



City of Richmond

Report to Committee


To: Public Works and Transportation Committee **Date:** September 11, 2009
From: Suzanne Bycraft **File:** 10-6175-00/Vol 01
 Manager, Fleet & Environmental Programs

Margot Daykin
 Manager, Sustainability

Re: Pollution Prevention and Clean-Up Bylaw No. 8475


Staff Recommendation

That Pollution Prevention and Clean-up Bylaw No. 8475 be introduced and given 1st, 2nd and 3rd readings.


 Suzanne Bycraft
 Manager, Fleet & Environmental Programs
 (604-233-3338)


 Margot Daykin
 Manager, Sustainability
 (604-276-4130)

Att. 1

FOR ORIGINATING DEPARTMENT USE ONLY			
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER	
Engineering	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Community Bylaws	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Law	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Building Approvals	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Budgets	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
REVIEWED BY TAG	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	REVIEWED BY CAO	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

Staff Report

Origin

On Monday, November, 24th 2008, Council resolved by consent:

“That staff bring forward an amended Pollution Prevention and Clean-Up Regulation Bylaw 7435 to specify the use of federal and/or provincial water quality discharge criteria as the guideline for assessing non-stormwater discharge requests to the City’s storm sewer.”

This report presents a new Pollution Prevention and Clean-up Bylaw No. 8475 to address the various amendments required to incorporate this directive. The proposed Bylaw No. 8475 replaces Bylaw 7435.

Background

About The City’s Pollution Prevention Bylaw

The City’s storm water infrastructure has been designed for the purpose of conveying storm water (naturally occurring rain water) towards its eventual discharge into the Fraser River. To a large extent, the City’s storm sewer system has replaced natural conveyance systems with a system of underground pipes and open watercourses. The City’s storm sewer system serves to provide ecological benefits, including supporting environmentally-sensitive areas, and contributes to the functioning of Richmond’s overall ecosystem.

In 2003, the City introduced Bylaw 7435 to prohibit the discharge of pollution to the City’s storm sewer system and broader environment. The proposed Bylaw 8475 serves to address the City’s environmental and legislative obligations to ensure that pollutants are not discharged to the City’s storm sewer system, the Fraser River and the broader environment.

Challenges Pertaining to Temporary Dewatering Discharges

Non-stormwater discharges (i.e., any water that is not the direct result of precipitation flowing over the land surface) have the potential to convey pollutants into the City’s storm sewer system. A key non-stormwater discharge of concern in Richmond is the discharge of extracted groundwater from temporary dewatering activities, often associated with construction. Due to several underlying natural factors, Richmond’s groundwater (i.e. subsurface water) is often characterized by levels of dissolved iron and other minerals that have the potential to adversely impact freshwater environments when the groundwater is artificially extracted at flow rates exceeding natural system dynamics.

The general prohibition clause in the City’s current Pollution Prevention Bylaw provides minimal guidance to proponents on how dewatering discharges can be managed to be in compliance. To provide clarity, Council adopted the recommendation to amend the bylaw to incorporate more specific requirements.

By providing increased guidance to the development and construction industry engaged in dewatering activities, while at the same time protecting the environment and managing corporate liability risks, these proposed amendments support Council Term Goal #7:

“ Sustainability and the Environment – Demonstrate leadership in and significant advancement of the City’s agenda for sustainability through the development and implementation of a comprehensive strategy that among other objectives includes incorporating sustainability into our City policies and bylaws”.

Analysis

Proposed Amendment Highlights

Highlights of the proposed bylaw include a new section, Part 6, specific to the management of non-stormwater discharges. This section outlines specific requirements for managing discharges from temporary dewatering activities in accordance with the City’s existing practices. Dewatering refers to groundwater extraction from temporary excavations including construction activities. Part 6 does not apply to agricultural activities.

The amendments include a prohibition to discharge from temporary dewatering activities without an agreement by the City. To secure an agreement, proponents must:

- demonstrate that the target drainage system has adequate capacity to accommodate the proposed discharge;
- demonstrate that the discharge will meet acceptable environmental standards by either meeting the British Columbia Water Quality Guidelines for the Protection of Aquatic Life and/or the Canadian Council of Ministers of the Environment – Canadian Water Quality Guidelines for the Protection of Aquatic Life, or has been approved by the applicable federal or provincial regulatory authority;
- demonstrate that a request to discharge to the sanitary sewer has been denied; and
- commit to complying with the terms and conditions of the agreement, including, but not limited to, agreeing to indemnify and release the City from any loss or damage caused by the discharge and/or by contravention of the agreement, and monitoring the discharge throughout the discharge period.

