



## POLLUTION PREVENTION AND CLEAN-UP REGULATION BYLAW NO. 7435

The Council of the City of Richmond enacts as follows:

### PART ONE: POLLUTION PROHIBITION & PREVENTION

#### 1.1 Prohibition Against Discharge of Polluting Substance

1.1.1 A person must not discharge any **polluting substance** into any storm sewer, ditch, water course or onto the soil, other than as authorized under the *Waste Management Act and Regulations*.

#### 1.2 Obligations Regarding the Storage and Handling of a Polluting Substance

1.2.1 Every person storing or handling any **polluting substance** must ensure that such **polluting substance** is properly stored.

#### 1.3 Obligations Regarding the Storage and Handling of Dangerous Goods

1.3.1 In addition to complying with the provisions of sections 1.1 and 1.2, any person storing or handling **dangerous goods** must ensure that such **dangerous goods** are properly stored in an impervious containment system which is of sufficient capacity to hold the larger of:

- (a) 110% of the largest volume of free liquid **dangerous goods** in any given container or tank, or
- (b) 25% of the total volume of free liquid **dangerous goods** in storage.

#### 1.4 Failure to Properly Store Polluting Substance

1.4.1 Where in the opinion of the **General Manager, Community Safety**, a **polluting substance** has not been properly stored, the owner of the property on which the **polluting substance** is located must immediately either:

- (a) properly store the **polluting substance** to the satisfaction of the **General Manager, Community Safety**; or
- (b) dispose of the **polluting substance** in accordance with the *Waste Management Act and Regulations*.

## PART TWO: SPILL RESPONSE AND CLEAN-UP REQUIREMENTS

### 2.1 Obligation to Clean-Up Spill

2.1.1 Where a **spill** has occurred, the **person responsible** must:

- (a) immediately contain such **spill** and clean-up:
  - (i) any residue of the **polluting substance**;
  - (ii) any absorbent materials which have come into contact with, and have, in the opinion of the **General Manager, Community Safety**, become contaminated by such **polluting substance**; and
  - (iii) any areas impacted by the **spill**, including storm sewers, ditches, water courses or any soil, to the satisfaction of the **General Manager, Community Safety**; and
- (b) where required by the **General Manager, Community Safety**, complete any necessary remediation to the satisfaction of the **General Manager, Community Safety** or to the applicable standards set out in the *Waste Management Act* and *Regulations*.

2.1.2 The owner of property on which a **spill** has occurred is deemed to be the **person responsible** unless the owner of such property can establish that the **spill** was caused by an act or omission by a third party who is not:

- (a) an employee of the owner;
- (b) an agent of the owner; or
- (c) a party with whom the owner has a contractual relationship.

## PART THREE: ORDER TO COMPLY

### 3.1 Serving an Order to Comply

- 3.1.1 Subject to the provisions of section 4.1, where a person fails to comply with the requirements of subsection 2.1.1 or section 1.4, whichever is applicable, the **City** may, in accordance with subsection 3.1.3, serve an **Order to Comply** on the person, requiring such person to remedy the situation within 14 days of service of such **Order to Comply**.
- 3.1.2 The **General Manager, Community Safety** may require a person to remedy the situation under an **Order to Comply**, within a shorter period of time where the **General Manager, Community Safety** considers a shorter period of time is necessary to prevent adverse impacts on the environment.
- 3.1.3 The **Order to Comply** must be served on the **person responsible** in the case of a **spill**, or on the owner of the property in the case of a **polluting substance** which has not been **properly stored**:

- (a) by personal service;
- (b) by registered mail with acknowledgement of receipt to the address of the owner shown on the last real property assessment rolls; or
- (c) in the case of a company, according to the provisions of the *Company Act*.

### 3.2 Authority to Enter Property

- 3.2.1 The **General Manager, Community Safety** may enter at all reasonable times, on to any real property to determine whether the provisions of this bylaw or the directions of an **Order to Comply** are being met.

### 3.3 Appeal Against an Order to Comply

- 3.3.1 A person upon whom an **Order to Comply** has been served may appeal to **Council** against such **Order to Comply** by giving notice in writing to the **City Clerk** at least 72 hours prior to the expiration of the time given in the **Order to Comply**.
- 3.3.2 Upon hearing the appeal against an **Order to Comply**, **Council** must either uphold, amend, or cancel the **Order to Comply**.

## PART FOUR: CLEAN-UP BY THE CITY

### 4.1 Clean-Up By City

- 4.1.1 If,
- (a) the **person responsible** in the case of a **spill**; or
  - (b) the owner of the property in the case of a **polluting substance** which has not been **properly stored**,

cannot be located or fails to remedy the situation as directed in an **Order to Comply**, the **General Manager, Community Safety** or a contractor engaged by the **General Manager, Community Safety**, may enter on the real property, at reasonable times and in a reasonable manner, to remedy the situation at the expense of the **person responsible** in the case of the **spill**, or the owner of the property in the case of a **polluting substance** which has not been **properly stored**.

## 4.2 Emergency Spill Situations

- 4.2.1 Where the **General Manager, Community Safety** has determined that a **spill** has occurred which poses an imminent threat to the environment and immediate action is required to remedy the situation, the provisions of section 3.1 regarding serving an **Order to Comply**, do not apply and the **General Manager, Community Safety** may immediately take whatever action is considered necessary to remedy the situation at the expense of the **person responsible**.

