TSAWOUT FIRST NATION SEWER USE LAW NO. 2013-01

A Law to Regulate the Discharge of Waste into Sewers Connected to a Sewage Facility Operated by the Tsawout First Nation

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A LAW TO REGULATE THE DISCHARGE OF WASTE INTO SEWERS CONNECTED TO A SEWAGE FACILITY OPERATED BY THE TSAWOUT FIRST NATION

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WHEREAS:

A. The Council deems it advisable, necessary, expedient and in the best interests of the Tsawout First Nation and all residents and occupiers of Tsawout First Nation Land to establish a Law regulating the discharge of waste into sewers connected to a sewage facility operated by the Tsawout First Nation.

B. Pursuant to the *Tsawout First Nation Land Code,* the Council has the authority to make Laws respecting the development, conservation, protection, management, use and possession of First Nation Land, including Laws in respect of management of local and public works and the regulation of sanitary services.

NOW THEREFORE the Council enacts the following Law:

1.0 DEFINITIONS

For the purposes of this Law, and unless they are otherwise defined in this Law, terms have the same meanings as in the *Tsawout First Nation Land Code.* The following terms, words and phrases when used in this Law have the meanings set forth in this section, whether appearing in capital or lowercase form. If not defined below, or in the *Land Code,* the words and phrases used in this Law have their common and ordinary meanings to the degree consistent with the technical subjects in this Law.

"Above Ground Storage Tank Containment Area" means the area within a containment wall or barrier containing above ground storage tanks, but does not include the roof or other covering of the area.

"Activated Carbon" treated or prepared granular carbon capable of removing organic compounds and other substances from waste or wastewater through the process of adsorption and absorption.

"Air" means the atmosphere but, except in a sewer or a sewage facility or as the context may otherwise require, does not include the atmosphere inside a constructed enclosure that is not open to the weather.

"Air Contaminant" means any substance or odour whether gaseous, liquid, solid or a combination that is emitted into the air and that:

(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 visibility;

(d) interferes or is capable of interfering with the normal conduct of business;

(e) causes or is capable of causing material physical discomfort to a person; or

(f) damages or is capable of damaging the environment.

"Amalgam Separator" means any technology, or combination of technologies, designed to separate amalgam particles from dental operation wastewater using a process involving sedimentation, filtration or centrifugation.

"Application" means a request for one of the following:

(a) a waste discharge permit;

(b) to amend, add or delete a term or condition of a waste discharge permit;

(c) to change the activity that is the subject of a waste discharge permit;

(d) to renew a waste discharge permit; or

(e) an authorization.

"Authorized" or "Authorization" means the authorization in writing by a manager upon such terms and conditions as specified therein.

"Automotive Repair Operation" means the repair or maintenance of vehicles, engines, transmissions or other mechanical devices that use any oil or grease for lubrication by any commercial, industrial or institutional operation or by a public authority including, but not limited to: mechanical repair shops, collision repair shops, fueling stations, vehicle maintenance facilities, radiator repair shops, engine washing activities, oil change operations, vehicle dealerships, vehicle recycling operations, towing businesses and automotive detailing operations but does not include vehicle wash operations.

"Biomedical Waste" means biomedical waste as defined in the Hazardous Waste Regulation, B.C. Reg. 63/88.

"Biosolids" means stabilized wastewater sludge resulting from a local government wastewater treatment process which has been sufficiently treated to reduce pathogen densities and vector attraction to allow the sludge to be beneficially recycled in accordance with the requirements of the Organic Matter Recycling Regulation of British Columbia, B.C. Reg. 18/2002.

"BOD" means biochemical oxygen demand, being the quantity of oxygen utilized in the biochemical oxidation of organic substances under standard laboratory procedures in five days at 20 degrees Celsius expressed in milligrams per litre, as determined by the appropriate procedure in standard methods.

"Brewing Kettle" means a large cooking vessel used for boiling.

"**Carpet Cleaning Operation**" means any commercial, industrial or institutional operation or a public authority engaged in the cleaning of hard and soft surfaces using liquid extraction, bonnet, absorbent compound, shampoo or dry foam method equipment and procedures.

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

"Certified Amalgam Separator" means any amalgam separator that is certified in accordance with ISO Standard ISO/FDIS 11143: (1999) for "Dental equipment – Amalgam separators" or its amendments as established by the International Organization for Standardization.

"Chemical Recovery Cartridge" means a cartridge filled with steel wool, iron mesh, iron particles or iron-impregnated resin capable of removing silver from silver-bearing waste through the principle of metallic replacement.

"Chlorinated Phenols" means the chlorinated derivatives of phenols specified in Schedule "B" and as determined by the appropriate procedure described in standard methods or in procedures authorized by the manager.

"Cleaned Out" means to have the settled and floating material collected in an oil-water separator, vehicle wash interceptor or trade waste interceptor removed by a pump-out service.

"COD" means chemical oxygen demand, being a measure of the oxygen equivalent of the organic matter content of a sample that is susceptible to oxidation by a strong chemical oxidant, as determined by the appropriate procedure in standard methods.

"Code of Practice" means a code of practice attached to this Law and listed in Schedule "D" for the discharge of waste by a discharging operation.

"Collecting Container" means that part of an amalgam separator designed for retention of separated amalgam waste for the purpose of disposal.

"Combined Sewer" means a sewer designed for the collection and transmission of uncontaminated water, wastewater and stormwater.

"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 gaseous, liquid or solid, 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 sewage facility;

(d) causes or is capable of causing material physical discomfort to a person; or

(e) damages or is capable of damaging the environment.

"Contaminated Sites Regulation" means the Contaminated Sites Regulation of British Columbia (B.C. Reg. 705/95) as amended from time to time pursuant to the *Environmental Management Act*.

"Cumulative Flow" means the total flow over a known period of time.

"Cumulative Flow Meter" means a device used for measuring cumulative flow.

"Dental Amalgam" means a dental filling material consisting of an amalgam of mercury, silver and other materials such as copper, tin or zinc.

"Dental Operation" means any operation that carries out dental care, dental hygiene or dental laboratory activities and which produces liquid waste containing mercury or silver.

"**Deputy Sewage Control Manager"** means a deputy sewage control manager, appointed under paragraph 8.1(1)(b) of this Law.

"Dioxin TEQ" means the dioxin toxicity equivalent value as defined in the Hazardous Waste Regulation.

"Discharge" means to directly or indirectly introduce a substance into a sewer or sewage facility by spilling, disposing, abandoning, depositing, leaking, seeping, pouring, draining, emptying or by any other means.

"Discharging Operation" means an industrial, commercial, institutional or other undertaking listed in Schedule "D".

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

"Domestic Sewage" means sanitary waste produced on a residential property.

"Domestic Waste" means sanitary waste or grey water generated from a residential or personal recreational use of land that is discharged directly or indirectly into a sewer connected to a sewage facility operated by Tsawout First Nation.

"Dry Cleaning Operation" means any commercial, industrial or institutional operation or a public authority engaged in the cleaning of textile and apparel goods, rugs, furs, leathers and other similar articles using tetrachloroethylene.

"Electrolytic Recovery" means a method of recovering silver from silver-bearing liquid waste by passing a direct electrical current between electrodes suspended in the waste.

"Enactment" means any applicable act, regulation, law, bylaw, order or authorization, by a federal, provincial, First Nation, or local government, or their authorized representatives.

"Environmental Management Act" means the *Environmental Management Act* of the Province of British Columbia.

"Fermentation Operation" means any operation where alcoholic beverages are produced for sale to any person or through the use of facilities or equipment for a fee, including brew pubs, brew clubs, micro-breweries, cottage breweries, wineries, brew-on-premises operations, vint-on-premises operations and distilleries.

"Filter Cloth" means a fabric material, such as landscape fabric or any other material that will remove total suspended solids from wastewater such that the effluent will meet the restricted waste criteria set out in Schedule "B.

"First Nation Land" means a Tsawout First Nation reserve, or any portion thereof, that is subject to the *Tsawout First Nation Land Code.*

"Flow Control Fitting" means a device used to limit the flow of:

(a) wastewater into a grease interceptor to its rated flow capacity; or,

(b) water into a wet vacuum system to a rate which does not exceed the maximum inlet flow rate of a certified amalgam separator installed downstream.

"Food Services Operation" means any operation where food is prepared or made ready for eating and served to the public, including a restaurant, health or residential care facility, delicatessen, grocery store, bakery, butcher shop, fast-food outlet, cafeteria, bar or similar place.

"Fueling Station Area" means the area in which vehicle fueling is conducted and which is contained within strip drains or other means of containment, but does not include drainage from the roof or other covering of the area.

"Garburator" means a mechanical device that is connected to a sewer and is used to reduce the particle size of food waste disposed to a sewer.

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

"Grease Interceptor" means a device designed and installed to separate and retain oil and grease from wastewater for physical removal, while permitting wastewater to discharge to a sewer.

"Grey Water" means wastewater from food preparation and washing, bathing, dishwashing and laundering.

"Halogenated Solvent" means any liquid organic compound containing chlorine, fluorine, bromine or iodine.

"Hazardous Waste" means hazardous waste as defined in the *Environmental Management Act*.

"Hazardous Waste Regulation" means the Hazardous Waste Regulation, B.C. Reg. 63/88, enacted pursuant to the *Environmental Management Act*.

"Hazardous Waste Regulation Leachate Quality Standards" means the contaminant concentrations for leachate as set out in Table 1, Schedule 4 of the Hazardous Waste Regulation.

"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.

"Kitchen Equipment" means equipment that includes, but is not limited to exhaust systems, stoves, ovens, broilers, woks, fryers and the surfaces in the vicinity of the kitchen equipment.

"Kitchen Equipment Cleaning Operation" means any commercial, industrial, institutional operation or a public authority engaged in the cleaning of kitchen equipment using grease-removing chemicals and water under high pressure.

"Kitchen Equipment Cleaning Waste" means a combination of water and water carried liquid and solid wastes generated by a kitchen equipment cleaning operation.

"Ice Cooling Refrigeration System" means a cooling system used in ice making.

"Ice Melting Operation" means removal of the ice playing surface and ice paint using ice resurfacing equipment and allowing the removed ice to melt.

"Ice Paint" means paint or other material used to provide colour to an ice playing surface.

"Impervious" means having a permeability not greater than $1x10^{-7}$ cm per second when subjected to a head of 0.305 m of water. Permeability is not to be affected by the liquid it is meant to contain.

"ISO Standard" means standard ISO/FDIS 11143: (1999) for "Dental equipment – Amalgam separators" or its amendments as established by the International Organization for Standardization.

"Justice" means a Justice of the Peace appointed under a Tsawout First Nation Law, or a justice of the Provincial Court (BC).

"Laboratory Operation" means any commercial, industrial or institutional laboratory or a laboratory operated by a public authority that generates liquid waste in association with activities including, but not limited to: agriculture, analytical service, aquaculture, chemical manufacturing, education, forestry, health care, industrial hygiene, materials testing, pharmaceutical manufacturing, research, tissue culture and veterinary medicine.

"Local Government" means the council of a municipality, the board of a regional district, and includes Tsawout First Nation.

"Manager" means the sewage control manager or a deputy sewage control manager, appointed under paragraph 8.1(1)(a) or 8.1(1)(b) of this Law.

"Manual Wash" means vehicle wash operations wherein the customer or operator provides manual labour and where no self-propelled wash racks or conveyor equipment is used.

"Mash Tun" means a vessel in which sugars are extracted from malt by enzymes on the addition of water to produce sweet wort.

"Mechanical Wash" means vehicle wash operations where vehicles are washed by equipment operated mechanically including, but not limited to, brush, soft cloth, tunnel and touchless systems.

"Metering Pump" means a pump designed to deliver waste at a calibrated flow rate.

"Monitoring Point" means an access point to a sewer, private drainage system or other sewer system for the purpose of:

(a) measuring the rate of flow or volume of wastewater being discharged from a premises;

(b) collecting representative samples of wastewater being discharged from a premises.

"Municipality" means any participating member city, town, district or other incorporated area of the Capital Regional District incorporated as a municipality or the Capital Regional District itself.

"Non-domestic Waste" means all waste except domestic waste, sanitary waste, stormwater and uncontaminated water.

"Officer" means a sewage control officer appointed under paragraph 8.1(1)(c) of this Law, any person appointed by Tsawout Council as a bylaw officer to enforce Tsawout First Nation Laws and bylaws, and any peace officer entitled or authorized to enforce Tsawout First Nation Laws and bylaws.

"Off-site Waste Management" means removal of waste to a facility licensed by a province, state or federal government for treatment and disposal in accordance with applicable enactments.

"Oil-adsorbing Filter" means a filter capable of removing oil and grease and oil and grease (hydrocarbons) from printing operation effluent.

"Oil and Grease" means an organic substance or substances recoverable by the partition-gravimetric procedure set out in standard methods or a procedure authorized by the manager and includes, but is not limited to, hydrocarbons, esters, fats, oils, waxes and high molecular weight carboxylic acids.

"Oil and Grease (Hydrocarbons)" means an organic substance or substances recoverable by the partition-gravimetric silica gel absorption procedure set out in standard methods or a procedure authorized by the manager and includes, but is not limited to, non-polar petroleum hydrocarbons.

"Oil-water Separator" means a three-stage oil-water separator that meets the Standard for Oil-Water Separators (ULC-S656-00) prepared by Underwriters' Laboratories of Canada or the equivalent oil-water separation technology able to achieve an effluent quality of 50mg/L of oil and grease (hydrocarbons) or less.

"Public Authority" means any of the following:

(a) the government of Canada, the government of British Columbia or the government of another province, or an agent of any of them;

(b) a local government body, educational body or health care body, as those terms are defined in the Freedom of Information and Protection of Privacy Act;

(c) a first nation;

(d) a body in another province or country that provides local government services;

(e) any other body prescribed by regulation as a public authority for the purposes of one or more provisions of the *Community Charter* or the *Local Government Act;*

"Operator" includes the person who owns or otherwise has a right to operate a discharging operation or any person who has been authorized by such person to act as his, her or its agent.

"Order" means an order issued by the manager.

"Organo-tin compounds" means a group of chemical compounds, containing tin in combination with organic molecules, which are commonly used in anti-fouling paints including, but not limited to tributyltin, dibutyltin, monobutyltin and triethyltin.

"Owner" means any person who is legally entitled to possession, occupation, or control of a parcel of land, and where applicable, includes the duly authorized agent, heirs, executor or administrator of such person.

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

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

"Petroleum Solvent" means a petroleum distillate, such as Stoddard Solvent, used for dry cleaning purposes.

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

"Phenols" means the hydroxy derivatives of aromatic hydrocarbons as determined by the appropriate procedure described in standard methods.

"Photographic Imaging Operation" means any operation which carries out photographic film processing or printing that uses silver in image forming or creates waste containing silver.

"Pollution" means the presence in the environment of substances or contaminants that substantially alter or impair the usefulness of the environment;

"Polynuclear Aromatic Hydrocarbons (PAH) means the aromatic hydrocarbons specified in Schedule "B" and as determined by the appropriate procedure described in standard methods or in procedures authorized by the manager.

"Pool" means any water receptacle used for swimming or as a bath or hot tub designed to accommodate more than one bather at a time or designed for decorative purposes.

"Pool Filter Media" means diatomaceous earth, filter sand, or any other material used in a pool filter.

"Practical Quantitation Limit" means the practical quantitation limit as specified in Table 2 of Schedule "F".

"Pre-filter" means a reusable filter used to remove yeast cells from alcoholic beverages after completion of the fermentation process.

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

"Printing Operation" means any commercial, industrial or institutional operation or a public authority that involves printing including, but not limited to, the following processes: lithography gravure, rotogravure, flexography, screen printing or letterpress.

Private Drainage System" means a privately owned assembly of pipes, fittings, fixtures, traps and appurtenances that is used to convey wastewater, uncontaminated water, stormwater or foundation drainage to a sewer, sewage facility or a private wastewater disposal system.

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

"Radioactive Materials" means radioactive materials as defined in the *Atomic Energy Control Act of Canada* and Regulations under that Act.

"Rated Flow Capacity" means the quantity of wastewater per unit of time that will pass through a grease interceptor while allowing for effective service.

"Recreation Facility Operation" means any local government, educational institution or commercial facility containing one or more of the following: ice arena, curling rink, water park or pool.

"Recreational Vehicle Waste" means domestic waste accumulated in a holding tank in a trailer, camper, transportable housing unit, bus or aircraft.

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

"Restricted Waste" means restricted waste as defined in Schedule "B" to this Law.

"Sani-dump" means a facility connected to a sewer or sewage facility operating under a waste discharge permit or authorization allowing the discharge of recreational vehicle waste or carpet cleaning waste.

"Sanitary Sewer" means a sewer which carries sanitary waste or wastewater but which is not intended to carry stormwater or uncontaminated water.

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

"Seawater" means artificially prepared seawater or natural seawater from the marine environment.

"Septage Disposal Bylaw" means Bylaw No. 2827, "Capital Regional District Septage Disposal Bylaw No. 2, 2000".

"Septage" and "Septage Waste" means septage, as defined in the Septage Disposal Bylaw, that meets the quality criteria specified in Schedule "B" of the Septage Disposal Bylaw, as amended or replaced from time to time.

"Sewage Facility" means works owned or otherwise under the control or jurisdiction of the Tsawout First Nation that gathers, treats, transports, stores, utilizes or discharges waste.

"Sewer" means all pipes, conduits, drains and other equipment and facilities, owned or otherwise under the control or jurisdiction of the Tsawout First Nation, for collecting, pumping and transporting wastewater either to a sewage facility, or otherwise and includes all such pipes, conduits, drains and other equipment and facilities which connect with those of the Tsawout First Nation

"Sewage Control Manager" means the sewage control manager, appointed under paragraph 8.1(1)(a) of this Law.

"Sharps" means hypodermic needles, hypodermic syringes, blades, broken glass and any devices, instruments or other objects which have acute rigid corners, edges or protuberances.

"Ship and Boat Waste" means the sanitary waste and grey water accumulated in a holding tank on a pleasure boat, houseboat, commercial vessel or naval vessel but not including bilge water, ballast water or wastewater sludge.

"Ship and Boat Waste Disposal Facility" means a facility connected to a sewer or sewage facility operating under a waste discharge permit or an authorization allowing the discharge of ship and boat waste.

"Significant Difference" means a statistically determined difference at the 95% confidence level.