The proposed amendments also include a prohibition to discharge industrial process water without approval by the applicable federal or provincial regulatory authority.

Administrative amendments have also been incorporated. These include clarification of the City’s authority provisions, updated regulatory references and the addition of the General Manager of Engineering & Public Works to administer the bylaw.

Staff have prepared the attached bulletin (Attachment 1): “Dewatering Discharges: Regulations and Options” to assist proponents in understanding and complying with the Bylaw provisions.

This information will be made available on the City website and to proponents at the permitting stage. The bulletin may be amended from time to time for administrative purposes.

Fiscal Considerations

Currently, the majority of non-stormwater discharge requests are directed to the sanitary sewer system, and requests to discharge to the City's storm sewer system are limited in number. As City staff does not anticipate a large number of requests, there is no cost-recovery mechanism recommended at this time.

If conditions change such that there is a significant increase in the volume of requests, City staff will review any financial impact and provide Council with options for adopting a cost-recovery system (i.e. a fee for application or conveyance charge per volume of discharge).

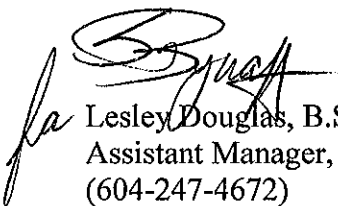
Financial Impact

Based on the implementation approach recommended above, there are no anticipated direct financial impacts to the City arising from this report.

While the agreement process does not apply to the City, the City will adhere to the same standards for its projects. Additional costs may be incurred by some projects to meet the standards set out in this Bylaw. These costs will be included in the project costs.

Conclusion

This report provides amendments that have been drafted into a revised Pollution Prevention and Clean-Up Bylaw, which replaces the existing Bylaw 7435, in accordance with Council's November 24, 2008 decision to incorporate more specific guidance to managing non-stormwater discharge requests. These amendments formalize the City's existing practices and serve to better assist the development community and protect Richmond's environment.



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LD:ld



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Dewatering Discharges: Regulations and Options

No.: **DRAFT** (for information
purposes only- subject to change)

In the course of excavation or construction-related activities, you may encounter the need to extract groundwater (a process commonly called dewatering) and discharge that groundwater. This bulletin explains the process for handling dewatering discharges, including the steps required to apply for discharges. This bulletin should *not* be used for guidance relating to discharges of other types (i.e. industrial waste water).

Understanding Richmond's groundwater

Due to Richmond's high water table, many development activities involving building construction, utility construction, and the like require groundwater dewatering.

Discharges of groundwater require special attention because of the potential for pollution of surface water. Richmond's groundwater contains high levels of minerals, including dissolved iron. Under natural conditions this is not of concern, but when groundwater is artificially extracted and discharged at rates that exceed natural seepage rates, the groundwater can degrade surface water conditions and harm aquatic life in our streams and rivers as well as the surrounding ecosystems.

Requirements for dewatering discharges

The requirements regarding dewatering operations are intended to reduce potential harm to both the environment and to Richmond's sanitary and drainage systems.

If you are involved in activities that result in the need for dewatering, you have three options:

1. Develop a plan to reduce or eliminate the need for dewatering and discharging
2. Apply for a Sanitary Waste Discharge Permit from Metro Vancouver (to discharge into the sanitary system)
3. Make a Non-Stormwater Discharge Request to the City (to discharge into the storm drainage system)

The third option, a **Non-Stormwater Discharge Request**, will only be granted after it is determined that discharge to the sanitary system is not viable. However, to speed the process, you may choose to submit both requests concurrently.

Regulations

The City of Richmond's Pollution Prevention and Clean-up Regulation Bylaw No. 8475 prohibits the discharge of polluting substances into any watercourse or drainage system. In the event of any inconsistency between this document and the Bylaw, the Bylaw shall prevail.

Non-stormwater discharges containing a polluting substance could be in contravention of this bylaw as well as Federal and Provincial environmental legislation.

The City of Richmond's stormwater drainage system is designed to convey naturally occurring rainwater directly in to the Fraser River and its Estuary. It is critical that discharges not harm the rich mix of terrestrial and aquatic life found in this environment.



Process for handling discharges

Step #1: Review options to reduce or eliminate the need to dewater

Consider a change in approach or process that removes the need for dewatering discharges. This may include a modification of design to reduce excavation requirements, the use of jet-grouting, diaphragm or other impermeable barrier walls around construction, or other innovative construction techniques.

