

**DISTRICT OF LANTZVILLE
BYLAW NO. 337, 2023**

**A BYLAW TO PROVIDE FOR THE REGULATION OF THE USE OF THE
DRAINAGE SYSTEM AND DISPOSITION OF STORMWATER**

NOW THEREFORE the Council of the District of Lantzville in open meeting assembled enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as “District of Lantzville Stormwater Regulation Bylaw No. 337, 2023”.

2. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

“**air**” means the atmosphere but, except in a storm drain or a stormwater management 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 with or is capable of interfering with visibility;
- (d) interferes with 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.

“**biomedical waste**” means “biomedical waste” as defined in the *Hazardous Waste Regulation*.

“**business waste**” means waste which is produced on a commercial, industrial or institutional property.

“**carpet cleaning waste**” means a combination of water-carried liquid and solid wastes generated by a carpet cleaning operation.

“**Code of Practice**” means a code of practice as set out in Schedule “C” of this Bylaw.

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

“composite sample” means a sample 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.

“construction or development activity” includes the construction of a building or structure, the placement of fill, the paving of land or any other alteration to land which causes a change to the existing drainage characteristics.

“contaminant” means any substance, whether dissolved or suspended, or any wastewater quality parameter that, when present above a certain concentration in wastewater:

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

“Council” means the council of the District of Lantzville.

“Director” means the Director of Public Works for the District and includes any other employee of the District authorized by the Director of Public Works to act as the Director’s delegate for the purpose of this Bylaw.

“District” means District of Lantzville.

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

“domestic waste” means waste produced on a residential property.

“engine washing waste” means waste that results from the cleaning of an engine and or engine parts by water, steam, chemicals or other methods.

“fecal coliforms” means the portion of coliform bacteria from fecal sources, as determined by the appropriate procedure in Standard Methods.

“grab sample” means a sample of waste collected at a particular time and place.

“hazardous waste” means “hazardous waste” as defined under the *Environmental Management Act* of British Columbia;

“Hazardous Waste Regulation” means the *Hazardous Waste Regulation* enacted pursuant to the *Environmental Management Act*; included as it may be replaced.

“municipal drainage system” means all pipes, conduits, drains, open ditches, equipment, works, facilities and all necessary appurtenances that are owned and operated by the District and installed for the purpose of collecting, pumping, conveying, treating and disposing of stormwater and uncontaminated water.

“oil and grease” means an organic substance or substances recoverable by procedures set out in Standard Methods or procedures authorized by the Director and includes, but is not limited to, hydrocarbons, esters, fats, oils, waxes, and high-molecular weight carboxylic acids.

“PCB” means any monochlorinated, dechlorinated, 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.

“pH” means the expression of the acidity or alkalinity of a solution on a logarithmic scale as determined by the appropriate procedure described in the Standard Methods.

“pollution” means the presence in the environment of substances or contaminants that substantially alter or impair the usefulness of the environment.

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

“premises” means any parcel or building or both or any part thereof.

“professional engineer” means a professional engineer in good standing with the Association of Professional Engineers and Geoscientists of the Province of British Columbia, or such successor authority having jurisdiction.

“prohibited waste” means a waste identified in Schedule “B” to this Bylaw.

“radioactive materials” means radioactive material as defined in the *Nuclear Safety Control Act* of Canada and Regulations under that Act.

“Regional District” means the Regional District of Nanaimo.

“residential property” means a property, which is used primarily for the purpose of residence by persons on a permanent, temporary or seasonal basis.

“sanitary waste” means waste that contains human feces, urine, blood or body fluids originating from sanitary conveniences or other sources.

“service connection” means a pipe and all necessary appurtenances to connect a storm drain to the municipal drainage system.

“storm drain” means a pipe, conduit, drain or other equipment or facilities intended or necessary to convey stormwater from premises.

“Standard Methods” means the latest edition of *Standard Methods for the*

Examination of Water and Wastewater prepared and published from time to time by the American Public Health Association, American Water Works Association and the Water Environment Federation.

“stormwater” means water resulting from natural precipitation, ground water and street cleaning.

“stormwater management facility” means structures or features that are intended to store, control and dispose of stormwater into the ground or to the municipal drainage system, including, but not limited to, features such as rain gardens, swales, storage ponds, and tanks, whether or not such facilities are located on the premises served by them or on the highway adjacent to those premises.

“stormwater rehabilitation unit” means works or technology that will achieve a stormwater quality that does not contain any prohibited waste under the conditions of a two-year storm event.

“stream” includes a pond, lake, river, creek, brook, spring or wetland.

“suspended solids” means the portion of total solids retained by a filter, as determined by the appropriate procedure in Standard Methods.

“trucked liquid waste” means any waste that is collected and transported from the site where the waste originated by means other than discharge to a sewer including, but not limited to, holding tank waste, septic tank waste, chemical toilet contents, catch basin waste, oil and grease from interceptors or traps, and other sludges of organic or inorganic origin.

“uncontaminated water” means cooling water, condensed water and water from waterworks or a private water supply to which no contaminant has been added but, for certainty, excludes stormwater.

“waste” means any substance whether gaseous, liquid or solid, that is or is intended to be discharged or discarded, directly or indirectly, to the municipal drainage system.

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

“wastewater quality parameter” means any parameter used to describe the quality of wastewater.

“watercourse” means:

- (a) a stream; or
- (b) a canal, ditch, reservoir, stormwater management facility or other man-made surface feature designed to carry or hold uncontaminated water or stormwater whether it contains or conveys water continuously or intermittently within the District.

“waterworks” means any works owned or otherwise under the control or jurisdiction of the District, the Regional District, one or more of the Regional District’s member municipalities for the purpose of collecting, treating, transporting or storing drinking water.

