GREATER VANCOUVER SEWERAGE AND DRAINAGE DISTRICT

Fermentation Operations Bylaw No. 294, 2015

Whereas:

A. The Environmental Management Act of British Columbia and the Greater Vancouver Sewerage and Drainage District Act 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. Fermentation operations produce waste that, when discharged or discarded into sewers or drains, may obstruct the flow of, or interfere with the operation and performance of sewer and sewage facilities; and

D. It is deemed desirable to regulate the discharge of waste from fermentation operations into sewers or sewage facilities.

NOW THEREFORE the Board of Directors of the Greater Vancouver Sewerage and Drainage District in an open meeting duly assembled enacts as follows:

Citation

1. For citation purposes, the name of this bylaw is the “Greater Vancouver Sewerage and Drainage District Fermentation Operations Bylaw No. 294, 2015” (“this Bylaw”).

Definitions

2. For ease of reference, words that are italicized in this Bylaw are defined terms.

   In this Bylaw:

   “drain” means any pipe, conduit, channel, or other similar plumbing equipment used to convey wastewater;
"fermentation equipment" means any tank, barrel, container, hose, pump, valve, or other similar vessel, equipment, or device used in the process of brewing, distilling, blending, flavouring, or fermenting fruits, vegetables, or grains to produce beer, cider, wine, spirits, or any other similar alcoholic drink;

"fermentation operation" means any premises, except residential premises, at which a person brews, distills, or ferments fruits, vegetables, or grains to produce beer, cider, wine, spirits, or any other similar alcoholic drink made from fermentation, including brew pubs, cottage breweries, micro-breweries, U-brews, U-vins, wineries, and distilleries;

"off-spec product" means any product intended to be made into beer, cider, wine, spirits, or any other similar alcoholic drink made from fermentation, which does not meet the owner or operator's quality standard for consumption; and

"operator" means any person who has management or control, directly or indirectly, of a fermentation operation, but does not include a person who has management or control of a fermentation operation that discharges high volume discharge into a sewer or sewage facility in compliance with a valid and subsisting waste discharge permit or order authorizing such high volume discharge;

"owner" means any person who owns or has any interest in a fermentation operation, but does not include a person who owns or has an interest in a fermentation operation that discharges high volume discharge into a sewer or sewage facility in compliance with a valid and subsisting waste discharge permit or order authorizing such high volume discharge; and,

"Sewer Use Bylaw" means Greater Vancouver Sewerage and Drainage District Sewer Use Bylaw No. 299, 2007.

3. Terms that are italicized but not defined in this Bylaw 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 owner or operator who discharges, or allows or causes to be discharged, directly or indirectly, wastewater from a fermentation operation into a sewer or sewage facility must comply with this Bylaw.
Part 2 – Restrictions

6. No owner or operator shall discharge, or allow or cause to be discharged, directly or indirectly, wastewater from a fermentation operation into a sewer or sewage facility if the wastewater contains any of the following:

(a) high volume discharge;
(b) restricted waste;
(c) storm water;
(d) prohibited waste;
(e) uncontaminated water;
(f) groundwater;
(g) trucked waste;
(h) any substance, whether gaseous, liquid, or solid, that may cause damage to a sewer or sewage facility by corrosion;
(i) any substance, whether gaseous, liquid, or solid, in a concentration or quantity that may cause interference with the proper operation of a sewer or sewage facility;
(j) any substance, whether gaseous, liquid, or solid, in a concentration or quantity that may injure or is capable of injuring the health of any person, property or life form;
(k) 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; or
(l) any substance, whether gaseous, liquid, or solid, used to dilute non-domestic waste, including water.

7. Notwithstanding subsection 6(b), until December 31, 2016, an owner or operator may discharge, or allow or cause the discharge from a fermentation operation into a sewer or sewage facility of wastewater that contains one or more of the following, in any concentration:

(a) biochemical oxygen demand (BOD); or
(b) total suspended solids (TSS).

8. Notwithstanding subsection 6(b), effective January 1, 2017, an owner or operator may discharge, or allow or cause the discharge from a fermentation operation into a sewer or sewage facility of wastewater that contains one of more of the following:

(a) biochemical oxygen demand (BOD), in any concentration; or
(b) total suspended solids (TSS), up to a maximum concentration of 1,200 mg/L.

9. Notwithstanding subsection 6(b), until June 30, 2017, an owner or operator may discharge, or allow or cause the discharge from a fermentation operation into a sewer or sewage facility of wastewater that contains the following:

(a) pH waste.

10. An owner or operator shall not discharge, or allow or cause to be discharged off-spec product from a fermentation operation into a sewer or sewage facility unless the off-spec product is in an amount:

(a) less than 100 litres each day;

(b) equal to or greater than 100 litres but less than 2,000 litres each day and, prior to the discharge, the person notifies an officer or the Sewage Control Manager of the proposed discharge; or

(c) equal to or greater than 2,000 litres each day and, prior to the discharge, the owner or operator:

i. submits a request to an officer or the Sewage Control Manager to discharge such off-spec product; and

ii. the Sewage Control Manager approves the proposed discharge.

Part 3 – Sampling Point, pH Monitoring, and Treatment

11. Effective July 1, 2016, every owner or operator who discharges, or allows or causes the discharge of wastewater from a fermentation operation into a sewer or sewage facility shall have a sampling point on the premises that is:

(a) downstream from all fermentation equipment;

(b) downstream from any equipment or device for treating wastewater;

(c) upstream from any points where domestic waste is discharged; and

(d) vertically perpendicular to and on top of the pipe, if the sampling point is part of a pipe or other similar plumbing equipment.