If a discharge is still required:

Step #2: Apply for a Sanitary Waste Discharge Permit

At the time of application (for a Rezoning Permit, Development Permit, Building Permit, Servicing Agreement or other), the property owner will submit a Sanitary Waste Discharge Permit application and fee to Metro Vancouver. The application is available here:

<http://tlny.cc/DischargeApplication>

As part of this process, the property owner must engage a Professional Engineer to complete a capacity assessment of the sanitary system and, based on the capacity assessment, submit a letter signed and sealed by the Professional Engineer, confirming that the sanitary system has adequate capacity.

If the permit is approved, the property owner will be required to sign an agreement that contains indemnity and insurance provisions.

If the Sanitary Waste Discharge Permit is not approved:

Step #3 Initiate a Non-Stormwater Discharge Request

As part of this application to the City of Richmond Engineering Section, the property owner will:

- Explain options reviewed to reduce or eliminate the need for dewatering discharge;
- Demonstrate that a discharge to the sanitary system is either not viable or not permitted;
- Demonstrate via written confirmation from a Qualified Environmental Professional that the discharge will meet Provincial Freshwater Aquatic Life Guidelines (www.env.gov.bc.ca/wat/wq/wq_guidelines.html) or Canadian Water Quality Guidelines for the Protection of Aquatic Life (ceqg-rcqe.come.ca/), or have written approval from the appropriate Provincial or Federal regulatory authorities;
- Engage a Professional Engineer to complete a capacity assessment of the drainage system and, based on the capacity assessment, submit a letter signed and sealed by the Professional Engineer confirming that the drainage system has adequate capacity;
- Engage a Qualified Environmental Professional to recommend and substantiate water quality monitoring requirements; and
- Engage a registered Professional Engineer and Qualified Environmental Professional to assist in monitoring of the discharge (both quality and quantity).

Upon successful completion of the application, the property owner will be required to sign an agreement that contains indemnity and insurance provisions.

BC Building Code:

If groundwater extraction is for the purpose of constructing a building and may impact adjacent properties, the BC Building Code has specific requirements.

See Bulletin Permits-07 "The Use of Construction Dewatering Process for Building Sites" for more information.

Discharge requirements set out by the City in no way supplant the Building Code requirements for dewatering, or vice versa.

For assistance, Contact:

City of Richmond Engineering (604)-276-4350

City of Richmond Environmental Programs Division
(604)-247-4694



CITY OF RICHMOND

POLLUTION PREVENTION AND CLEAN-UP BYLAW NO. 8475

EFFECTIVE DATE – _____, 2009

CITY OF RICHMOND
POLLUTION PREVENTION AND CLEAN-UP BYLAW NO. 8475
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POLLUTION PREVENTION AND CLEAN-UP BYLAW NO. 8475

WHEREAS the City of Richmond has committed to environmental stewardship and the protection of its **watercourses and drainage systems**;

AND WHEREAS pursuant to subsection 8(3)(j) of the *Community Charter* SBC 2003 Chapter 26, a municipality may by bylaw regulate, prohibit and impose requirements in relation to the protection of the natural environment;

AND WHEREAS pursuant to subsections 9(1)(b) and 9(3) of the *Community Charter* SBC 2003 Chapter 26, the Province of British Columbia has concurrent authority with municipalities in connection with protection of the natural environment, a Council may not adopt a bylaw relating to the protection of the natural environment unless one of the conditions of subsection 9(3) has been met (one of which is that the bylaw is in accordance with a regulation enacted pursuant to subsection 9(4)); and

AND WHEREAS the Province of British Columbia has enacted B.C. Reg 144/2004 entitled "Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation" which provides in section 2(1)(a) that for the purposes of section 9(4)(a)(i) of the *Community Charter*, a municipality may, under section 8(3)(j) of the *Community Charter*, regulate, prohibit and impose requirements in relation to polluting or obstructing, or impeding the flow of, a stream, creek, waterway, watercourse, waterworks, ditch, drain or sewer, whether or not it is located on private property.

Accordingly, the Council of the City of Richmond enacts as follows:

PART ONE: INTERPRETATION

1.1 Definitions

1.1.1 In this bylaw, unless the context otherwise requires:

AGREEMENT means the agreement referred to in section 6.1.1.(b) of this bylaw.

APPLICATION means the application to the **City** for an **agreement**.

CITY means the City of Richmond as a corporate entity.

CITY OF RICHMOND

means the City of Richmond as a geographic area.