"Silver Recovery System" means the combination of holding tanks, metering pumps, plumbing and silver recovery technology which is used to treat liquid waste containing silver produced by photographic imaging

operations.

"Silver Recovery Technology" means equipment that is designed to recover silver from liquid waste produced by photographic imaging operations using such methods as metallic replacement, electrolysis, ion exchange or chemical precipitation including: electrolytic units, chemical recovery cartridges, chemical precipitation units and ion exchange units.

"Silver Test Kit" means a test kit that is capable of measuring the silver concentration in liquid waste at a minimum level of 100 mg/L.

"Silver Test Paper" means test paper that is capable of indicating the presence of silver in liquid waste at a minimum concentration of 500 mg/L.

"Sludge" means wastewater containing more than 0.5% total solids.

"Solvent" means a hydrocarbon-based liquid used to clean equipment or to dissolve other substances.

"Spill Containment" means any impervious structure that surrounds a container or works that is sufficient to hold the larger of:

(a) 110% of the largest volume of free liquid in the container or works, or

(b) 25% of the total volume of free liquid in storage.

"Spill Response Plan" means a written plan developed for the operator to respond to any spills of prohibited or restricted waste that defines the rules and responsibilities for a spill response, and includes contact names and numbers for the appropriate agencies and a list of all spill response equipment.

"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.

"Stop Work Order" means a stop work order imposed pursuant to section 10.4.

"Storm Sewer" means a sewer for the collection and transmission of stormwater or uncontaminated water.

"Stormwater" means water resulting from natural precipitation from the atmosphere and which is intended to be transported in a storm sewer, a combined sewer or a watercourse.

"Substance" includes any solid, liquid or gas.

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

"Tetrachoroethylene" means an aliphatic halogenated hydrocarbon having the chemical formula $CCl_2=CCl_2$ also referred to as: ethylene tetrachloride, PCE, perc, perchlor, perchlorethylene, perchloroethylene, perk, tetrachloroethene and 1,1,2,2- tetrachloroethylene.

"Tetrachloroethylene-Contaminated Residue" means any solid, liquid or sludge containing tetrachloroethylene, other than wastewater, that is produced by a dry cleaning operation.

"Tetrachloroethylene-Water Separator" means equipment used to separate tetrachloroethylene and water by gravity.

"Total Volume", as referred to in Schedule "I", means the sum of the volumes of each compartment of a fixture calculated by multiplying the width of a compartment by the length of a compartment by the height of a compartment measured to the level of the top of the outside sidewall of the fixture.

"Trade Waste Interceptor" means an interceptor designed to separate and retain settleable solids and floatable material from printing operation wastewater prior to further treatment before discharge to sanitary sewer.

"Transportation of Dangerous Goods Regulations" means the Transportation of Dangerous Goods Regulations SOR/2001-266 enacted pursuant to the *Transportation of Dangerous Goods Act* of Canada.

"Treatment Works" means any works or procedures specified in a code of practice designed for the treatment of waste.

"Trub" means waste hops and proteins generated from brewing kettle bottoms.

"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, but does not include septage waste, recreational vehicle waste, carpet cleaning waste or ship and boat waste.

"Tsawout Council" or **"Council"** means the duly elected Chief and councillors of the Tsawout First Nation.

"Tsawout First Nation" means the Tsawout First Nation as named in the Schedule to the *First Nations Land Management Act*.

"Uncontaminated Water" means any water excluding stormwater 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.

"Vehicle" means a vehicle as defined under the *Motor Vehicle Act* as amended from time to time.

"Vehicle Wash Interceptor" means an interceptor equipped with a minimum of three chambers designed to retain suspended solids and oil and grease from vehicle wash wastewater.

"Vehicle Wash Operation" means the washing of the exterior of vehicles by any commercial, industrial or institutional operation or by a public authority.

"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 sewage facility.

"Waste Discharge Permit" means a waste discharge permit issued by a manager under this Law.

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

"Wastewater Sludge" means the removed material resulting from chemical treatment, coagulation, flocculation, sedimentation, flotation or biological oxidation of wastewater.

"Water" includes seawater, surface water, ground water and ice.

"Watercourse" means:

(a) a river, stream, creek, waterway, lagoon, lake, spring, swamp, marsh or other natural body of water; or

(b) a canal, ditch, reservoir or other man-made surface feature;

whether it contains or conveys water continuously or intermittently.

"Waterworks" means the waterworks system of the Tsawout First Nation, and includes all storage facilities, water mains, service pipes, standpipes, fire hydrants, meters, pumps, electrical fittings, taps,

valves and all other apparatus of any nature whatsoever maintained, used, or operated under authority of Council to deliver water to any lands, premises, standpipe or fire hydrant located within Tsawout First Nation Lands.

"Wetted Height" means the depth from the static water line to the bottom of the grease interceptor, oil-water separator, vehicle wash interceptor or trade waste interceptor.

"Wet Vacuum System" means a dental operatory vacuum system that uses water, which is spun and thrown out within the pump mechanism, to create a vacuum.

"Works" includes:

(a) a drain, ditch, sewer or waste disposal system including a sewage treatment plant, pumping station or outfall;

(b) a device, equipment, land or a structure that:

(i) that measures, handles, transports, stores, treats or destroys waste or a contaminant; or
(ii) introduces waste or a contaminant into the environment;

(c) an installation, plant, machinery, equipment, land; or a process that causes or may cause a release of a contaminant into the environment, or is designed or used to measure or control the introduction of waste into the environment, or to measure or control a contaminant;

(d) an installation, plant, machinery, equipment, land or a process that monitors or cleans up a contaminant or waste.

"95% Confidence Limit" means that interval or range of values around an observed value which will, in 95% of the cases, include the expected value, where the expected value is defined as the average of an infinite series of such determinations.

2.0 DISCHARGES TO SEWERS

2.1 No person shall directly or indirectly discharge or allow or cause to be discharged into a sewer connected to a sewage facility operated by Tsawout First Nation:

(a) Any **prohibited waste**, as described in Schedule "A".

(b) Any **restricted waste**, as described in Schedule "B" unless that person:

(i) has first obtained a waste discharge permit or authorization; or
(ii) complies with a code of practice for that type of waste.

(c) Any **high volume discharge** unless that person:

(i) has first obtained a waste discharge permit or authorization; or
(ii) complies with a code of practice for that type of waste.

(d) Any waste from a **discharging operation** unless that person:

(i) has first obtained a waste discharge permit or authorization; or
(ii) complies with the code of practice for that type of waste.

(e) Any **uncontaminated water** in a volume greater than 2.0 cubic metres per day without prior authorization from the manager.

(f) Any **stormwater** without prior authorization from the manager.

2.2 Subparagraphs 2.1(b)(ii), (c)(ii) and (d)(ii) do not apply to:

(a) waste for which there is no code of practice;

(b) trucked liquid waste or septage waste discharged under section 2.3 or 2.4.

2.3 No person shall discharge septage into a sewer connected to a sewage facility operated by Tsawout First Nation.

2.4 No person shall discharge trucked liquid waste into a sewer connected to a sewage facility operated by Tsawout First Nation:

2.5 No person shall directly or indirectly discharge or allow or cause to be discharged into a sewer connected to a sewage facility operated by Tsawout First Nation any water or other substance for the purpose of diluting any non-domestic waste.

2.6 A municipality is not in violation of sections 2.1 or 2.5 where there is a discharge contrary to one or more of those sections by a third party into a sewer or sewage facility connected to a sewage facility operated by Tsawout First Nation.

2.7 In order to obtain and maintain the authorization referred to in paragraph 2.1(e), where the uncontaminated water is produced on property other than residential property and is from a source other than a waterworks, a person shall:

(a) install and thereafter maintain at that person's expense, a meter on the water supply generating the authorized discharge; and

(b) supply to the manager, by the 10th of each month, an accurate calculation of the volume of water measured pursuant to paragraph 2.7(a).

2.8 Every person who directly or indirectly discharges waste or substances produced, treated, handled or stored on property other than residential property into a sewer connected to a sewage facility operated by Tsawout First Nation shall, as a condition of that discharge:

(a) provide and maintain facilities to prevent accidental discharge or a discharge contrary to this Law or a waste discharge permit or authorization such as spill containment, recovery or neutralization facilities for substances which, if accidentally discharged, would constitute prohibited or restricted waste;

(b) post, and keep posted, permanent signs in conspicuous locations on the premises displaying the name, telephone number of the person to call as prescribed in Schedule "C" in the event of accidental discharge of a prohibited or restricted waste; and

(c) inform employees, who may cause or discover the discharge of prohibited or restricted waste, of the notification procedures set out in section 7 of this Law.

2.9 No person shall directly or indirectly discharge, or allow or cause to be discharged, any recreational vehicle waste into a sewer connected to a sewage facility except:

(a) with a waste discharge permit or authorization; or

(b) at a sani-dump connected to a sewer or sewage facility and operating under a waste discharge permit or authorization that specifically authorizes such discharges.

2.10 No person shall directly or indirectly discharge, or allow or cause to be discharged, any carpet cleaning waste into a sewer connected to a sewage facility except under conditions specified in a code of practice, waste discharge permit or authorization.

2.11 No person shall directly or indirectly discharge, or allow or cause to be discharged, any ship and boat waste into a sewer connected to a sewage facility operated by the Tsawout First Nation except:

(a) with a waste discharge permit or authorization; or

(b) at a ship and boat waste disposal facility operating under a waste discharge permit or authorization.

2.12 No kitchen equipment cleaning operator shall directly or indirectly discharge, or allow or cause to be discharged, any kitchen equipment cleaning waste into a sewer connected to a sewage facility except:

(a) with a waste discharge permit or authorization; or authorizes such discharges.

2.13 As a condition of discharge under section 2.12, a kitchen equipment cleaning operator must:

(a) adjust the pH of the waste to a range between 5.5 and 12.5; and

(b) keep a record of all kitchen equipment cleaning performed, including:

(i) the date of cleaning;
(ii) the cleaning location;
(iii) any pH adjustment;
(iv) the final pH of waste disposed; and
(v) the location and date of disposal.

2.14 Sections 2.12 to 2.13 do not apply to discharges of kitchen equipment cleaning waste from self-cleaning exhaust hoods installed over kitchen equipment being operated under the requirements of Schedule "I" of this Law.

2.15 Paragraphs 2.1(b) and (c) and section 2.4 do not apply to the Tsawout First Nation or agent of the Tsawout First Nation where waste that has been removed from a sewer, due to maintenance activities, is discharged into a sewer at another location.

3.0 WASTE DISCHARGE PERMITS AND AUTHORIZATIONS

3.1 The manager may, by order under section 8.1, issue a waste discharge permit or authorization to allow a high volume discharge or to allow the discharge of waste other than domestic sewage upon such terms and conditions as the manager considers appropriate for the protection of sewers, sewage facilities, human or animal health and safety, and the environment, and without limiting the generality of the foregoing, may in the waste discharge permit or authorization:

(a) place limits and restrictions on the quantity, frequency of discharge and nature of the waste permitted to be discharged;

(b) require the holder of a waste discharge permit or authorization, at his or her expense, to repair, alter, remove or add works, or construct new works to ensure that the discharge will comply with the waste discharge permit or authorization, this Law and any enactment;

(c) require the holder of a waste discharge permit or authorization, at his or her expense, to monitor the waste being discharged under the waste discharge permit or authorization in the manner specified by the manager and to provide information concerning the discharge as requested by the manager including, but not limited to, routine maintenance check dates, cleaning and waste removal dates, and the means of disposal of accumulated wastes and waste treatment residuals;

(d) require the holder of the waste discharge permit or authorization to submit to the manager detailed plans and operating procedures for all existing facilities installed on the premises for the purpose of preventing accidental discharge;

(e) require compliance by the holder of the waste discharge permit or authorization with such other enactments as the manager considers necessary or desirable in the circumstances;

(f) make such other requirements as the manager deems necessary or desirable

3.2 Nothwithstanding paragraphs 2.1(b) and (c), a manager may, by order under section 8.1 require any person or any class of persons to obtain a waste discharge permit or authorization for the discharge by that person or class of persons of any non-domestic waste that is not a high volume discharge or a restricted waste.

3.3 Upon receipt of notice under section 3.2, the person receiving the notice shall, within 30 days, apply for a waste discharge permit or authorization and shall provide to the manager such information relating to the discharge of non-domestic waste by that person as the manager may require.

3.4 The manager may suspend or revoke a waste discharge permit or authorization for a failure to comply with the terms and conditions of the waste discharge permit or authorization or for any failure to comply with this Law, or any enactment applicable to the discharge of waste into a sanitary sewer connected to a sewage facility operated by the Tsawout First Nation.

3.5 (a) A waste discharge permit or an authorization may not be transferred or assigned without a manager's consent in writing.

(b) A manager may withhold consent where there has been a breach of this Law or a condition of the waste discharge permit or authorization.

3.6 An application for a waste discharge permit for a new discharge, or an amendment to an existing waste discharge permit, shall be made to a manager on the form attached hereto as Schedule "C" not less than 90 days prior to the date that the waste discharge permit is required, and shall be accompanied by such information, drawings and specifications as may be required under Schedule "C".

4.0 CODES OF PRACTICE

4.1 Council may establish Codes of Practice which, when established, shall be attached to this Law as a schedule.

4.1A A code of practice does not apply to a discharging operation that is subject to a waste discharge permit or authorization, unless otherwise specified in the waste discharge permit or authorization.

4.2 Nothing in a code of practice relieves a person discharging waste from complying with this Law, a waste discharge permit or any other applicable enactment.

4.3 A code of practice does not apply to the discharge of domestic waste.

4.4 The manager may require a discharging operation to obtain a waste discharge permit if considered necessary by the manager because of circumstances not covered by a code of practice.

4.5 If a code of practice establishes a requirement in relation to a specific discharging operation which differs from a provision in this Law, the requirement in the code of practice prevails.

5.0 MAINTENANCE OF WORKS AND PROCEDURES

5.1 It is a condition of the discharge of waste produced on property other than residential property into a sanitary sewer, by a person who holds a waste discharge permit or authorization or who has received or is subject to an order or who operates a discharging operation or who otherwise discharges waste, that all measures be taken to keep all equipment and facilities maintained and in good repair as may be necessary to ensure compliance with the terms and conditions of this Law, a waste discharge permit, authorization, code of practice or order.

5.2 No person shall discharge or allow or cause to be discharged, into a sewage facility or a sewer connected to a sewage facility operated by Tsawout First Nation, non-domestic waste, which has bypassed any waste control works or treatment works authorized and required by the manager or which is not otherwise in compliance with this Law.

6.0 RECORDS RETENTION AND PROVISION OF INFORMATION

6.1 Holders of a waste discharge permit, authorization, an order or persons operating under a code of practice permitting the discharge of waste produced on property other than residential property:

(a) shall retain and preserve any records, books, documents, memoranda, reports, correspondence and any and all summaries of such documents, relating to monitoring, sampling and chemical analysis required by the manager, a waste discharge permit, authorization or order;

(b) shall retain and preserve all records which pertain to issues which are the subject of administrative action or any other enforcement or litigation activities by the Tsawout First Nation until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

6.2 Unless specified otherwise in a code of practice, records shall be retained under paragraph 6.1(a) for not less than six years after their creation.

7.0 NOTIFICATION

7.1 Any person who discharges waste or allows the discharge of waste into a sewer or a sewage facility in contravention of any waste discharge permit, authorization, code of practice or order or that is otherwise in contravention of this Law, after becoming aware of the discharge, shall stop the discharge, and after reporting the discharge, substantially in accordance with the procedures set out in the Spill Reporting Regulation (BC) (where applicable), shall immediately notify:

(a) the manager or an officer by telephone and provide the information specified in section 7.2;

(b) the owner of the premises; and

(c) any other person whom the person reporting knows, or reasonably should know, may be directly affected by the discharge.

7.2 The manager shall be supplied with the following information:

(a) identification of the premises where the discharge occurred;

(b) location of the discharge;

(c) name of the person reporting the discharge and telephone number, or numbers where that person can be reached;

(d) date, time and duration of the discharge;

(e) type and concentration of all substances discharged and any known associated hazards;

(f) total weight or volume of the material discharged; and

(g) corrective action being taken, or anticipated to be taken, to control the discharge or to prevent similar discharges.

7.3 A person who discharged or allowed a discharge of waste referred to in section 7.1 shall, as soon as that person becomes aware, or reasonably should have become aware of the discharge, take all reasonable measures to:

(a) confine, minimize, counteract, mitigate, remedy and repair the effects of the discharge; and

(b) remove or otherwise dispose of the substance discharged in a manner consistent with this Law and other applicable enactments.

7.4 A person operating under an existing waste discharge permit or authorization shall notify the manager in writing not less than 90 days prior to:

(a) commencing a new activity; or

(b) expanding or changing an existing activity;

which affects or may affect the average composition or the total volume of waste discharged by that person.

8.0 DUTIES AND POWERS OF THE MANAGER AND OFFICERS

8.1 (1) Council may, by resolution, appoint

(a) one or more persons as sewage control managers,

(b) one or more persons as deputy sewage control managers, and

(c) one or more persons as sewage control officers,

to carry out the duties of manager and officer, respectively, under this Law, and who have and may exercise, in relation to First Nation Land, the powers of an officer set out in section 8.3.

(2) A manager may, subject to any applicable waste management plan, by order, prohibit or regulate the discharge of any type of waste other than domestic sewage into a sewage facility.

(3) Without limiting subsection (2), a manager may

(a) in an order made under subsection (2), specify

(i) the conditions under which the waste may be discharged into a sewage facility, and
(ii) that the person who discharges monitor the waste discharged in the manner and at the times specified, or

(b) amend or revoke an order made by him or her under subsection (2).

(4) A manager may order a person who discharges waste other than domestic sewage into a sewage facility, or who possesses waste other than domestic sewage that may ultimately be discharged into a sewage facility, to keep records and provide information in the form and manner required by the sewage control manager respecting the waste discharged, handled, stored, treated or transported.

8.2 A manager or an officer may enforce the provisions of this Law.

Inspections

8.3 (1) For the purposes of ensuring compliance with this Law or compliance with a waste discharge permit, code of practice, authorization or an order under this Law, a manager or officer may enter land or premises, except premises or a part of premises occupied solely as a private residence, at any reasonable time and inspect any process, works or activity that

(a) produces or is capable of producing waste,

(b) causes or is capable of causing pollution, or

(c) is used for the storage, handling, treatment, destruction or disposal of waste.