3. APPROVAL FOR WORK IN MUNICIPAL DRAINAGE SYSTEM

- (1) Except as provided for in this Bylaw, no person may do any of the following:
 - (a) alter, remove, fill in, reconstruct, tamper, interfere with, divert, excavate in, cover, or carry out any other work or activity within the municipal drainage system;
 - (b) connect any work or thing to the municipal drainage system, including but not limited to a pipe, culvert, ditch, drain, swale or other thing, that allows a discharge to the municipal drainage system;
 - (c) disconnect any work or thing from the municipal drainage system, including but not limited to a pipe, culvert, ditch, drain, swale or other thing, that allows a discharge to the municipal drainage system;
 - (d) enclose or open any watercourse that is part of the municipal drainage system.
- (2) Notwithstanding Section 3 (1), a person may do an act prohibited by Section 3(1) if the Director issues a permit to the person pursuant to this Section.
- (3) The Director may issue a permit under Section 3(2) upon being satisfied that the proposed act will:
 - (a) not result in the volume of stormwater being discharged to the municipal drainage system exceeding the volume of stormwater that was discharged to the municipal drainage system prior to the act, with such volume of stormwater being determined on the basis of a 10-year return rain fall event;
 - (b) not result in the volume of stormwater being discharged to the municipal drainage system decreasing by more than 50percent of the volume of stormwater that was discharged to the municipal drainage system prior to the act, with such volume of stormwater being determined on the basis of a 10-year return rain fall event;
 - (c) Not decrease the quality of stormwater being discharged to the municipal drainage system;
 - (d) Not increase the volume of eroded material or sediments discharged to the municipal drainage system;
 - (e) Not impair downstream impacts of peak stormwater runoff carried by the municipal drainage system.
- (4) A person who wishes to apply for a permit under this Section must:
 - (a) apply to the Director for a permit on such form as the Director may prescribe from time to time;
 - (b) submit such drawings, plans and specifications as may be required by the Director to assess the proposed act or work in relation to the matters set

- out in Section 3(3), with all such drawings, plans and specifications to be certified by a professional engineer ;
 - (c) submit a written report, certified by a professional engineer, that identifies and evaluates the potential impacts of the proposed work in relation to the matters set out in Section 3(3).;
 - (d) submit a written report, certified by a professional engineer, that identifies measures to minimize adverse effects on the environment from the act or work while the act or work is carried out;
 - (e) pay all inspection and other fees as set out in Schedule “A” of this Bylaw.
- (5) The prohibition in Section 3 (1) and requirement for a permit in Section 3(2) does not apply in any instance where the Director determines that the proposed act or work is of such a minor nature that it is unlikely to have any appreciable impact on the municipal drainage system.

4. **DISCHARGES TO MUNICIPAL DRAINAGE SYSTEM**

- (1) No person may discharge or allow or cause to be discharged into a municipal drainage system or a watercourse any of the following:
 - (a) domestic waste;
 - (b) trucked liquid waste;
 - (c) sanitary waste;
 - (d) business waste;
 - (e) prohibited waste.
- (2) Despite subsection 4(1) of this Bylaw, a person may discharge into a municipal drainage system wastewater from the following sources and activities:
 - (a) natural precipitation and drainage of such water as permitted by the Director of Public Works;
 - (b) garden and lawn maintenance, non-commercial car washing, building washing and driveway washing;
 - (c) uncontaminated water that does not contain residual chlorine or chloramine;
 - (d) street, hydrant and water main flushing by or on behalf of the District;
 - (e) firefighting activities; and
 - (f) the activities listed in the attached Schedule “C” provided that the person who discharges or allows or causes the discharge:
 - (i) registers with the Director using the Code of Practice Registration Form attached as Schedule “D” to this Bylaw that is applicable to the activity being undertaken by the person; and

- (ii) complies with the applicable Code of Practice attached as Schedules “E”, “F” and “G” to this Bylaw.
- (3) Any person who registers in accordance with subsection 5(2), must also use the Code of Practice Registration Form attached as Schedule “D” to this Bylaw to change or cancel its registration.
- (4) The District adopts the Code of Practice attached as Schedules “E”, “F” and “G” to this Bylaw.

5. INSPECTION

- (1) The Director, an employee of the District authorized by the Director, or a bylaw enforcement officer of the District may enter at all reasonable times, on any land that is subject to this Bylaw to ascertain whether this Bylaw is being observed or its requirements are being met.

6. OFFENCES AND PENALTIES

- (1) A person who contravenes this Bylaw or who suffers or permits any act or thing to be done in contravention of this Bylaw commits of an offence and is liable to pay a fine of up to \$10,000 together with such other penalties and compensation as the court may order under the *Community Charter*.
- (2) Each day that an offence occurs or continues shall constitute a separate offence.
- (3) Nothing in this Bylaw shall limit the District from pursuing any other remedy that would otherwise be available to the District at law.

7. GENERAL

- (1) No person may hinder or prevent the Director, an employee authorized by the Director, or a bylaw enforcement officer from entering any lands or from carrying out his or her duties with respect to the administration of this Bylaw.
- (2) The schedules attached to this Bylaw are deemed to be an integral part of this Bylaw.
- (3) If any provision of this Bylaw is found to be invalid by a Court of competent jurisdiction, then it may be severed from the Bylaw without affecting the validity of the remaining portions of this Bylaw.
- (4) The headings in this Bylaw are inserted for convenience and reference only and shall not be used in interpreting this Bylaw.

