

## CAPITAL REGIONAL DISTRICT

## BYLAW NO. 4168

\*\*\*\*\*

**A BYLAW TO REGULATE STORMWATER DISCHARGES TO  
THE MUNICIPAL DRAINAGE SYSTEM OF THE DISTRICT OF CENTRAL SAANICH,  
DISTRICT OF NORTH SAANICH AND THE TOWN OF SIDNEY**

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~~Under its statutory powers, including sections 8(3)(j), of the Community Charter, Section 2(1)(a) of the Spheres of Concurrent Jurisdiction-Environment and Wildlife Regulation, Reg. 144/2004, and the Capital Regional District Regulation, B.C. Reg. 65/90 the Capital Regional District enacts the following provisions:~~

**WHEREAS:**

- ~~A. The Board of the Capital Regional District has established by Bylaw No. 3906, "Saanich Peninsula Stormwater Source Control Service Establishment Bylaw No. 1, 2013", a service for the purposes of regulating, prohibiting, and imposing requirements in respect to discharges to the municipal stormwater system and watercourses on behalf of the participating municipalities of Central Saanich, North Saanich and Sidney; and~~
- ~~B. Under its statutory powers, including section 8(3)(j) of the Community Charter, SBC 2003, c 26, section 2(1)(a) of the Spheres of Concurrent Jurisdiction-Environment and Wildlife Regulation, BC Reg 144/2004, and the Capital Regional District Regulation, BC Reg 65/90;~~

**1.0 DEFINITIONS**

In this bylaw:

**"Biomedical Waste"** means biomedical waste as defined in the *Environmental Management Act*.

**"Board"** means the Capital Regional District Board of Directors.

**"Business Waste"** means waste which is produced on an industrial, commercial or institutional property.

**"Bylaw Enforcement Officer"** means a duly appointed bylaw enforcement officer of the Regional District.

**"Carpet Cleaning Waste"** means a combination of water-carried liquid and solid wastes by a carpet cleaning operation.

**"Catch Basin"** means a single-chambered stormwater rehabilitation unit that receives surface water runoff or drainage through a grate and is designed by a qualified professional or prescribed by a municipality to clean stormwater by capturing solids and floatable materials.

**"Clean Out"** means to have the settled material and floating material collected in the stormwater rehabilitation unit or treatment works removed and disposed in a manner that meets all regulations.

**"Code of Practice"** means a code of practice attached to this bylaw and listed in Schedule "B" for the discharge of wastewater by a discharging operation.

**"Colour"** means the true colour of water from which turbidity has been removed, as determined by the appropriate procedure in Standard Methods.

**"Composite Sample"** means a sample of waste which is composed of equivalent portions of a specified number of grab samples collected manually or automatically at the same sampling point, at specified times or flow intervals during a specified sampling period.

**"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.

**"Contaminant"** means any substance, whether dissolved or suspended, or any wastewater quality parameter that, when present above a certain concentration in wastewater:

- (a) injures or is capable of injuring the health or safety of a person;
- (b) injures or is capable of injuring property or any life form;
- (c) interferes or is capable of interfering with the proper operation of a sewer or stormwater management facility;
- (d) causes or is capable of causing material physical discomfort to a person; or
- (e) damages or is capable of damaging the environment.

**"Design Capacity"** means the limits for volume of solids and floatable material in a Stormwater Rehabilitation Unit as specified by the manufacturer, a professional engineer or an applicable Code of Practice.

**"Discharge"** means to directly or indirectly introduce a substance into the municipal drainage system by spilling, disposing of, abandoning, depositing, leaking, seeping, pouring, draining, emptying or by any other means.

**"Discharging Operation"** means an industrial, commercial, institutional, residential or other undertaking covered by a Code of Practice listed in Schedule "B". ~~means an industrial, commercial, institutional, residential or other undertaking listed in Schedule "B".~~

**"Display Vehicle Rinsing"** means the rinsing of the exterior of a vehicle while the vehicle is located in a display area by any vehicle dealership, car rental facility, or associated vehicle storage areas.

**"Domestic Waste"** means waste, sanitary waste and the water-carried wastes which is produced on a residential property.

**"Enclosed Building"** means a structure totally enclosed by walls that extend from the foundation to the roof, whether those walls include doors or windows of any size, so as to prevent the ingress of precipitation and the egress of wastewater and spills to the municipal drainage system.

**"Equipment Washing Activity"** means any activity that involves washing the exterior of a self-propelled piece of equipment or motor vehicle.

**"Fecal Coliforms"** means the portion of coliform bacteria from fecal sources, as determined by the appropriate procedure in Standard Methods.

**"Fuel Storage Tank"** means a tank designed to hold more than 25 litres of fuel, but does not include fuel tanks in or affixed to motor vehicles.

**"Grab Sample"** means a sample of waste collected at a particular time and place.

**"Hazardous Materials"** means materials, such as but not limited to solvents, chemicals required for the treatment of pool water, refrigerant used in the refrigeration process, coolant that is used in the ice surface refrigeration system, fertilizers, pesticides, lead-acid batteries, gasoline, diesel, fuel oil, transmission fluid, brake fluid, antifreeze, oil, and/or automotive fluids that due to their nature and/or quantity, are potentially hazardous to human health and the environment.

**"Hazardous Waste"** means hazardous waste as defined in the Hazardous Waste Regulation.

**"Hazardous Waste Regulation"** means the Hazardous Waste Regulation enacted pursuant to the *Environmental Management Act*.