(2) A manager or officer may exercise powers under this section in respect of premises used as a private residence only

(a) with the consent of the occupant, or

(b) under the authority of a warrant under subsection (3) or another enactment.

(3) If satisfied by evidence on oath that access to premises or a part of premises, used solely as a private residence, is necessary for the purposes of this Law a justice may issue a warrant authorizing a person named in the warrant to enter the premises and conduct an inspection.

(4) A manager or officer who enters on land or premises under subsection (1), with consent under subsection (2) or under a warrant under subsection (3), may do any of the following:

(a) inspect, analyze, measure, sample or test land, and any article, substance or waste located on or in the land, and premises to ascertain

(i) whether pollution is present,
(ii) the quantity of waste produced, treated, stored, handled, transported or discharged, or
(iii) the characteristics of waste produced, treated, stored, handled, transported or discharged;

(b) take away samples of land, articles, substances or waste;

(c) examine and take away copies of records relating to

(i) the production, treatment, storage, handling, transportation and discharge of waste, and
(ii) the characteristics of the waste produced, treated, stored, handled, transported or discharged;

(d) require that anything related to the production, treatment, storage, handling,

transportation or discharge of waste be operated, used or set in motion under conditions specified by the manager or officer;

(e) use a computer system at the place that is being inspected to examine data, contained in or available to the computer system, related to the production, treatment, storage, handling, transportation or discharge of waste;

(f) record or copy by any method any information related to the production, treatment, storage, handling, transportation or discharge of waste;

(g) use any machine, structure, material or equipment in the place that is being inspected as is necessary to carry out the inspection;

(h) use copying equipment located at the place that is being inspected to make copies to take away;

(i) take photographs or make audio or video records.

(5) A manager or officer who enters land or premises in accordance with this section

(a) may take with him or her the persons and equipment that may be necessary for the purposes of the inspection, and

(b) on request, must provide proof of identity to a person present on the land or premises entered.

(6) A person who is or was a director, receiver, receiver manager, officer, employee, banker, auditor or agent of a person who is the subject of an inspection under this section must, on request of the inspecting manager or officer,

(a) produce, without charge or unreasonable delay, for examination by the inspecting manager or officer

(i) any authorization, approval, licence, order, permit (including a waste discharge permit) or waste management plan related to waste produced, treated, stored, handled, transported or discharged on or from the land or premises, and

(ii) any other record that touches on any matter relating to the production, treatment, storage, handling, transport or discharge of waste on or from the land or premises, and

(b) provide the inspecting manager or officer with information relevant to the purposes of the inspection.

9.0 MONITORING OF DISCHARGES

9.1 The manager may, pursuant to section 8.1, require that a person who is discharging any waste other than domestic sewage into a sewer shall, at his or her expense, install one or more monitoring points suitable for inspection, flow monitoring and sample collection at locations determined by the manager, to be constructed in accordance with plans approved by the manager and maintained in good working order by the person.

9.2 A monitoring point required under section 9.1 shall be installed in a manner so as not to be affected by any discharge of domestic waste from a premise, unless otherwise authorized by the manager.

9.3 A monitoring point required under section 9.1 shall, for the purposes of enforcing this Law, be deemed to be the point or points at which a discharge into a sewer or sewage facility is made.

9.4 In the absence of a monitoring point under section 9.1, the point of discharge into a sewer or sewage facility shall, for the purposes of enforcing this Law, be the location determined by the manager where access can be had to the waste for the purpose of sampling and flow monitoring.

9.5 Where a person is required to install a monitoring point under section 9.1 and the person cannot comply with such requirement within 60 days of being notified of the requirement by the manager, the person shall, within 60 days of the notice being issued by the manager, inform the manager of his or her inability to install the monitoring point and Tsawout First Nation or a person appointed by the Tsawout First Nation may install or cause to be installed the monitoring point at the person's expense.

9.6 The owner of a premise shall ensure that all monitoring points, flow measuring devices and other devices specified in the waste discharge permit, including water meters, are accessible for inspection by the manager or an officer at all times.

9.7 The manager may require that a person who is discharging waste into a sewer undertake, at that person's expense, sampling and analysis of the waste discharged.

9.8 All sampling and analysis required by a manager shall be carried out in accordance with methods and procedures specified in standard methods or in a manner specified by the manager.

9.9 Samples which have been collected as the result of a requirement of the manager shall be analyzed by an independent agency or by a laboratory authorized by the manager.

10.0 OFFENCES AND PENALTIES

10.1 A person who contravenes this Law, a waste discharge permit, authorization or order issued under this Law or other requirement, made or imposed under this Law, commits an offence and is liable on summary conviction to a fine not exceeding $10,000.

10.2 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 $10,000, may be imposed for each day on or during which an offence occurs or continues.

10.3 Nothing in this Law shall limit Tsawout First Nation from pursuing any other remedy that would otherwise be available to the Tsawout First Nation at law.

10.4 In addition to any other applicable fine, penalty or remedy, a manager may issue a stop work order to any person who contravenes this Law, or who contravenes a waste discharge permit, authorization or order issued under this Law or other requirement, made or imposed under this Law.

10.5 A stop work order imposed under section 10.4:

(a) shall be in a form prescribed by Council by resolution;

(b) may be registered in a court of competent jurisdiction and enforced as a court order; and

(b) continues in force until the condition that led to it is remedied, or until the activity that is the subject of the stop work order is authorized under this Law.

11.0 REVIEW OF DEPUTY SEWAGE CONTROL MANAGER'S DECISION

11.1 A person affected by a decision, order or requirement of a deputy sewage control manager

pursuant to sections 3.1, 3.2, 3.4, 4.4, 8.1(2), 8.1(3), 8.1(4), 9.1, 9.2, 9.4, 9.7, or 10.4 may request a review within 21 working days of delivery of the decision, order or requirement by delivery to the sewage control manager of the notice of review request in the form attached as Schedule "E-1".

11.2 The sewage control manager may extend the time for requesting a review either before or after the time has elapsed.

11.3 The matter will be reviewed by the sewage control manager pursuant to section 11.7 unless the person seeking the review requests, on the form attached as Schedule "E-1", that the matter be referred first to mediation.

11.4 Mediation shall be conducted by a party agreeable to the applicant and to the sewage control manager and, if the parties cannot agree, then each party shall appoint a representative and the representatives shall jointly select a mediator.

11.5 The costs of mediation shall be borne equally by all parties involved.

11.6 If mediation does not resolve the matter in dispute, the review shall proceed to the sewage control manager.

11.7 Upon considering the matter under review and the results of the mediation, if any, the sewage control manager may:

(a) confirm, reverse or vary the decision, order or requirement under review; and

(b) make any decision that the sewage control manager considers appropriate.

11.8 Any decision made by the sewage control manager pursuant to section 11.7 must be communicated in writing to the applicant within 10 working days of receiving the written review request or the results of the mediation.

11.9 In the event that the sewage control manager is absent from the office due to vacation, illness, disability or other reason, a decision of the sewage control manager may be delayed until 10 working days following the sewage control manager's return.

11.10 The sewage control manager may extend the time limits set out in sections 11.8 and 11.9 for doing any of the things referred to in section 11.7.

11.11 A request for a review does not operate as a stay or suspend the operation of the decision being reviewed unless the sewage control manager orders otherwise.

11.12 A review under section 11.7 will not prejudice any right to a review by Council which a person may have under section 11.13, except in the case of a review initiated under section 11.1 by the Council, in which case the decision of the sewage control manager under section 11.7 shall be final.

REVIEWS BY COUNCIL

11.13 Subject to section 11.12, Within thirty (30) days of receiving notice of a decision, order or requirement of the Sewer Control Manager under this Law or within ten (10) days of service of a notice of a review decision under section 11.7 of this law, a person affected by a the decision, order, requirement or review (the “Applicant”) may apply for a further review by Council by completing and filing with the Lands Manager a Notice of Review in the form set out in Schedule E-2.

11.14 Upon receipt of a Notice of Review in the prescribed form, the Lands Manager will forthwith transmit to the Council and the Applicant:

(a) a copy of any documents relevant to the decision that is the subject of the review; and

(b) a copy of the Applicant's completed Notice of Review.

11.15 Sections 11.18 through 11.23 apply to the hearing referred to in section 11.16.

11.16 Upon receipt of the material described in section 11.14 of this Law, Council will determine the time and date of the review hearing, which will be at least fifteen (15) days hence but no more than forty-five (45) days thereafter and will advise the Lands Manager of its decision. The Lands Manager will forthwith serve the Notice of Hearing in the form set out in Schedule E-3 on the Applicant by personal service or by registered mail at the address shown on the Notice of Review. Council will hold the review hearing at the time and date set out in the Notice of Hearing. The Applicant or Customer shall be given at least seven (7) days notice of the hearing.

11.17 If the Applicant, after reasonable efforts of the Lands Manager and the Council, cannot be served with the Notice of Hearing in the manner contemplated under section 11.17, then the request for review shall be deemed to be dismissed.

11.18 At the review hearing, the sewage control manager and the Applicant are entitled to submit arguments in reply to the evidence and argument presented.

11.19 At the review hearing the Applicant has the onus to show just cause why the decision should be reviewed and reversed or otherwise changed.

11.20 Council will give its decision in writing to the Applicant within seven (7) days of the date of the completion of the review hearing. When making its decision, Council may take into account whether the Applicant's activities or conduct which is the subject of the decision under review:

(a) is detrimental to the health, safety, welfare, or environment of First Nation Lands or occupants, or lands or occupants adjacent to the reserve;

(b) is in contravention of the Law or any applicable enactment;

(c) is likely to result in a material increased risk, including a financial risk, to Tsawout First Nation's sewers or sewer facilities, or any other asset of the Tsawout First Nation or an occupant of First Nation Lands; or

(d) is otherwise contrary to the best interest of Tsawout members and other occupants of First Nation lands.

11.21 The Lands Manager will forthwith notify the Applicant of the decision referred to in section 11.20 of this law, including notification that the Applicant has a further right of appeal to a court of competent jurisdiction, by serving a copy of the decision personally or by registered mail to the Applicant at the address shown on the Notice of Review.

11.22 All review hearings will be held in camera unless the Applicant requests in the Notice of Review that the hearing be open to the public, and Council will approve such request. The decision resulting from the review hearing will be made public forthwith, and any minutes of the review hearing will be available to the public within fifteen (15) days of the decision.

11.23 If Council renders a decision reversing the decision of the sewage control manager, the reversal will be subject to the Applicant complying with this Law.

12.0 FEES AND CHARGES

12.1 The Council hereby imposes the fees set out in Schedule "F".

12.2 Every person who applies for or who holds a waste discharge permit or authorization or who operates a discharging operation shall pay the applicable fee or fees set out in Schedule "F".

13.0 GENERAL

13.1 No person shall hinder or prevent the manager or an officer from entering any premises or from carrying out his or her duties with respect to the administration of this Law.

13.2 Nothing in this Law shall be interpreted as relieving a person discharging waste from complying with any applicable enactments governing the discharge of waste into sewers.

13.3 Where Council has authority to direct that a matter or thing be done by a person, Council may also direct that, if the person fails to take the required action, the matter or thing shall be done at the expense of the person in default. If action in default is taken, Council may recover the expense from the person, together with costs and interest at the rate prescribed under the *Tsawout First Nation Property Taxation Law, 2008* (as amended from time to time), in the same manner as property taxes are collected on First Nation Lands.

13.4 The schedules annexed hereto shall be deemed to be an integral part of this Law.

13.5 Headings in this law are for reference purposes only, and do not form part of this law.

13.6 In the event that all or any part of any Part, section, subsection or paragraph of this Law are found by a court of competent jurisdiction to be invalid, such sections shall be severable, and the remaining portions or sections shall remain in full force and effect.

13.6 The *Tsawout First Nation Waterworks Bylaw No. 2006-2* and the *Tsawout First Nation Sanitary Sewer System Bylaw No. SEW 2005-01* continue in force and effect except to the extent of any inconsistency with this Law, in which case this Law prevails.

13.7 This Law may be cited for all purposes as *Tsawout First Nation Sewer Use Law No.2013-01.*

14.0 COMING INTO FORCE

14.1 This Law shall come into force and effect on the date it is enacted by Resolution after complying with the requirements of section 7 of Part 2 of the Tsawout First Nation Land Code.

THIS LAW IS HEREBY ENACTED by Council at a duly convened meeting held on the 19th. day of June, 2013 at Saanichton., British Columbia.

A quorum consists of **five (5)** Council members.

Chief Harvey Underwood	Councillor Allan Claxton
Councillor Louie Claxton	Councillor Eugena (Samantha) Etzel
Councillor Toby Joseph	Councillor Stanley Sam
Councillor Antoine Underwood	Councillor George Underwood

SCHEDULE "A"

PROHIBITED WASTE
TSAWOUT SEWER USE LAW NO. 2013-01

Prohibited waste means:

1. Hazardous Waste

Hazardous waste as defined by the *Environmental Management Act*.

2. Air Contaminant Waste

Any waste other than sanitary waste which, by itself or in combination with another substance, is capable of creating, causing or introducing an air contaminant outside any sewer or sewage facility or is capable of creating, causing or introducing an air contaminant within any sewer or sewage facility which would prevent safe entry by authorized personnel.

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 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 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 sewer or sewage facility or which may prevent safe entry by authorized personnel.

6. High Temperature Waste

(a) 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 sewer or sewage facility or with the treatment of waste in a sewage facility;

(b) Any waste which will raise the temperature of waste entering any sewage facility to 40 degrees Celsius (104 degrees Fahrenheit) or more;

(c) Any non-domestic waste with a temperature of 65 degrees Celsius (149 degrees Fahrenheit) or more.

7. Biomedical Waste

Any of the following categories of biomedical waste: human anatomical waste, animal waste, untreated microbiology laboratory waste, clinical and laboratory waste sharps and untreated human blood and body fluids known to contain viruses and agents listed in "Risk Group 4" as defined in the Transportation of Dangerous Goods Regulations.

8. Miscellaneous Wastes

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

(a) constitutes or may constitute a significant health or safety hazard to any person;

(b) may interfere with any sewer or sewage treatment process;

(c) may cause a discharge from a sewage facility to contravene any other applicable 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;

(d) may cause biosolids to fail criteria for beneficial land application in British Columbia as set out in the *Organic Matter Recycling Regulation* (British Columbia) deposited February 2002, or may cause the emissions from a wastewater sludge combustion facility to be out of compliance with appropriate permits, or may cause the ashes from a wastewater sludge combustion facility to be considered a hazardous waste under the *Environmental Management Act*.

SCHEDULE "B"

RESTRICTED WASTE
TSAWOUT SEWER USE LAW NO. 2013-01

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 manager.

Any of the contaminants listed below in tables (a), (b) or (c) that are present in a waste at dissolved concentrations in excess of the Hazardous Waste Regulation Leachate Quality Standards will qualify that waste, regardless of the sampling method used, as a hazardous waste.

a) CONVENTIONAL CONTAMINANTS [mg/L]	
Biochemical Oxygen Demand (BOD)	500
Chemical Oxygen Demand (COD)	1000
Oil and Grease*	100
Suspended Solids	350

Note: *Total oil and grease includes oil and grease (hydrocarbons) (see table (b))

b) ORGANIC CONTAMINANTS [mg/L]	
Benzene	0.1
Ethyl Benzene	0.2
Toluene	0.2
Xylenes	0.2
Polynuclear Aromatic Hydrocarbons (PAH)**	0.05
Phenols	1
Oil and Grease (hydrocarbons)	15

Note: **Polynuclear Aromatic Hydrocarbons (PAH) include:

naphthalene	benzo(a)anthracene
acenaphthylene	chrysene
acenapthene	benzo(b)fluoranthene
fluorene	benzo(k)fluoranthene
phenanthrene	benzo(a)pyrene
anthracene	dibenzo(a,h)anthracene
fluoranthene	indeno(1,2,3-cd)pyrene
pyrene	benzo(g,h,i)perylene

(c) INORGANIC CONTAMINANTS [mg/L]	
Arsenic (As)	0.4
Cadmium (Cd)	0.3
Chloride (Cl)	1500
Chromium (Cr)	4
Cobalt (Co)	5
Copper (Cu)	1
Cyanide (CN)	1
Iron (Fe)	50
Lead (Pb)	1
Manganese (Mn)	5
Mercury (Hg)	0.02
Molybdenum (Mo)	5
Nickel (Ni)	3
Selenium (Se)	0.3
Silver (Ag)	0.5
Sulphate (SO_4)	1500
Sulphide (S)	1
Zinc (Zn)	3

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 Canadian Nuclear Safety Commission.

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 Tsawout First Nation or its authorized delegate, as a tracer.

6. Miscellaneous Restricted Wastes

Any of the following wastes as defined in the Law.

(a) seawater

(b) PCBs

(c) chlorinated phenols ***

(d) pesticides

(e) tetrachloroethylene

(f) organo-tin compounds

*** Chlorinated phenols include:

- chlorophenol (ortho, meta, para)
- dichlorophenol (2,3, 2,4-, 2,5-, 2,6-, 3,4-, 3,5-)
- trichlorophenol (2,3,4-, 2,3,5-, 2,3,6-, 2,4,5-, 2,4,6-, 3,4,5-)
- tetrachlorophenol (2,3,4,5-, 2,3,4,6-, 2,3,5,6-)
- pentachlorophenol

SCHEDULE "C"

INFORMATION SHEET
WASTE DISCHARGE PERMIT APPLICATION
TSAWOUT SEWER USE LAW NO. 2013-01

This information sheet is provided to assist you in the preparation and submission of an application for a waste discharge permit under the Tsawout First Nation's Sewer Use Law No.2013-01. Once the form has been completed, **initial each page and sign the declaration on page 10**. To assist with the processing of the application, please make an accurate, readable and complete submission to the address provided below.

A. APPLICATION FORMS

1. COMPANY INFORMATION

Indicate the company name, incorporation number, type of business and location of the business. If your business or organization has more than one site address, please copy this form and complete a separate application for each site.

2. SUMMARY OF EFFLUENT DISCHARGE CHARACTERISTICS

Complete this section to indicate discharge duration, volume and quality.

3. NUMBER OF CONNECTIONS

List the number and type of connections to sewer.