CITY CLERK

means the Municipal Officer appointed by **Council** and assigned responsibility for corporate administration for the **City** under section 148 of the *Community Charter*.

COUNCIL

means the Council of the **City**.

DANGEROUS GOODS

means dangerous goods as defined in the *Transportation of Dangerous Goods Act 1992, S.C. 1992, c. 34*.

DEWATERING

means the extraction of groundwater from temporary excavations and/or during construction activities.

DISCHARGE

means either, according to the context in which such word is used in this bylaw:

- (a) as a verb, the **release** of a substance into any **drainage system** and/or **watercourse** or onto or into any soil; or,
- (b) as a noun, a substance which is **released**.

DRAINAGE SYSTEM

means all storm sewer works and appurtenances owned, controlled, maintained and operated by the **City**, including storm sewers, **watercourses**, storm service connections, ditches, channels, sloughs, detention facilities, pumping stations and outfalls laid within any highway, **City** right-of-way or easement or **City**-owned property.

ENVIRONMENT

means air, land, water and all other external conditions or influences under which humans, animals and plants live or are developed.

ENVIRONMENTAL LAWS

means all applicable federal, provincial, and **City** laws, statutes, ordinances, by-laws, codes, regulations, and all policies, guidelines, standards, protocols, orders, directives and decisions rendered or promulgated by any ministry, department or judicial, administrative or regulatory agency or body whatsoever relating to fisheries, public health and safety, occupational health and safety, the protection or preservation of the **environment** or the manufacture, operation, processing, distribution, use, treatment, storage, disposal, **release**, transport, handling or remediation of contaminants, including without limiting the generality of the foregoing, the

Environmental Management Act, S.B.C. 2003, c. 53, the *Canadian Environmental Protection Act*, 1999, S.C. 1999, c. 33 and the *Fisheries Act*, R.S.C. 1985, c. F-14, and the principles of common law and equity and whether any of the foregoing comes into force before or after the date of this bylaw.

GENERAL MANAGER

means the person appointed by **Council** to the position of General Manager, Engineering & Public Works or the person appointed by **Council** to the position of General Manager, Law & Community Safety.

INDUSTRIAL PROCESS WATER

means water from any source that is used in, or produced as a waste product of, industrial processes or other industrial activities.

MONITOR/MONITORING

means to observe, record, or detect.

NON-STORMWATER DISCHARGE

means any substance that is **discharged** to the City's **drainage system** and/or any **watercourse** that has not originated from naturally occurring precipitation flowing over the land surface and includes any **discharge** from **dewatering** activities and **industrial process water**.

ORDER TO COMPLY

means an order referred to in Part 7 of this bylaw.

OWNER

means a **person** who is the registered owner of an estate in fee simple.

PARCEL

means a lot, block, or other area in which land is held, or into which land is legally subdivided.

PERSON

includes the **City**, a government body, an individual, corporation, partnership or other party, and the personal or other legal representatives of a person to whom the context can apply according to law.

POLLUTING SUBSTANCE

means any substance, whether liquid or solid, that damages or is capable of damaging the **environment** and includes **dangerous goods** and includes any substance that does not conform to the British Columbia Water Quality Guidelines for the Protection of Aquatic Life and/or the Canadian

Council of Ministers of the Environment - Canadian Water Quality Guidelines for the Protection of Aquatic Life.

- PROFESSIONAL ENGINEER** means a **person** who is registered or licensed as a professional engineer pursuant to the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116.
- PROPERLY STORE/STORED** means stored and identified so as to prevent the overflow, **release**, or leakage of a **polluting substance** into a **drainage system**, a **watercourse** and/or the **environment**.
- QUALIFIED ENVIRONMENTAL PROFESSIONAL** means an applied scientist or technologist registered and in good standing in British Columbia with an appropriate professional organization acting under that association's code of ethics and subject to disciplinary action by that association.
- RELEASE** means **spill**, **discharge**, leak, pump, pour, emit, empty, inject, migrate, escape, leach, dispose, dump, deposit, spray, bury, abandon, incinerate, seep, place, or any other similar action.
- REPOSIBLE PERSON** means the **person** who had possession, charge or control of a **polluting substance** at the time a **spill** occurs.
- SPILL** means the introduction of a **polluting substance** into the **environment**, either intentionally or unintentionally, other than as authorized under the *Environmental Management Act*.
- WATERCOURSE** means a channel through which water flows at any time of the year and includes a brook, river, stream, creek, lake, pond and any other body of water running through or situated partially or fully within the **City of Richmond**.
- WATER QUALITY MONITORING AND RESPONSE PLAN** means a written plan prepared by a **Qualified Environmental Professional** that includes:
- (a) an outline of the steps to be taken to ensure that the proposed **discharge** complies at all times with this bylaw, other **City**

requirements and all **environmental laws**;
and

- (b) details the mitigation, remediation, and communication responses to be undertaken by the **owner** if there is noncompliance with this bylaw.