**"Improvement District"** means an improvement district incorporated under the *Local Government Act*.

**"Kitchen Scraps"** means compostable waste generated by residential, business, institutional and commercial sources such as fruits, vegetables, meat, meat by-products, dairy products, baked goods, cereal, grains, pasta, bones, egg shells, coffee grounds and filters, tea bags, nuts and shells, houseplants and cut and dried flowers, and soiled paper products such as paper towels, tissues, food packaging, plates and cups.

**"Manager"** means the Stormwater Control Manager appointed by the Board, and includes any other Regional District employee acting under his or her authority.

**"Motor Vehicle, Marine Vessel and Boat Washing wastes"** means waste resulting from motor vehicle, marine vessel and boat washing, and motor, mechanical parts and maintenance waste but does not include residential vehicle washing.

**"Municipal Drainage System"** means storm sewers, stormwater management facilities and watercourses owned or operated by a municipality.

**"Municipality"** means one or more of the District of Central Saanich, the District of North Saanich and the Town of Sidney.

**"Oil and Grit Separator"** means structures consisting of one or more chambers that remove sediment, screen debris and separate oil from stormwater.

**"Operator"** includes the person who owns or otherwise has the right to operate an industrial, commercial or institutional enterprise or any person who has been authorized by such persons to act as his or her agent.

**"Outdoor Storage Operation"** means any commercial, industrial or institutional operation or an operation by a public authority that stores materials or equipment outside of an enclosed building.

**"Parking Lot Operation"** means an asphalt, concrete or similar paved surface providing ten or more spaces (covered or uncovered) to store an unattended vehicle provided by any commercial, industrial or institutional operation or by a public authority, but does not include roads and streets.

**"PCB"** means any monochlorinated, dichlorinated, or polychlorinated biphenyl or any mixture that contains one or more of these.

**"Perimeter Drains"** means the drainage system normally installed around a building foundation that conveys groundwater and/or roof drainage to a municipal drainage system or watercourse.

**"Pesticides"** means pesticides regulated under the *Integrated Pest Management Act*.

**"pH"** means the expression of the acidity or basicity of a solution as defined and determined by the appropriate procedure described in Standard Methods.

**"Pollution"** means the presence in the environment of a substance or contaminant that has harmful or poisonous effects.

**"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.

**"Precipitation"** means the condensation of atmospheric water vapour that falls under gravity, including rain, sleet, snow and hail.

**"Premises"** means any land or building or both or any part thereof.

**"Prohibited Waste"** means prohibited waste as defined in Schedule "A" to this bylaw.

**"Qualified Professional"** means a professional who:

- (a) is registered in British Columbia with a professional organization, is acting under that organization's code of ethics and is subject to disciplinary action by that organization, and
- (b) through suitable education, experience, accreditation and knowledge respecting stormwater and rainwater management, may reasonably be relied on to provide advice within their area of expertise, which area of expertise is applicable to the duty or function.

**"Radioactive Materials"** means a nuclear substance as defined in the *Nuclear Safety and Control Act* of Canada and Regulations under that Act.

**"Rainwater"** means fresh water that falls as precipitation from clouds.

**"Regional District"** means the Capital Regional District.

**"Residential Property"** means a property, which is used primarily for the purpose of residence by persons on a permanent, temporary or seasonal basis.

**"Rinsing"** means to wash with water but does not include the use of soap or other detergents.

**"Sampling Point"** means a location where a representative sample of the discharge may be collected.

**"Sanitary Waste"** means waste that contains human feces, urine, blood or body fluids originating from sanitary conveniences or other sources.

**"Spill"** means the introduction of a prohibited waste into the municipal drainage system or a watercourse, or the discharge of stormwater containing any other substance prohibited under this bylaw, whether intentional or unintentional.

**"Spill Containment"** means any impervious structure, that surrounds a container or works that prevents the accumulation of precipitation and that is sufficient to hold the larger of:

- (a) 110% of the largest volume of the container or works; or
- (b) 25% of the total volume of containers or works in storage.

**"Spill Response Equipment"** means a collection of materials stored on site that are specifically designed to prevent or mitigate a particular contaminant from entering a municipal drainage system.

**"Standard Methods"** means the 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.

**"Storm Sewer"** means a pipe, conduit, drain or other equipment or facilities for the collection and transmission of stormwater or uncontaminated water.

**"Stormwater"** means natural precipitation and other sources of water that have travelled over impervious surfaces and is typically channeled into storm sewers and watercourses.

**"Stormwater Rehabilitation Unit"** means works or other technology with an operating and maintenance plan, that are designed by a qualified professional to treat stormwater to achieve a quality that is not prohibited under Schedule "A" of this bylaw under the conditions of a two-year storm event at the time of installation, and without limitation may include catch basins, oil and grit separators, swales, settling ponds, and similar works.

**"Stormwater Management Facility"** means impoundment and appurtenant structures, connections and controls for containment, detention, retention of stormwater and its delayed release at a controlled rate to the municipal drainage system or watercourses, which has been designed by a qualified professional to achieve a quality that is not prohibited under Schedule "A" of this bylaw under the conditions of a two-year storm event at the time of installation.

**"Stream"** includes a pond, lake, river, creek, brook, spring or wetland.

**"Suspended Solids"** means the portion of total solids retained by a filter, as determined by the appropriate procedure in Standard Methods.

**"Total Oil and Grease"** means an organic substance or substances recoverable by procedures set out in Standard Methods or procedures authorized by the Manager and includes, but is not limited to, hydrocarbons, esters, fats, oils, waxes, and high-molecular weight carboxylic acids.

