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BYLAW NO. 2827

CAPITAL REGIONAL DISTRICT SEPTAGE DISPOSAL BYLAW NO. 2, 2000

**Consolidated for Public Convenience
(This bylaw is for reference purposes only)**

ORIGINALLY ADOPTED NOVEMBER 22, 2000
(Consolidated with Amending Bylaws 4075)

For reference to original bylaws or further details, please contact the Capital Regional District,
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CAPITAL REGIONAL DISTRICT

BYLAW NO. 2827

A BYLAW TO REGULATE THE DISCHARGE OF SEPTAGE INTO SEPTAGE DISPOSAL FACILITIES OPERATING UNDER A SEPTAGE SERVICES AGREEMENT WITH THE CAPITAL REGIONAL DISTRICT

WHEREAS:

- A. By Supplementary Letters Patent issued the 1st day of June 1978, the power was conferred on the Capital Regional District (CRD) to provide septage disposal facilities within the CRD, including the power to: (1) regulate facilities for receiving septage and for processing and disposal of septage; (2) compel persons within all or designated portions of the region to make use of any system established for the disposal of septage and to prescribe the terms and conditions upon which persons may make use of such system; (3) establish a scale of charges payable for depositing septage at a disposal site and for compelling payment of charges so fixed; (4) enter into contracts to provide septage disposal service, and to specify the terms and conditions under which the service will be provided and to enter into contracts with any person for the removal of septage from any transfer depot and for the disposal of septage. B. The Capital Regional District has entered into a Septage Services Agreement to provide a septage disposal service, including a septage transfer station for disposal of septage, within the Capital Regional District. C. This bylaw will apply within all municipalities and electoral areas in the Capital Regional District with the exception of Salt Spring Island and the Outer Gulf Islands electoral areas. D. The Lieutenant Governor in Council has designated the CRD as a sewage control area under Section 22 of the Waste Management Act and the CRD has appointed a Sewage Control Manager and Sewage Control Officer.

NOW THEREFORE the Board of the Capital Regional District in open meeting assembled hereby enacts as follows:

1. DEFINITIONS

The following terms, words and phrases when used in the bylaw shall have the meanings set forth in this section, whether appearing in capital or lowercase form. If not defined below, the words and phrases used in this bylaw shall have their common and ordinary meanings to the degree consistent with the technical subjects in this bylaw.

"Accredited Laboratory" – means a laboratory certified under ISO 1705:2005, General Requirements for the Competence of Testing and Calibration Laboratories. (Bylaw 4075)

"Application" - means a request for a Facility User Permit.

"Board" - means the Board of the Capital Regional District.

"Carpet Cleaner Waste" - means a combination of water carried liquid and solid wastes generated by carpet or furniture cleaning, that is collected in a mobile holding tank or is discharged to a sewer, septic tank, or holding tank.

"Controlled Waste" – means Controlled Waste as defined in the Hartland Landfill Tipping Fee and Regulation Bylaw No. 6, 2013, as amended. (Bylaw 4075)

"CRD" - means Capital Regional District.

"Dangerous Goods" – means Dangerous Goods as defined in the *Transportation of Dangerous Goods Act, S.C. 1992, c. 34* and its regulations. (Bylaw 4075)

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

"District" - means the Capital Regional District.

"Domestic Waste" - means sanitary waste, or grey water generated from a residential or personal recreational use of land.

"Environmental Management Act" – means the *Environmental Management Act*, S.B.C. 2003, c. 53. (Bylaw 4075)

"Facility User Permit" - means a Facility User Permit for the use of a septage disposal facility issued by the Manager under this bylaw.

"Facility User Permit Sticker" - means a Facility User Permit Sticker for the use of the septage disposal facility issued by the Manager under this bylaw to all vehicles listed on a Facility User Permit.

"Generator" - means the owner of the property from which originates the waste that is being trucked to a septage disposal facility.

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

"Hauler" - means the person or company that transports the waste from the generator to a septage disposal facility.

