

HOSPITAL POLLUTION PREVENTION BYLAW NO. 319, 2018

UNOFFICIAL CONSOLIDATION

This is a consolidation for reference purposes only

- Hospital Pollution Prevention Bylaw No. 319, 2018 *(Adopted October 26, 2018)*
- GVS&DD Hospital Prevention Amendment Bylaw No. 367, 2023 *(Adopted July 28, 2023)*

As of July 28, 2023

**ORIGINAL BYLAWS CAN BE INSPECTED
AT THE BOARD AND INFORMATION SERVICES DEPARTMENT
AT THE METRO VANCOUVER HEAD OFFICE**

GREATER VANCOUVER SEWERAGE AND DRAINAGE DISTRICT
BYLAW NO. 319, 2018
A bylaw to regulate the discharge of waste from hospitals

Whereas:

- A. The *Environmental Management Act, S.B.C. 2003, c. 53* of British Columbia and the *Greater Vancouver Sewerage and Drainage District Act, S.B.C. 1956, c. 59* authorize the Greater Vancouver Sewerage and Drainage District (the "District") to make bylaws respecting the direct or indirect discharge of wastes into any sewer or drain connected to a sewage facility operated by the District;
- B. The *Greater Vancouver Sewerage and Drainage District Act* authorizes the District to set fees payable by persons who discharge liquid waste into any work, service or plant of the District for conveying, disposing of, or treating liquid waste, and into any work, service, or plant connected thereto;
- C. Hospitals produce waste that, when discharged or discarded into sewers or drains, may impact sewers, sewage facilities, human health and the environment; and
- D. It is deemed desirable to regulate the discharge of waste from hospitals into sewers or sewage facilities.

NOW THEREFORE the Greater Vancouver Sewerage and Drainage District Board (the "Board") enacts as follows:

Citation

- 1. This bylaw may be cited as "Hospital Pollution Prevention Bylaw No. 319, 2018", ("this *Bylaw*").

Definitions

- 2. In this *Bylaw*:

"authorized person" means a director, manager, trustee or board or other body of *persons* having the control and management of a *hospital*;

"biomedical waste" means any *waste* defined as biomedical waste in the *Hazardous Waste Regulation, B.C. Reg. 63/88*;

"drain" means any pipe, conduit, channel, or other similar plumbing equipment used to convey *wastewater*;

"drug" means a drug as defined in the *Pharmacy Operations and Drug Scheduling Act, S.B.C. 2003, c. 77* and listed in the schedules of the *Drug Schedules Regulation, B.C. Reg. 9/98*.

“hazardous waste” means “hazardous waste” as defined in the *Hazardous Waste Regulation, B.C. Reg. 63/88*;

“hospital” means a nonprofit institution that has been designated as a hospital by the minister under the *Hospital Act, R.S.B.C. 1996, c. 200* and is operated primarily for the reception and treatment of persons suffering from the acute phase of illness or disability, and does **not** include the following:

1. A private hospital as defined in Part 2 of the *Hospital Act* (nursing or convalescing home);
2. A designated hospital operated for the treatment of patients convalescing from or being rehabilitated after acute illness or injury; or
3. A designated hospital operated for the treatment of patients requiring extended care at a higher level than that generally provided in a private hospital.

“hospital pollution prevention plan” means a plan identifying *pollution prevention measures* and a schedule to achieve these measures that complies with the requirements as set out in Part 3;

“person” includes an individual, firm, company, association, society, partnership, corporation, municipality, institution or other similar organization, agency or group, and specifically also includes an *authorized person* as defined in this *Bylaw*;

“pollution prevention measure” means a process, practice, device, product, or other method or work that avoids, minimizes, or prevents the discharge of a *waste* identified in Part 2, to a *sewer* or *sewage facility*;

“qualified professional” means a *person* who:

- (a) has professional qualifications or a combination of skills and experience relevant to one or more aspects of the subject matter in the plan, and
- (b) is acting in his or her professional capacity;

“Sewer Use Bylaw” means *Greater Vancouver Sewerage and Drainage District Sewer Use Bylaw No. 299, 2007*;

“unused drug” means any *drug* that is expired, discontinued, prescribed but not used, or remains in syringes and/or intravenous infusion delivery bags;

3. Words that are italicized in this *Bylaw* are defined terms in either this *Bylaw* or have the same meaning given to those terms in the *Sewer Use Bylaw* or incorporated by reference into the *Sewer Use Bylaw*.
4. References in this *Bylaw* to an enactment, including the *Sewer Use Bylaw*, include the enactment as it may be amended or replaced from time to time.