**"Treat"** means removal of contaminants by physical or chemical processes.

**"Treatment Works"** means a facility, a stormwater management facility or a stormwater rehabilitation unit that is used to treat stormwater.

**"Trucked Liquid Waste"** means any waste that is collected and transported from the site where the waste originated by means other than discharge to a sewer including, but not limited to, holding tank waste, septic tank waste, chemical toilet contents, catch basin waste, oil and grease from interceptors or traps, and other sludge of organic or inorganic origin.

**"Two-year Storm Event"** means a rainfall event with a return period of two years, calculated by a qualified professional using an intensity, frequency and duration curve.

**"Uncontaminated Water"** means any water excluding stormwater but including cooling water, condensed water and water from municipal waterworks or a private water supply to which no contaminant has been added, and does not contain chlorine or chloramine.

**"Vehicle"** means a vehicle as defined under the *Motor Vehicle Act*.

**"Vehicle Wash Operation"** means the washing of the exterior of a vehicle by any commercial, industrial or institutional operation or by a public authority, but does not include display vehicle rinsing.

**"Waste"** means any substance whether gaseous, liquid or solid, that is or is intended to be discharged or discarded, directly or indirectly, to the municipal drainage system.

**"Wastewater"** means the composite of water and water-carried wastes from residential, commercial, industrial or institutional premises or any other source.

**"Wastewater Quality Parameter"** means any parameter used to describe the quality of wastewater.

**"Watercourse"** means:

- (a) a stream; or
- (b) a canal, ditch, reservoir, lagoon, lake, spring, swamp, marsh or other natural body of water, stormwater management facility or other man-made surface feature designed to carry or hold water or stormwater, whether it contains or conveys water continuously or intermittently.

**"Waterworks"** means any works owned or otherwise under the control or jurisdiction of the Regional District or one or more of its member municipalities or an Improvement District that collects, treats, transports, or stores drinking water.

## **2.0 DISCHARGES TO THE MUNICIPAL DRAINAGE SYSTEM**

- 2.1 No person shall discharge or allow or cause to be discharged into the municipal drainage system or a watercourse any of the following:
- (a) domestic waste;
  - (b) business waste; or
  - (c) prohibited waste.
- 2.2 Despite the prohibitions contained in subsection 2.1 (a), a person may discharge into the municipal drainage system or a watercourse water resulting from domestic activities customarily incidental to a residential use of land including:
- (a) water resulting from natural precipitation and drainage of such water;
  - (b) water resulting from non-commercial car washing; and
  - (c) uncontaminated water.
- 2.3 Despite the prohibitions contained in subsection 2.1 (b), a person may discharge into the municipal drainage system or a watercourse water resulting from activities customarily incidental to a business use of land only as follows:
- (a) water resulting from natural precipitation and drainage of such water
  - (b) display vehicle rinsing; and
  - (c) uncontaminated water.
- 2.4 Despite the prohibitions contained in subsection 2.1, a person may discharge into the municipal drainage system or a watercourse water resulting from the following non-domestic activities:
- (a) street, hydrant and water main flushing, provided the discharge is not prohibited under Schedule A of this bylaw; and
  - (b) firefighting activities.
- 2.5 Despite the prohibitions listed in subsection 2.1 (a) and (b), a discharging operation that is regulated by a code of practice may discharge into the municipal drainage system or a watercourse waste resulting from the business or other activity, where the discharge is carried out in accordance with the applicable code of practice.

## **3.0 CODES OF PRACTICE**

- 3.1 A discharging operation that is listed in Schedule B must operate the business or other activity in accordance with the conditions of the applicable code of practice
- 3.2 Nothing in a code of practice relieves a person discharging waste from complying with this bylaw, or any other applicable enactment.
- 3.3 All requirements of the bylaw apply to discharging operations unless specifically exempted by the code of practice.
- 3.4 If a code of practice establishes a requirement in relation to a specific discharging operation which differs from a provision in this bylaw, the requirement in the code of practice prevails.
- 3.5 Multiple codes of practice may apply at a discharging operation.
- 3.6 A code of practice does not apply to the discharge of domestic waste.

## **4.0 SPILL RESPONSE**

- 4.1 An operator of a business operating on August 1, 2019~~[Date of Adoption of the bylaw]~~ that stores one or more hazardous materials on the premises where the business operates, other than within an enclosed building, must prepare a spill response plan within 180 days of written notice by the Manager ~~by [180 days after the Date of Adoption of the bylaw]~~.
- 4.2 An operator of a business that commences operation after August 1, 2019~~[Date of Adoption of the bylaw]~~ that stores one or more hazardous materials on the premises where the business operates, other than within an enclosed building, must prepare a spill response plan within 90 days of commencing operation.
- 4.3 A spill response plan that is required under Section 4.1 or 4.2 must:
- (a) specify the response for containment and cleanup of all spills of all materials present at the property that could result in the discharge of prohibited waste;
  - (b) define the roles and responsibilities of the operations personnel for spill response;
  - (c) include contact names and telephone numbers for appropriate agencies; and
  - (d) provide a check-list of spill response equipment and supplies.
- 4.4 An operator of a business that is required to prepare a spill response plan under Section 4.1 or 4.2 must keep spill response and clean-up equipment and supplies in stock at all times and readily available for use.
- 4.5 An operator of a business that is required to prepare a spill response plan under Section 4.1 or 4.2 must keep a copy of the spill response plan at the site in an accessible location and available for inspection by the Manager or Bylaw Enforcement Officer.
- 4.6 In the event of a spill, an operator of a business required to prepare a spill response plan under Section 4.1 or 4.2 must immediately implement the provisions of the spill response plan when safe to do so, to prevent or discontinue the discharge of spilled material into the municipal drainage system or watercourse.
- 4.7 In the event of a spill, an operator of a business must prevent or discontinue, when safe to do so, the discharge of spilled material into the municipal drainage system or watercourse.
- 4.8 During a spill response, an operator of a business who operates a treatment works must inspect the treatment works for spilled material within four hours after the spill has been detected.
- 4.9 If an operator of a business detects or observes spilled material in the treatment works that exceeds the design capacity of the works or may cause the discharge of a prohibited waste, then the operator of the business must clean out or cause the works to be cleaned out within twenty four hours after a spill has been detected or cease discharge to the municipal drainage system or watercourse until the clean out of the material has occurred.