8. PURPOSE

- (1) This Bylaw must be interpreted in accordance with this section despite any other provision of this Bylaw.
- (2) This Bylaw is enacted for the purpose of avoiding, preventing or reducing the risk of:
 - (a) nuisance, disturbance or other objectionable situation, including the accumulation of water on the subject premises or on any other premises, flooding or environmental damage;

- (b) interference with the proper functioning of the municipal drainage system or a watercourse
 - (c) regulating discharges to the municipal drainage system and watercourses in order to reduce the risk of pollution or interference with the proper functioning of the municipal drainage system and watercourses.
- (3) The purpose of this Bylaw does not extend to:
- (a) the protection of any person from economic loss;
 - (b) the assumption by the District of responsibility for ensuring that any discharge of wastewater into the municipal drainage system and water courses will not cause, pollution or interference with the proper functioning of the municipal drainage system or watercourses; or
 - (c) providing any person with a warranty that any discharge of wastewater or activity or works referred to in paragraph (b) will not cause pollution or other nuisance to any person.
- (4) Nothing in this Bylaw shall be interpreted as relieving a person discharging wastewater from complying with federal, provincial and local government enactments governing the discharge of wastewater into the municipal drainage system, and in the event of a conflict between the provisions of this Bylaw and a Federal or Provincial enactment, the provisions of the Federal or Provincial enactment will prevail.

9. EXEMPTIONS

- (1) This bylaw does not apply where drainage works are approved pursuant to an application for a building permit under “District of Lantzville Building Bylaw No. 182, 2020”, including as that Bylaw may be amended or replaced, or an approval to subdivide land in the District pursuant under “District of Lantzville Subdivision and Development Works and Services Bylaw No. 175” or the *Land Title Act*, R.S.B.C. 1996, c. 250.

READ A FIRST TIME this 3rd day of May.

READ A SECOND TIME this 3rd day of May.

READ A THIRD TIME this 3rd day of May.

ADOPTED THIS 17th day of May.

ORIGINAL SIGNED

Mayor
Mark Swain

ORIGINAL SIGNED

Deputy Director of Corporate Administration
Nelda Richardson

SCHEDULE “A”

Inspection and Other Fees Chargeable Under This Bylaw

1. Drainage Works Permit Application Fee \$100.00
2. Inspection fee (if applicable) \$100.00 per visit.

SCHEDULE “B”

PROHIBITED WASTE

Prohibited waste means:

1. **Hazardous Waste**
Any hazardous waste.
2. **Biomedical Waste**
Any biomedical waste.
3. **Air Contaminant Waste**
Any waste which, by itself or in combination with another substance, is capable of creating, causing or introducing an air contaminant or causing air pollution outside or within any municipal drainage system or watercourse.
4. **Flammable or Explosive Waste**
Any waste which, by itself or in combination with another substance, is capable of causing or contributing to an explosion or supporting combustion in any municipal drainage system or watercourse including, but not limited to, gasoline, naphtha, propane, diesel or other fuel oil, kerosene and alcohol.
5. **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, performance or flow of any municipal drainage system or watercourse 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.
6. **Corrosive Waste**
Any waste with corrosive properties which, by itself or in combination with any other substance, may cause damage to any municipal drainage system or watercourse or which may prevent safe entry by authorized personnel to any municipal drainage system.
7. **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 municipal drainage system;
 - (b) Any waste which will raise the temperature of wastewater discharged by a municipal drainage system by 1 degree Celsius or more;

- (c) Any waste with a temperature of 18 degrees Celsius or more at the point of discharge into the municipal drainage system.

8. **PCBs and Pesticides**

Any waste containing PCBs or pesticides.

9. **Pool Water**

Any water from a pool that contains residual chlorine, chloramine, bromine or chloride.

10. **Radioactive Waste**

Any waste containing radioactive materials in excess of quantities or concentrations permitted for release to the environment under the *Nuclear Safety Control Act* and Regulations.

11. **pH Waste**

Any waste which, at the point of discharge into a municipal drainage system has a pH lower than 6.5 or higher than 9.0 as determined by either a grab sample or composite sample.

12. **Dyes and Colouring Material**

Dyes or colouring materials which, at the point of discharge into the municipal drainage system:

- (a) produce a colour value greater than or equal to 15 true colour units(mg/L Pt) as determined by either a grab sample or composite sample; or
- (b) causes discolouration of water to such an extent that the colour cannot be determined by the visual comparison method as set out in Standard Methods;

except where the dye is used by the District or the Regional District as a tracer.

13. **Miscellaneous Wastes**

Any waste which by itself or in combination with another substance:

- (a) constitutes or may constitute a health or safety hazard to any person;
- (b) causes pollution in any municipal drainage system or watercourse.

14. **Disinfectant Process Water**

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

15. **Fill**
Soil, sand, clay, gravel, rock or other material of which land is composed.
16. **Total Oil and Grease**
Any wastewater, which at the point of discharge into the municipal drainage system or watercourse, contains a total oil and grease concentration that exceeds 15 milligrams per liter as determined by either a grab sample or a composite sample.
17. **Wastewater containing Suspended Solids**
Any wastewater, which at the point of discharge into the municipal drainage system or watercourse contains suspended solids in concentrations that would:
 - (a) exceed 75 milligrams per liter as determined by either a grab sample or a composite sample, or
 - (b) cause the water quality in the municipal drainage system or watercourse receiving the wastewater to exceed the maximum induced suspended sediments guidelines as set out in the “Working Guidelines for the Sediments” in “A Compendium of Working Water Quality Guidelines for British Columbia”, published by the Ministry of Environment, updated August 2006, as amended or replaced from time to time.
18. **Wastewater containing Fecal Coliforms**
Any wastewater which contains fecal coliforms in concentrations above 200 colony counts/100 mL at point of discharge into a municipal drainage system as determined by a grab sample or composite sample.
19. **Carpet Cleaning Wastes**
Any carpet cleaning waste.
20. **Waste Containing Phosphorous**
Any waste which, at the point of discharge into a municipal drainage system contains a total phosphorus concentration greater than 1.0 mg/L as determined by either a grab sample or composite sample.
21. **Wastewater from Garbage Containers and Restaurant Grease Containers**
Any wastewater that contains liquid waste that originates from within garbage containers over two cubic meters in volume and any size of restaurant waste grease containers.
22. **Turbidity**
Any wastewater with a turbidity that would:

- (a) exceed 50 nephelometric turbidity units (NTU) as determined by either a grab sample or a composite sample at the point of discharge into the municipal drainage system; or
- (b) cause the water quality in the watercourse receiving the wastewater to exceed the maximum induced turbidity guidelines as set out in the “Working Guidelines for the Sediments” in “A Compendium of Working Water Quality Guidelines for British Columbia”, published by the Ministry of Environment, updated August 2006, as amended or replaced from time to time.