"Hazardous Waste" – means Hazardous Waste as defined in the Hazardous Waste Regulation pursuant to the *Environmental Management Act*, as amended. (Bylaw 4075)

"Hazardous Waste Regulation" – means the Hazardous Waste Regulation B.C. Reg. 63/88 enacted pursuant to the *Environmental Management Act*. (Bylaw 4075)

"Load" - means the contents of the hauling vehicle which is to be discharged to a septage disposal facility.

"Manager" - means the Sewage Control Manager of the District.

"Officer" - means a Municipal Sewage Control Officer or Bylaw Enforcement Officer appointed by the Board.

"Operator" - means a person or an employee of a person who has entered into a Septage Services Agreement with the District.

"Owner" - means any person who is registered under the *Land Title Act* as the owner of land, or any other person who is in lawful possession of land or who is in lawful possession or occupancy of any buildings situated on the land.

"Petroleum Products" - means an organic substance recoverable by procedures set out in Standard Methods and includes, but is not limited to, non-polar petroleum hydrocarbons.

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

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

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

"Septage" - means a combination of water carried liquid and solid wastes and/or settled solids from residences, businesses and institutions normally collected in a septic tank, holding tank, or accumulated in wastewater lines.

"Septage Disposal Facility" - means the septage disposal facilities listed in Schedule "A" of this bylaw that gather, treat, transport, utilize or discharge septage waste as defined in the bylaw.

"Septage Services Agreement" - means a written agreement between the District and a person for the operation of septage disposal facilities in and to serve the CRD.

"Septage Waste" - means septage that meets the quality criteria specified in Schedule "B" of this bylaw.

"Sewage Control manager" - means a Sewage Control Manager appointed by the CRD Board, or a person appointed by the Board as his or her deputy, under the *Environmental Management Act*.
(Bylaw 4075)

"Sewage Facility" - means works owned or otherwise under the control or jurisdiction of the District that gather, treat, transport, store, utilize or discharge waste.

"Sewer" - means all pipes, conduits, drains and other equipment and facilities, owned or otherwise under the control or jurisdiction of the District or one or more local governments 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 to those of the District or one or more local governments.
(Bylaw 4075)

"Sewer Use Bylaw" – means the Capital Regional District Sewer Use Bylaw No. 5 2001, as amended.
(Bylaw 4075)

"Ship and Boat Waste" – means 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.

"Special Waste Regulation" - means the Special Waste Regulation enacted pursuant to the *Waste Management Act*.

"Spill Reporting Regulation" - means the Spill Reporting Regulation enacted pursuant to the *Waste Management Act*.

“Standard Methods” - means the most recent edition of “Standard Methods for the Examination of Waste and Wastewater” jointly prepared and published from time to time by the American Public Health Association, the American Water Works Association and the Water Environment Federation.

(Bylaw 4075)

"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 municipal or District sewer, but not including septage waste, carpet cleaner waste, recreational vehicle waste, or ship and boat waste.

"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, sewage facility or a septage disposal facility.

"Waste Discharge Permit" - means a Waste Discharge Permit issued by a Manager under the Sewer Use Bylaw.

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

2. DISCHARGES TO A SEWER OR A SEPTAGE DISPOSAL FACILITY

- 2.1 No person shall dispose of septage waste other than at a septage disposal facility.
- 2.2 No person shall discharge septage waste directly or indirectly to a sewer or drain connected to a sewage facility except at a septage disposal facility.
- 2.3 Despite sections 2.1 and 2.2 a person may discharge trucked liquid waste, carpet cleaner waste, recreational vehicle waste or ship and boat waste to a sewer or sewage facility in accordance with the requirements of the Sewer Use Bylaw.
- 2.4 No person shall discharge trucked liquid waste, recreational vehicle waste, carpet cleaner waste, or ship and boat waste at a septage disposal facility except in accordance with the requirements of this bylaw.
- 2.5 Sections 2.1 to 2.2 do not apply to a local government or agent of a local government, where waste removed from a local government sanitary sewer, due to maintenance activities, is discharged into a local government sewer at another location. *(Bylaw 4075)*
- 2.6 No person shall discharge a load at a septage disposal facility except in accordance with this bylaw.
- 2.7 Without limiting section 2.6:
 - (a) The septage waste shall meet the requirements of Schedule "B" of this bylaw.
 - (b) The generator, an agent of the generator, or hauler acting as an agent of the generator shall provide the Operator with information on:
 - (i) the source of the waste;
 - (ii) the type of waste;
 - (iii) a characterization of the waste quality; and
 - (iv) the quantity of the waste.
 - (c) Each vehicle owned by the hauler that is used for the purpose of waste disposal at a septage disposal facility must provide sufficient containment of loads to prevent spillage in transit, including spillage from hoses and other appurtenances.