Part 1 – Application

5. Every *hospital* or *person* that discharges, or allows or causes to be discharged, directly or indirectly, *wastewater* from a *hospital* into a *sewer* or *sewage facility* must comply with this *Bylaw*.

Part 2 – Prohibitions and Restrictions

6. No *person* may discharge or allow or cause to be discharged, directly or indirectly, *wastewater* from a *hospital* into a *sewer* or *sewage facility* if the *wastewater* contains any *unused drugs* or *prohibited waste* including the following:

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- (a) *biomedical waste*, unless such discharge is from a *hospital* in accordance with a *hospital pollution prevention plan* approved by the *Sewage Control Manager*;

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- (b) *hazardous waste*, unless such discharge is from a *hospital* in accordance with a *hospital pollution prevention plan* approved by the *Sewage Control Manager*; and

- (c) radioactive waste (nuclear substances).

7. No *hospital* or *person* may discharge, or allow or cause to be discharged, directly or indirectly, *wastewater* from a *hospital* into a *sewer* or *sewage facility* if the *wastewater* contains any of the following:

- (a) *high volume discharge*;

- (b) *restricted waste*;

- (c) *wastewater* containing formaldehyde with a concentration in excess of 30 mg/L obtained by a *grab sample*;

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- (d) *stormwater*;

- (e) *uncontaminated water*;

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- (f) *groundwater*;
- (g) water or any substance for the purpose of diluting any *non-domestic waste*;
- (h) any substance, whether gaseous, liquid, or solid, in a concentration or quantity that is or may become a safety hazard to persons who operate or maintain a *sewer or sewage facility*.

unless such discharge is in accordance with a *hospital pollution prevention plan* approved by the *Sewage Control Manager*.

Part 3 – Hospital Pollution Prevention Plan

Replaced by Bylaw 367, 2023

- 8. Every *hospital* must submit a *hospital pollution prevention plan* to the *Sewage Control Manager* by the date specified by the *Sewage Control Manager*, and every five years thereafter. The *hospital pollution prevention plan* must be in such form, and must include such information, drawings, and specifications as set out in section 12, and as a *Sewage Control Manager* may prescribe from time to time.
- 9. The *hospital pollution prevention plan* shall be completed by one or more *qualified professionals*.
- 10. Each *hospital pollution prevention plan* must contain a declaration from an *authorized person* that the content of the *hospital pollution prevention plan* is, to the best of that *person's* knowledge, true, accurate and complete and that the *pollution prevention measures* will be implemented in the timeline specified in the approved *hospital pollution prevention plan*.

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- 11. Every *hospital* must submit a report to the *Sewage Control Manager* detailing the actions taken in the previous year to complete the *pollution prevention measures* specified in the *hospital's* approved *hospital pollution prevention plan*.
- 12. A *Sewage Control Manager* may approve a *hospital pollution prevention plan* upon such terms and conditions as the *Sewage Control Manager* considers appropriate, including, without limiting the generality of the foregoing, requiring:
 - (a) any *pollution prevention measure* to be included in a *hospital pollution prevention plan*;
 - (b) any *pollution prevention measure* be implemented within a time period the *Sewage Control Manager* directs;
 - (c) studies, sampling, monitoring, analyses or other procedures to be conducted, at the expense of the *person* who submitted the *hospital pollution prevention plan*, and the results reported to a *Sewage Control Manager*; and

- (d) information to be reported to a *Sewage Control Manager* concerning any activities or operations at the *hospital*.
13. A *person* who owns, operates, or controls more than one *hospital* at one site where similar activities or operations are conducted, or where similar *wastes* are caused or produced, may submit one *hospital pollution prevention plan* for all such *hospitals*, provided that the *hospital pollution prevention plan* complies with the requirements prescribed by this *Bylaw* in respect of each *hospital* at that site.
 14. A *hospital pollution prevention plan* is not valid unless a *Sewage Control Manager* issues an approval in writing of the *hospital pollution prevention plan*.
 15. If a *hospital pollution prevention plan* is not approved by the *Sewage Control Manager*, the *hospital* must amend and resubmit the *hospital pollution prevention plan* within the timeframe specified by the *Sewage Control Manager*.
 16. If a resubmitted *hospital pollution prevention plan* is not approved by the *Sewage Control Manager*, the *hospital* is in contravention of this *Bylaw* and the *Sewer Use Bylaw*.
 17. A *Sewage Control Manager* may, upon application by the *authorized person* who submitted the *hospital pollution prevention plan* or upon a *Sewage Control Manager's* own initiative, amend the terms and conditions of an approved *hospital pollution prevention plan*.
 18. Without limiting any other provision of this *Bylaw*, a *Sewage Control Manager* may:
 - (a) Suspend or cancel an approved *hospital pollution prevention plan* or reinstate a suspended or canceled *hospital pollution prevention plan*; and
 - (b) specify that an approved *hospital pollution prevention plan* expires on a specified date or upon the occurrence of a specified event.
 19. Every *hospital* that discharges any *waste* identified in Part 2 of this *Bylaw* that is not contained in its approved *hospital pollution prevention plan* must within 90 days of such discharge amend its *hospital pollution prevention plan* and submit it for consideration by the *Sewage Control Manager*.
 20. Every *hospital* or *authorized person* must keep a copy of the approved *hospital pollution prevention plan* at the *hospital* to which the *hospital pollution prevention plan* relates, and where an approved *hospital pollution prevention plan* relates to more than one *hospital* at one location, then a copy must be kept at each *hospital* location.
 21. Every *hospital* or *authorized person* must, upon request, make the approved *hospital pollution prevention plan* available for inspection by an *officer* or a *Sewage Control Manager* at each *hospital* to which the *hospital pollution prevention plan* relates.