## **5.0 RECORD KEEPING**

- 5.1 An operator of a business must keep a record of all spills, including:
- (a) the date of spill;
  - (b) the type of material spilled;
  - (c) the quantity of material spilled; and
  - (d) the spill response action.

- 5.2 An operator of a business must keep a record of all inspection and maintenance activities in relation to the treatment works, including:
- (a) the date of inspection or maintenance;
  - (b) a description of maintenance conducted;
  - (c) a description of material removed from the treatment works;
  - (d) the name and address of the disposal or recycling company or facility handling the material removed from the treatment works; and
  - (e) names of the persons who conducted the inspection or maintenance.
- 5.3 The records required under sections 5.1 and 5.2 shall be retained on site for a period of two years and shall be made available for inspection by the Manager or a Bylaw Enforcement Officer upon request.

## **6.0 APPOINTMENT OF THE STORMWATER CONTROL MANAGER**

- 6.1 The Board may appoint an officer or employee of the Regional District as the Manager.
- 6.2 The Manager has the powers set out in this bylaw and the responsibilities in relation to the administration of this bylaw as set out in the bylaw or resolution appointing him or her.

## **7.0 INSPECTION**

- 7.1 The Manager, an employee of the Regional District authorized by the Manager, or a Bylaw Enforcement Officer may enter at all reasonable times and in accordance with section 16(1) to 16(5) of the *Community Charter* 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.

## **8.0 OFFENCES AND PENALTIES**

- 8.1 A person who contravenes this bylaw commits an offence and is liable to a fine not exceeding \$2,000.
- 8.2 Where an offence is committed or continues for more than one day, a person shall be deemed to have committed separate offences for each day on or during which an offence occurs or continues, and separate fines, each not exceeding \$2,000, may be imposed for each day on or during which an offence occurs or continues.
- 8.3 Nothing in this bylaw shall limit the Regional District from pursuing any other remedy that would otherwise be available to the Regional District at law.

## **9.0 GENERAL**

- 9.1 No person shall hinder or prevent the Manager, a person authorized by the 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.
- 9.2 The schedules annexed to this bylaw shall be deemed to be an integral part of this bylaw.
- 9.3 If any provision of this bylaw is found to be invalid by a Court of competent jurisdiction it may be severed from the bylaw.
- 9.4 The headings in this bylaw are inserted for convenience and reference only.



## 10.0 PURPOSE

- 10.1 This bylaw must be interpreted in accordance with this section despite any other provision of this bylaw.
- 10.2 This bylaw is enacted for the purpose of regulating discharges to the municipal drainage system and watercourses in order to reduce the risk of pollution of watercourses and the near shore marine environment. The purpose of this bylaw does not extend:
- (a) to the protection of any person from economic loss;
  - (b) to the assumption by the Regional District and municipality of responsibility for ensuring that any discharge of wastewater to the municipal drainage system does not cause pollution or interference with the proper functioning of the municipal drainage system or watercourses; or
  - (c) to provide any person with a warranty that any discharge of wastewater or activity or works referred to in paragraph (b) will not cause pollution or other nuisance to any person.
- 10.3 Nothing in this bylaw shall be interpreted as relieving a person discharging wastewater from complying with federal, provincial and local government enactments governing the discharge of wastewater into the municipal drainage system or watercourse, and in the event of a conflict between the provisions of this bylaw and a Federal, Provincial or Local enactment, the provisions of the Federal, Provincial or Local enactment shall prevail.

## 11.0 CITATION

- 11.1 This bylaw may be cited for all purposes as [Saanich Peninsula Stormwater Source Control Bylaw, No. 1, 2017](#)~~[correct title and No. to be inserted]~~.

READ A FIRST TIME THIS	day of	2017
READ A SECOND TIME THIS	day of	2017
READ A THIRD TIME THIS	day of	2017
ADOPTED THIS	day of	2017

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Board Chair

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Secretary

## **SCHEDULE "A"**

### **PROHIBITED WASTE**

Prohibited waste shall not be discharged to the municipal drainage system. Prohibited waste means any of the following:

**1. Hazardous Waste**

Any hazardous waste.

**2. Biomedical Waste**

Any biomedical waste.

**3. Air Contaminant Waste**

Any waste which, by itself or in combination with another substance, is capable of creating, causing or introducing an air contaminant, causing air pollution outside or within any municipal drainage system.

**4. 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 municipal drainage system including, but not limited to; gasoline, naphtha, propane, diesel, fuel oil, kerosene or alcohol.

