage facility except where the dye is used by the Regional District as a tracer.