## PART FIVE: CLEAN-UP COSTS

### 5.1 City to be Reimbursed for Clean-Up Costs

- 5.1.1 Where the **City** has taken action to remedy the situation in the case of either:

- (a) a **spill**; or
- (b) a **polluting substance** which has not been **properly stored**,

the **person responsible** in the case of the **spill** or the owner of the property in the case of a **polluting substance** which has not been **properly stored**, is required to reimburse the **City** for the costs incurred to remedy the situation, including costs incurred to engage a hazardous material response team, if applicable.

- 5.1.2 The responsibility for paying costs referred to in subsection 5.1.1 applies whether or not the **spill**, or the failure to **properly store** a **polluting substance**, occurred partially or in whole, on **City** property or private property.

- 5.1.3 Where:

- (a) a **polluting substance** which has not been **properly stored** on a property; or
- (b) the **person responsible** in the case of a **spill** is the owner of the property on which such **spill** took place,

and the situation has been remedied by the **City** pursuant to subsection 4.1.1, the charges for undertaking the clean-up, if unpaid on or before December 31<sup>st</sup> in the year in which the charges are incurred, form part of the taxes payable on such property, as taxes in arrears.

**PART SIX: INTERPRETATION**

6.1 In this bylaw, unless the context otherwise requires:

<b>CITY</b>	means the City of Richmond.
<b>CITY CLERK</b>	means the Municipal Officer appointed by <b>Council</b> and assigned responsibility for corporate administration for the <b>City</b> under section 198 of the <i>Local Government Act</i> .
<b>COUNCIL</b>	means the Council of the <b>City</b> .
<b>DANGEROUS GOODS</b>	means dangerous goods as defined in the <i>Transportation of Dangerous Goods Act</i> .
<b>GENERAL MANAGER, COMMUNITY SAFETY</b>	means the person appointed by <b>Council</b> to the position of General Manager of Community Safety and includes a person designated as an alternate.
<b>ORDER TO COMPLY</b>	means an order, which is substantially in the form of Schedule A attached to and forming a part of this bylaw, signed by the <b>General Manager, Community Safety</b> .
<b>PERSON RESPONSIBLE</b>	means the person who had possession, charge or control of a <b>polluting substance</b> at the time a <b>spill</b> occurs.
<b>POLLUTING SUBSTANCE</b>	means any substance, whether liquid or solid, that damages or is capable of damaging the environment and includes <b>dangerous goods</b> .
<b>PROPERLY STORE/STORED</b>	means stored and identified so as to prevent the overflow, release, or leakage of a <b>polluting substance</b> or <b>dangerous goods</b> , whichever is applicable, into a storm sewer, ditch, water course, or any soil.
<b>SPILL</b>	means the introduction of a <b>polluting substance</b> into the environment, either intentionally or unintentionally, other than as authorized under the <i>Waste Management Act and Regulations</i> .

**PART SEVEN: OFFENCES AND PENALTIES**

7.1 Any person who:

- (a) violates or who causes or allows any of the provisions of this bylaw to be violated; or
- (b) fails to comply with any of the provisions of this or any other bylaw or applicable statute; or
- (c) neglects or refrains from doing anything required under the provisions of this bylaw,

is deemed to have committed an infraction of, or an offence against this bylaw is liable on summary conviction, to the penalties provided for in the *Offence Act*, and each day that such violation is caused, or allowed to continue, constitutes a separate offence.

**PART EIGHT: PREVIOUS BYLAW REPEAL**

8.1 Contaminant Prohibition Discharge Bylaw No. 4476 (adopted September 23<sup>rd</sup>, 1985) is repealed.

**PART NINE: SEVERABILITY & CITATION**

- 9.1 If any part, section, sub-section, clause, or sub-clause of this bylaw is, for any reason, held to be invalid by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.
- 9.2 This bylaw is cited as "Pollution Prevention and Cleanup Regulation Bylaw No. 7435".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

\_\_\_\_\_ JAN 27 2003 \_\_\_\_\_  
 \_\_\_\_\_ JAN 27 2003 \_\_\_\_\_  
 \_\_\_\_\_ JAN 27 2003 \_\_\_\_\_  
 \_\_\_\_\_

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

\_\_\_\_\_  
MAYOR

200

\_\_\_\_\_  
CITY CLERK

**SCHEDULE A to BYLAW NO. 7435**

Date:

**ORDER TO COMPLY**

Pursuant to Pollution Prevention and Clean-Up Regulation Bylaw No. 7435

**Person Responsible** \* <name/company>

**Civic Address** \* <civic>, Richmond, BC

**Legal Description** Lot \* Block \* Section \* Block \* North Range \* West  
New Westminster District Plan \*  
<include where **person responsible** is owner of property on which **spill**  
occurred>

Pursuant to the Pollution Prevention & Clean-Up Regulation Bylaw No. 7435, you are hereby ordered to contain, remove, and clean-up the spill of \* <substance> located at or in the vicinity of \* <description of location> by \* <date>, including:

- (a) \* <actions required>;
- (b) \*;
- (c) \*; and
- (d) \*.

See the attached letter for information regarding the Order to Comply process, including the right to appeal.