

The Corporation of the City of Kawartha Lakes

BY-LAW 2016-219

A BY-LAW TO GOVERN SEPTAGE DISPOSAL AT THE CITY OF KAWARTHA LAKES SEWAGE WORKS

Recitals

1. The *Municipal Act 2001*, S.O. 2001, c 25 section 10 (1) states that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public
2. *The Municipal Act, 2001*, S.O. 2012, c 25 section 391 allows for the setting of fees and charges related to the use of the City of Kawartha Lakes Sewage Works.
3. Council deems it advisable to regulate septage disposal at the City of Kawartha Lakes Sewage Works.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2016-219.

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law,

“abattoir waste” means the high-strength waste from a slaughterhouse which significantly contributes to the organic load of raw sewage treated at sewage treatment plants.

“Administration Fee for Septage Hauled from outside Municipal Boundaries” means the charge for septic and holding tank waste originating from outside of municipal boundaries

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the *Municipal Act, 2001*;

“Council” or “City Council” means the municipal council for the City;

“Director of Public Works” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

“Environmental Compliance Charge” means the charge applied to hauled abattoir waste disposed of at the sewage work for additional

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requirements by the Ministry of Environment and Climate Change to handle abattoir waste which may include sampling and testing.

“holding tank” means a closed, water-tight tank designed for the total retention of all sewage from a facility..

“holding tank waste” means waste from a holding tank.

“leachate” means any liquid that in passing through matter, extracts solutes, suspended solids or any other component of the material through which it has passed. i.e. such as a landfill.

“municipal law enforcement officer” means a person appointed by Council under the *Police Services Act* to enforce the by-laws of the City;

“owner” means the registered owner of a property on which a holding tank or septic tank is located or the authorized agent of the registered owner;

“person” includes a corporation as well as an individual;

“septage” means any wastewater or sludge removed from a cesspool, septic tank, holding tank, or chemical toilet, leachate and abattoir waste and is trucked or hauled to the point of discharge.

“septage manifest” means the document in which the hauler, date of pickup, description, locale of origin of waste and quantity of waste is recorded.

“septic tank” means a tank in which sewage is collected and allowed to decompose through bacterial activity before draining by means of a leaching field.

“Sewage Works” means the Lindsay Water Pollution Control Plant or any other designated City facility approved by the Ministry of the Environment and Climate Change for accepting and treating hauled septage waste.

“standard septage waste” means all hauled septage waste except for holding tank waste, leachate and abattoir waste.

“waste hauler” means a commercial septic, abattoir, leachate or holding tank waste hauler licensed by the Ministry of the Environment and Climate Change.

1.02 **Interpretation Rules:**

The words “include” and “including” are not to be read as limiting the meaning of a work or term to the phrases or descriptions that follow.

- 1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time that are applicable within the Province of Ontario.
- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Registration of Holding or Septic Tank Owner

- 2.01 **Owner within City Boundaries:** For a reduced rate, an owner of a holding tank within the City Boundaries shall register their holding tank with the City's Water and Wastewater Division of Public Works until December 31, 2018. After this date, the amount charged for standard septage waste and holding tank waste will be the same and as such, registration within City Boundaries shall no longer be necessary.
- 2.02 **Owner outside City Boundaries:** An owner of a holding and/or septic tank outside City Boundaries shall register their holding tank or septic tank with the City's Water and Wastewater Division of Public Works prior to the hauler pumping said tank and depositing the septage at the Sewage Works.
- 2.03 **Registration Fee:** A registration fee shall apply to all persons who register as per sections 2.01 and 2.02
- 2.04 **Administration Fee for Septage Hauled from Outside of City Boundaries:** An administration fee shall apply to persons who register under section 2.02
- 2.05 **Failure to Register:** Any person who fails to register under 2.01 shall be charged the Standard Septic Waste Rate. Any person who fails to register under section 2.02 shall be guilty of an offence and the City reserves the right to refuse any hauled septage waste from outside the City boundaries.

Section 3.00: Waste Hauler

- 3.01 **Waste Hauler – False Claims:** A waste hauler shall provide all required information about the contents of their load prior to disposal of the contents at the Sewage Works. No waste hauler shall provide the City with false information about the contents of their load, the origin of their load or any other information about the contents of the load or any other information required to be supplied to the City.
- 3.02 **Ban Hauler:** A waste hauler who makes a false statement, claim or who provides false information shall be guilty of an offense and shall be permanently banned from disposing septage waste at the Sewage Works.