**5. Corrosive and pH Waste**

Any waste by itself or in combination with any other substance, which at the point of discharge into a municipal drainage system or watercourse has a pH lower than 6.5 or higher than 9.0 as determined by either a grab sample or composite sample.

**6. High Temperature Waste**

- (a) Any waste which, by itself or in combination with another substance, will create heat in amounts which will raise the temperature of wastewater discharged by a municipal drainage system by 1 degree Celsius or more;
- (b) Any waste which will raise the temperature of wastewater discharged by a municipal drainage system by 1 degree Celsius or more;
- (c) Any waste with a temperature of 18 degrees Celsius or more at the point of discharge in to the municipal drainage system or watercourse.

**7. PCB and Pesticides**

Any waste containing PCB or pesticides.

**8. Pool Water**

Any water from a pool containing residual chlorine, chloramine, or bromine.

**9. Radioactive Waste**

Any waste containing radioactive materials which, at the point of discharge into a municipal drainage system, exceeds radioactivity limitations as established by the Canadian Nuclear Safety Commission.

**10. Dyes and Colouring Material**

Dyes or colouring materials which, at the point of discharge into the municipal drainage system produce a colour value greater than or equal to 15 true colour units (mg/L Pt) as determined by either a grab sample or composite sample, or that causes discolouration of water to such an extent that the colour cannot be determined by the visual comparison method as set out in Standard Methods except where the dye is used by a municipality, Regional District or Health Authority as a tracer.

**11. Miscellaneous Wastes**

Any waste which by itself or in combination with another substance causes pollution in any municipal drainage system or watercourse.

**12. Disinfectant Process Water**

Any water from a waterworks containing residual chlorine or chloramine remaining from the disinfection of the waterworks or any part of the waterworks but does not include water containing chlorine or chloramine ordinarily added to a supply of potable water by a municipality, the Regional District or an Improvement District.

**13. Fill**

Soil, sand, silt, clay, gravel, rock or other material of which land is composed.

**14. Total Oil and Grease**

Any wastewater, which at the point of discharge into the municipal drainage system or watercourse, contains a total oil and grease concentration that exceeds 15 milligrams per liter as determined by either a grab sample or a composite sample.

**15. Wastewater Containing Suspended Solids**

Any wastewater, which at the point of discharge into the municipal drainage system or watercourse contains Suspended Solids in concentrations that would:

- (a) exceed 75 milligrams per liter as determined by either a grab sample or a composite sample, or
- (b) cause the water quality in the watercourse receiving the wastewater to exceed the aquatic life total suspended sediments guidelines as set out in Table 44 in the "British Columbia Approved Water Quality Guidelines: Aquatic Life, Wildlife & Agriculture – Summary Report, January 2017" published by the Ministry of Environment.

**16. Wastewater Containing Fecal Coliforms**

Any wastewater which contains fecal coliforms in concentrations above 200 colony counts/100 mL at point of discharge into a municipal drainage system as determined by a grab sample or composite sample.

**17. Carpet Cleaning Waste**

Any carpet cleaning waste.

**18. Trucked Liquid Waste**

Any trucked liquid waste.

**19. Sanitary waste**

Any sanitary waste.

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**20. Waste Containing Phosphorous**

Any waste which, at the point of discharge into a municipal drainage system contains a total phosphorus concentration greater than 1.0 mg/L, as determined by either a grab sample or composite sample.

**21. Wastewater from Garbage Containers, Kitchen Scraps Containers and Restaurant Grease Containers**

Any wastewater that contains liquid waste that originates from within garbage containers, kitchen scraps containers or restaurant waste grease containers.

**22. Turbidity**

Any wastewater with a turbidity that would:

- (a) exceed 50 nephelometric turbidity units (NTU) as determined by either a grab sample or a composite sample at the point of discharge into the municipal drainage system or watercourse; or
- (b) cause the water quality in the watercourse receiving the wastewater to exceed the aquatic life turbidity guidelines as set out in Table 44 in the "British Columbia Approved Water Quality Guidelines: Aquatic Life, Wildlife & Agriculture – Summary Report, January 2017" published by the Ministry of Environment.

**23. Motor Vehicle and Marine Vessel and Boat Washing Waste**

Motor vehicle and marine vessel and boat washing wastes and motor, mechanical parts and maintenance wastes, not including residential vehicle washing.

**24. Chloride**

Any waste which, at the point of discharge into the municipal drainage system or watercourse, contains a chloride concentration greater than 1000 mg/L as determined by either a grab sample or composite sample.

**25. Chlorine and Chlorinated Compounds**

Any waste which, at the point of discharge into the municipal drainage system or watercourse, contains a chlorine concentration greater than 0.5 mg/L as determined by either a grab sample or composite sample.

**26. Wastewater from a vehicle wash operation**

Any wastewater that is generated by the washing of the exterior of vehicles by any commercial, industrial or institutional operation or by a public authority.

## **SCHEDULE "B"**

### **CODE OF PRACTICE BYLAW 4168**

The following codes of practice have been adopted by the Capital Regional District to apply within the District of Central Saanich, the District of North Saanich and the Town of Sidney

#### **Code of Practice**

#### **Appended to this Bylaw as Schedule**

Code of Practice for Parking Lot Operations

C

Code of Practice for Outdoor Storage Operations

D

## SCHEDULE "C"

### CODE OF PRACTICE FOR PARKING LOT OPERATIONS

#### 1.0 APPLICATION

- 1.1 This code of practice describes the terms and conditions for the discharge of stormwater from parking lot operations into a municipal drainage system or watercourse.