Part 4 – Fees

22. Every *hospital* or *person* that discharges, or allows or causes the discharge of *wastewater* from a *hospital* into a *sewer* or *sewage facility* must, by the date specified in an invoice, pay an annual administration fee of \$5,000 in respect of the administration of that *hospital's hospital pollution prevention plan*, as follows:
- (a) to the *District*, if the *District* issues the invoice; or
 - (b) to the City of Vancouver, if the *hospital* is located wholly within the municipal boundaries of the City of Vancouver and the City of Vancouver issues the invoice.
23. Once a *hospital* has confirmed to the satisfaction of the *Sewage Control Manager* that:
- (a) it is not discharging to a *sewer* or *sewage facility* any *contaminant* contained in section 6 of this *Bylaw*;

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- (b) it is in compliance with the *Grease Interceptor Bylaw*;
 - (c) it is in compliance with the *Sewer Use Bylaw's* Code of Practice for Photographic Imaging Operations Using Silver; and
 - (d) it is not discharging to a *sewer* or a *sewage facility* *wastewater* with a formaldehyde concentration in excess of 30 mg/litre,
- then the *hospital* or an *authorized person* may make a written request to the *Sewage Control Manager* to have the *hospital's* annual administration fee reduced pursuant to section 24.
24. Upon approval of the *Sewage Control Manager*, the annual administration fee may be reduced to \$2,000.
25. If further to an inspection or other information, an *officer* or a *Sewage Control Manager* determines that a *hospital* is no longer meeting the conditions described in section 23, then any prior approval of a reduction in the annual administration fee becomes null and void and the *hospital* will be liable to pay the regular annual administration fee set out in section 22.

Part 5 – Powers and Offences

26. A *person* who provides false or misleading information in a *hospital pollution prevention plan*, a report or other submission of information, or to an *officer* or the *Sewage Control Manager* in response to a request for additional information, commits an offence.

27. An *officer* or the *Sewage Control Manager* may require anything related to the discharge of *wastewater* from a *hospital* to be operated, used, set in motion, or opened under conditions specified by the *officer* or *Sewage Control Manager*, including with respect to any equipment that is being inspected.
28. If the *Sewage Control Manager* determines that a *person* has contravened or is contravening this *Bylaw* or the *Sewer Use Bylaw*, the *Sewage Control Manager* may issue an *order* requiring a *person* to take any actions the *Sewage Control Manager* considers necessary to stop the contravention or prevent another contravention.
29. Any *hospital* or *person* that contravenes any provision of this *Bylaw* commits an offence and is liable to a fine not exceeding \$10,000.
30. If an offence under this *Bylaw* continues for more than one day, separate fines, each not exceeding the maximum fine for that offence, may be imposed for each day the offence continues.

Part 6 – General Conditions

31. If any portion of this *Bylaw* is held to be *ultra vires*, illegal, invalid, or unenforceable in any way, in whole or in part, by a court or tribunal of competent jurisdiction, such decision does not invalidate or void the remainder of the *Bylaw*. The portion so held to be *ultra vires*, illegal, invalid, or unenforceable will be deemed to be reduced in scope so as to be valid and enforceable, or in the alternative to have been stricken therefrom with the same force and effect as if such parts had never been included in this *Bylaw*.
32. Nothing in this *Bylaw* is intended to conflict with the *Environmental Management Act*. A conflict does not exist solely because further restrictions or conditions are imposed by this *Bylaw* or the *Sewer Use Bylaw*.
33. Words importing the singular number include the plural number and vice versa.