23. Engine Washing Wastes

Any engine washing waste, regardless of whether it has been treated with a stormwater rehabilitation unit prior to discharge to the municipal drainage system.

24. Chloride

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

SCHEDULE “C”

**LIST OF BUSINESS CLASSIFICATIONS
SUBJECT TO A CODE OF PRACTICE**

The following activities are subject to a Code of Practice:

Activity	Code of Practice Appended to this Bylaw as Schedule
1. Automotive and Parking Lot Operations	“E”
2. Construction and Development Activities	“F”
3. Outdoor Storage Operations	“G”

SCHEDULE “D”
CODE OF PRACTICE REGISTRATION FORM

The following is an application to register a discharging operation under a CODE OF PRACTICE as outlined in “District of Lantzville Stormwater Regulation Bylaw No. 337, 2023” or to change or cancel an existing registration. This application is to be filed with the Director, prior to commencing an operation that discharges into the municipal drainage system. To apply for a change of information or cancellation of an existing registration, an application is to be filed with the Director within 30 days of the date on which the applied changes will take affect at the operation.

1. Operation Name (name of company, partnership or individual or institution)

Company Name: _____

2. Request

The Company hereby applies to (check one of the main sections and any applicable sub-sections):

☐ Register as a discharging operation under one or more of the following Codes of Practice:

Check applicable Code(s) below:

- ☐ Schedule “E”: Automotive Operations and Parking Lot Operations
- ☐ Schedule “F”: Construction and Development Activities
- ☐ Schedule “G”: Outdoor Storage Yard Operations

Reason for alteration: _____

Cancel existing Code of Practice _____

Reason for cancellation: _____

3. Registrant Information (Complete All)

Company Name: _____

Located at: Suite Number: _____ Street Address: _____

City: _____ Province: _____

Postal Code: _____

Telephone: _____ Fax: _____

Mailing Address (if different from above):

Suite Number: _____

Street Address: _____

City: _____ Province: _____

Postal Code: _____

4. **Contact Information**

Owner

Name: _____

Telephone: _____ Fax: _____ email: _____

Facility Manager

Name: _____

Telephone: _____ Fax: _____ email: _____

5. **Declaration**

I hereby acknowledge that the information on this form is correct to the best of my knowledge.

Signature: _____ Date: _____

Name (print): _____ Title: _____

SCHEDULE “E”

CODE OF PRACTICE FOR AUTOMOTIVE AND PARKING LOT OPERATIONS

1.0 APPLICATION

- 1.1. This Code of Practice describes the terms and conditions for discharge of wastewater from automotive operations and parking lot operations into a municipal storm drainage system, and is adopted under the authority of section 8(3)(a) of the *Community Charter*.
- 1.2. This Code of Practice will use the defined terms from section 2 of the Bylaw, as well as the following definitions:
 - (a) **“automotive operation”** means sales, rental, service, fueling, repair, or maintenance of vehicles by any commercial, industrial or institutional operation and includes incidental vehicle wash operations.
 - (b) **“Bylaw”** means “District of Lantzville Stormwater Regulation Bylaw No. 337, 2023”.
 - (c) **“cleaned out”** means to have the settled material and floating material collected in the stormwater rehabilitation unit removed and disposed in a manner that meets all regulations.
 - (d) **“display vehicle rinse operation”** means the rinsing of the exterior of a vehicle while the vehicle is located in a display area by any vehicle dealership.
 - (e) **“drive through lane”** means an area for vehicles for customer service provided to a customer while the customer remains within a motor vehicle.
 - (f) **“operator”** means the owner of the business responsible for the activities on the premises or an appointed designate in charge of the premises and related activities.
 - (g) **“parking lot operation”** means the provision of one or more drive through lanes or spaces (covered or uncovered) to store an unattended vehicle by any multi-family residential, commercial, industrial or institutional operation, but does not include highways or parcels that have fewer than 10 parking spaces.
 - (h) **“sampling point”** means a location where a representative sample of the discharge into the municipal drainage system may be collected.
 - (i) **“spill”** means a release or discharge into the storm sewer or watercourse of a substance that causes or may cause the stormwater discharge from the site to exceed the restrictions specified in Schedule “B” of the Bylaw.

- (j) “**storage containment area**” means an area with a containment system constructed of an impervious material and designed to prevent the release of a liquid material stored in a primary container from entering the municipal drainage system in the event of a spill or rupture of the primary container.
- (k) “**stormwater rehabilitation unit**” means works or technology that will achieve a stormwater quality that meets the restrictions specified in Schedule “B” of the Bylaw in instances where precipitation exceeds 12.5 mm/hour.
- (l) “**vehicle**” means a vehicle as defined under the *Motor Vehicle Act* of British Columbia.
- (m) “**vehicle wash operation**” means the washing of the exterior of a vehicle but does not include a display vehicle rinse operation.

