



TSAWWASSEN FIRST NATION
s'cəwaθən məsteyəx^w

Community Governance Act

DRAINAGE AND SEWER REGULATION

Date Enacted: 3 April 2009

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Table of Regulation Changes

Section(s) Amended	Date	Order number
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Whereas the *Tsawwassen First Nation Final Agreement* authorizes the Tsawwassen Government to make laws to provide health services, to make laws to protect public health and to regulate in respect of services, structures, and public works on Tsawwassen Lands;

The *Community Governance Act* authorizes the Executive Council of the Tsawwassen First Nation to make regulations in respect of public health, services and works, and

The Executive Council considers that use of the community water, drainage and sewer system by all residents of Tsawwassen Lands to protect the health of residents and the public;

The Executive Council of the Tsawwassen First Nation enacts as follows:

Citation and Short Title

1.1 This regulation may be cited as the Tsawwassen First Nation Drainage and Sewer Regulation.

Interpretation

2.1 Unless specifically defined herein, words and phrases used in this regulation shall be construed in accordance with the meanings assigned to them in the *Tsawwassen First Nation Final Agreement*, the *Community Governance Act*, or the *British Columbia Building Code, 2008*, as the context and circumstances require.

2.2 In this regulation:

“**Administrator**” means the person holding the position of Chief Administrative Officer for the Tsawwassen Government;

“**community drainage system**” means all of any part of the drainage system owned or provided by the Tsawwassen First Nation, including storm sewers, service connections, ditches, channels, detention facilities, pumping stations and outfalls within the Tsawwassen Lands;

“**community sewer system**” means a network of pipes, conduits, drains and other equipment and facilities that are owned or provided by the Tsawwassen First Nation, for collecting and transporting wastewater;

“**community system**” means a community drainage, sewer or water system that is owned or provided by the Tsawwassen First Nation;

“**connection**” means the connecting pipe or appurtenance from a property line to a community drainage or sewer system;

“**domestic wastewater**” means waste that contains human excretions or wastewater from non-commercial, non-industrial activities, including bathing, household cleaning, laundry and food preparation, and other activity typically associated with residential use;

“**health hazard**” includes, without limitation:

- (a) the unauthorized discharge of wastewater into a source of human or animal drinking water, surface water, tidal waters, or land; and
- (b) a septic or holding tank system that, in the opinion of an Inspector, is not capable of containing or treating wastewater safely;

“**inspection chamber**” means a device installed as part of a drainage or sewer work or system that allows for access to the service;

“**Inspector**” means a person who has been appointed by resolution of the Executive Council or retained through an agreement to inspect and determine whether a person has complied with this

regulation or whether a health hazard or danger to a community system exists, and without limitation, includes a qualified professional engineer or public health official acting for or on behalf of the Tsawwassen First Nation;

“**parcel**” means any lot, block or other area in which real property is held or into which real property is subdivided;

“**Parcel Holder**” means, in respect of real property, the registered owner of a parcel or a person holding a lease or Tsawwassen Fee Simple Interest;

“**qualified person**” means a person who is registered, licensed or certified under Provincial or Federal laws to provide a services or carry out work required under this regulation;

“**sanitary services**” means bathtubs, showers, toilets, urinals, kitchen and hand sinks, laundry tubs, water closets, and the equipment, machinery, furniture or appliances in a building that are, or are intended to be, connected to a sanitary sewer;

“**sanitary sewer**” means a sewer that carries wastewater and that is not intended to admit storm water, surface water or groundwater;

“**service agreement**” means an agreement entered into by the Tsawwassen Government with Canada, British Columbia or a local government body for water, sewer or drainage services;

“**sewer**” means a pipe or conduit that carries wastewater, rainwater, groundwater or uncontaminated process or cooling water, and for certainty, includes any sewer owned or provided by the Tsawwassen First Nation;

“**stormwater**” means water resulting from or following rainfall or snowfall but not containing wastewater;

“**wastewater**” means the water-borne wastes from domestic, commercial, industrial or institutional premises, but does not include stormwater, groundwater or uncontaminated water; and

“**work**” includes a sanitary service, sewer, water pipe, rainwater collection and drainage device, and any equipment, appliances or appurtenances for installing, enabling or facilitating a connection to a community system.

- 2.3 If any part, section, subsection or phrase of this regulation is held to be invalid by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the regulation will be deemed to have been enacted without the invalid portion.