- 2.8 The discharge of a load shall be discontinued at the instruction of the Manager, an Officer or an Operator if the Manager, an Officer or an Operator has reasonable grounds to believe that the load does not meet the requirements of this bylaw.
- 2.9 In the event that more than one generator has contributed to a load to be disposed of at a septage disposal facility, each generator, their agent, or hauler acting as their agent shall provide information as required in 2.7.
- 2.10 A person using tanks and hoses to pump, haul or store Dangerous Goods, Hazardous Waste or Controlled Waste shall clean the tanks and hoses and ensure that the tanks and hoses are free from residue before using them to haul septage waste to a septage disposal facility. *(Bylaw 4075)*

3. FACILITY USER PERMIT

- 3.1 A hauler who discharges any septage waste as defined in the bylaw at a septage disposal facility must have a valid Facility User Permit issued by the Manager, which may be obtained by making an application for the Facility User Permit on forms obtained from the CRD, and paying an annual fee as set out in Schedule "C". *(Bylaw 4075)*
- 3.2 Each vehicle owned by the hauler that is used for the purpose of septage waste disposal at a septage disposal facility must be listed on the Facility User Permit.
- 3.3 A Facility User Permit Sticker will be issued for each vehicle listed on the Facility User Permit.
- 3.4 Each vehicle issued a Facility User Permit Sticker must have the company name displayed prominently, contrasting with the background, in letters not less than 15 centimetres high, on both sides and the rear of the vehicle.
- 3.5 The Manager may suspend or revoke a Facility User Permit for any or all vehicles licensed to any one hauler for any violation of, or noncompliance with, the terms and conditions of this bylaw, or any enactment applicable to the discharge of waste into a septage disposal facility, when the violation or noncompliance interferes with the operation of the septage disposal facility.
- 3.6 The Manager may suspend or revoke a Facility User Permit if a generator or hauler falsifies or omits information regarding the source, type, or quality of septage discharged at a septage disposal facility.
- 3.7 The Manager may suspend or revoke a Facility User Permit for any or all vehicles licensed to any one hauler for failure to pay fees described in this bylaw within 60 days of being invoiced by the CRD or the Operator.

4. ENFORCEMENT POWERS

- 4.1 A Manager, an Officer or any person authorized by a Manager may at any reasonable time and upon presentation of proof of his or her identity, enter upon any property or premises in order to ascertain whether the terms of this bylaw, have been, or are being, complied with.
- 4.2 The Manager or an Officer may enforce the provisions of this bylaw.

5. MONITORING OF WASTES

- 5.1 The contents of any vehicle transporting waste to a septage disposal facility, as a condition of discharge, may be sampled at any time by the Manager, an Officer or an Operator.
- 5.2 The Manager, an Officer, or an Operator may require that a generator or hauler who wishes to discharge waste into a septage disposal facility shall undertake, at that person's expense, sampling and analysis of the waste to be discharged.
- 5.3 All sampling and analysis required under this bylaw shall be in accordance with methods and procedures specified in Standard Methods or in a manner specified by the Manager.
- 5.4 Samples which have been collected under this bylaw shall be analyzed by an Accredited Laboratory, or agency authorized by the manager. *(Bylaw 4075)*

6. OFFENCES AND PENALTIES

- 6.1 A person who contravenes this bylaw or other requirement made or imposed under this bylaw, is guilty of an offence and is liable to a fine not exceeding \$2,000.
- 6.2 Where an offence is committed or continues for more than one day, a person shall be deemed to have committed separate offences for each day on or during which an offence occurs or continues, and separate fines, each not exceeding \$2,000, may be imposed for each day on or during which an offence occurs or continues.
- 6.3 Nothing in this bylaw shall restrict the District from utilizing any other remedy that would otherwise be available to the District at law.