4. SOURCES OF WASTEWATER

Where non-domestic waste is being discharged to sanitary sewer or storm sewer, list any pre-treatment works and the actual source of the wastewater.

5. SITE PLAN

A site plan must be submitted. Clearly mark the plant boundary, buildings and approximate locations of new and existing works, monitoring points and sewer connections.

6. DECLARATION FORM

The application form must be signed. Please ensure that the first box in the Declaration Section is complete. An application may be filed by an agent of the applicant and, unless the manager deems otherwise, an obligation imposed by this Law on an applicant may be carried out by his agent. If you wish to appoint an agent, please complete the appropriate box in the Declaration Section.

Initials _____

B. ADDITIONAL INFORMATION

1. Specifications and drawings of process equipment and control works associated with the discharge should be submitted to assist the CRD Parks and Environmental Services Department with the evaluation of the application. The manager may request submission of additional details relevant to the application. Should additional application forms be required, they may be obtained from:

Sewage Control Manager
Parks and Environmental Services Department
Capital Regional District
P.O. Box 1000, 625 Fisgard Street
Victoria, BC V8W 2S6

2. In the event of accidental discharge of a prohibited or restricted waste to a sewer (as required under sections 2.8(b) and 7.1(a) of this Law), please call:

Regional Source Control Program
24 Hour Telephone Number
(250) 360-3248

Initials _____

Environmental Partnerships, CRD Parks and Environmental Services Department, Telephone (250) 360-3256, Facsimile (250)360-3079

APPLICATION FOR A WASTE DISCHARGE PERMIT

⑤ Application for New Permit ⑤ Application to Amend Permit No. _____

Application for a WASTE DISCHARGE PERMIT under the Tsawout First Nation Sewer Use Law No. 2013-01. This application is to be filed with the sewage control manager, at the address on page 2, not less than 90 days prior to the date for which a permit is required.

1. I,_____
(Full name-if a company, British Columbia Registered Name)

Registered Address:_____

_____

Incorporation Number:_____
hereby apply for a WASTE DISCHARGE PERMIT to discharge non-domestic waste into sanitary sewer from a:

_____
(Type of Business)

Located at: _____

_____

2. Summary of Wastewater Discharge Characteristics

Maximum Duration of Operation: (hours/day) _____
(days/week) _____
(weeks/year) _____

Flow

Is the Discharge greater than 300 m^3 in a 30-day period?: ( ) yes ( ) no

Is the Discharge greater than 10 m^3 in a 24-hour period?: ( ) yes ( ) no

Frequency

Maximum discharge flow rate: _____ (m^3/day)

Average daily discharge flow rate: _____ (m^3/day)

Method of flow rate determination: _____

( ) measured ( ) estimated

(Note: 1m^3 = 220 Imperial gallons, or 264 U.S. gallons)

Initials _____

Type of Discharge

( ) continuous ( ) batch ( ) both

Quality

Use the check boxes to indicate whether any of the following types of wastes are discharged:

Flammable or explosive waste	( ) yes	( ) no
Obstructive waste	( ) yes	( ) no
Air contaminant waste	( ) yes	( ) no
High temperature waste	( ) yes	( ) no
Corrosive waste	( ) yes	( ) no
Biomedical waste	( ) yes	( ) no
Food waste	( ) yes	( ) no
Radioactive waste	( ) yes	( ) no
Seawater	( ) yes	( ) no

Hazardous Waste

Does any process within the plant produce hazardous waste as defined under the Hazardous Waste
Regulation of the *Environmental Management Act*.

( ) yes ( ) no ( ) don't know

Wastewater Characteristics

In the space provided below, check the appropriate box for each wastewater contaminant to dictate whether the contaminant listed is "known to be present", “suspected to be present”, ”suspected to be absent”, or "known to be absent" in the wastewater discharge.

If a contaminant is “known to be present” or “suspected to be present”, estimate the expected average and maximum daily contaminant concentrations in the spaces provided.

If wastewater discharges have been sampled and analyzed in the past, please attach examples of sampling data.

Initials _____

Wastewater Contaminants	Known to be present	Suspected to be present	Suspected to be absent	Known to be absent	Expected Concentration mg/L (ppm) Average	Maximum
Conventional Contaminants						
Ammonia	( )	( )	( )	( )	_____	_____
Biochemical Oxygen Demand (BOD)	( )	( )	( )	( )	_____	_____
Chemical Oxygen Demand (COD)	( )	( )	( )	( )	_____	_____
Suspended Solids	( )	( )	( )	( )	_____	_____
Oil and Grease (total)	( )	( )	( )	( )	_____	_____
pH max___min ____	( )	( )	( )	( )	_____	_____
Organic Contaminants						
Oil and Grease (hydrocarbons)	( )	( )	( )	( )	_____	_____
Phenols (total)	( )	( )	( )	( )	_____	_____
Phenols (chlorinated)	( )	( )	( )	( )	_____	_____
Polynuclear Aromatic Hydrocarbons (PAH)	( )	( )	( )	( )	_____	_____
PCBs	( )	( )	( )	( )	_____	
Pesticides	( )	( )	( )	( )	_____	
Tetrachloroethylene	( )	( )	( )	( )	_____	_____
Organo-tin compounds	( )	( )	( )	( )	_____	_____
Benzene	( )	( )	( )	( )	_____	_____
Ethylbenzene	( )	( )	( )	( )	_____	_____
Toluene	( )	( )	( )	( )	_____	_____
Xylenes	( )	( )	( )	( )	_____	_____
Solvents (specify)	( )	( )	( )	( )	_____	_____

Initials _____

Wastewater Contaminants	Known to be present	Suspected to be present	Suspected to be absent	Known to be absent	Expected Concentration mg/L (ppm)	
					Average	Maximum
Inorganic Contaminants						
Arsenic	( )	( )	( )	( )	_____	
Cadmium	( )	( )	( )	( )	_____	
Chloride	( )	( )	( )	( )	_____	
Chromium	( )	( )	( )	( )	_____	
Cobalt	( )	( )	( )	( )	_____	
Copper	( )	( )	( )	( )	_____	
Cyanide	( )	( )	( )	( )	_____	
Iron	( )	( )	( )	( )	_____	
Lead	( )	( )	( )	( )	_____	
Manganese	( )	( )	( )	( )	_____	
Mercury	( )	( )	( )	( )	_____	
Molybdenum	( )	( )	( )	( )	_____	
Nickel	( )	( )	( )	( )	_____	
Selenium	( )	( )	( )	( )	_____	
Silver	( )	( )	( )	( )	_____	
Sulphate	( )	( )	( )	( )	_____	
Sulphide	( )	( )	( )	( )	_____	
Zinc	( )	( )	( )	( )	_____	
Other_____	( )	( )	( )	( )	_____	_____

Initials _____

3. Number of Connections to Sewer

(a) **Sanitary Sewer**

Domestic waste only _____

Non-domestic waste only _____

Combined domestic and non-domestic waste _____

(Note connection locations on attached site plan.)

Is stormwater discharged to sanitary sewer? yes ( ) volume_____m^3/day
no ( )

Is uncontaminated water discharged to sanitary sewer? yes ( ) volume_____m^3/day
no ( )

(Note connection locations on attached site plan.)

(b) **Storm Sewer**

Stormwater only _____

Uncontaminated water only _____

Combined stormwater and uncontaminated water _____

(Note connection locations on attached site plan.)

Is domestic waste discharged to storm sewer? yes ( ) volume_____m^3/day
no ( )
(Note connection location on attached site plan.)

Is non-domestic waste discharged to storm sewer? yes ( ) volume_____m^3/day
no ( )

Initials _____

4. Sources of Wastewater Discharge to Sewer

(Note location of sources and control works on attached site plan.)

SOURCE OF WASTEWATER
CONTROL WORKS TREATING EACH (e.g., galvanizing line rinse tank)
SOURCE PRIOR TO DISCHARGE TO SEWER***** (e.g., Trade Waste Interceptor)

(a) **Sanitary Sewer**

(b) **Storm Sewer**

*Control Works include: small drainage, oil/water separators, grease traps, filters, reverse osmosis units, ion exchange units, neutralization facilities and other wastewater pre-treatment works.

Initials _____

5. Site Plan

Sketch a site plan in the area provided below or attach a site plan to this application form. The plan shall include property lines, buildings, pre-treatment works, effluent lines, sanitary and storm sewer connections, flow measuring devices and monitoring points (or available sampling locations).

(Include approximate scale on site plan.)

^North^

Initials _____

6. Declaration

I, _____, declare that the information given on this application form is correct to the best of my knowledge.

_____ _____
(Date) (Signature of Applicant or Agent)

_____ _____
(Title) (Phone Number)

If you elect to appoint an Agent, please complete the following:

I, _____ (_____)
(Print Name) (Title)

_____
(Signature)

hereby authorize _____ _____
(Print Name) (Affiliation)

to deal with you directly on all aspects of the subject application.

The collection of this information is authorized under the Tsawout First Nation Sewer Use Law and will be used for the purpose of administration, including enforcement, of the Sewer Use Law and orders made pursuant to the Law.

Enquiries about policies applicable to the collection or use of information in this form can be directed to the Freedom of Information and Protection of Privacy Contact: Senior Coordinator, 250-360-3015

Initials _____

SCHEDULE "D"

CODES OF PRACTICE
TSAWOUT SEWER USE LAW NO. 2013-01

The following codes of practice have been adopted by the Tsawout First Nation:

Codes of Practice	**Column 1** Appended to this Law as Schedule
1. Food Services Operations	I
2. Dry Cleaning Operations	J
3. Photographic Imaging Operations	K
4. Dental Operations	L
5. Automotive Repair Operations	M
6. Vehicle Wash Operations	N
7. Carpet Cleaning Operations	O
8. Fermentation Operations	P
9. Printing Operations	Q
10. Recreation Facility Operations	R
11. Laboratory Operations	S

SCHEDULE "E-1" (Section 11.1)

NOTICE OF REVIEW REQUEST (REVIEW BY SEWAGE CONTROL MANAGER)
TSAWOUT SEWER USE LAW NO. 2013-01

A person affected by a decision of a deputy sewage control manager made pursuant to sections 3.1, 3.2, 3.4, 4.4, 8.1(2), 8.1(3), 8.1(4), 9.1, 9.2, 9.4, 9.7, or 10.4 of Tsawout Sewer Use Law No. 2013-01 may request a review by completing and submitting this form within 21 working days after the decision being appealed is given.

Business Name:_____ Date: _____

Address:_____

Contact Person: _____Phone No.: _____ Fax No.: _____

Describe decision to be reviewed (and attach copy of decision): _____

Reasons for Review Request: _____

Check one of the following:

- ☐ Request for Review by Sewage Control Manager
- ☐ Request for Third Party Mediation

List any documentation attached.

Send to: Sewage Control Manager, Parks and Environmental Services Department, Capital Regional District P.O. Box 1000, 625 Fisgard Street, Victoria, B.C. V8W 2S6

Received by: _____Date: _____File No.: _____

NOTE: YOU MAY BE ENTITLED TO A TIME-LIMITED RIGHT TO A REVIEW BY COUNCIL OF THE TSAWOUT FIRST NATION. PLEASE CONSULT SECTION 11.13 OF THE TSAWOUT FIRST NATION SEWER USE LAW FOR FURTHER DETAILS.

SCHEDULE "E-2" (Section 11.13)

NOTICE OF REVIEW REQUEST (REVIEW BY COUNCIL)
TSAWOUT SEWER USE LAW NO.2013-01

A person affected by a decision of a sewage control manager made pursuant to Tsawout Law No. 2013-01 may request a review by completing and submitting this form to the Lands Manager within 21 working days after the decision being appealed is given.

Business Name:_____ Date: _____

Address:_____

Contact Person: _____Phone No.: _____ Fax No.: _____

Describe decision to be reviewed (and attach copy of decision): _____
_____
_____
_____
_____
_____
_____

Reasons for Review Request: _____
_____
_____
_____
_____
_____
_____
_____

☐ By checking this box, I request that the review hearing be open to the public [if not requested, all review hearings are held *in camera* before Council only.

List any documentation attached.

Send to: Tsawout First Nation Council, 7728 Tetayut Rd, Saanichton BC, V8M 2E4, tel: 250-652-9101,fax 250-652-9114.

_____ _____
Printed Name: Signature:

OFFICE USE ONLY:

Received by:_____ Date:_____File No.: _____

SCHEDULE "E-3"

NOTICE OF HEARING (REVIEW BY COUNCIL)
TSAWOUT SEWER USE LAW NO. 2013-13

TO: _____

ADDRESS: _____

_____

_____

_____

RE: _____
(Specify decision for which review is sought)

AND TAKE NOTICE that the Tsawout Council shall hold a [public] review hearing at _____

_____ (give location) on the _____ day of _____, 20_____, to consider representations from _____ with respect to the above-noted review of _____.

AND TAKE NOTICE that you may also submit to the Tsawout Council any written submissions which will be considered at the said review hearing.

DATED AT _____ this _____ day of _____, 20____.

Chief and Council

SCHEDULE "F"

FEES
TSAWOUT SEWER USE LAW NO. 2013-01

1.0 WASTE DISCHARGE PERMIT FEES

1.1 Application Fee

(a) All fees are payable to Tsawout First Nation at the District's office.

(b) A person who applies for a waste discharge permit shall pay an application fee of $500.

(c) The application fee is payable on submission to the manager of a completed application form as provided in Schedule "C".

(d) The manager will not process an application for a waste discharge permit until the application fee has been paid.

(e) The application fee will not be refunded if the manager does not issue a waste discharge permit. However, if the manager issues a waste discharge permit, $250 of the application fee will be applied toward the base fee portion of the permit administration fee for the calendar year for which the permit is issued.

1.2 Permit Administration Fees

1.2.1 Base Fee

(a) A person to whom a waste discharge permit is issued shall pay an annual base fee of $250.

(b) The base fee shall be paid upon issuance of the waste discharge permit. A base fee of $250 is payable for each waste discharge permit issued.

(c) The annual base fee of $250 will be invoiced once per year during the first billing period of each calendar year for that business.

1.2.2 Discharge Fee

1.2.2.1 Overview

(a) In addition to the base fee, the holder of a waste discharge permit shall pay a discharge fee based on the volume of discharge and the amount or loading of specified parameters in the non-domestic wastewater discharged from the premises covered by the waste discharge permit to a sanitary sewer during a continuous three (3) month period (or quarter).

(b) The discharge fee will be calculated in accordance with the formulae outlined in sections 1.2.2.3 and 1.2.2.4.

(c) The discharge fee will be invoiced quarterly.

1.2.2.2 Flow Measurement

(a) Permit holders must measure and record non-domestic waste flow to sanitary sewer from their premises:

(i) using a flow measuring device able to measure or provide an estimate of daily and monthly flow; or

(ii) provide an estimate of daily and monthly flow based on the water meter readings for the premises using a method approved by the manager.

(b) If the flow contains water not originating from a municipal water supply, this portion of the flow must be estimated or measured, as outlined under paragraph (a), and reported separately.

1.2.2.3 Loading Calculation

The calculation of the monthly loading for each parameter listed in Table 1, other than flow oil and grease and the parameters listed in Table 2, is described by the following formula:

$$L_a = \frac{C_a \times F}{1000}$$

Where::

L_a = loading for parameter "a" for a one month period, in kg. C_a = concentration of parameter "a", in mg/L.

F = total non-domestic waste flow for the same month as above, in cubic meters (m^3).

The total loading for the quarter is the sum of the three monthly loadings for each parameter listed in Table 1. If a parameter is measured only once per quarter, the total loading for the quarter will be based on the parameter concentration and the total flow per quarter.

1.2.2.4 Loading Calculation for Oil and Grease

The calculation of the monthly loading for oil and grease is described by the following formula:

$$L = \frac{(C - H) \times F}{1000}$$

Where:

L = loading for oil and grease for a one month period, in kg. C = concentration of oil and grease, in mg/L.

H = concentration of oil and grease (hydrocarbons), in mg/L. (H = 0, where there is no result reported for oil and grease (hydrocarbons)).

F = total non-domestic waste flow for the same month as above, in cubic meters (m^3).

The total loading for the quarter is the sum of the three monthly loadings for oil and grease. If oil and grease is measured only once per quarter, the total loading for the quarter will be based on the oil and grease concentration and the total flow per quarter.

1.2.2.5 Loading Calculation for Metals

The calculation of the monthly loading for each of the metal parameters listed in Table 2 is described by the following formula:

$$L_a = \frac{(C_a - P_a) \times F}{1000}$$

Where:

L_a = loading for parameter "a" for a one month period, in kg.
C_a = concentration of parameter "a", in mg/L.
P_a = practical quantitation limit of parameter "a", as listed in Table 2, in mg/L.
F = total non-domestic waste flow for the same month as above, in cubic meters (m^3).

The total loading for the quarter is the sum of the three monthly loadings for each parameter listed in Table 2. If a parameter is measured only once per quarter, the total loading for the quarter will be based on the parameter concentration and the total flow per quarter.

1.2.2.6 Discharge Fee Calculation

The total discharge fee payable for a quarter is the sum of the quarterly discharge fees for the individual parameters described in Table 1 and the quarterly discharge fee for flow using the calculations described below.

The quarterly discharge fee for each parameter, other than flow, is described by the following formula:

$$D_a = L_a \times R_a$$

Where:

D_a = discharge fee for parameter "a" for a quarterly period, in dollars ($). L_a = total loading for parameter "a" for a quarterly period, in kg.
R_a = unit rate for parameter "a" as listed in Table 1, in $/kg.

The quarterly discharge fee for flow is described by the following formula:

$$D = F_q \times R$$

Where:

D = discharge fee for total quarterly flow, in dollars ($).
F_q = total non-domestic waste flow for the quarter, in cubic meters (m^3).
R = unit rate for flow as listed in Table 1, in dollars ($).

1.2.2.7 Audit Sampling

(a) The manager or an officer will carry out audit sampling to verify the self-monitoring data submitted by a permittee.

(b) If there is no significant difference between the manager or officer's audit data and the permittees self-monitoring data, the self-monitoring data will be used to calculate the discharge fee.

(c) If the manager or officer's audit sampling data reveals that the self-monitoring results are significantly different than the manager or officer's results, the higher of the two sampling results will be used to calculate the discharge fee.

(d) In the absence of any monitoring data from a permitted site at the end of a quarter, the limit specified in the waste discharge permit for that site will be used to calculate the discharge fee for each applicable parameter listed in Table 1.