Where Community System is Available

- 3.1 Where a sewer connection is available and can be made to a parcel of land upon which a building or structure is located or constructed that contains sanitary services, the Parcel Holder must, at his or her own expense:
- (a) connect any such building or structure containing sanitary services to the community sewer system;
 - (b) provide an inspection chamber as part of the sewer connection works;
 - (c) ensure that all wastewater originating from the building is discharged into the community sewer system in accordance with this regulation; and
 - (d) where a septic system exists, discontinue using the septic tank after the connection is made, remove and dispose of all wastewater, sludge or deposit from the tank and absorption field and either:
 - (i) dismantle and remove the septic tank; or
 - (ii) sufficiently disinfect the septic tank of pathogenic organisms with chlorination or powdered lime and fill it with sand or gravel, or otherwise dealt with the tank and field in a manner that protects human health and prevents nuisance.
- 3.2 Where land is required to be drained and the community drainage system can be connected to a parcel, the Parcel Holder must, at his or her own expense:

- (a) connect such land to the community drainage system;
 - (b) provide an inspection chamber as part of the drainage connection works; and
 - (c) ensure that all surface water on the parcel is discharged into the community drainage system in accordance with this regulation.
- 3.3 In the event that a Parcel Holder has not connected the parcel or buildings to the community system where such system is available and a connection can be made, the Administrator may notify the Parcel Holder in writing to do so, and may direct the Parcel Holder to take any specific measures that he or she considers relevant and necessary to meet the requirements of this regulation and any other applicable enactment or service agreement entered into by the Tsawwassen Government.
- 3.4 If the Parcel Holder fails to comply within 90 days of being notified in writing by the Administrator to do so, the Administrator may arrange for the installation of required works and the connection to be carried out and completed by employees or contractors of the Tsawwassen Government at the expense of the Parcel Holder.
- 3.5 If work is carried out under subsection 3.4, the Tsawwassen Government may recover any applicable fees, together with the costs of providing the sewer or drainage works, or any part thereof, the connection to the community system, and inspection costs from the Parcel Holder, which shall become due and payable from the date set out on an invoice delivered by the Administrator.

Where Community System is Not Available

- 4.1 Where a community sewer system is not available to a parcel, or a connection cannot be made, the Parcel Holder must:
- (a) provide a sewerage system constructed, installed, maintained and repaired in accordance with Part 3 of the *Sewerage System Regulation* to the *Health Act*, R.S.B.C. 1996, c. 179, having regard to the *Sewerage System Practice Manual* published by the British Columbia Ministry of Health, as amended from time to time;
 - (b) comply with any recommendations, restrictions or conditions described in a maintenance plan provided in respect of the sewerage system described in paragraph (a); and
 - (c) ensure that any wastewater originating from the property does not cause, or contribute to, a health hazard.
- 4.2 Where a community drainage system is not available to a parcel, or a connection cannot be made, the Parcel Holder must ensure that all surface water is contained on the parcel and drained in accordance with acceptable engineering practices.

Minimum Standard & Records

- 5.1 A Parcel Holder must ensure that installation, connection, maintenance, repair, removal and replacement of any and all works required under this regulation is carried out by qualified persons and in accordance with the *British Columbia Building Code, 2008*, as amended or replaced from time to time (“Code”). In particular, Part 7 [Plumbing Services] of the Code applies as a minimum standard to work required under this regulation.
- 5.2 Where work required under this regulation has been designed, reported on, constructed, installed, repaired, dismantled, replaced or removed on a parcel, the Parcel Holder must request a copy of records related to the work from the qualified person or persons who provided the work or service. The Parcel Holder must retain any such records and produce them at the request of an Inspector or the Administrator.

Prohibited Discharges: Sanitary Sewer

- 6.1 A person must not discharge, or cause or permit to be discharged, into a sanitary sewer any of the following:
- (a) gasoline, benzene, naphtha, alcohol, fuel oil or other flammable explosive liquid, solid or gas;
 - (b) pesticide, herbicide or fungicide;

- (c) corrosive, noxious or malodorous gas, liquid or other substance which either singly or by interaction with other wastes, could result in a public nuisance, health hazard, preventing entry into a sewer or pump station, or interference with or damage to the community sewer system;
- (d) radioactive material, except within such limits as are permitted by a licence issued by the Atomic Energy Control Board of Canada;
- (e) material from a cesspool or septic tank except at authorized receiving stations;
- (f) stormwater, drainage or cooling water;
- (g) solid or viscous substances that could obstruct wastewater flow or damage or interfere with a sewer system or sewage treatment facility, including but not limited to the substances identified in Schedule A to this regulation.