Section 4.00: Hauled Septage

- 4.01 **Waste Compliance:** Hauled septage waste that is deposited at the Sewage Works shall be in compliance with the Sewage Works current Environmental Compliance Approval and only if the hauled septage waste meets the conditions set out in O.Reg. 347, R.R.O 1990, as amended from time to time.
- 4.02 **Prohibited Substances:** The waste hauler shall not deposit any hauled waste that contains any substance or material prohibited by the Sewer Use By-law, except that it may exceed the limits specified in the sewer use By-law in respect of BOD, Suspended Solids, and Phosphorus, and other limits as may be established by the City of Kawartha Lakes, as agreed by the Director of Public Works.
- 4.03 **Waste Hauler Certification:** The waste hauler shall, at all times, have and maintain all necessary approvals, permits, and or certificates required under Ontario legislation and regulations in carrying out the activity as a hauler of hauled septage. The waste hauler shall obtain permission from the City of Kawartha Lakes, Water and Wastewater Division, in advance; authorization for permission to deliver hauled waste to the Sewage Works.
- 4.04 **Waste Manifest:** Prior to depositing any hauled septage waste at the Sewage Works, the waste hauler shall sign in with City of Kawartha Lakes Lindsay-Ops Landfill Operating staff and complete, in its entirety and in a legible manner, a Septage Manifest form supplied by the City of Kawartha Lakes. At any time the City of Kawartha Lakes may make amendments to the Septage Manifest form for abattoir waste, septic and holding tank waste and the waste hauler agrees to complete any such form. The Waste Manifest form for leachate must be supplied by the hauler and approved by the province.
- 4.05 **Inspection of Waste:** Upon request, a waste hauler shall provide a representative sample of the septage waste to be discharged at that time.
- 4.06 **Right of Refusal:** The City of Kawartha Lakes may refuse to accept any hauled septage waste at the Sewage Works if the Sewage Works does not at that time have the capacity to treat that sewage or if any provisions of this By-law are not met.
- 4.07 **Approvals to Waste Haulers:** The Director of Public Works will give written approvals to waste haulers, permitting them and their specified vehicles to deposit sewage under specific terms and conditions to be received at the Sewage Works.
- 4.08 **Revocation of Approvals:** The Director of Public Works may revoke immediately any such approvals if the requirements of this By-law, or any policies or procedures implementing by this By-law are not met.
- 4.09 **Sampling and Testing Fees:** The Director of Public Works may require sampling and testing of hauled septage, at the expense of the waste hauler or sewage generator, as the Director considers necessary.

Section 5.00: Fees and Charges

- 5.01 **Standard Septage Waste Charge:** A standard septage waste charge is Established and shall be charged to any hauler who disposes of standard septage waste at the Sewage Works.
- 5.02 **Holding Tank Waste Charge:** A holding tank waste charge is established and shall be charged to any hauler who disposes of holding tank waste at the Sewage Works.
- 5.03 **Abattoir Waste Charge:** An abattoir waste charge is established and shall be charged to any hauler who disposes of abattoir waste at the Sewage Works.
- 5.04 **Leachate Waste Charge:** A leachate waste charge is established and shall be charged to any hauler who disposes of leachate waste at the Sewage Works.
- 5.05 **Environmental Compliance Charge:** An environmental compliance charge is established and shall be charged to any hauler who disposes of abattoir waste at the Sewage Works.
- 5.06 **Fees and Charges:** All fees and charges established by this by-law shall be charged in accordance with Schedule ~~GB~~ of the By-law ~~to Govern~~ Water and Wastewater Services. to Regulate Water and Wastewater Services in the City of Kawartha Lakes.

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Section 6.00: Invoicing and Collection

- 6.01 **Disposal Process:** Waste haulers shall use scales at the City of Kawartha Lakes Lindsay Ops Landfill to determine the weight of the holding tank or standard septage, leachate or abattoir waste which will be converted to imperial gallons. City staff shall issue weigh tickets to waste haulers and complete the appropriate section of the Septage Manifest.
- 6.01 **Billing Frequency:** The Revenue and Taxation Department shall invoice the waste hauler on a monthly basis based on weigh ticket and Septage Manifest information.
- 6.02 **Penalty on Late Payment:** The Revenue and Taxation Department shall add to each account which is not paid on the due date a charge of one (1%) percent of the overdue amount, which represents a late payment charge.

Section 7.00: Enforcement and Penalties

- 7.01 **Enforcement:** This by-law may be enforced by every municipal law enforcement officer.
- 7.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 8.00: Administration and Effective Date

- 8.01 **Administration of the By-law:** Unless otherwise indicated in this By-law, the administration of this by-law is assigned to the Director of Public Works, who may delegate any of the functions under this by-law from time to time as occasion requires.
- 8.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 22nd day of November, 2016.

Andy Letham, Mayor

Judy Currins, City Clerk