#### 2.0 DISCHARGE REGULATIONS

- 2.1 A person may discharge into the municipal drainage system or watercourse water resulting from natural precipitation, and drainage of such water from a parking lot operation, providing that the discharge is in accordance with this code of practice.

- 2.2 ~~An operator of a parking lot operation that commences operation after [Date of Adoption of Code of Practice] and which discharges stormwater, other than stormwater from roof drains or groundwater from perimeter drains that are associated with a building, into the municipal drainage system or watercourse, must install and maintain one or more stormwater rehabilitation units to treat the collected stormwater prior to discharge. An operator of a parking lot operation that is discharging prohibited waste must take immediate steps to cease the discharge of prohibited waste after discovery of the discharge or written notice by the Manager.~~

- 2.3 ~~An operator of a parking lot operation operating on [Date of Adoption of Code of Practice] which does not have a stormwater rehabilitation unit and that is discharging prohibited waste must take immediate steps to cease the discharge of prohibited waste and, if unable to cease the discharge of prohibited waste must install, within 180 days of [Date of Adoption of Code of Practice], one or more stormwater rehabilitation units to treat the collected stormwater prior to discharge to the municipal drainage system or watercourse.~~

- 2.4 ~~An operator of a parking lot operation subject to sections 2.2 or 2.3 must ensure that all stormwater from the parking lot operation, with the exception of stormwater from roof drains or groundwater from perimeter drains, is directed to one or more stormwater rehabilitation units prior to discharge into the municipal drainage system.~~

- 2.5 ~~An operator of a parking lot operation who installs a stormwater rehabilitation unit required under section 2.2 or 2.3 must locate the stormwater rehabilitation unit so that it is readily and easily accessible for inspection and maintenance.~~

#### ~~2.6~~2.3 An operator of a parking lot operation:

- (a) must not permit floating oil and grease to accumulate in the stormwater rehabilitation unit in excess of 75% of the design capacity of the stormwater rehabilitation unit;
- (b) must not permit the settled solids to accumulate in the stormwater rehabilitation unit in excess of 75% of the design capacity;
- (c) must inspect the stormwater rehabilitation unit and measure the accumulated solids and floating oils at least once every three months to verify the requirements under (a) and (b);
- (d) must maintain every component of the stormwater rehabilitation unit in good operating condition, and in accordance with any applicable operating and maintenance plan, and shall clean out the accumulated debris every twelve months, or within seven working days of determining that any levels prescribed in section (b) or (c) have been exceeded.

- ~~2.7~~2.4 An operator of a parking lot operation must not discharge oil and grease, solids or other material accumulated in a stormwater rehabilitation unit into the municipal drainage system.

~~2.82.5~~ An operator of a parking lot operation must not use or permit the use of intentional high volume flows of stormwater or chemical agents, solvents, hot water or other agents to facilitate the passage of oil and grease, solids or other material~~passage of oil and grease~~ through a stormwater rehabilitation unit.

~~2.9~~ A stormwater rehabilitation unit installed under sections 2.2 and 2.3 must:

- ~~(a)~~ be designed and installed such that the discharge into the municipal drainage system or watercourse is equipped with a sampling point downstream of the treatment works and upstream of the discharge point into a municipal storm sewer system or watercourse; and
- ~~(b)~~ the sampling point is readily and easily accessible at all times for inspection.

~~2.6~~ A Stormwater Rehabilitation Unit installed by a parking lot operation must:

- ~~(a)~~ be designed and installed such that the discharge into the municipal drainage system or watercourse is equipped with a sampling point downstream of the treatment works and upstream of the discharge point into a municipal storm sewer system or watercourse; and
- ~~(b)~~ the sampling point is readily and easily accessible at all times for inspection.

~~2.102.7~~ An operator of a parking lot operation who installs treatment works must keep records of the works design calculations, design capacity, operating and maintenance plan and drawings as issued by a qualified professional available for inspection at the request of an officer.

~~2.112.8~~ The design drawings required under ~~section 2.10~~Section 2.7, as issued by a qualified professional, must show the locations of the sampling point and the point of connection of the treatment works to the municipal drainage system.

~~2.122.9~~ Sections 2.2 to 2.6 ~~do~~ Section 2.3 does not apply to facilities equipped with stormwater management facilities as long as any discharge from the stormwater management facility to the municipal storm sewer or watercourse is not prohibited under Schedule A of the Bylaw

### 3.0 SPILL RESPONSE

3.1 An operator of a parking lot operation that is operating on ~~[Date of Adoption of the bylaw]~~August 1, 2019 must prepare a spill response plan within 180 days of written notice by the Manager by~~[180 days after the Date of Adoption of the bylaw]~~.

3.2 An operator of a parking lot operation that commences operation after ~~[Date of Adoption of the bylaw]~~August 1, 2019 must prepare a spill response plan within 90 days of commencing operation.

3.3 The operator of a parking lot operation that is required to prepare a spill response plan under Section 3.1 or 3.2 must:

- (a) specify the response for containment and cleanup of all spills of hazardous material;
- (b) define the roles and responsibilities of the operations personnel for spill response;
- (c) include contact names and telephone numbers for appropriate agencies; and
- (d) provide a check-list of spill response equipment and supplies.

3.4 An operator of a parking lot operation that is required to prepare a spill response plan under section 3.1 or 3.2 must keep spill response and clean-up equipment and supplies in stock at all times and readily available for use.

3.5 An operator of a parking lot operation that is required to prepare a spill response plan under section 3.1 or 3.2 must keep a copy of the spill response plan available for inspection by the Manager or Bylaw Enforcement Officer.