1.3 Amendment Fee

(a) Each time the holder of a waste discharge permit requests an amendment to the waste discharge permit held by him, he shall pay an amendment fee. Completion of an application form as provided in Schedule "C" is required. The amendment fee is payable upon issuance of the amended permit.

(b) A person who applies for an amendment, requiring less than three hours of staff time to review and prepare, shall pay a fee of $60.

(c) A person who applies for an amendment that would result in reduced non-domestic waste loadings to sanitary sewer shall pay a fee of $60.

(d) A person applying for an amendment, requiring more than three hours of staff time to prepare, shall pay $360.

(e) No amendment fee will be charged for waste discharge permit amendments that have been initiated by the Tsawout First Nation.

2.0 SAMPLING AND ANALYSIS CHARGES

The holder of a waste discharge permit or a person operating under a code of practice shall pay to Tsawout First Nation sampling and analysis charges, being the cost incurred by the Tsawout First Nation (or its authorized delegate) to carry out more than two audits or sample analyses of the waste being discharged from any premises within one calendar year.

3.0 AUTHORIZATION FEE

There is no fee charged for the preparation of an authorization under the Law.

4.0 CODE OF PRACTICE FEE

There is no fee charged for operation of a discharging operation under a code of practice.

5.0 GENERAL

5.1 Payment of Fees

Fees are due and payable within 30 days and monthly interest of 1.5%, compounded monthly, applies on all outstanding balances over 30 days.

All payments received will be applied firstly against arrears, and then to current balances.

TABLE 1

RATES FOR DISCHARGE FEES

Parameter	Sewer Use Law Limit (mg/L)	Discharge Fee Rate*
COD	1,000	$ 0.025/kg
Flow	--	0.01/
Flow (not from a Waterworks)	--	0.06/
Oil and Grease	100	0.25/k
Suspended Solids	350	0.07/k
Arsenic (As)	0.4	61.25/k
Cadmium (Cd)	0.3	81.67/k
Chromium (Cr)	4	6.13/k
Copper (Cu)	1	24.50/k
Cyanide (CN)	1	24.50/k
Lead (Pb)	1	24.50/k
Mercury (Hg)	0.02	1,225.00/kg
Nickel (Ni)	3	8.17/k
Silver (Ag)	0.5	49.00/k
Zinc (Zn)	3	8.17/k
Oil and Grease (Hydrocarbons)	15	1.63/k
Phenols	1	24.50/k
Cobalt (Co)	5	4.90/k
Iron (Fe)	50	0.49/k
Manganese (Mn)	5	4.90/k
Molybdenum (Mo)	5	4.90/k
Selenium (Se)	0.3	81.67/k
PAHs	0.05	490.00/k
Benzene	0.1	245.00/k
Ethyl Benzene	0.2	122.50/k
Toluene	0.2	122.50/k
Xylenes	0.2	122.50/k
Chloride (Cl)	1,500	0.02/k
Sulphate (SO_4)	1,500	0.02/k
Sulphide (S)	1	24.50/k

* All rates are in dollars per kilogram ($/kg) except for flow which is expressed as dollars per cubic meter.

TABLE 2

PRACTICAL QUANTITATION LIMITS FOR METALS

Parameter	Practical Quantitation Limit (mg/L)
Arsenic (As)	0.0005
Cadmium (Cd)	0.0005
Chromium (Cr)	0.05
Cobalt (Co)	0.05
Copper (Cu)	0.05
Iron (Fe)	0.15
Lead (Pb)	0.005
Manganese (Mn)	0.025
Mercury (Hg)	0.00025
Molybdenum (Mo)	0.15
Nickel (Ni)	0.1
Selenium (Se)	0.0025
Silver (Ag)	0.0005
Zinc (Zn)	0.025

SCHEDULE "I"

CODE OF PRACTICE FOR FOOD SERVICES OPERATIONS
TSAWOUT SEWER USE LAW NO. 2013-01

1.0 APPLICATION

1.1 This code of practice prescribes conditions governing the discharge of waste from food services operations directly or indirectly into a sewer connected to a sewage facility.

1.2 The term "treatment works" in this code of practice means the works referred to in section 2.2.

2.0 DISCHARGE REGULATIONS

2.1 An operator of a food services operation must not discharge waste, which at the point of discharge into a sewer, contains:

(a) restricted waste with the exception of total oil and grease, biochemical oxygen demand (BOD) and chemical oxygen demand (COD);

(b) prohibited waste, hazardous waste or stormwater; or

(c) uncontaminated water, in quantities greater than two cubic meters per day.

2.2 An operator of a food services operation that discharges wastewater containing oil and grease must install and maintain a grease interceptor in accordance with this code of practice.

2.3 An operator of a food services operation must install and maintain all grease interceptors installed in connection with the food services operation so that the grease interceptors function properly.

2.4 An operator of a food services operation must not permit oil and grease to accumulate in a grease interceptor in excess of the lesser of six inches or 25% of the wetted height of the grease interceptor or solids to collect in excess of 25% of the wetted height of the grease interceptor.

2.5 An operator of a food services operation must not dispose of oil and grease removed from a grease interceptor to a sewer.

2.6 An operator of a food services operation must not use or permit the use of chemical agents, enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of oil and grease through a grease interceptor.

2.7 An operator of a food services operation must install a grease interceptor connected to the following fixtures that discharge wastewater to sewer:

(a) sinks used for washing pots, pans, dishes, cutlery and kitchen utensils, including pre-rinse sinks;

(b) drains serving self-cleaning exhaust hoods installed over commercial cooking equipment;

(c) drains serving commercial cooking equipment that discharge oil and grease;

(d) drains serving a garbage compactor used to compact waste that may contain, or be contaminated with, food waste;

(e) dishwashers as specified in section 2.10 or 2.11, as applicable;

(f) floor drains as specified in section 2.14 or 2.15, as applicable; or

(g) other fixtures that discharge wastewater containing oil and grease.

2.8 An operator of an outdoor garbage compactor installation connected to a sewer must install works as necessary to prevent rainwater from entering the drain connected to the sewer.

2.9 Despite section 2.7, the following fixtures must not be connected to a grease interceptor:

(a) potato peelers and similar equipment discharging solids;

(b) toilets, and urinals; or

(c) garburators except as specified in section 2.25.

2.10 An operator of a food services operation, commencing operation on or after January 1, 2002 must connect dishwashers to a grease interceptor.

2.11 For an operator of a food services operation which commenced operation prior to January 1, 2002 a dishwasher may be connected to a grease interceptor provided that the grease interceptor is sized to accept the maximum discharge flow rate as specified in the method described in section 2.13.

2.12 The rated flow capacity of each grease interceptor installed in a food services operation must not be less than the maximum discharge flow from all plumbing fixtures connected to the grease interceptor that will discharge simultaneously.

2.13 An operator of a food services operation must calculate the maximum discharge flow rate to a grease interceptor, as described in section 2.12, by adding together the flow rates from each fixture that will discharge simultaneously using the following method to estimate the flow rate from each fixture:

(a) for sinks, calculate the total volume of each fixture and assign a drain time of one minute.

(b) for exhaust hoods with an automatic cleaning cycle, measure the discharge flow rate or use the manufacturers' estimate of peak discharge flow rate during the automatic wash cycle.

(c) for floor drains, estimate the flow rate using the following table:

Floor Drain Diameter		Drain Rate		
Millimetres	Inches	L/s	Imperial gpm	US gpm
51	2	1.4	18.3	22
76	3	2.36	31.2	37.5
102	4	2.84	37.5	45

(d) for drains on other equipment, use the table in paragraph 2.13 (c) or if the drain size is less than 2 inches in diameter either:

(i) measure the discharge flow rate, or

(ii) refer to manufacturers' estimated peak discharge flow rate, or
(iii) use a minimum of 1.4L/s.

(e) for automatic dishwashers, measure the discharge flow rate or use the maximum discharge flow rate specified by the dishwasher manufacturer.

2.14 An operator of a food services operation commencing operation on or after January 1, 2002 must connect floor drains to a grease interceptor.

2.15 For an operator of a food services operation that commenced operation prior to January 1, 2002, floor drains may be connected to a grease interceptor provided that the grease interceptor is sized to accept the maximum discharge flow rate from the fixture as specified in the method described in section 2.13.

2.16 The rated flow capacity of each grease interceptor must be established using the Plumbing and Drainage Institute standard PDI-G101 or equivalent test as approved by the manager.

2.17 Each grease interceptor installed on or after January 1, 2002 must have either:

(a) one or more vented external flow control fittings installed upstream of the inlet line to the grease interceptor; or

(b) a non-removable internal flow control fitting; or

(c) flow control that is integral in the design of the grease interceptor and is verified by the manufacturer or a mechanical engineer for each installation.

2.18 Grease interceptors installed prior to January 1, 2002 must have either internal flow control fittings or external vented flow control fittings.

2.19 Flow control fittings must be installed so that:

(a) the flow control fitting has been sized to account for head pressure caused by the elevation difference between the fixture(s) and the grease interceptor; and

(b) it can be verified, during inspections to enforce this Law, that flow control fittings are in place.

2.20 The size of the flow control fitting limits the flow to a grease interceptor to a rate that is no more than the rated flow capacity of the grease interceptor.

2.21 An operator of a food services operation who installs a grease interceptor on or after January 1, 2000 must locate the grease interceptor so that it is readily and easily accessible for inspection and maintenance.

2.22 An operator of a food services operation who installs a grease interceptor on or after January 1, 2000 must ensure:

(a) that the grease interceptor is equipped with a sampling tee located either at the outlet of the grease interceptor or downstream of the grease interceptor at a location upstream of any discharge of other waste;

(b) the sampling tee as described in paragraph 2.22 (a) is the same diameter as the grease interceptor outlet pipe and is installed so that it opens in a direction at right angles to and vertically above the flow in the sewer pipe;

(c) that the sampling tee be readily and easily accessible at all times for inspection; and

(d) that a record of the locations of all sampling tees is maintained at the site and available for inspection by an officer, on request.

2.23 A grease interceptor installed on or after January 1, 2000 must be labelled or stamped with information containing the rated flow capacity of the unit. The label or stamp must be permanently affixed and visible following installation. Where a permanently affixed and visible label is not possible or practical, manufacturer and installation drawings of the grease interceptor must be maintained at the site and must be available for inspection by an officer, on request.

2.24 An operator of a food services operation commencing operation on or after January 1, 2002 must not connect a garburator to the sanitary sewer.

2.25 An operator of a food services operation that commenced operation before January 1, 2002 that has a garburator that discharges to a sanitary sewer must either:

(a) cease the discharge to sanitary sewer from the garburator; or

(b) treat the waste prior to discharge to sanitary sewer using a solids separator followed by a grease interceptor.

2.26 The solids separator listed in 2.25 (b) must be properly sized and maintained to prevent the passage of solids so that any grease interceptor connected to a garburator and solids separator will function in accordance with this Law.

2.27 An operator of a food services operation must remove the cover of a grease interceptor for the purpose of inspection on request of an officer.

3.0 RECORD KEEPING AND RETENTION

3.1 An operator of a food services operation must keep a record at the food services operation of all grease interceptor inspection and maintenance activities, including:

(a) the date of inspection or maintenance;

(b) the maintenance conducted;

(c) the type and quantity of material removed from the grease interceptor; and

(d) the location of disposal of the material removed from the grease interceptor.

The records must be retained onsite for a period of two years and must be available for inspection on request by an officer.

SCHEDULE "J"

CODE OF PRACTICE FOR DRY CLEANING OPERATIONS
TSAWOUT SEWER USE LAW NO. 2013-01

1.0 APPLICATION

1.1 This code of practice prescribes conditions governing the discharge of waste from dry cleaning operations directly or indirectly into a sewer connected to a sewerage facility.

1.2 The term "treatment works" in this code of practice means the works referred to in section 2.4.

2.0 DISCHARGE REGULATIONS

2.1 An operator of a dry cleaning operation must not discharge waste which, at the point of discharge into a sewer at any time, contains:

(a) prohibited waste as set out in Schedule "A";

(b) restricted waste as set out in Schedule "B";

(c) wastewater containing tetrachloroethylene in concentrations greater than 0.10 milligrams per litre (mg/L);

(d) tetrachoroethylene-contaminated residue; or

(e) uncontaminated water, in quantities greater than 2.0 cubic metres per day, without prior authorization from the manager.

2.2 An operator of a dry cleaning operation must not discharge stormwater into a sewer without a valid waste discharge permit or authorization.

2.3 A dry cleaning operation may meet the requirements of section 2.1 by collecting and transporting the wastewater or other substances specified in section 2.1 from the dry cleaning operation for off-site waste management.

2.4 On or after January 1, 2004, an operator of a dry cleaning operation that discharges waste that has come in contact with tetrachloroethylene from a dry cleaning process into a sewer must, in addition to the dry cleaning machine's integral tetrachloroethylene-water separator, install and maintain the following treatment works:

(a) a second tetrachloroethylene-water separator that recovers tetrachloroethylene from the wastewater exiting the integral tetrachloroethylene-water separator;

(b) an initial filter containing activated carbon that removes the tetracholoethylene from the wastewater exiting the second tetrachloroethylene-water separator;

(c) a monitor-alarm that automatically shuts down the wastewater treatment and stops the discharge of wastewater containing tetrachloroethylene into the sewer when the initial filter becomes saturated with tetrachloroethylene; and

(d) a second filter containing activated carbon that removes tetrachloroethylene from the wastewater after it passes through the initial filter and past the monitor-alarm.

2.5 Where an operator of a dry cleaning operation installs the treatment works referred to in paragraphs 2.4(a) to (d), then the treatment works must be installed in the order in which they are set out in section 2.4.

2.6 An operator of a dry cleaning operation who operates the tetrachloroethylene-water separators referred to in section 2.4 must:

(a) visually inspect all tetrachloroethylene-water separators on a daily basis to ensure that the level of tetrachloroethylene does not reach the wastewater outlet of the separators; and

(b) clean the tetrachloroethylene-water separators at least once every seven days or more frequently if required by the manufacturer.

2.7 When the level of the tetrachloroethylene referred to in paragraph 2.6(a) reaches the wastewater outlet of the separator, an operator of a dry cleaning operation must:

(a) cease operation to prevent the discharge of tetrachloroethylene from the tetrachloroethylene-water separator;

(b) clean the tetrachloroethylene-water separator in accordance with manufacturer's recommendations; and

(c) return the tetrachloroethylene from the separator to the solvent recovery system or collect and store it for off-site waste management.

2.8 An operator of a dry cleaning operation who installs the activated carbon filters referred to in paragraphs 2.4(b) and (d) must replace both the initial and second filter containing activated carbon at least once every 12 months and when one of the following occurs:

(a) on or before reaching the manufacturer's or suppliers recommended expiry date; or

(b) when the monitor-alarm referred to in paragraph 2.4(c) has been triggered; or

(c) analytical data using a method of analysis outlined in standard methods, or an alternative method of analysis approved by the manager, having a method detection limit of 0.01 mg/L tetrachloroethylene or lower, indicates that the concentration of tetrachloroethylene in the discharge from the second filter containing activated carbon is greater than, or equal to, 0.10 mg/L.

2.9 An operator of a dry cleaning operation must ensure that waste other than waste to which section 2.4 of this code of practice applies, including waste from washrooms, staff coffee rooms, washing machines and change rooms, bypasses the treatment works.

2.10 An operator of a dry cleaning operation who installs treatment works referred to in section 2.4 of this code of practice must:

(a) equip the outlet from the treatment works with a monitoring point at a location upstream of the point of discharge of other waste;

(b) install the monitoring point as described in paragraph 2.10(a) of the same diameter as the treatment works outlet pipe so that the monitoring point opens in a direction at right angles to, and horizontal to, the flow in the sewer pipe and is controlled by a hose bib or a valve; and

(c) locate the monitoring point so that it is readily and easily accessible at all times.

3.0 STORAGE AND CONTAINMENT

3.1 An operator of a dry cleaning operation must ensure that all dry cleaning machines and treatment works are operated and stored using a tetrachloroethylene-impermeable spill containment system that will prevent any spilled material from entering a sewer.

3.2 An operator of a dry cleaning operation must store all new and used tetrachloroethylene, tetrachloroethylene-contaminated residue and untreated wastewater using a tetrachloroethylene-impermeable spill containment system that will prevent any spilled material from entering a sewer.

3.3 The containment systems identified in sections 3.1 and 3.2 must encompass at least the entire surface under each dry cleaning machine, tank or other container containing tetrachloroethylene, wastewater or tetrachloroethylene-contaminated residue and be sufficient to hold at least 110% of the capacity of the largest tank, container or works within the containment system.

3.4 An operator of a dry cleaning operation equipped with a tetrachloroethylene-impermeable containment system must not have open drains within the containment area.

3.5 Drains located within the containment system must be sealed with tetrachloroethylene-resistant drain plugs.

3.6 An operator of a dry cleaning operation must not discharge stormwater from a containment system unless it has first been tested to confirm that such discharge will not breach section 2.1 unless the operator has obtained a valid waste discharge permit or authorization under this Law.

4.0 SPILL RESPONSE PLANS

4.1 An operator of a dry cleaning operation that is in operation on or before January 1, 2004 must prepare a spill response plan on or before July 1, 2004.

4.2 An operator of a dry cleaning operation commencing operation on or after January 1, 2004 must prepare a spill response plan within 30 days after commencing operation.

4.3 The spill response plan required under sections 4.1 or 4.2 must be posted in a conspicuous location on the dry cleaning premises.

4.4 An operator of a dry cleaning operation must maintain the spill prevention and clean-up equipment and supplies identified in the spill response plan specified in section 4.1 or 4.2 in stock and readily available for use at all times.

4.5 An operator of a dry cleaning operation must ensure that the spill prevention equipment and supplies identified in the spill response plan specified in section 4.1 or 4.2 include tetrachoroethylene- resistant drain plugs that are readily available to seal all floor drains into which tetrachloroethylene, wastewater or residue may enter in the event of a spill.

4.6 In the event of a spill, an operator of a dry cleaning operation must immediately carry out the spill response plan, when safe to do so, to prevent or discontinue the discharge of spilled material into a sewer.

5.0 RECORD KEEPING AND RETENTION

5.1 An operator of a dry cleaning operation who installs one or more treatment works must keep a record at the dry cleaning operation of all inspection and maintenance activities for the treatment works, including the:

(a) date of inspection or maintenance;

(b) description of inspection or maintenance conducted;

(c) amounts of activated carbon removed and replaced in the treatment works; and

(d) dates and volumes of material removed from the treatment works.

