Agenda - Council – December 16, 2009

Report - Standing Policy Committee on Infrastructure Renewal and Public Works – December 1, 2009

Item No. 2 Amendment to Sewer By-law No. 7070/97 to Remove Sections Pertaining to Private Wastewater Disposal Systems
eFile WW-2.3

STANDING COMMITTEE RECOMMENDATION:

On December 9, 2009, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and submits the following to Council:

1. That the by-law outlined as Attachment "A" to the report of the Winnipeg Public Serviced dated November 3, 2009, which amends provisions in the Sewer By-law No. 7070/97 respecting the installation, maintenance and abandonment of private wastewater disposal systems effective January 1, 2010, reflecting the fact that the Province of Manitoba has enacted regulations governing administration of private wastewater disposal systems within the City of Winnipeg, be enacted.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report - Standing Policy Committee on Infrastructure Renewal and Public Works – December 1, 2009

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 9, 2009, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On December 1, 2009, the Standing Policy Committee on Infrastructure Renewal and Public Works concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

ISSUE: AMENDMENT TO SEWER BY-LAW 7070/97 TO REMOVE SECTIONS PERTAINING TO PRIVATE WASTEWATER DISPOSAL SYSTEMS

Critical Path: The Standing Policy Committee on Infrastructure Renewal and Public Works, EPC, Council

AUTHORIZATION

Author	Department Head	CFO	CAO
K. Kjartanson, P. Eng. Manager, Environmental Standards	Barry D. MacBride, P. Eng. Director, Water and Waste Department	M Ruta	G Laubenstein

RECOMMENDATIONS

That Council enact an amending By-law (draft By-law attached as Attachment "A") which amends provisions in the Sewer By-law 7070/97 respecting the installation, maintenance and abandonment of private wastewater disposal systems effective January 1, 2010, reflecting the fact that the Province of Manitoba has enacted regulations governing administration of private wastewater disposal systems within the City of Winnipeg.

IMPLICATIONS OF THE RECOMMENDATIONS

The Province of Manitoba has recently amended the Onsite Wastewater Management Systems Regulation 83/2003. The amendments took effect on October 10, 2009. The amendments repealed the provision that exempted private wastewater disposal systems within the boundaries of the City of Winnipeg from the Regulation. The result is that the Province now has jurisdiction over septic fields, septic tanks and other forms of private wastewater disposal in the city.

With the Province having jurisdiction, the regulation of private wastewater disposal systems by the City is redundant. The differences between City and Provincial standards for private wastewater disposal systems are minimal. The Winnipeg public service has been in discussion with Provincial staff and has worked out the technical details so that administration of the program within the City will be taken over by the Province on January 1, 2010. Accordingly, the Winnipeg public service is recommending that City Council delete the sections of the By-law regulating private wastewater disposal systems.

In order for the City to implement this transfer, it is necessary to amend the Sewer By-law. The draft By-law, attached as Attachment "A" to this Report, sets out the proposed amendments.

HISTORY

The current Sewer By-law 7070/97 was approved by City Council in 1997. Several minor administrative adjustments have been approved by Council since that time. The Water and Waste Department is recommending that the sections regarding private wastewater disposal systems be removed from the By-law to reflect the fact that the Province of Manitoba has taken over administration of these systems.

FINANCIAL IMPACT

Financial Impact Statement **Date:** November 3, 2009

Project Name:

AMENDMENT TO SEWER BY-LAW 7070/97 TO REMOVE SECTIONS PERTAINING TO PRIVATE WASTEWATER DISPOSAL SYSTEMS

COMMENTS:

The revenue from the issuance of private wastewater disposal system permits amounted to about $4000 per year (account #444-481030-201561) and will not be received in 2010 and thereafter. The time of the Industrial Waste Services Inspector spent on the program which totalled about 0.75 FTE will be reallocated to other programs within the department such as grease trap enforcement.

"Original signed by L. Szkwarek, C.G.A."
Lucy Szkwarek, C.G.A.
Acting Manager of Finance & Administration

CONSULTATION

In preparing this Report there was consultation with:

Legal Services
Planning, Property and Development

SUBMITTED BY

Water and Waste Department
Environmental Standards Division
Prepared by: M. Marsland
Date: November 3, 2009
File No. 040-11-01-23-01

Attachment A

DRAFT

THE CITY OF WINNIPEG

BY-LAW NO.

A By-law of THE CITY OF WINNIPEG to amend the Sewer By-law.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Sewer By-law amended
1. The Sewer By-law No. 7070/97 is amended by this By-law.

Clause 11(1)(a) amended
2. Clause 11(1)(a) is amended by striking out "wastewater shall be connected to a private wastewater disposal system subject to conditions as herein provided" *and substituting* "wastewater shall be disposed of in a private wastewater disposal system in compliance with Provincial statutes and regulations".

Subsection 11(3) amended
3. Subsection 11(3) is amended by striking out "in accordance with this By-law" *and substituting* "in compliance with Provincial statutes and regulations*".*

Subsection 11(4) repealed
4. Subsection 11(4) is repealed.

Part 9 repealed
5. Part 9 is repealed.

Schedule "A" amended
6. Section 13 of Schedule "A" is repealed.

Effective date
7. This By-law comes into force on January 1, 2010.

DONE AND PASSED, this day of , 2009.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Director of Water and Waste

Approved as to form:

_____
For Acting City Solicitor/Manager of
Legal Services