- 3.6 In the event of a spill, an operator of a parking lot operation required to prepare a spill response plan under section 3.1 or 3.2 must immediately implement the provisions of the spill response plan when they become aware of the spill and when safe to do so, to prevent or discontinue the discharge of spilled material into the municipal drainage system or watercourse.
- 3.7 In the event of a spill, an operator of a parking lot operation must prevent or discontinue, when safe to do so, the discharge of spilled material into the municipal drainage system or watercourse.
- 3.8 During a spill response, an operator of a parking lot operation who operates treatment works must inspect the treatment works, stormwater rehabilitation unit or stormwater management facility for spilled material within four hours after the spill has been detected.
- 3.9 If an operator of a parking lot operation detects or observes spilled material in the treatment works that exceeds the design capacity of the works or may cause the discharge to contravene Schedule "A", then the operator of the parking lot operation must clean out or cause the works to be cleaned out within twenty four hours after a spill has been detected or cease discharge to the municipal drainage system or watercourse until the clean out of the material has occurred.

#### **4.0 RECORD KEEPING**

- 4.1 An operator of a parking lot operation must keep a record of all spills, including:
- (a) the date of spill;
  - (b) the type of material spilled;
  - (c) the quantity of material spilled; and
  - (d) the spill response action.
- 4.2 An operator of a parking lot operation must keep a record of all inspection and maintenance activities in relation to the treatment works, including:
- (a) the date of inspection or maintenance;
  - (b) a description of maintenance conducted;
  - (c) a description of the of the material removed from treatment works;
  - (d) the name and address of the disposal or recycling company or facility handling the material removed from the treatment works and
  - (e) names of the persons who conducted the inspection or maintenance.
- 4.3 The records required under sections 4.1 and 4.2 shall be retained on site for a period of two years and shall be available for inspection by the Manager or Bylaw Enforcement Officer upon request.



## **SCHEDULE "D"**

### **CODE OF PRACTICE FOR OUTDOOR STORAGE OPERATIONS**

In this code of practice, "**Recyclable Material**" means a product or substance that has been diverted from disposal and satisfies at least one of the following criteria:

- (a) is managed as a marketable commodity with an established market by the owner or operator of a site;
- (b) is being used in the manufacture of a new product that has an established market or is being processed as an intermediate stage of an existing manufacturing process; or
- (c) has been identified as a recyclable material in the Capital Regional District Solid Waste Management Plan

#### **1.0 APPLICATION**

- 1.1 This code of practice describes the terms and conditions for the discharge of wastewater from outdoor storage operations into a municipal drainage system or watercourse.
- 1.2 The following activities are not included in this code of practice:
  - (a) storage of materials at a construction and development operation;
  - (b) normal agricultural practices;
  - (c) storage of recyclable materials; and
  - (d) storage of materials or equipment that poses no risk of a discharge to the municipal drainage system contravening Schedule "A" of this bylaw

#### **2.0 DISCHARGE REGULATIONS**

- 2.1 A person may discharge wastewater resulting from an outdoor storage operation into the municipal drainage system or a watercourse providing that the discharge is in accordance with this code of practice.
- 2.2 An operator of an outdoor storage operation must not discharge wastewater which, at the point of discharge into the municipal drainage system or watercourse, contains:
  - (a) water that has accumulated in a spill containment area;
  - (b) untreated wash and rinse water from the cleaning of stored materials or equipment that is prohibited waste;
  - (c) fluids and fuels from vehicles, machinery or equipment;
  - (d) water that accumulates in any fuel storage tanks; and
  - (e) rinse water from motor vehicle or mechanical parts that have been washed in solvent.

- 2.3 ~~An operator of an outdoor storage operation that is discharging prohibited waste must take immediate steps to cease the discharge of prohibited waste after discovery of the discharge or written notice by the Manager. An operator of an outdoor storage operation that commences operation after [Date of Adoption of Code of Practice] and that discharges stormwater, other than stormwater from roof drains and perimeter drains, into the municipal drainage system or watercourse must install and maintain one or more stormwater rehabilitation units to treat the collected wastewater prior to discharge.~~
- 2.4 ~~An operator of an outdoor storage operation operating on [Date of Adoption of Code of Practice] which does not have a stormwater rehabilitation unit and that is discharging prohibited waste must take immediate steps to cease the discharge of the prohibited waste and, if unable to cease the discharge of prohibited waste must install, within 180 days of [Date of Adoption of Code of Practice], one or more stormwater rehabilitation units to treat the collected stormwater prior to discharge to the municipal drainage system or watercourse.~~
- 2.5 ~~An operator of an outdoor storage operation subject to sections 2.3 or 2.4 must ensure that all wastewater, with the exception of stormwater from the storage operation, other than roof drains and perimeter drains, is directed to one or more stormwater rehabilitation units before being discharged into the municipal drainage system or watercourse.~~
- 2.6 ~~An operator of an outdoor storage operation who installs a stormwater rehabilitation unit required under section 2.4 must locate the stormwater rehabilitation unit so that it is readily and easily accessible for inspection and maintenance.~~

2.72.4 An operator of an outdoor storage operation:

- (a) must not permit floating oil and grease to accumulate in the stormwater rehabilitation unit in excess of 75% of the design capacity of the stormwater rehabilitation unit;
- (b) must not permit the settled solids to accumulate in the stormwater rehabilitation unit in excess of 75% of the design capacity;
- (c) must inspect the stormwater rehabilitation unit and measure the accumulated solids and floating oils at least once every six months to verify the requirements under (a) and (b);
- (d) must maintain every component of the stormwater rehabilitation unit in good operating condition, and in accordance with any applicable operating and maintenance plan, and shall clean clear the accumulated debris every twelve months, or within seven working days of determining that any levels prescribed in section (b) or (c) have been exceeded

2.82.5 An operator of an outdoor storage operation must not discharge oil and grease, solids or other material accumulated in a stormwater rehabilitation unit into the municipal drainage system or watercourse.