5.2 An operator of a dry cleaning operation must keep a record of all disposal or recycling services used for disposal or recycling of wastewater and tetrachloroethylene-contaminated residue, including the:

(a) name, civic and postal address, and telephone number of each disposal or recycling company or facility used by the dry cleaning operation;

(b) type of material transferred to each company or facility;

(c) quantity of material transferred to each company or facility; and

(d) date of material transferred to each company or facility.

5.3 The records required under sections 5.1 and 5.2 must be retained for a period of five years and must be available for inspection on request by an officer.

SCHEDULE "K"

CODE OF PRACTICE FOR PHOTOGRAPHIC IMAGING OPERATIONS TSAWOUT SEWER USE LAW NO. 2013-01

1.0 APPLICATION

1.1 This code of practice prescribes conditions governing the discharge of waste from photographic imaging operations directly or indirectly into a sewer connected to a sewage facility.

1.2 The term “treatment works” in this code of practice means the works referred to in paragraph 2.2(b) and section 2.4.

2.0 DISCHARGE REGULATIONS

2.1 An operator of a photographic imaging operation must not discharge waste which, at the point of discharge into a sewer, contains:

(a) silver in a concentration that is in excess of 5 milligrams per litre (mg/L) as analyzed in a grab sample; or

(b) prohibited waste, restricted waste, hazardous waste, stormwater, or uncontaminated water as defined in this Law, other than the following restricted wastes: BOD, COD, chloride, iron and sulphate.

2.2 An operator of a photographic imaging operation that produces liquid waste containing silver on or after June 1, 2000 must either:

(a) collect and transport the waste from the photographic imaging operation for off-site waste management; or

(b) treat the waste at the photographic imaging operation site prior to discharge to the sewer using one of the following silver recovery technologies:

(i) two chemical recovery cartridges connected in a series;

(ii) an electrolytic recovery unit followed by two chemical recovery cartridges connected in series; or

(iii) any other silver recovery technology, or combination of technologies, capable of reducing the concentration of silver in the waste to 5 mg/L or less where valid analytical test data has been submitted to, and accepted by, the manager.

2.3 An operator of a photographic imaging operation must install and maintain silver recovery technology according to the manufacturer’s or supplier’s recommendations.

2.4 An operator of a photographic imaging operation must collect all liquid waste containing silver in a holding tank and must deliver this waste to the chemical recovery cartridges using a metering pump.

2.5 An operator of a photographic imaging operation must calibrate the metering pump referred to in section 2.4 at least once per year.

2.6 An operator of a photographic imaging operation must locate the silver recovery system in

such a manner that an accidental spill, leak or container failure will not result in liquid waste containing silver in concentrations greater than 5 mg/L entering any sewer.

2.7 If a location referred to under section 2.6 is not available, an operator of a photographic imaging operation must do one of the following:

(a) install spill containment to contain spills or leaks from the silver recovery system; or

(b) cap all floor drains into which liquid spilled from the silver recovery system would normally flow.

2.8 When using two separate chemical recovery cartridges, an operator of a photographic imaging operation must test the discharge from the first cartridge for silver content at least once per month using either silver test paper or a portable silver test kit.

2.9 When the discharge from the first chemical recovery cartridge referred to in section 2.8 cannot be sampled, an operator of a photographic imaging operation must:

(a) install a cumulative flow meter on the silver recovery system; and

(b) test the discharge from the second chemical recovery cartridge once per week using silver test paper or a silver test kit.

2.10 An operator of a photographic imaging operation must replace the chemical recovery cartridges when any one of the following occurs:

(a) the manufacturer's or supplier's recommended expiry date, as shown on each cartridge, has been reached;

(b) eighty percent (80%) of the manufacturer's or supplier's maximum recommended capacity, or total cumulative flow, for each cartridge has been reached;

(c) test data, using silver test paper or a silver test kit, indicates that the discharge from the first cartridge is greater than 1000 mg/L; or

(d) analytical data using a method of analysis outlined in standard methods, or an alternative method of analysis approved by the manager, having a method detection limit of 0.5 mg/L silver or lower, indicates that the concentration of silver in the discharge from the silver recovery system is greater than, or equal to, 5 mg/L.

2.11 If treatment of liquid waste with two chemical recovery cartridges connected in series is the only silver recovery technology being used, then the operator of the photographic imaging operation must replace both chemical recovery cartridges when one of the events referred to in section 2.10 occurs.

2.12 Despite section 2.11, if treatment of liquid waste with two chemical recovery cartridges connected in series is used following treatment by an electrolytic recovery unit, the second cartridge may replace the used first cartridge and a new second cartridge may be installed when one of the events referred to in section 2.10 occurs.

2.13 Despite section 2.12, both chemical recovery cartridges used following an electrolytic recovery unit must be replaced by the operator of the photographic imaging operation when one of the events referred to in section 2.10 occurs if this is recommended by the manufacturer or supplier of the cartridges.

3.0 RECORD KEEPING AND RETENTION

3.1 An operator of a photographic imaging operation that uses a silver recovery system must keep, at the photographic imaging operation site, an operation and maintenance manual

pertaining to all equipment used in the silver recovery system.

3.2 An operator of a photographic imaging operation that uses two chemical recovery cartridges connected in series must keep a record book, available for inspection on request, at the photographic imaging operation site that includes the following information recorded for the previous two years:

(a) serial number of each chemical recovery cartridge used;

(b) installation date of each chemical recovery cartridge used;

(c) expiry date of each chemical recovery cartridge used (where provided by manufacturers or suppliers);

(d) maximum recommended capacity, or total cumulative flow, of each chemical recovery cartridge used;

(e) dates of all metering pump calibrations;

(f) monthly silver test results on the discharge from the first chemical recovery cartridge; or where the discharge from the first cartridge cannot be sampled, weekly silver test results on the discharge from the second chemical recovery cartridge and weekly cumulative flows through the silver recovery system; and

(g) dates and descriptions of all operational problems associated with the chemical recovery cartridges and remedial actions taken.

3.3 An operator of a photographic imaging operation that uses an electrolytic recovery unit in addition to two chemical recovery cartridges connected in series must keep a record book, available for inspection on request, at the photographic imaging operation site that includes the following information recorded for the previous two years:

(a) all information specified under section 3.2;

(b) date of each removal of silver from the electrolytic recovery unit;

(c) date of each maintenance check on the electrolytic recovery unit; and

(d) dates and descriptions of all operational problems associated with the electrolytic recovery unit and remedial actions taken.

SCHEDULE "L"

CODE OF PRACTICE FOR DENTAL OPERATIONS
TSAWOUT SEWER USE LAW NO.2013-01

1.0 APPLICATION

1.1 This code of practice prescribes conditions governing the discharge of waste from dental operations directly or indirectly into a sewer connected to a sewage facility.

1.2 The term “treatment works” in this code of practice means the works referred to in paragraph 2.3(b).

2.0 DISCHARGE REGULATIONS

2.1 An operator of a dental operation must not discharge waste which, at the point of discharge into a sewer, contains:

(a) prohibited waste, hazardous waste, or stormwater ; or

(b) restricted waste with the exception of mercury measured at the point of discharge from a certified amalgam separator.

2.2 An operator of a dental operation that produces liquid waste from photographic imaging containing silver on or after January 1, 2001 must comply with the requirements of Schedule “K” of this Law.

2.3 An operator of a dental operation that produces wastewater containing dental amalgam on or after July 1, 2001 must either:

(a) collect and transport the wastewater from the dental operation for off-site waste management; or

(b) treat the wastewater at the dental operation site prior to discharge to the sewer using a certified amalgam separator.

2.4 Despite section 2.3, an operator of a dental operation that produces wastewater containing dental amalgam and who:

(a) commences operation on or after January 1, 2001; or

(b) makes an improvement, with a value of $2,000 or more, to the premises in which the dental operation is carried out, on or after January 1, 2001,

must comply with either (a) or (b) of section 2.3.

2.5 An operator of a dental operation must install and maintain the amalgam separator referred to in sections 2.3 and 2.4 according to the manufacturer’s or supplier’s recommendations in order that the amalgam separator functions correctly.

2.6 An operator of a dental operation shall not install an amalgam separator other than a certified amalgam separator on or after January 1, 2001.

2.7 An operator of a dental operation who installs an amalgam separator on or after January 1, 2001 must ensure that:

(a) all dental operation wastewater that contains dental amalgam is treated using the amalgam separator;

(b) a monitoring point is installed at the outlet of the amalgam separator or downstream of the amalgam separator at a location upstream of any discharge of other waste;

(c) the monitoring point must be installed in such a manner that the total flow from the amalgam separator may be intercepted and sampled; and

(d) the monitoring point shall be readily and easily accessible at all times for inspection.

2.8 If the amalgam separator referred to under section 2.6 is located downstream of a wet vacuum system, an operator of a dental operation must ensure that:

(a) the wet vacuum system is fitted with an internal flow control fitting; or

(b) a flow control fitting is installed on the water supply line to the wet vacuum system.

2.9 The flow control fitting referred to in section 2.8 must be sized to limit the flow to a rate that is no more than the maximum inlet flow rate of the amalgam separator as stated by the manufacturer of the amalgam separator.

2.10 An operator of a dental operation must locate an amalgam separator in such a manner that an accidental spill, leak or collecting container failure will not result in waste containing amalgam entering any sewer.

2.11 If a location referred to under section 2.10 is not available, an operator of a dental operation must do one of the following:

(a) install spill containment to contain spills or leaks from the amalgam separator; or

(b) cap all floor drains into which liquid spilled from the amalgam separator would normally flow.

2.12 An operator of a dental operation must replace the amalgam separator's collecting container when any one of the following occurs:

(a) the manufacturer's or supplier's recommended expiry date, as shown on the amalgam separator, has been reached; or

(b) the warning level specified in the ISO Standard has been reached; or

(c) analytical data obtained using a method of analysis outlined in standard methods, or an alternative method of analysis approved by the manager, having a method detection limit of 0.1 mg/L or lower, indicates that the total concentration of mercury in the discharge from the amalgam separator is greater than, or equal to, 2 mg/L.

2.13 An operator of a dental operation must not dispose of dental amalgam collected in an amalgam separator, a collecting container, or any other device, to a sewer.

3.0 RECORD KEEPING AND RETENTION

3.1 An operator of a dental operation that uses an amalgam separator must keep, at the site of installation of the amalgam separator, an operation and maintenance manual containing instructions for installation, use, maintenance and service of the amalgam separator installed.

3.2 An operator of a dental operation that uses an amalgam separator must post, at the site of installation of the amalgam separator, a copy of the ISO Standard test report pertaining to the

amalgam separator installed.

3.3 An operator of a dental operation that uses an amalgam separator must keep a record book at the dental operation site that includes the following information pertaining to the amalgam separator installed:

(a) date of installation of the amalgam separator and name of the installation service provider;

(b) serial number and expiry date of the amalgam separator and/or its components;

(c) maximum recommenced flow rate through the amalgam separator, where applicable;

(d) dates of inspection, maintenance, cleaning and replacement of any amalgam separation equipment or components;

(e) dates and descriptions of all operational problems, spills, leaks or collecting container failures associated with the amalgam separator and remedial actions taken;

(f) name, address and telephone number of any person or company who performs any maintenance or disposal services related to the operation of the amalgam separator; and

(g) dates of pick-up of the collecting container for off-site disposal, volume of waste disposed and the location of disposal.

The records must be retained for a period of two years and must be available for inspection on request by an officer.

SCHEDULE "M"

CODE OF PRACTICE FOR AUTOMOTIVE REPAIR OPERATIONS
TSAWOUT SEWER USE LAW NO. 2013-01

1.0 APPLICATION

1.1 This code of practice prescribes conditions governing the discharge of waste from automotive repair operations directly or indirectly into a sewer connected to a sewage facility.

1.2 The term "treatment works" in this code of practice means the works referred to in sections 2.4, 2.5, 2.6 and 2.10.

2.0 DISCHARGE REGULATIONS

2.1 An operator of an automotive repair operation must not discharge waste which, at the point of discharge into a sewer, contains:

(a) prohibited waste as set out in Schedule "A";

(b) restricted waste as set out in Schedule "B", with the exception of oil and grease (hydrocarbons);

(c) oil and grease (hydrocarbons) in a concentration that is in excess of 50 milligrams per litre (mg/L) as analyzed in a grab sample;

(d) uncontaminated water, in quantities greater than 2.0 cubic metres per day, without prior authorization from the manager;

(e) water that accumulates in any fuel storage tank;

(f) rinse water from motor vehicle parts that have been washed in solvent;

(g) wastewater from oily rag washing or cleaning; or

(h) wastewater from engine washing or cleaning.

2.2 An operator of an automotive repair operation must not discharge stormwater into a sanitary sewer connected to a sewage facility unless the stormwater originates from:

(a) fueling station areas; or

(b) above ground storage tank containment areas.

2.3 An operator of an automotive repair operation must not discharge groundwater from a contaminated site as defined in the *Contaminated Sites Regulation* into a sanitary sewer connected to a sewage facility without a waste discharge permit or authorization issued under section 3 of the Law.

2.4 An operator of an automotive repair operation that is in operation on or after January 1, 2004 must not discharge liquid waste from an automotive repair process into a sewer unless the automotive repair operation is equipped with one or more oil-water separators to treat the waste in accordance with this code of practice.

2.5 An operator of an automotive repair operation that is in operation on or after January 1, 2004 may use an alternate treatment works, or a combination of treatment works other than that described in this code of practice, to treat liquid waste from an automotive repair process if

the alternate treatment works produces effluent that complies with section 2.1 prior to discharge into a sewer and where valid analytical test data has been submitted to, and accepted by, the manager.

2.6 An operator of an automotive repair operation who installs an oil-water separator in accordance with section 2.4 must ensure that the oil-water separator has a minimum liquid volume of 2.0 cubic metres.

2.7 An operator of an automotive repair operation referred to in sections 2.4 or 2.5 must direct all liquid waste from an automotive repair process to one or more treatment works before discharge into a sewer.

2.8 An operator of an automotive repair operation must ensure that all waste from washrooms, washing machines and change rooms bypasses the treatment works.

2.9 An operator of an automotive repair operation must not use, or allow the use of, chemical agents, solvent-containing products, hot water or other agents with the intention of facilitating the passage of oil and grease through a treatment works.

2.10 An operator of an automotive repair operation who operates a treatment works on or after June 1, 2004 must:

(a) equip the treatment works with a monitoring point located either at the outlet of the treatment works or downstream of the treatment works at a location upstream of the point of discharge of other waste; and

(b) install the monitoring point described in section 2.10(a) of the same diameter as the treatment works outlet pipe so that the monitoring point opens in a direction at right angles to, and vertically above, the flow in the sewer pipe.

2.11 An operator of an automotive repair operation must locate the treatment works so that they are readily and easily accessible for inspection and maintenance.

2.12 An operator of an automotive repair operation who operates an oil-water separator must not permit the floating oil and grease to accumulate in any chamber of the oil-water separator in excess of the lesser of 5 cm (two inches) or 5% of the wetted height of the oil-water separator.

2.13 An operator of an automotive repair operation who operates an oil-water separator must not permit the settled solids to accumulate in any chamber of the oil-water separator in excess of the lesser of 15 cm (six inches) or 25% of the wetted height of the oil-water separator.

2.14 An operator of an automotive repair operation who operates an oil-water separator must inspect the oil-water separator and measure the accumulated solids and floating oils at least once every three months to check the levels specified under sections 2.12 and 2.13.

2.15 An operator of an automotive repair operation must cause an oil-water separator to be cleaned out within seven days of determining that the levels specified under sections 2.12 or 2.13 have been exceeded.

2.16 An operator of an automotive repair operation must cause the oil-water separator to be cleaned out at least once every 12 months.

3.0 STORAGE AND CONTAINMENT

3.1 An operator of an automotive repair operation must ensure that the following materials are stored using spill containment that will prevent the release of spilled material from entering a sewer connected to a sewage facility:

(a) used acid-filled batteries;

(b) used solvent-containing waste, used antifreeze, used oils, used oil filters, used brake fluid and used transmission fluid;

(c) above ground fuel storage tanks; and

(d) greater than 50 litres of any solvent-containing product, antifreeze, oil or other prohibited or restricted waste stored at floor level in containers other than permanent engineered containers that are protected from vehicle contact.

3.2 An operator of an automotive repair operation must supervise the discharge of accumulated stormwater from a spill containment system to ensure that the discharge does not bypass the treatment works.

4.0 SPILL RESPONSE PLANS

4.1 An operator of an automotive repair operation must have a spill response plan.

4.2 An operator of an automotive repair operation commencing operation after the date this code of practice comes into effect must prepare a spill response plan at least 30 days prior to commencing operation.

4.3 The spill response plan required under sections 4.1 or 4.2 must be posted in a conspicuous location on the premises of the operation.

4.4 In the event of a spill, an operator of an automotive repair operation must immediately carry out the provisions of the spill response plan, when safe to do so, to prevent or discontinue the discharge of spilled material into a sewer.

4.5 As part of a spill response plan, an operator of an automotive repair operation who operates a treatment works must inspect the treatment works for spilled material immediately after having knowledge of the spill.

4.6 An operator of an automotive repair operation who observes spilled material in the treatment works during an inspection under section 4.5 must have the spilled material removed before resuming wastewater discharge from the operation.

4.7 An operator of an automotive repair operation must maintain the spill prevention and clean-up equipment and supplies identified in the spill response plan specified in sections 4.1 and 4.2 in stock and readily available for use at all times.

5.0 RECORD KEEPING AND RETENTION

5.1 An operator of an automotive repair operation who installs one or more treatment works must keep a record at the automotive repair operation of all inspection and maintenance activities for the treatment works, including the:

(a) date of inspection or maintenance;

(b) description of inspection or maintenance conducted;

(c) measured depth of settled material and depth of floating material in the oil-water separator, as required in section 2.14;

(d) quantity and description of material removed from the treatment works; and

(e) name, civic and postal address, and telephone number of the disposal or recycling company or facility collecting or transporting the material removed from the treatment works.

5.2 An operator of an automotive repair operation who installs treatment works must keep records of the treatment works design calculations and drawings available for inspection at the request of an officer.