12. The sampling point required under section 11 shall be readily and easily accessible at all times to perform monitoring, sampling, and for the purposes of ensuring compliance with this Bylaw and the Sewer Use Bylaw.
13. Effective July 1, 2016, every owner or operator who discharges, or allows or causes the discharge of wastewater from a fermentation operation into a sewer or sewage facility shall, if cleaning and sterilization activities of fermentation equipment are performed at that fermentation operation:

(a) collect a sample of wastewater from the sampling point referred to in section 11 at least once each day on days when cleaning and sterilization activities are in progress; and

(b) measure the pH of the sample immediately after its collection.

14. Subject to section 16, every owner or operator required under section 13 to collect and measure for pH shall submit, by no later than October 31, 2016, a pH characterization report to the Sewage Control Manager describing the results of the pH samples collected up to September 30, 2016.

15. Subject to section 16, if any wastewater samples collected under section 13 have a pH lower than 5.5 or higher than 10.5, then the owner or operator of that fermentation operation shall submit a written plan by January 31, 2017 to the Sewage Control Manager describing the actions the owner or operator will undertake at the fermentation operation to treat the wastewater for pH to comply with this Bylaw.

16. Sections 14 and 15 of this Bylaw do not apply to an owner or operator who commences operation of a fermentation operation on or after October 1, 2016.

Part 5 – Record Keeping

17. Every owner or operator who discharges, or allows or causes the discharge of wastewater from a fermentation operation into a sewer or sewage facility shall keep and maintain on the premises a written record of the:

(a) total hectolitres (hl) produced each calendar month of beer, cider, wine, spirits, or any other similar alcoholic drink made from fermentation on the premises;

(b) dates, times, and volumes of off-spec product discharged under section 10, if any; and

(c) dates, times, and results of the pH sampling required under section 13.
18. Every owner or operator who discharges, or allows or causes the discharge of wastewater from a fermentation operation into a sewer or sewage facility shall:

(a) keep the written records required under section 17 for at least two years after the year in which the record was first made; and

(b) make such records available for inspection by an officer or the Sewage Control Manager upon request.

Part 6 – Fees

19. Every owner or operator who discharges, or allows or causes the discharge of wastewater from a fermentation operation into a sewer or sewage facility shall pay an annual administration fee of $200 in respect of that fermentation operation by the date specified in an invoice as follows:

(a) to the District, if the District issues the invoice; or

(b) to the City of Vancouver, if the fermentation operation is located wholly within the municipal boundaries of the City of Vancouver and the City of Vancouver issues the invoice.

20. Every owner or operator who discharges, or allows or causes the discharge of wastewater from a fermentation operation into a sewer or sewage facility shall pay to the District an annual treatment fee set out in this Bylaw in respect of that fermentation operation, by the date specified in an invoice issued by the District.

21. The annual treatment fee referred to in section 20 is the amount specified in Column 3 of Table 1 for the type of alcoholic drink made at the fermentation operation in Column 1 of Table 1 based on the sum total in hectolitres (hl) of annual production opposite in Column 2 of Table 1.

Table 1

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of drink</td>
<td>Annual Production (hl)</td>
<td>Annual Treatment Fee</td>
</tr>
<tr>
<td>Beer, cider, and wine</td>
<td>0 – 1000</td>
<td>$250</td>
</tr>
<tr>
<td></td>
<td>1001 – 2000</td>
<td>$750</td>
</tr>
<tr>
<td></td>
<td>2001 – 3000</td>
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</tr>
<tr>
<td></td>
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<td>$1750</td>
</tr>
<tr>
<td></td>
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</tr>
<tr>
<td></td>
<td>5001 – 6000</td>
<td>$2750</td>
</tr>
<tr>
<td></td>
<td>&gt; 6000</td>
<td>$3500</td>
</tr>
<tr>
<td>Spirit</td>
<td>All</td>
<td>$100</td>
</tr>
</tbody>
</table>
22. An owner or operator who discharges, or allows or causes the discharge of wastewater from a fermentation operation that produces both:

(a) a spirit; and
(b) beer, cider, or wine,

at the same fermentation operation is exempt from payment of the annual treatment fee in respect of the spirit.

23. If an owner or operator fails to pay the fees required under this Bylaw in respect of a fermentation operation, then the owner or operator shall not discharge, or allow or cause to be discharged wastewater from that fermentation operation into a sewer or sewage facility until the fees have been fully paid.

Part 7 – Powers and Offences

24. An officer or the Sewage Control Manager may require anything related to the discharge of wastewater from a fermentation operation to be operated, used, set in motion, or opened under conditions specified by the officer or Sewage Control Manager, including with respect to any fermentation equipment that is being inspected.

25. 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 do anything the Sewage Control Manager considers necessary to stop the contravention or prevent another contravention.

26. Any person who contravenes any provision of this Bylaw commits an offence and is liable to a fine not exceeding $10,000.

27. 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 8 – General Conditions

28. 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 shall not invalidate or void the remainder of the Bylaw. The portion so held to be ultra vires, illegal, invalid, or unenforceable shall 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.
29. 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.

30. Words importing the singular number include the plural number and vice versa.


PASSED AND FINALLY ADOPTED THIS 27 DAY OF November, 2015.

Greg Moore
Chair

Chris Plagnol
Corporate Officer