PART TWO: BYLAW EFFECT

2.1 Bylaw Effect

2.1.1 This bylaw applies to any **polluting substance**:

- (a) being handled or stored within the **City of Richmond**; or
- (b) **released** onto soil or into any **drainage system** and/or **watercourse** within the **City of Richmond**.

2.1.2 This bylaw applies to all **persons** except that subsection 6.1.1 of this bylaw does not apply to the **City**.

2.1.3 Part 6 of this bylaw does not apply to agricultural activities.

PART THREE: PROHIBITION AGAINST RELEASE OF POLLUTING SUBSTANCE

3.1 Prohibition Against Release of Polluting Substance

3.1.1 No **person** shall **release** or allow to be **released** a **polluting substance** into any **drainage system**, **watercourse** or onto or into the soil, other than as authorized by all applicable **environmental laws**.

PART FOUR: OBLIGATIONS REGARDING THE STORAGE AND HANDLING OF A POLLUTING SUBSTANCE AND OF DANGEROUS GOODS

4.1 Obligations Regarding the Storage and Handling of a Polluting Substance

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

4.2 Obligations Regarding the Storage and Handling of Dangerous Goods

4.2.1 In addition to complying with the provisions of section 4.1, 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.

PART FIVE: SPILL RESPONSE AND CLEAN-UP REQUIREMENTS

5.1 Obligation to Clean-Up Spill

5.1.1 Where a **spill** has occurred, the **responsible person** shall in accordance with all **environmental laws**:

- (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 **City**, become contaminated by such **polluting substance**; and
 - (iii) any areas impacted by the **spill**, including without limitation, the **drainage system**, any **watercourse** and any soil, to the satisfaction of the **City**; and
- (b) if required by the **General Manager**, complete any necessary remediation to the satisfaction of the **City** or to the applicable standards set out in the **environmental laws**.

PART SIX: NON-STORMWATER DISCHARGE MANAGEMENT

6.1 Provisions for Dewatering

6.1.1 Application and Agreement

No **person** shall allow any **discharge** from **dewatering** to enter any **drainage system** or any **watercourse** unless such **person** has complied with the following requirements:

- (a) the **owner** of the source **parcel** submits an **application** to the **General Manager** as set out in subsection 6.1.2; and
- (b) the **owner** of the source **parcel** enters into an **agreement** with the **City** regarding the proposed **discharge** as set out in subsection 6.1.3.

6.1.2 Application Requirements

6.1.2.1 The **application** referred to in subsection 6.1.1.(a) shall include:

- (a) either of the following:
 - i. written confirmation satisfactory to the **City** from a **Qualified Environmental Professional** that the quality of the proposed **discharge** from the **dewatering** complies with the British Columbia Water Quality Guidelines for the Protection of Aquatic Life and/or the Canadian Council of Ministers of the Environment - Canadian Water Quality Guidelines for the Protection of Aquatic Life; or
 - ii. a copy of the written approval of the proposed **discharge** from the applicable federal or provincial regulatory authority as required by the applicable **environmental laws**; and
- (b) if required by the **City**, a **water quality monitoring and response plan** satisfactory to the **City**; and
- (c) a capacity analysis of the **drainage system** and, based on the capacity analysis, a letter signed and sealed by a **Professional Engineer** confirming that the **drainage system** has capacity to accommodate the flow rate of the proposed **discharge**; and
- (d) if required by the **City**, evidence satisfactory to the **City** that the **owner** has been denied a permit to **discharge** the substance resulting from the **dewatering** into the sanitary waste disposal system servicing the **parcel**, if any; and
- (e) any supporting documentation requested by the **City** relevant to the matters referred to in subsections (a), (b), (c) and/or (d) above.