2.0 DISCHARGE REGULATIONS

- 2.1 An operator of an automotive operation or parking lot operation must not discharge wastewater which, at the point of discharge into the municipal drainage system, contains:
 - (a) water that accumulates in any fuel or storage tank, with the exception of water storage tanks and other tanks that have been cleaned so as to remove residual contaminants;
 - (b) water that accumulates in a storage containment area;
 - (c) rinse water from equipment and parts that have been washed in solvent;
 - (d) wash and rinse water from interior floor washing activities;
 - (e) wash water from an automotive operation that could cause the discharge to exceed the levels in Schedule “B” of the Bylaw;
 - (f) liquid waste from uncovered storage areas that contain used auto parts and other stored materials that may contribute contaminants and that could cause the discharge to exceed the levels in Schedule “B” of the Bylaw.
- 2.2 The operator of an automotive operation or parking lot operation that commences operation after the date of adoption of the Bylaw and which discharges wastewater other than stormwater from roof drains into the municipal drainage system must install and maintain one or more stormwater rehabilitation units to treat the collected stormwater prior to discharge.

- 2.3 The operator of an automotive operation or parking lot operation operating on the date of adoption of this Code of Practice which does not have a stormwater rehabilitation unit and which discharges wastewater other than stormwater from roof drains into the municipal storm drainage system, must install, within three years of adoption of this code, one or more stormwater rehabilitation units to treat the collected stormwater prior to discharge.
- 2.4 A stormwater rehabilitation unit installed under sections 2.2 and 2.3 must:
- (a) ensure that the discharge into the municipal drainage system is equipped with a sampling point; and
 - (b) have the sampling point readily and easily accessible at all times for inspection.
- 2.5 An operator of an automotive operation or parking lot that has a stormwater rehabilitation unit that does not have a sampling point on the date of adoption of this Code of Practice must install a sampling point within two years of the date of adoption of this Code of Practice.
- 2.6 An operator of an automotive operation or parking lot operation who installs a stormwater rehabilitation unit on or after the date of adoption of this Code of Practice must locate the stormwater rehabilitation unit so that it is readily and easily accessible for inspection and maintenance.
- 2.7 An operator of an automotive operation or parking lot operation subject to sections 2.2 or 2.3 must ensure that all stormwater, with the exception of stormwater from roof drains and perimeter drains, from the automotive operation or parking lot operation is directed to one or more stormwater rehabilitation units before being discharged into the municipal storm drainage system.
- 2.8 An operator of an automotive operation or parking lot operation must not dispose of oil and grease, solids or other material accumulated in a stormwater rehabilitation unit into the municipal storm drainage system.
- 2.9 An operator of an automotive operation or parking lot operation must not use or permit the use of high-volume flows, chemical agents, solvents, hot water or other agents to facilitate the passage of oil and grease through a stormwater rehabilitation unit.
- 2.10 An operator of an automotive operation or parking lot operation:
- (a) must not permit floating oil and grease to accumulate in the stormwater rehabilitation unit in excess of 75% of the design capacity of the stormwater rehabilitation unit;
 - (b) must not permit the settled solids to accumulate in the stormwater rehabilitation unit in excess of 75% of the design capacity;
 - (c) must inspect the stormwater rehabilitation unit and measure the accumulated solids and floating oils at least once every 12 months to verify the requirements under (a) and (b);

- (d) must clean or cause the cleaning of the stormwater rehabilitation unit within seven working days of determining that any levels prescribed in section (a) or (b) have been exceeded.

3.0 SPILL PREVENTION AND RESPONSE

- 3.1 An operator of an automotive operation or parking lot operation must ensure that solvents, antifreeze, oil, automotive liquids and other hazardous waste be stored within a secondary spill containment system to prevent the discharge of spilled material into the municipal drainage system if:
 - (a) the materials are stored at ground level; and
 - (b) the materials are stored in containers over 50 litres; and
 - (c) the materials are not contained in permanent engineered containers that are protected from vehicle contact; and
 - (d) the storage of the materials is not otherwise regulated by an enactment.
- 3.2 An operator of an automotive operation or parking lot operation operating on the date of adoption of this Code of Practice must prepare a spill response plan within six (6) months after the date of adoption of this Code of Practice.
- 3.3 An operator of an automotive operation or parking lot operation that commences operation after the date of adoption of this Code of Practice must prepare a spill response plan within 60 days of commencing operation.
- 3.4 The spill response plan must:
 - (a) specify the response for containment and clean-up of all spills of hazardous waste;
 - (b) define the roles and responsibilities of the operations personnel for spill response;
 - (c) include contact names and telephone numbers for appropriate agencies; and
 - (d) provide a checklist of spill response equipment and supplies.
- 3.5 In the event of a spill, an operator of an automotive or parking lot operation must immediately implement the provisions of the spill response plan specified in sections 3.2 and 3.3, to prevent or discontinue the discharge of spilled material from entering into the municipal drainage system.

- 3.6 As part of a spill response plan, an operator of an automotive operation or parking lot operation who operates a stormwater rehabilitation unit must inspect the stormwater rehabilitation unit for spilled material within four hours after a spill has been detected.
- 3.7 An operator of an automotive operation must keep spill prevention and clean-up equipment and supplies at the business location and in stock at all times.
- 3.8 An operator of an automotive or parking lot operation must keep the spill response equipment and supplies identified in the spill response plan specified in sections 3.2 and 3.3 at the location of the automotive or parking lot operation and readily available at all times.