5.3 The design drawings required under section 5.2 must show the point of connection of the treatment works to the sanitary sewer.

5.4 An operator of an automotive repair operation must keep a record at the automotive repair operation of all disposal or recycling services for wastewater and other substances specified in section 2.1 to be disposed or recycled, including the:

(a) name, civic and postal address, and telephone number of each disposal or recycling company or facility used by the automotive repair operation;

(b) type of material transferred to each company or facility;

(c) quantity of material transferred to each company or facility; and

(d) date of material transferred to each company or facility.

5.5 The records required under sections 5.1 and 5.4 must be retained for a period of two years and must be available for inspection on request by an officer.

SCHEDULE "N"

CODE OF PRACTICE FOR VEHICLE WASH OPERATIONS
TSAWOUT SEWER USE LAW NO. 2013-01

1.0 APPLICATION

1.1 This code of practice prescribes conditions governing the discharge of waste from vehicle wash operations directly or indirectly into a sewer connected to a sewage facility.

1.2 The term "treatment works" in this code of practice means the works referred to in sections 2.4, 2.5, 2.7 and 2.11.

2.0 DISCHARGE REGULATIONS

2.1 An operator of a vehicle wash operation must not discharge waste which, at the point of discharge into a sanitary sewer, contains:

(a) prohibited waste as set out in Schedule "A";

(b) restricted waste as set out in Schedule "B";

(c) uncontaminated water, in quantities greater than 2.0 cubic metres per day, without prior authorization from the manager;

(d) wastewater from engine washing or cleaning;

(e) trucked liquid waste;

(f) carpet cleaning waste;

(g) recreational vehicle waste; or

(h) wastewater from oily rag washing or cleaning.

2.2 An operator of a vehicle wash operation must not discharge stormwater into a sanitary sewer connected to a sewage facility unless the stormwater originates from a designated uncovered vehicle wash area that has been designed to minimize the amount of stormwater from outside the vehicle wash area.

2.3 An operator of a vehicle wash operation must not discharge groundwater from a contaminated site as defined in the *Contaminated Sites Regulation* into a sanitary sewer connected to a sewer facility without a waste discharge permit or authorization issued under section 3 of the Law.

2.4 An operator of a vehicle wash operation that commences operation on or after January 1, 2004 must not discharge liquid waste from a vehicle washing process into a sewer unless the vehicle wash operation is equipped with one or more vehicle wash interceptors to treat the waste in accordance with this code of practice.

2.5 An operator of a vehicle wash operation that commences operation on or after January 1, 2004 may use an alternate treatment works, or a combination of treatment works other than described in this code of practice, to treat liquid waste from a vehicle washing process if the alternate treatment works produces effluent that complies with section 2.1 prior to discharge

into a sewer and where valid analytical test data has been submitted to, and accepted by, the manager.

2.6 An operator of a vehicle wash operation that is in operation before January 1, 2004 and that does not have the treatment works as required in sections 2.4 or 2.5 must install the treatment works in accordance with this code of practice on the sooner of the occurrence of the following:

(a) January 1, 2005;

(b) the operator of a vehicle wash operation makes an improvement with a value of $1,000 or more within the vehicle wash operation that will increase either or both of the discharge flow of the waste or the amount of any contaminant in the waste; or

(c) the operator of a vehicle wash operation discharges waste into a sewer that exceeds the limitations specified in section 2.1.

2.7 A vehicle wash interceptor installed in accordance with section 2.4 or 2.6 must:

(a) have a minimum liquid volume of 2.0 cubic metres per manual wash bay and a minimum liquid volume of 10 cubic metres per mechanical wash bay; and

(b) a minimum of three chambers designed to retain oil and grease and suspended solids from vehicle wash wastewater.

2.8 An operator of a vehicle wash operation who operates a treatment works referred to in sections 2.4, 2.5 or 2.6 must direct all liquid waste from a vehicle washing process to the treatment works before discharge into a sanitary sewer.

2.9 An operator of a vehicle wash operation must ensure that all waste from washrooms, washing machines and change rooms bypasses the treatment works.

2.10 An operator of a vehicle wash operation must not use or allow the use of chemical agents, solvent-containing products, hot water or other agents with the intention of facilitating the passage of oil and grease through a treatment works.

2.11 An operator of a vehicle wash operation who operates a treatment works on or after June 1, 2004 must:

(a) equip the treatment works with a monitoring point located either at the outlet of the treatment works or downstream of the treatment works at a location upstream of the point of discharge of other waste; and

(b) install the monitoring point described in section 2.11(a) of the same diameter as the treatment works outlet pipe and so that the monitoring point opens in a direction at right angles to, and vertically above, the flow in the sewer pipe.

2.12 An operator of a vehicle wash operation must locate the treatment works so that they are readily and easily accessible for inspection and maintenance.

2.13 An operator of a vehicle wash operation who operates a vehicle wash interceptor must not permit the floating oil and grease to accumulate in any chamber of the vehicle wash interceptor in excess of the lesser of 2.5 cm (one inch) or 5% of the wetted height of the vehicle wash interceptor.

2.14 An operator of a vehicle wash operation who operates one or more vehicle wash interceptors

must not permit the settled solids to accumulate in any chamber of any vehicle wash interceptor in excess of 50% of the wetted height of the vehicle wash interceptor.

2.15 An operator of a vehicle wash operation who operates one or more vehicle wash interceptors must inspect each chamber of each vehicle wash interceptor and measure the accumulated solids and floating oil and grease at least once per month to check the levels specified under sections 2.13 and 2.14.

2.16 An operator of a vehicle wash operation who operates one or more vehicle wash interceptors must cause each vehicle wash interceptor to be cleaned out within seven days of determining that the levels specified in section 2.13 or 2.14 have been exceeded.

2.17 An operator of a vehicle wash operation who operates one or more vehicle wash interceptors must cause each of the vehicle wash interceptors to be cleaned out at least once every 12 months.

2.18 An operator of a vehicle wash operation must display signage prohibiting engine cleaning or washing and the disposal of wastewater or other substances specified in section 2.1 into a sewer connected to a sewage facility.

2.19 A person must not wash an engine at a vehicle wash operation where wastewater or other substances specified in section 2.1 associated with the engine washing are discharged into a treatment works or a sewer.

3.0 SPILL RESPONSE PLANS

3.1 An operator of a vehicle wash operation must have a spill response plan.

3.2 An operator of a vehicle wash operation commencing operation after the date this code of practice comes into effect must prepare a spill response plan at least 30 days prior to commencing operation.

3.3 The spill response plan required under sections 3.1 or 3.2 must be posted in a conspicuous location on the premises of the operation.

3.4 In the event of a spill, an operator of a vehicle wash operation must immediately carry out the provisions of the spill response plan, when safe to do so, to prevent or discontinue the discharge of spilled material into a sewer.

3.5 As part of a spill response plan, an operator of a vehicle wash operation who operates a treatment works must inspect the treatment works for spilled material immediately after having knowledge of the spill.

3.6 An operator of a vehicle wash operation who observes spilled material in the treatment works during an inspection under section 3.5 must have the spilled material removed before resuming the wastewater discharge from the operation.

3.7 An operator of a vehicle wash operation must maintain the spill prevention and clean-up equipment and supplies identified in the spill response plan specified in sections 3.1 and 3.2 in stock and readily available for use at all times.

4.0 RECORD KEEPING AND RETENTION

4.1 An operator of a vehicle wash operation who installs one or more treatment works must keep a record at the vehicle wash operation of all inspection and maintenance activities for the treatment works, including the:

(a) date of inspection or maintenance;

(b) description of inspection or maintenance conducted;

(c) measured depth of settled and floating material in each vehicle wash interceptor as required in section 2.15;

(d) quantity and description of material removed from the treatment works; and

(e) name, civic and postal address, and the telephone number of the disposal or recycling company or facility collecting or transporting the material from the treatment works.

4.2 An operator of a vehicle wash operation who installs treatment works must keep records of the treatment works design calculations and drawings available for inspection at the request of an officer.

4.3 The design drawings required under section 4.2 must show the point of connection of the treatment works to the sanitary sewer.

4.4 An operator of a vehicle wash operation must keep a record at the vehicle wash operation of all disposal or recycling services for wastewater and other substances specified in section 2.1 to be disposed or recycled, including the:

(a) name, civic and postal address, and the telephone number of each disposal or recycling company or facility used by the vehicle wash operation;

(b) type of material transferred to each company or facility;

(c) quantity of material transferred to each company or facility; and

(d) date of material transferred to each company or facility.

4.5 The records required under sections 4.1 and 4.4 must be retained for a period of two years and must be available for inspection on request by an officer.

SCHEDULE "O"

CODE OF PRACTICE FOR CARPET CLEANING OPERATIONS
TSAWOUT SEWER USE LAW NO. 2013-01

1.0 APPLICATION

1.1 This code of practice prescribes conditions governing the discharge of waste from carpet cleaning operations directly or indirectly into a sewer connected to a sewage facility.

1.2 The term “treatment works” in this code of practice means the works referred to in paragraph 2.2 (b).

2.0 DISCHARGE REGULATIONS

2.1 On or after July 1, 2003, an operator of a carpet cleaning operation must not discharge waste, which at the point of discharge into a sewer contains:

(a) prohibited waste;

(b) hazardous waste;

(c) restricted waste other than chemical oxygen demand (COD), biochemical oxygen demand (BOD) and total suspended solids;

(d) stormwater;

(e) uncontaminated water in quantities greater than two cubic meters per day; or

(f) total suspended solids in a concentration that is in excess of 1000 milligrams per litre (mg/L) as analyzed in a grab sample.

2.2 An operator of a carpet cleaning operation that generates carpet cleaning waste on or after July 1, 2003 must either:

(a) collect and transport the wastewater from the carpet cleaning location for off-site waste management; or

(b) treat the wastewater using a screen with holes not greater than 0.25 millimeters (mm) in width or length prior to discharge into a sewer.

2.3 An operator of a carpet cleaning operation must:

(a) visually inspect the screen for defects on a daily basis; and

(b) repair or replace the screen if any defects are found.

2.4 An operator of a carpet cleaning operation must not discharge unscreened wastewater and/or screened solids into a sewer connected to a sewage facility.

2.5 An operator of a carpet cleaning operation must, on or before July 1, 2003, install spill containment or cap all floor drains located in all chemical storage areas to prevent any accidental discharge of carpet cleaning chemicals into a sewer.

2.6 An operator of a carpet cleaning operation must inspect the equipment referred to in section 2.7 for leaks at least once per week.

2.7 The following equipment must be checked for leaks:

(a) hose connections, unions, couplings and valves;

(b) filter gaskets;

(c) pumps; and

(d) wastewater holding tanks.

2.8 An operator of a carpet cleaning operation who detects a leak of wastewater or liquid cleaning product from carpet cleaning equipment or chemical storage must:

(a) immediately take all steps necessary to prevent the discharge of such liquid into a sewer; and

(b) repair the leak within 72 hours of its detection.

3.0 RECORD KEEPING AND RETENTION

3.1 An operator of a carpet cleaning operation must keep a record at the site of installation of the treatment works that includes the following information:

(a) weekly record of all inspections done by the operator, employees or other hired personnel;

(b) record of any contaminated liquid leaks detected and remedial actions taken;

(c) record of screen repair or replacement; and

(d) record of all other equipment maintenance and repair.

3.2 The records required under section 3.1 must be retained for a period of two years and must be available for inspection on request by an officer.

SCHEDULE "P"

CODE OF PRACTICE FOR FERMENTATION OPERATIONS
TSAWOUT SEWER USE LAW NO. 2013-01

1.0 APPLICATION

1.1 This code of practice prescribes conditions governing the discharge of waste from fermentation operations directly or indirectly into a sewer connected to a sewage facility.

1.2 The term "treatment works" in this code of practice means the works referred to in section 2.3, paragraph 2.4(b) or section 2.6.

2.0 DISCHARGE REGULATIONS

2.1 An operator of a fermentation operation must not discharge waste, which at the point of discharge into a sewer, contains one or more of the following: prohibited waste, hazardous waste, restricted waste, stormwater or uncontaminated water in quantities greater than two cubic meters per day.

2.2 An operator of a fermentation operation who generates wastewater on or after January 1, 2003 must test any wastewater containing acid or caustic cleaners or sanitizers for pH and adjust the pH of this wastewater to between 5.5 and 11.0 prior to discharge of such wastewater to a sewer.

2.3 An operator of a fermentation operation who generates wastewater on or after January 1, 2003 from one or more of the following: a mash tun, mash tun washing, a brewing kettle, brewing kettle washing, back flushing of mash tun strainers, filters or trub filters, must remove solids from the discharge to sewer by:

(a) use of a strainer or a filter with a sieve size not greater than 1,000 microns (µm); or

(b) settling the solids in a separate vessel and discharging the decant water.

2.4 An operator of a fermentation operation that produces waste containing yeast on or after July 1, 2003 must either:

(a) collect and transport the waste from the fermentation sector operation for off-site waste management; or

(b) filter the waste using a filter with a sieve size not greater than 10 microns (µm) prior to discharge into a sewer.

2.5 Section 2.4 of this code of practice does not apply to an operator of a fermentation operation who produces waste containing yeast resulting from back-flushing of a pre-filter following the fermentation process provided that the waste produced from such back-flushing does not contain restricted waste.

2.6 An operator of a fermentation operation who discharges waste to a sewer connected to a sewage facility may use an alternate treatment works, or a combination of treatment works, other than described in this code of practice if the alternate treatment works produces effluent that complies with section 2.1 where valid analytical test data has been submitted to, and accepted by, the manager.

2.7 An operator of a fermentation operation who commences operation on or after January 1, 2003 must ensure that:

(a) one or more sampling tees are installed downstream of the point of discharge of all non-domestic waste and at a location upstream of the point of discharge of any other waste; and

(b) the sampling tee described in paragraph 2.7(a) must be the same diameter as the discharge line and must be installed so that it opens in a direction at right angles to, and vertically above, the wastewater flow in the sewer pipe.

2.8 An operator of a fermentation operation operating before January 1, 2003, and which continues to operate after January 1, 2003, must install a sampling tee located downstream of the point of discharge to the sewer of all non-domestic waste and at a location upstream of any discharge of other waste when any of the following occur:

(a) the operator of a fermentation operation makes an improvement with a value of $2,000 or more that will increase the discharge flow or amount of any contaminant in the waste; or

(b) the operator of a fermentation operation discharges non-domestic waste that contains restricted waste into a sewer.

2.9 A sampling tee installed under sections 2.7 or 2.8 of this code of practice must be readily and easily accessible at all times for inspection and sampling purposes.

3.0 RECORD KEEPING AND RETENTION

3.1 An operator of a fermentation operation must keep records, available for inspection on request, at the fermentation operation, containing the following information:

(a) method of solids removal from mash tun wastewater and wash water;

(b) method of treatment of kettle wastewater and kettle wash water;

(c) method(s) of solids removal from wastewater generated by back-flushing mash tun strainers or filters, and back-flushing trub filters;

(d) method of treatment to remove yeast residue;

(e) location of sampling tee, referred to in section 2.9;

(f) method of pH adjustment and measurement for wastewater containing acid and caustic cleaners or sanitizers; and

(g) dates and results of pH testing required under section 2.2.

3.2 The records must be retained on site for a period of two years and must be available on request by an officer.

SCHEDULE "Q"

CODE OF PRACTICE FOR PRINTING OPERATIONS
TSAWOUT SEWER USE LAW NO. 2013-01

1.0 APPLICATION

1.1 This code of practice prescribes conditions governing the discharge of waste from printing operations directly or indirectly into a sewer connected to a sewage facility.

1.2 An operator of a printing operation that produces liquid waste from photographic imaging containing silver must comply with the requirements of Schedule "K" of this Law.

1.3 The term "treatment works" in this code of practice means the works referred to in sections 2.3, 2.4, 2.6, 2.7 and 2.10.

2.0 DISCHARGE REGULATIONS

2.1 An operator of a printing operation must not discharge waste which, at the point of discharge into a sewer, contains:

(a) prohibited waste;

(b) hazardous waste;

(c) restricted waste other than chemical oxygen demand (COD) and biochemical oxygen demand (BOD);

(d) rinse water from equipment that has been washed in solvent;

(e) inks and fountain solutions;

(f) flexography plate acid bath solutions, etching solutions and wash-out solutions;

(g) cleaning solvents; or

(h) uncontaminated water, in quantities greater than two cubic meters per day.

2.2 An operator of a printing operation must not discharge stormwater into a sewer without a valid waste discharge permit or authorization.

2.3 An operator of a printing operation who commences operation on or after January 1, 2003, and who discharges waste from a printing process into a sewer must install and maintain one or more trade waste interceptors to treat the waste prior to discharge.

2.4 In addition to the trade waste interceptor required under section 2.3, an operator of a printing operation who discharges waste from a printing process into a sewer, and that commences operation on or after January 1, 2003, must install and maintain:

(a) one or more oil-adsorbing filters; and

(b) one or more activated carbon cartridges.

2.5 An operator of a printing operation referred to in section 2.4 must install the oil-adsorbing filter downstream of the trade waste interceptor and upstream of the activated carbon

cartridge.

2.6 An operator of a printing operation must deliver the waste from the trade waste interceptor to the oil-adsorbing filter and activated carbon cartridge using a metering pump that is calibrated at least once per year.

2.7 An operator of a printing operation who discharges waste from a printing process to a sewer connected to a sewage facility may use an alternate treatment works, or a combination of treatment works, other than described in this code of practice if the alternate treatment works produces effluent that complies with section 2.1 where valid analytical test data has been submitted to, and accepted by, the manager.

2.8 An operator of a printing operation must replace the oil-adsorbing filter and activated carbon cartridge when any one of the following occurs:

(a) the manufacturer's or supplier's recommended expiry date, as shown on each filter or cartridge has been reached;

(b) eighty per cent (80%) of the manufacturer's or supplier's maximum recommended capacity, or total cumulative flow, for each filter or cartridge has been reached;

(c) analytical data using a method of analysis outlined in standard methods, or an alternative method of analysis approved by the manager, that has a method detection limit of 2 mg/L oil and grease or lower, indicates that the concentration of oil and grease in the effluent from the activated carbon cartridge is greater than, or equal to, 100 mg/L; or

(d) analytical data using a method of analysis outlined in standard methods, or an alternative method of analysis approved by the manager, that has a method detection limit of 2 mg/L oil and grease (hydrocarbons) or lower, indicates that the concentration of oil and grease (hydrocarbons) in the effluent from the activated carbon cartridge is greater than, or equal to 15 mg/L.