6.1.3 Agreement Requirements

6.1.3.1 The **agreement** shall be in the **City's** prescribed form. It must be an **agreement** between the **owner** and the **City** and must include, without limitation, provisions that the **owner** shall, on terms and conditions satisfactory to the **General Manager**:

- (a) indemnify and release the **City** from any loss or damage caused directly or indirectly by:
 - (i) contravention of the **agreement**; and/or
 - (ii) any **discharge**;

- (b) maintain adequate insurance coverage for that indemnity, include the **City** as an additional insured, contain a waiver of subrogation, and require that at least 30 days' notice be given to the **City** prior to cancellation or expiry;
- (c) conduct **water quantity monitoring** to confirm that the **discharge** does not exceed the allowable flow rate set out in the capacity analysis referred to in subsection 6.1.2.1.(c) of this bylaw, and, if requested by the **City**, provide a copy of the monitoring results signed and sealed by a **Professional Engineer** to the **City**;
- (d) comply with the **water quality monitoring and response plan** and, if requested by the **City** provide a copy of the **monitoring** results to the **City**; and
- (e) comply with all **environmental laws** and, without limitation, ensure that the **discharge** does not exceed the British Columbia Water Quality Guidelines for the Protection of Aquatic Life and/or the Canadian Council of Ministers of the Environment - Canadian Water Quality Guidelines for the Protection of Aquatic Life.

6.1.4 Authority to Execute Agreements

6.1.4.1 The **General Manager** is authorized to execute **agreements** on behalf of the **City** if the **General Manager** is satisfied that the requirements of subsections 6.1.1, 6.1.2, and 6.1.3 of this bylaw have been met and that no reason exists why the **City** should not enter into an **agreement**.

6.1.5 Term of Agreements

6.1.5.1 Every **agreement** shall expire twenty-four (24) months from the date of execution by the **City** or upon such earlier date as may be specified in the **agreement**.

6.2 Industrial Process Water Restrictions

6.2.1. No **person** shall release **industrial process water** into any **drainage system** and/or **watercourse** unless in accordance with all applicable **environmental laws**.

PART SEVEN: ORDER TO COMPLY

7.1 Order to Comply

7.1.1 If a **person** fails to comply with any provision of this bylaw and/or any **agreement**, the **General Manager** may order pursuant to an **Order to Comply** served on such **person**, the cessation and remedy of any action

which contravenes this bylaw and/or any **agreement**, within such period of time as the **General Manager** stipulates in the **Order to Comply**. The **General Manager** may, when the remedy ordered has been completed, authorize continuation of any action which was ceased or ordered remedied.

7.2 Appeal Against an Order to Comply

7.2.1 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**.

7.2.2 Upon hearing the appeal against an **Order to Comply**, **Council** must either uphold, amend, or cancel the **Order to Comply**.

PART EIGHT: EMERGENCY SITUATIONS

8.1 Emergency Situations

8.1.1 Where the **City** has determined that there has been a possible contravention of this bylaw which poses a possible threat to the **environment** or the health or safety of individuals, and immediate action is required to remedy the situation, the **City** may immediately take whatever action the **City** considers necessary to remedy the situation without the necessity of full compliance with the provisions of this bylaw at the time it is undertaken.

PART NINE: AUDIT

9.1 Audit

9.1.1 The **City** may, in its sole discretion, conduct an audit of the compliance with the obligations contained in the **agreement** and this bylaw. The **City** shall conduct the audit on the basis that it is for the **City's** own information and the **City** shall not be obliged to share the results of the audit with the **owner** or any other **person**. The **City** shall not be responsible to the **owner** or any other **person** in any way if the audit is inadequate or otherwise wrongly performed.

PART TEN: OFFENCES AND PENALTIES

10.1 Offences and Penalties

10.1.1 Any **person** who:

- (a) violates or who causes or allows any of the provisions of this bylaw to be violated;

- (b) fails to comply with any of the provisions of this bylaw;
- (c) neglects or refrains from doing anything required under the provisions of this bylaw; or
- (d) makes any false or misleading statement in connection with this bylaw,

is deemed to have committed an infraction of, or an offence against, this bylaw, and is liable on summary conviction to a penalty of not more than \$10,000.00 in addition to the costs of the prosecution, and each day that such violation is caused or allowed to continue constitutes a separate offence.

PART ELEVEN: PREVIOUS BYLAW REPEAL

11.1 Previous Bylaw Repeal

11.1.1 Pollution Prevention and Clean-up Regulation Bylaw 7435 (adopted February 10th, 2003) is repealed.

PART TWELVE: SEVERABILITY AND CITATION

12.1 Severability

12.1.1 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.

12.2 Citation

12.2.1 This bylaw is cited as “Pollution Prevention and Cleanup Bylaw No. 8475”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED



MAYOR

CITY CLERK