4.0 RECORD KEEPING AND RETENTION

- 4.1 An operator of an automotive operation or parking lot operation must keep a record of all inspection and maintenance activities in relation to the stormwater rehabilitation unit, including:
 - (a) the date of inspection or maintenance;
 - (b) a description of maintenance conducted; and
 - (c) the name and address of the disposal or recycling company or facility handling the material removed from the stormwater rehabilitation unit.
- 4.2 An operator of an automotive operation or parking lot operation must keep a record at the automotive operation of all spills, including:
 - (a) the date of spill;
 - (b) the type of material spilled;
 - (c) the quantity of material spilled; and
 - (d) the spill response action.
- 4.3 An operator of an automotive operation or parking lot operation must keep the spill response plans required under sections 3.2 and 3.3 available for inspection by a bylaw enforcement officer or the Director.
- 4.4 The records required under sections 4.1 and 4.2 shall be retained for a period of two years and shall be available for inspection by a bylaw enforcement officer or the Director.

SCHEDULE “F”

CODE OF PRACTICE FOR CONSTRUCTION AND DEVELOPMENT ACTIVITIES

1.0 APPLICATION

- 1.1 This Code of Practice describes the terms and conditions for the discharge of wastewater from construction or development activities into a municipal storm drainage system and is adopted under the authority of section 8(3)(a) of the *Community Charter*.
- 1.2 The following activities are exempt from this Code of Practice:
- (a) excavation for cemetery graves;
 - (b) well drilling;
 - (c) interior demolition and construction;
 - (d) normal farm practices;
 - (e) mining;
 - (f) landscaping activities.
- 1.3 This Code of Practice will use the defined terms from section 2 of the Bylaw, as well as the following definitions:
- (a) “**alteration of land**” means the removal of vegetation from more than 10% of the area of premises or the excavation or addition of more than 8 cubic meters of soil within a 12-month period.
 - (b) “**Bylaw**” means “District of Lantzville Stormwater Regulation Bylaw No. 337, 2023”.
 - (c) “**construction or development activity**” means the alteration of land, construction and alteration of buildings and structures, and demolition of buildings and structures by any commercial, industrial or institutional operation or by a public authority, but does not include agricultural activities.
 - (d) “**equipment washing activities**” means any activity that involves washing the exterior of a self-propelled piece of equipment or motor vehicle.
 - (e) “**fuel storage tank**” means a tank designed to hold more than 25 litres of fuel, but does not include fuel tanks in or affixed to motor vehicles.
 - (f) “**landscaping activities**” means the installation and maintenance of vegetation and non-structural features in the unpaved areas of premises, but does not include excavation of over 8 cubic meters of soil or removal of vegetation from less than 10% of the area of premises within a 12-month period.

- (g) “**operator**” means the owner of premises or an appointed designate responsible for the premises or activities on the premises.
- (h) “**sampling point**” means a location on premises where a representative sample of the discharge may be collected.
- (i) “**spill**” means a release or discharge into the site drainage system or municipal storm drainage system of a substance that causes or may cause the stormwater discharge from premises to exceed the restrictions specified in Schedule “B” of the Bylaw, but does not include the release or discharge of suspended solids.
- (j) “**storage containment area**” means an area with a containment system constructed of an impervious material and designed to prevent the release of a liquid material stored in a primary container from entering the municipal storm drainage system in the case of a spill or rupture of the primary container.
- (k) “**stormwater rehabilitation plan**” means works, technology, or procedures that will result in stormwater that meets the restrictions specified in Schedule “B” of the Bylaw under the conditions of a storm event that results in precipitation of at least 12.5 mm per hour.
- (l) “**stormwater rehabilitation works**” means works or technology installed or operated under a stormwater rehabilitation plan for a stormwater collection system connected to a municipal storm drainage system.

2.0 DISCHARGE REGULATIONS

2.1 An operator of a construction or development activity must not discharge wastewater which, at the point of discharge into the municipal storm drainage system contains:

- (a) prohibited wastes as defined in Schedule “B” of the Bylaw;
- (b) water that accumulates in any fuel or storage tank, with the exception of water storage tanks and other tanks that have been cleaned so as to remove residual contaminants;
- (c) water that accumulates in a storage containment area;
- (d) water containing cement or concrete.

2.2 An operator of a construction or development activity that discharges wastewater, other than stormwater from roof drains and perimeter drains, into the municipal storm drainage system must implement a stormwater rehabilitation plan to ensure that the discharge quality meets the restrictions specified in Schedule “B” of the Bylaw.

2.3 Stormwater rehabilitation works installed under a stormwater rehabilitation plan, as required under Section 2.2, must include a sampling point prior to discharge into the municipal storm drainage system.

- 2.4 An operator of a construction or development activity must ensure that a sampling point, if required under Section 2.3, is readily and easily accessible for inspection.
- 2.5 An operator of a construction or development activity must not dispose of solids or other material accumulated in any stormwater rehabilitation works into the municipal drainage system.
- 2.6 An operator of a construction or development activity:
 - (a) must inspect the stormwater rehabilitation works at least once per week to verify that the stormwater rehabilitation works are in good operating condition;
 - (b) must inspect the stormwater rehabilitation works at least once per day during a day with precipitation to verify that the stormwater rehabilitation works are in good operating condition;
 - (c) must demonstrate due diligence to mitigate the impacts and restore the stormwater rehabilitation works to good operating condition if the stormwater rehabilitation works are found to be not operating as designed.
- 2.7 An operator of a construction or development activity, except for construction on a municipal roadway under a valid permit, must ensure that silt, soil, sand, gravel and other granular material is not deposited onto roadways or other property owned by the District.

3.0 **SPILL PREVENTION AND RESPONSE**

- 3.1 An operator of a construction or development activity must ensure that hazardous materials and hazardous wastes, not otherwise regulated under the *Fire Code of British Columbia* or the *Environmental Management Act*, in amounts over 25 kg in the case of liquids or 25 litres in the case of liquids, be stored in a manner that will prevent the discharge of spilled material into the municipal drainage system.
- 3.2 An operator of a construction or development activity must prepare a spill response plan suitable for the premises.
- 3.3 The spill response plan must:
 - (a) specify the response for containment and clean-up of all spills;
 - (b) define the roles and responsibilities of the operations personnel for spill response;
 - (c) include contact names and telephone numbers for appropriate agencies; and
 - (d) provide a checklist of spill response equipment and supplies.