6.2 A person must not discharge, or cause, permit, suffer or allow to be discharged into a sanitary sewer any waste that has any of the following characteristics:

- (a) garbage, unless from premises where food is prepared for consumption on the premises and the food waste has been properly comminuted to 7 millimetres or less in any dimension;
- (b) liquid or vapour having a temperature higher than 65 degrees Celsius;
- (c) water or waste containing grease, whether or not emulsified, where the concentration of grease exceeds 150 milligrams per litre;
- (d) water or waste containing substances derived from petroleum sources that in concentration exceeds 15 milligrams per litre;
- (e) water or waste containing suspended solids that in content exceeds 600 milligrams per litre;
- (f) soluble waste or wastewater having a pH below 5.5 or above 9.5, or having any other corrosive property which reasonably could be hazardous to structures, equipment or personnel including, but not limited to:
 - (i) battery or plating acid and wastes;
 - (ii) copper sulphate;
 - (iii) chromium salts and compounds
- (g) water or waste containing dissolved or suspended solids of such character or quantity that unusual attention is required or unusual expenses are incurred to treat the wastewater;
- (h) pool water that is discharged at a flow rate exceeding 0.2 cubic metres per minute; or
- (i) water or waste that will, by itself or with other water or wastes in a sewer system, release noxious gases, form suspended solids exceeding 600 milligrams per litre, or create any other conditions deleterious to structures or treatment processes; or
- (j) water or waste containing a toxic or poisonous substance in sufficient quantity to constitute a hazard to humans or animals, or to create a hazard to the receiving waters, stormwater overflows or the effluent of a sewage treatment facility.

6.3 Without limiting the generality of paragraphs (i) and (j) of subsection 6.2, the concentration of toxic substances at the point of discharge into a sanitary sewer must not exceed the concentrations identified in Schedule B to this regulation.

Prohibited Discharges: Drainage System

7.1 A person must not discharge, and must not cause, suffer, permit or allow the discharge of any wastewater into a storm sewer or the community drainage system unless an Inspector has authorized the discharge in writing, the Administrator has received a copy of the written authorization, and, except where a discharge is authorized to address a specific emergency, the Executive Council has considered the matter and has not objected.

- 7.2 A person must not discharge, throw or otherwise deposit, and must not cause, suffer, permit or allow the discharge or deposit into any storm sewer or the community drainage system any substance or thing of any kind whatsoever that would tend to obstruct, interfere with, damage or injure the works or system or its proper functioning, maintenance or repair.

Industrial Wastewater

- 8.1 Every Parcel Holder and every person responsible for an industrial use or operation must, at his or her own expense:
- (a) prepare or treat any wastewater that is intended to be discharged so that its discharge will comply with this regulation;
 - (b) where a community sewer or drainage system is not available for industrial wastewater collection, install an alternative sewage or drainage treatment system, to the satisfaction of an Inspector;
 - (c) comply with any limit established in this regulation, another applicable enactment, a service agreement or written direction of an Inspector respecting the maximum flow volume of wastewater to be discharged into a community system;
 - (d) provide and maintain a sampling station to permit access for the sampling and testing of industrial wastewater prior to its discharge to the sanitary sewer, with the sampling station located downstream from any industrial wastewater treatment facility and upstream from any domestic wastewater discharges and designed, built, equipped, operated and maintained to the satisfaction of an Inspector; and
 - (e) carry out, or cause to be conducted, any and all tests, examinations, analysis and reporting of the characteristics or contents of the industrial wastewater in accordance with standards established by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation, as set out in the publication “Standard Methods for the Examination of Water and Wastewater”, as revised or replaced from time to time.