2.92.6 An operator of an outdoor storage operation must not use or permit the use of intentional high volume flows, chemical agents, solvents, hot water or other agents to facilitate the passage of oil and grease, solids or other material through a stormwater rehabilitation unit.

2.7 A Stormwater Rehabilitation Unit installed by an outdoor storage operation must:

- (a) be designed and installed such that the discharge into the municipal drainage system or watercourse is equipped with a sampling point downstream of the treatment works and upstream of the discharge point into a municipal storm sewer system or watercourse; and
- (b) the sampling point is readily and easily accessible at all times for inspection.

2.10 A stormwater rehabilitation unit installed under sections 2.3 and 2.4 must:

- (a) be designed and installed such that the discharge into the municipal drainage system or watercourse is equipped with a sampling point downstream of the treatment works and upstream of the discharge point into a municipal storm sewer system or watercourse; and
- (b) the sampling point is readily and easily accessible at all times for inspection.

2.8 An operator of an outdoor storage operation who installs treatment works must keep records of the works design calculations, design capacity, operating and maintenance plan and drawings as issued by a qualified professional available for inspection at the request of an officer.

2.9 The design drawings required under section ~~2.44~~2.8 as issued by a qualified professional, must show the locations of the sampling point and the point of connection of the treatment works to the municipal drainage system.

### **3.0 SPILL PREVENTION**

3.1 An operator of an outdoor storage operation storing one or more hazardous materials on the premises where the business operates, other than within an enclosed building, must ensure that the hazardous material(s) are stored within spill containment that is designed to prevent the spill of such a substance into the municipal drainage system or watercourse if:

- (a) the storage of the materials is not otherwise regulated by an enactment; and
- (b) the material could be discharged to the municipal drainage system or watercourse in the event of a spill.

### **4.0 SPILL RESPONSE**

4.1 An operator of an outdoor storage operation on ~~[Date of Adoption of the bylaw]~~August 1, 2019 must prepare a spill response plan within 180 days of written notice by the Manager~~by [180 days after the Date of Adoption of the bylaw].~~

4.2 An operator of an outdoor storage operation that commences operation after ~~[Date of Adoption of the bylaw]~~August 1, 2019 must prepare a spill response plan within 90 days of commencing operation.

4.3 The operator of an outdoor storage operation that is required to prepare a spill response plan under section 4.1 or 4.2 must:

- (a) specify the response for containment and cleanup of all spills of hazardous material;
- (b) define the roles and responsibilities of the operations personnel for spill response;
- (c) include contact names and telephone numbers for appropriate agencies; and
- (d) provide a check-list of spill response equipment and supplies.

4.4 An operator of an outdoor storage operation that is required to prepare a spill response plan under section 4.1 or 4.2 must keep spill response and clean-up equipment and supplies in stock at all times and readily available for use.

- 4.5 An operator of an outdoor storage operation that is required to prepare a spill response plan under section 4.1 or 4.2 must keep a copy of the spill response plan available for inspection by the manager or bylaw enforcement officer.
- 4.6 In the event of a spill, an operator of an outdoor storage operation required to prepare a spill response plan under section 4.1 or 4.2 must immediately implement the provisions of the spill response plan when they become aware of the spill and when safe to do so, to prevent or discontinue the discharge of spilled material into the municipal drainage system or watercourse.
- 4.7 In the event of a spill, an operator of an outdoor storage operation must prevent or discontinue, when safe to do so, the discharge of spilled material into the municipal drainage system or watercourse.
- 4.8 During a spill response, an operator of an outdoor storage operation who operates treatment works must inspect the treatment works, stormwater rehabilitation unit or stormwater management facility for spilled material within four hours after the spill has been detected.
- 4.9 If an operator of an outdoor storage operation detects or observes spilled material in treatment works that exceeds the design capacity of the works or may cause the discharge to contravene Schedule "A", then the operator of the outdoor storage operation must clean out or cause the works to be cleaned out within twenty four hours after a spill has been detected or cease discharge to the municipal drainage system or watercourse until the clean out of the material has occurred.

## **5.0 RECORD KEEPING**

- 5.1 An operator of an outdoor storage operation must keep a record of all spills, including:
- (a) the date of spill;
  - (b) the type of material spilled;
  - (c) the quantity of material spilled; and
  - (d) the spill response action.
- 5.2 An operator of an outdoor storage operation must keep a record of all inspection and maintenance activities in relation to the treatment works, including:
- (a) the date of inspection or maintenance;
  - (b) a description of maintenance conducted;
  - (c) a description of the of the material removed from the treatment works, stormwater rehabilitation unit or rainwater management facility;
  - (d) the name and address of the disposal or recycling company or facility handling the material removed from the treatment works, stormwater rehabilitation unit; or rainwater management facility and
  - (e) names of the persons who conducted the inspection or maintenance.
- 5.3 The records required under sections 5.1 and 5.2 shall be retained on site for a period of two years and shall be available for inspection by the Manager or Bylaw Enforcement Officer upon request.