- 3.4 An operator of a construction or development activity must keep a copy of the spill response plan, required under Section 3.2, at the premises and available for inspection by the Director or bylaw enforcement officer.
- 3.5 In the event of a spill, an operator of a construction or development activity must immediately implement the provisions of the spill response plan specified in sections 3.2 and 3.3, when safe to do so to prevent or discontinue the discharge of spilled material from entering into the municipal drainage system.
- 3.6 During a spill response, an operator of a construction or development activity who operates stormwater rehabilitation works must inspect the stormwater rehabilitation works for spilled material.
- 3.7 If an operator of a construction or development activity detects or observes spilled material in the stormwater rehabilitation works that may cause the discharge to exceed the restrictions specified in Schedule “B” of the Bylaw, then the operator of the construction or development activity must remove the spilled material immediately or cease discharge to the municipal storm drainage system until the material has been removed.
- 3.8 An operator of a construction or development activity must keep the spill response equipment and supplies identified in the spill response plan specified in sections 3.2 and 3.3 at the location of the construction or development activity and readily available at all times.

4.0 **RECORD KEEPING AND RETENTION**

- 4.1 An operator of a construction or development activity must keep a record of all inspection and maintenance activities in relation to the stormwater rehabilitation works, including:
 - (a) the date of inspection or maintenance;
 - (b) a description of maintenance conducted; and
 - (c) a description of the disposition of the material removed from the stormwater rehabilitation works, including name and address of any disposal or recycling companies receiving the material.
- 4.2 An operator of a construction or development activity must keep a record of all spills, including:
 - (a) the date of spill;
 - (b) the type of material spilled;
 - (c) the quantity of material spilled; and
 - (d) the spill response action.
- 4.3 The records required under sections 4.1 and 4.2 shall be retained for a period of two years and shall be available for inspection by a bylaw enforcement officer or the Director.

SCHEDULE “G”

MODEL CODE OF PRACTICE FOR OUTDOOR STORAGE YARD OPERATIONS

1.0 APPLICATION

- 1.1 This Code of Practice describes the terms and conditions for discharge of wastewater from outdoor storage yard operations into a municipal drainage system.
- 1.2 The following activities are exempt from this Code of Practice:
- (a) automotive operations covered under Schedule “E” of this Bylaw;
 - (b) storage of materials on a construction site;
 - (c) normal farm practices;
 - (d) storage of recyclable materials by an outdoor storage yard operation;
 - (e) storage of materials or equipment that poses no risk of a discharge to the municipal drainage system contravening Schedule “B” of the Bylaw; and
 - (f) temporary storage of materials or equipment that are not ordinarily stored on the site, provided that such storage does not exceed a period of 30 continuous days within any one calendar year.
- 1.3 This Code of Practice will use the defined terms from section 2 of the Bylaw as well as the following definitions:
- (a) “**automotive operation**” means sales, rental, service, fueling, repair or maintenance of vehicles by any commercial, industrial or institutional operation or by a public authority and includes vehicle wash operations.
 - (b) “**Bylaw**” means “District of Lantzville Stormwater Regulation Bylaw No. 337, 2023”.
 - (c) “**cleaned out**” means to have the settled material and floating material collected in the stormwater rehabilitation unit removed and disposed in a manner that meets all regulations.
 - (d) “**enclosed building**” means a structure totally enclosed by walls that extend from the foundation to the roof so as to prevent the ingress of precipitation and the egress of wastewater and spills to the municipal drainage system.
 - (e) “**operator**” includes the owner of the outdoor storage yard operation and includes any person who has been authorized by the owner to act as his, her or its agent.

- (f) **“outdoor storage yard operation”** means any commercial, industrial or institutional operation that stores materials or equipment outside of an enclosed building.
- (g) **“recycling operation”** means any commercial, industrial or institutional operation that receives recyclable materials for storage, processing, sorting and consolidating.
- (h) **“recyclable material”** means a product or substance that has been diverted from disposal and satisfies at least one of the following criteria:
 - (i) is managed as a marketable commodity with an established market by the owner or operator of premises;
 - (ii) is being used in the manufacture of a new product that has an established market or is being processed as an intermediate stage of an existing manufacturing process; or
 - (iii) has been identified as a recyclable material in the Regional District Solid Waste Management Plan.
- (i) **“sampling point”** means a location where a representative sample of the discharge into the municipal drainage system may be collected.
- (j) **“spill”** means a release or discharge of a substance that causes or may cause the stormwater discharge from the site to exceed the restrictions specified in Schedule “B” of the Bylaw.
- (k) **“spill containment”** means any impervious structure that surrounds a container or works that is sufficient to hold the larger of:
 - (i) 110% of the largest volume of free liquid in the container or works; or
 - (ii) 25% of the total volume of free liquid in storage.
- (l) **“stormwater rehabilitation unit”** means works or technology that will achieve a stormwater quality that meets the restrictions specified in Schedule “B” of the Bylaw under the conditions of a storm event that results in precipitation of at least 12.5mm/hr.