Entry, Inspection & Orders

- 9.1 An Inspector may enter a property in an emergency, or otherwise at reasonable times and in a reasonable manner, to inspect and determine whether all provisions of this regulation, and any restrictions, requirements, terms and conditions of the permit, are being met.
- 9.2 A person must not hinder or prevent an Inspector from entering upon any property or premises or from reasonably inspecting any building or premises under subsection 9.1.
- 9.3 If an Inspector is of the opinion that a septic tank or field or other sewerage system on a parcel presents a health hazard to anyone, the Inspector may order any occupants and the Parcel Holder to discontinue using that system or any part of it; repair, dismantle, remove, or replace it; and to take any steps necessary to prevent, reduce, remedy or eliminate the hazard, within a time period set out in a written notice.
- 9.4 If an Inspector is of the opinion that wastewater being discharged into a community system creates a health hazard to anyone, or interferes with or endangers the operation of a community system, the Inspector may disconnect, plug or seal off that system or take other action as necessary to prevent such wastewater from entering the community system, may direct any person to take the steps necessary to prevent, reduce or remedy the hazard, and may make written orders to those effects.
- 9.5 An Inspector taking action under subsections 9.3 or 9.4 may cause a notice to be posted in a prominent location on the parcel, describing the order and directing inquiries to the offices of the Tsawwassen Government.
- 9.6 A person who receives a notice or order under this regulation, or on whose property a notice has been posted, must comply with any directions, conditions and requirements contained therein.

- 9.7 If a person fails to comply with a notice or order under this section, the Administrator may arrange for the directions or remedial action to be carried out and completed by employees or contractors of the Tsawwassen at the expense of the Parcel Holder, and the Tsawwassen Government may recover any costs and expenses incurred from the Parcel Holder, which shall become due and payable from the date set out on an invoice delivered by the Administrator.

Contravention, Penalty and Enforcement

- 10.1 Any person who contravenes, violates or permits any act or thing to be done in contravention of, or neglects or refrains from doing anything required to be done pursuant to the provisions of this regulation, commits a contravention and shall, in addition to any other provisions of this regulation, be liable:
- (a) to a penalty as set out in the *Tsawwassen First Nation Ticket Regulation, 2013*; or
 - (b) if no penalty is set out for the contravention in the *Tsawwassen First Nation Ticket Regulation, 2013*, then to a fine not exceeding \$2,000.
- 10.2 Every day that a contravention continues under this regulation constitutes a separate and distinct contravention.
- 10.3 Contraventions of this regulation are designated for enforcement under the *Community Governance Act* (Tsawwassen) or the *Laws Enforcement Act* (Tsawwassen).
- 10.4 In addition to the designated Enforcement Officer appointed by Executive Council pursuant to section 3 (1) (a) of the *Laws Enforcement Act*, the Director of Lands is appointed as an enforcement officer for the purposes of this regulation.

[Amended by Order number O.043-2013]

Notices

- 11.1 Delivery of a notice under this regulation is sufficient if:
- (a) it is delivered personally to the person to whom it is directed;
 - (b) it is mailed by ordinary or registered mail, or
 - (c) if it is posted or affixed in a prominent location on property that is the subject of the notice.

Schedules

- 12.1 Schedules A and B as attached form part of this regulation

Effective Date

- 13.1 This regulation comes into force on the Effective Date of the Tsawwassen First Nation Final Agreement.

Schedule A

Prohibited Substances

1. SOLID MATERIALS:

- (a) ashes, cinders,
- (b) sand, mud,
- (c) straw, grass clippings, spent grain and hops,
- (d) whole or ground paper or plastic,
- (e) insoluble shavings,
- (f) seashells,
- (g) metal,
- (h) glass,
- (i) rags,
- (j) offal,
- (k) hair and other wastes from hide processing and similar operations

2. VISCOUS MATERIALS:

- (a) tar, asphalt,
- (b) lard, tallow, baking dough,
- (c) wax,
- (d) chemical or paint residues,
- (e) slurries of concrete, cement, lime, or mortar
- (f) waste bulk solids

Schedule B

Limits to Concentration of Substances

Substance	Expressed as	Limit of Concentration (Milligrams per litre)
Aluminum	Al	50.0
Arsenic	As	1.0
Barium	Ba	5.0
Cadmium	Cd	1.0
Chloride	Cl	1500.0
Chromium	Cr	5.0
Copper	Cu	2.0
Cyanide	CN	1.0
Fluoride	F	10.0
Iron	Fe	10.0
Lead	Pb	2.0
Mercury	Hg	0.1
Nickel	Ni	3.0
Phenolic Compounds*	-	1.0
Sulphate	SO ₄	1500.0
Tin	Sn	5.0
Zinc	Zn	4.0

* *phenolic compounds* mean aromatic hydrocarbons in which one or more hydroxy groups are attached directly to the benzene ring.