7. RATES AND FEES

- 7.1 The fees established by the Board are set out in Schedule "C" to this bylaw. *(Bylaw 4075)*

8. GENERAL

- 8.1 No person shall hinder or prevent the Manager or an Officer or a person authorized by the Manager from entering any premises or from carrying out their duties with respect to the administration of this bylaw.
- 8.2 Nothing in this bylaw relieves a person discharging waste from complying with the *Environmental Management Act*, the Hazardous Waste Regulation, the Spill Reporting Regulation, Sewer Use Bylaw or other applicable enactments or orders made under such enactments. *(Bylaw 4075)*
- 8.3 Where the Board has the authority to direct that a matter or thing be done by a person, the Board 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 in accordance with Section 418 of the *Local Government Act*. If default action is taken, the Board may recover the expenses from the person, together with costs and interest in the same manner as taxes in arrears. *(Bylaw 4075)*
- 8.4 In this bylaw, words importing the male gender include the female gender and either include the neuter and vice versa, and words importing the singular number include the plural number and vice versa.
- 8.5 The schedules annexed hereto shall be deemed to be an integral part of this bylaw.
- 8.6 If any provision of this bylaw is found to be invalid by a court of competent jurisdiction it shall be severed from the bylaw

- 8.7 Bylaw 2649 cited as “Capital Regional District Septage Disposal Bylaw No. 1, 1998”, as amended, is repealed upon adoption of this bylaw.
- 8.8 Bylaw 2297 cited as “Capital Regional District Trucked Liquid Waste Bylaw No. 1, 1995”, as amended, is repealed upon adoption of this bylaw.
- 8.9 This bylaw may be cited for all purposes as "Capital Regional District Septage Disposal Bylaw No. 2, 2000".

READ A FIRST TIME THIS	11th	day of	October	2000
READ A SECOND TIME THIS	11th	day of	October	2000
READ A THIRD TIME THIS	11th	day of	October	2000
ADOPTED THIS	22nd	day of	November	2000

CHAIR

SECRETARY

**CAPITAL REGIONAL DISTRICT
ENVIRONMENTAL SERVICES DEPARTMENT**

**SCHEDULE A
BYLAW 2827**

**Facility Operating under a Septage Service
Agreement with the CRD**

Location

SPL Septage Processing Limited

995 Henry Eng. Place, District of Langford, B.C.

**CAPITAL REGIONAL DISTRICT
ENVIRONMENTAL SERVICES DEPARTMENT**

**SCHEDULE B
BYLAW 2827, 4075**

QUALITY CRITERIA FOR SEPTAGE WASTE

Septage waste as defined in the bylaw must meet the following quality criteria:

1. The waste must be free of visible petroleum products.
2. The waste must not be flammable or explosive.
3. The waste must have a total solids content of less than six (6) percent.
4. The waste must not be a Nuclear Substance under the federal Nuclear Safety and Control Act.
5. The waste must not be Hazardous Waste as defined by the Hazardous Waste Regulation.

**CAPITAL REGIONAL DISTRICT
ENVIRONMENTAL SERVICES DEPARTMENT**

**SCHEDULE C
BYLAW 2827, 4075**

FEES AND CHARGES

1. **FACILITY USER PERMIT**

The fee for each Facility User Permit issued to a hauler shall be \$50 per septage waste disposal truck per annum.

2. **ADMINISTRATION FEE**

An Administration Fee of \$0.01 per gallon will be charged for depositing septage at septage disposal facilities not operated by the CRD.