2.0 DISCHARGE REGULATIONS

- 2.1 An operator of an outdoor storage yard operation must not discharge wastewater which, at the point of discharge into the municipal drainage system, contains:
 - (a) water that has accumulated in a spill containment area;
 - (b) untreated wash and rinse water from the cleaning of stored materials or equipment that does not meet Schedule “B” of the Bylaw;

- (c) wash and rinse water from interior floor washing activities; or
 - (d) fluids and fuels from vehicles, machinery or equipment.
- 2.2 An operator of an outdoor storage yard operation that commences operation after the date of adoption of this Code of Practice and that discharges wastewater, other than stormwater from roof drains and perimeter drains, into the municipal drainage system must install and maintain one or more stormwater rehabilitation units to treat the collected stormwater prior to discharge.
- 2.3 An operator of an outdoor storage yard operation operating on the date of adoption of this Code of Practice and that discharges wastewater, other than stormwater from roof drains and perimeter drains, into the municipal drainage system must install and maintain one or more stormwater rehabilitation units to treat the collected stormwater prior to discharge.
- 2.4 An operator of an outdoor storage yard operation who installs a stormwater rehabilitation unit under sections 2.2 or 2.3 must install a sampling point.
- 2.5 An operator of an outdoor storage yard operation that has a stormwater rehabilitation unit which does not have a sampling point on the date of adoption of this Code of Practice must install a sampling point within two years from the date of adoption of this Code of Practice.
- 2.6 An operator of an outdoor storage yard operation must ensure sampling points specified in sections 2.4 and 2.5 are easily accessible at all times for use and inspection.
- 2.7 An operator of an outdoor storage yard operation who installs a stormwater rehabilitation unit on or after the date of adoption of this Code of Practice must locate the stormwater rehabilitation unit so that it is easily accessible for inspection and maintenance.
- 2.8 An operator of an outdoor storage yard operation subject to sections 2.2 or 2.3 must ensure that all stormwater, with the exception of stormwater from the storage yard operation, other than roof drains and perimeter drains, is directed to one or more stormwater rehabilitation units before being discharged into the municipal drainage system.
- 2.9 An operator of an outdoor storage yard operation must not discharge oil and grease, solids or other material accumulated in a stormwater rehabilitation unit into the municipal drainage system.
- 2.10 An operator of an outdoor storage yard operation must not use or permit the use of intentional high-volume flows, chemical agents, solvents, hot water or other agents to facilitate the passage of oil and grease, solids or other material through a stormwater rehabilitation unit.
- 2.11 An operator of an outdoor storage yard operation:
 - (a) must not permit floating oil and grease or other floating material to accumulate in the stormwater rehabilitation unit in excess of 75% of the design capacity of the stormwater rehabilitation unit;

- (b) must not permit the settled solids to accumulate in the stormwater rehabilitation unit in excess of 75% of the design capacity;
- (c) must inspect the stormwater rehabilitation unit and measure the accumulated solids and floating oils at least once every six months to verify the requirements under (a) and (b);
- (d) must have the stormwater rehabilitation unit cleaned out within seven working days of determining that any levels prescribed in section (a) or (b) have been exceeded; and
- (e) must have the stormwater rehabilitation unit cleaned out at least once every 12 months.

3.0 SPILL PREVENTION AND RESPONSE

- 3.1 An operator of an outdoor storage yard that involves the storage of fertilizers, pesticides, solvents, antifreeze, lead-acid batteries, oil, gasoline, diesel, fuel oil, transmission fluid, brake fluid and/or automotive fluids, the storage of which is not otherwise regulated under the *Fire Code of British Columbia, Environmental Management Act* or any other enactment, must install spill containment for these materials.
- 3.2 An operator of an outdoor storage yard operation operating on the date of adoption of this Code of Practice must prepare a spill response plan by six months after the date of adoption of this Code of Practice.
- 3.3 An operator of an outdoor storage yard operation that commences operation after the date of adoption of this Code of Practice must prepare a spill response plan within 60 days of commencing operation.
- 3.4 The spill response plan must:
 - (a) specify the response for containment and cleanup of all spills of all materials present at the property that could cause the discharge to exceed the restrictions defined in Schedule “B” of the Bylaw;
 - (b) define the roles and responsibilities of the operations personnel for spill response;
 - (c) include contact names and telephone numbers for appropriate agencies; and
 - (d) provide a checklist of spill response equipment and supplies.
- 3.5 In the event of a spill, an operator of an outdoor storage yard operation must immediately implement the provisions of the spill response plan specified in sections 3.2 and 3.3, when safe to do so, to prevent or discontinue the discharge of spilled material from entering into the municipal drainage system.
- 3.6 As part of a spill response plan, an operator of an outdoor storage yard operation who operates a stormwater rehabilitation unit must inspect the stormwater rehabilitation unit for spilled material within four hours after a spill has been detected.

- 3.7 An operator of an outdoor storage yard operation must keep the spill response equipment and supplies identified in the spill response plan specified in sections 3.2 and 3.3 at the location of the storage yard operation and readily available at all times.

4.0 **RECORD KEEPING AND RETENTION**

- 4.1 An operator of an outdoor storage yard operation must keep a record of all inspection and maintenance activities in relation to the stormwater rehabilitation unit, including:
- (a) the date of inspection or maintenance;
 - (b) a description of maintenance conducted;
 - (c) the name and address of the disposal or recycling company or facility handling the material removed from the stormwater rehabilitation unit; and
 - (d) names of the persons who conducted the inspection or maintenance.
- 4.2 An operator of an outdoor storage yard operation must keep a record at the storage yard operation site of all spills, including:
- (a) the date of spill;
 - (b) the type of material spilled;
 - (c) the quantity of material spilled;
 - (d) the spill response action;
 - (e) the disposal of contaminated materials involved in the spill; and
 - (f) names of the persons responsible for conducting the spill response.
- 4.3 An operator of an outdoor storage yard operation must keep the spill response plans required under sections 3.2 and 3.3 on the site and available for inspection by a bylaw enforcement officer or the Director.
- 4.4 The records required under sections 4.1 and 4.2 shall be retained at the premises for a period of at least two years and shall be available for inspection by a bylaw enforcement officer or the Director.