2.9 An oil-adsorbing filter or activated carbon cartridge installed in accordance with sections 2.4 or 2.5, must be designed to ensure that the effluent from the activated carbon cartridge does not contain restricted waste other than COD and BOD.

2.10 An operator of a printing operation who commenced operation prior to January 1, 2003, and who continues to operate after January 1, 2003, and who does not have the treatment works referred to in sections 2.3, 2.4 and 2.6 or an alternate treatment works referred to in section 2.7, must, as a condition of the continued discharge of waste from a printing process to a sewer, install the treatment works in accordance with this code of practice not later than January 1, 2005 or when any of following occur:

(a) the operator of a printing operation makes an improvement with a value of $1,000 or more within the printing operation that will increase the discharge flow or amount of any contaminant in the waste; or

(b) the operator of a printing operation discharges waste from a printing process into a sewer that does not comply with section 2.1.

2.11 An operator of a printing operation who installs a trade waste interceptor in accordance with sections 2.3 or 2.10 must ensure that the trade waste interceptor has a minimum liquid capacity of 75 litres, and is designed to provide a minimum retention time of 4 hours based on the maximum expected flow of all on-domestic waste that may be discharged in accordance with this code of practice.

2.12 An operator of a printing operation who operates in accordance with sections 2.3, 2.4, 2.6 or 2.10 must ensure that all waste from a printing process is directed into the treatment works before being discharged into a sewer.

2.13 After January 1, 2003, an operator of a printing operation must ensure that all sanitary waste and grey water bypasses the treatment works.

2.14 An operator of a printing operation must not dispose any floating material or solids accumulated in the treatment works into a sewer.

2.15 An operator of a printing operation must not use or permit the use of chemical agents, solvents, hot water or other agents with the intention to facilitate the passage of oil and grease and oil and grease (hydrocarbons) through the treatment works.

2.16 On or after January 1, 2003, an operator of a printing operation who installs treatment works must ensure that:

(a) the discharge line from the activated carbon cartridge is equipped with a monitoring point located either at the outlet of the activated carbon cartridge or downstream of the activated carbon cartridge at a location upstream of the point of discharge of other waste; and

(b) the monitoring point must be readily and easily accessible at all times for inspection.

2.17 On or after January 1, 2003, an operator of a printing operation who installs treatment works must locate the treatment works so that they are readily and easily accessible for inspection and maintenance.

2.18 An operator of a printing operation who operates a trade waste interceptor must not permit the floating material to accumulate in any chamber of the trade waste interceptor in excess of the lesser of 2.5 cm (1 inch) or 5% of the wetted height of the trade waste interceptor.

2.19 An operator of a printing operation who operates a trade waste interceptor must not permit the settled solids to accumulate in any chamber of the trade waste interceptor in excess of the lesser of 7.5 cm (3 inches) or 25% of the wetted height of the trade waste interceptor.

2.20 An operator of a printing operation who operates a trade waste interceptor must inspect the trade waste interceptor and measure the accumulated solids and floating material at least once every six months to check the levels specified under sections 2.18 and 2.19.

2.21 An operator of a printing operation must ensure that the trade waste interceptor is cleaned out within seven days of determining that the levels referred to in sections 2.18 or 2.19 have been exceeded.

2.22 An operator of a printing operation must ensure that the trade waste interceptor is cleaned out at least once every 24 months.

3.0 STORAGE AND CONTAINMENT

3.1 An operator of a printing operation must ensure that the following materials are stored using spill containment that will prevent any spilled material from entering a sewer:

(a) solvents, dyes, paints and inks; and

(b) waste solvents, waste paint, waste dyes and any other waste from a printing process.

4.0 SPILL RESPONSE PLANS

4.1 An operator of a printing operation operating before January 1, 2003 must prepare a spill response plan by July 1, 2003.

4.2 An operator of a printing operation commencing operation on or after January 1, 2003 must prepare a spill response plan within 60 days of commencing operation.

4.3 In the event of a spill, an operator of a printing operation must immediately carry out the spill response plan, when safe to do so, to prevent or discontinue the discharge of spilled material into a sewer.

4.4 As part of a spill response plan, an operator of a printing operation who operates a trade waste interceptor must inspect the trade waste interceptor for spilled material within 24 hours of having knowledge of the spill.

4.5 An operator of a printing operation who observes spilled material in the trade waste interceptor during an inspection under section 4.4, must remove the spilled material before resuming the wastewater discharge from the operation.

4.6 An operator of a printing operation must ensure that spill prevention and clean-up equipment and supplies are kept in stock at all times and are readily available for use.

5.0 RECORD KEEPING AND RETENTION

5.1 An operator of a printing operation must keep a record at the printing operation of all trade waste interceptor inspection and maintenance activities including:

(a) date of inspection or maintenance;

(b) description of maintenance conducted;

(c) quantity of material removed from the trade waste interceptor; and

(d) name of each disposal or recycling company or facility receiving any material removed from the trade waste interceptor.

5.2 An operator of a printing operation must keep a record at the printing operation of all oil-adsorbing filter and activated carbon cartridge inspection and maintenance activities including:

(a) installation date of each oil-adsorbing filter and activated carbon cartridge;

(b) serial number of each oil-adsorbing filter and activated carbon cartridge (where provided by manufacturers or suppliers);

(c) expiry date of each oil-adsorbing filter and activated carbon cartridge used (where provided by manufacturers or suppliers);

(d) maximum recommended capacity, or total cumulative flow, of each oil-adsorbing filter and activated carbon cartridge used;

(e) dates of all metering pump calibrations; and

(f) dates and descriptions of all operational problems associated with the oil-adsorbing

filter and activated carbon cartridge and remedial actions taken.

5.3 An operator of a printing operation who installs treatment works on or after January 1, 2003 must retain records of the design calculations and drawings and ensure that they are available for inspection at the request of an officer.

5.4 An operator of a printing operation must keep the spill response plans required under sections 4.1 and 4.2 and ensure that they are available for inspection by an officer.

5.5 An operator of a printing operation must keep a record at the printing operation of all disposal or recycling services for spent fountain wash solution, waste solvents, dyes, paints, inks and other waste from a printing process, including:

(a) name of each disposal or recycling company or facility used by the printing operation;

(b) type of material transferred to each company or facility;

(c) quantity of material transferred to each company or facility; and

(d) date of material transferred to each company or facility.

5.6 The records required under sections 5.1, 5.2, 5.4 and 5.5 must be retained for a period of two years and must be available for inspection on request by an officer.

5.7 The records required under section 5.3 must be retained for the time that the printing operation is in business.

SCHEDULE "R"

CODE OF PRACTICE FOR RECREATION FACILITY OPERATIONS TSAWOUT SEWER USE LAW NO. 2013-01

1.0 APPLICATION

1.1 This code of practice prescribes conditions governing the discharge of waste from recreation facility operations directly or indirectly into a sewer connected to a sewage facility.

1.2 The term "treatment works" in this code of practice means the works referred to in sections 2.4 and 2.5.

1.3 This code of practice does not apply to a recreation facility operation within a hotel, motel or other business that provides accommodation to the travelling or vacationing public.

2.0 DISCHARGE REGULATIONS

2.1 An operator of a recreation facility operation must not discharge waste which, at the point of discharge into a sewer, contains:

(a) prohibited waste as set out in Schedule "A";

(b) restricted waste, as set out in Schedule "B", with the exception of chloride;

(c) chloride in a concentration that is in excess of 2100 milligrams per litre (mg/L) as analyzed in a grab sample;

(d) pool filter media; or

(e) uncontaminated water, in quantities greater than 2.0 cubic meters per day, without prior authorization from the manager.

2.2 An operator of a recreation facility operation must not discharge stormwater into a sanitary sewer connected to a sewage facility unless the stormwater originates from a designated uncovered ice melting operation area designed to minimize the amount of stormwater flowing from outside the ice melting operation area into the sewer.

2.3 An operator of a recreation facility operation that produces wastewater from pools and from back-flushing of pool filters on or after January 1, 2004 must test any wastewater containing residual chlorine and dechlorinate to a concentration of less than 5.0 mg/L chlorine prior to discharge into a sewer.

2.4 An operator of a recreation facility operation that produces wastewater from ice melting operations on or after January 1, 2004 must remove total suspended solids by filtering the wastewater using a sand bed or a filter cloth such that the effluent will meet the restricted waste criteria set out in Schedule "B" prior to discharge into a sewer.

2.5 An operator of a recreation facility operation that produces wastewater from ice melting operations on or after January 1, 2004 may use an alternate treatment works, or a combination of treatment works other than described in this code of practice, if the alternate treatment works produces effluent that meets the total suspended solids criteria set out in Schedule “B” prior to discharge into a sewer and where valid analytical test data has been submitted to, and accepted by, the manager.

2.6 An operator of a recreation facility operation who detects a leak of liquid from an ice-cooling refreigeration system on or after January 1, 2004 must immediately take all steps necessary to prevent or discontinue the discharge of such liquid into a sewer.

2.7 An operator of a recreation facility operation that commences operation on or after January 1, 2004 must not discharge non-domestic waste into a sewer unless:

(a) the operator has installed one or more monitoring points downstream of the point of discharge of all non-domestic waste and at a location upstream of the point of discharge of any other waste; and

(b) the monitoring point described in paragraph 2.7(a) is the same diameter as the discharge line and is installed so that it opens in a direction at right angles to, and vertically above, the wastewater flow in the sewer pipe.

2.8 An operator of a recreation facility operation that is in operation before January 1, 2004 must not discharge non-domestic waste into a sewer after January 1, 2005 unless the operator installs a monitoring point or points as described in paragraphs 2.7(a) and (b) on the occurrence of the sooner of the following:

(a) the operator of a recreation facility operation makes an improvement having a value of $2,000 or more to the recreation facility that will increase either or both of the discharge flow of the waste or the amount of any contaminant in the waste; or

(b) the operator of a recreation facility operation discharges waste into a sewer that exceeds the limitations specified in section 2.1.

2.9 A monitoring point installed under sections 2.7 or 2.8 of this code of practice must be readily and easily accessible at all times for inspection and sampling purposes.

3.0 RECORD KEEPING AND RETENTION

3.1 An operator of a recreation facility operation must keep a record at the recreation facility site containing the following information:

(a) dates and results of chlorine or chloride testing of pool water discharges required in sections 2.1 and 2.3;

(b) method of chlorine or chloride measurement outlined in sections 2.1 and 2.3;

(c) method(s) of removing solids from wastewater produced by ice melting operations, as required in sections 2.4 and 2.5;

(d) date of ice melting operation(s) and solids removal;

(e) dates of detection of any leaks of liquid from an ice-cooling refrigeration system and a description of remedial actions taken; and

(f) location of monitoring point outlined in section 2.9.

3.2 The records required under section 3.1 must be retained on site for a period of two years and must be available on request by an officer.

SCHEDULE "S"

CODE OF PRACTICE FOR LABORATORY OPERATIONS
TSAWOUT SEWER USE LAW NO. 2013-01

1.0 APPLICATION

1.1 This code of practice prescribes conditions governing the discharge of waste from laboratory operations directly or indirectly into a sewer connected to a sewage facility.

1.2 An operator of a laboratory operation that produces liquid waste from photographic imaging containing silver must also comply with the requirements of Schedule "K" of this Law.

2.0 DISCHARGE REGULATIONS

2.1 An operator of a laboratory operation must not discharge waste which, at the point of discharge into a sewer, contains:

(a) prohibited waste as set out in Schedule "A";

(b) restricted waste as set out in Schedule "B", with the exception of biochemical oxygen demand (BOD), chemical oxygen demand (COD), chloride, sulphate, mercury and seawater;

(d) waste containing mercury in concentrations greater than 0.01 milligrams per litre;

(e) waste containing PCBs;

(f) waste containing dioxin TEQ;

(g) waste containing halogenated solvents;

(h) waste containing chlorinated phenols;

(i) waste containing pesticides;

(j) seawater, in quantities greater than 2.0 cubic metres per day, without prior authorization from the manager; or

(k) uncontaminated water, in quantities greater than 2.0 cubic metres per day, without prior authorization from the manager.

2.2 An operator of a laboratory operation must not discharge stormwater into a sewer without a valid waste discharge permit or authorization.

2.3 A laboratory may meet the requirements of section 2.1 by collecting and transporting wastewater or other substances specified in section 2.1 for off-site waste management.

2.4 An operator of a laboratory operation that commences operation on or after January 1, 2004 must:

(a) install one or more monitoring points downstream of all laboratory discharges and upstream of any discharge of other waste;

(b) install monitoring points described in paragraph 2.4(a) of the same diameter as the outlet pipe so that the monitoring point opens in a direction at right angles to, and vertically above, the flow in the sewer pipe; and

(c) maintain the monitoring points readily and easily accessible at all times.

2.5 An operator of a laboratory operation that is in operation before January 1, 2004 and that does not have the monitoring points described in section 2.4 must install the monitoring points on the occurrence of the sooner of the following:

(a) the operator of a laboratory operation makes an improvement with a value of $5,000 or more within the laboratory operation that will increase either or both of the discharge flow of the waste or the amount of any contaminant in the waste;

(b) the operator of a laboratory operation makes improvements with a value of $5,000 or more that include any changes to laboratory plumbing; or

(c) the operator of a laboratory operation discharges waste into a sanitary sewer that does not comply with section 2.1.

2.6 An operator of a laboratory operation that treats waste to meet the requirements of section 2.1 must test the treated waste prior to discharge to sanitary sewer using an analytical method or methods outlined in standard methods, or an alternative analytical method or methods approved by the manager.

3.0 STORAGE AND CONTAINMENT

3.1 An operator of a laboratory operation must ensure that chemicals and waste are stored using spill containment that will prevent any spilled material from entering a sewer.

3.2 An operator of a laboratory operation must not discharge accumulated stormwater from a spill containment system unless it has been tested to confirm that such discharge will not breach section 2.1 unless the operator has obtained a valid waste discharge permit or authorization under this Law.

4.0 SPILL RESPONSE PLANS

4.1 An operator of a laboratory operation that is in operation before January 1, 2004 must prepare a spill response plan by July 1, 2004.

4.2 An operator of a laboratory operation commencing operation on or after January 1, 2004 must prepare a spill response plan within 30 days of commencing operation.

4.3 The spill response plan required under sections 4.1 or 4.2 must be posted in a conspicuous location on the laboratory premises.

4.4 An operator of a laboratory operation must maintain the spill prevention and clean-up equipment and supplies identified in the spill response plan specified in sections 4.1 and 4.2 in stock and readily available for use at all times.

4.5 In the event of a spill, an operator of a laboratory operation must immediately carry out the spill response plan, when safe to do so, to prevent or discontinue the discharge of spilled material into a sewer.

4.6 An operator of a laboratory who observes spilled material that has entered, or may enter, the sanitary sewer must have the spilled material removed or treated to meet the requirements of section 2.1 before resuming normal laboratory operation.

5.0 RECORD KEEPING AND RETENTION

5.1 An operator of a laboratory operation must keep a record of all disposal or recycling services for wastewater and other substances specified in section 2.1 to be disposed or recycled, including the:

(a) name, civic and postal address, and telephone number of each disposal or recycling company or facility used by the laboratory operation;

(b) type of material transferred to each company or facility;

(c) quantity of material transferred to each company or facility; and

(d) date of material transferred to each company or facility.

5.2 An operator of a laboratory operation must keep a list of the types of services provided or general procedures conducted by the laboratory that cause a discharge of waste into a sewer.

5.3 An operator of a laboratory operation must keep an inventory of all chemicals stored in, and used by, the laboratory operation that are contained in a waste discharged into a sewer.

5.4 An operator of a laboratory operation must keep written procedures for all treatment methods used to meet the requirements of section 2.1 where waste is treated prior to discharge into a sewer.

5.5 An operator of a laboratory operation must keep a record of the results of the testing required in section 2.6.

5.6 The records required under sections 5.1 and 5.5 must be retained for a period of two years and must be available for inspection on request by an officer.

5.7 The information specified in sections 5.2, 5.3 and 5.4 must be available for inspection on request by an officer.

TSAWOUT FIRST NATION
JUNE 19, 2013

BCR FOR APPROVING THE SEWER USE LAW, AS WELL AS APPOINTING THE SEWAGE CONTROL MANAGER, DEPUTY SEWAGE CONTROL MANAGER AND SEWAGE CONTROL OFFICER

WHEREAS:

A. The *Tsawout First Nation Land Code* provides that the Council may make laws respecting the development, conservation, protection, management, use and possession of First Nation Land and specifically laws in relation to maintenance and management of local and public works; and

B. Council considers it in the best interests of the First Nation to enact the Sewer Use Law.

NOW THEREFORE COUNCIL RESOLVES AS FOLLOWS:

1. The *Tsawout First Nation Sewer Use Law, 2013-01* is hereby approved and enacted.
2. Council hereby appoints the Sewage Control Manager for the Capital Regional District as the First Nation's Sewage Control Manager, to fulfil the duties of the Sewage Control Manager under the Sewer Use Law.
3. Council hereby appoints the Deputy Sewage Control Manager(s) for the Capital Regional District as Tsawout First Nation's Deputy Sewage Control Manager(s), to fulfil the duties of the Deputy Sewage Control Manager under the Sewer Use Law.
4. Council hereby appoints the Sewage Control Officers for the Capital Regional District as the First Nation's Sewer Control Officers, to fulfil the duties of the Sewage Control Officer under the Sewer Use Law.
5. The appointments made under clause 2, clause 3 and clause 4 shall take effect upon Tsawout entering into an agreement with the Capital Regional District for provision of the services of Sewage Control Manager, Deputy Sewage Control Manager, and Sewage Control Officer.
6. The Sewage Control Manager, Deputy Sewage Control Manager(s), and Sewage Control Officer(s), appointed herein shall remain in office until Council appoints a new Sewage Control Manager, Deputy Sewage Control Manager(s), and Sewage Control Officer(s), as the case may be.

Quorum: 5

(Chief Harvey Underwood)

(Councillor Allan Claxton)

(Councillor Lou Claxton)

(Councillor E. Samantha Etzel)

(Councillor Toby Joseph)

(Councillor Stan Sam)

(Councillor G. David Underwood)

(Councillor Antoine Underwood)