Minutes - Executive Policy Committee - July 14, 2010

Minute No. 453
Report - Standing Policy Committee on Infrastructure Renewal and Public Works - July 13, 2010

Item No. 2 Enactment of new Sewer By-law to replace Sewer By-law No. 7070/97
eFile WS-5

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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 a new Sewer By-law to replace Sewer By-law No. 7070/97, shown as Appendix A to the report of the Winnipeg Public Service dated July 8, 2010, be enacted.

2. That the new Sewer By-law come into force on January 1, 2011.

3. That the fees and charges set out in Schedule A of the existing Sewer By-law be continued without change but be exclusively set out in the Fees and Charges Manual after the existing Sewer By-law has been replaced by the new By-law.

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

Report - Standing Policy Committee on Infrastructure Renewal and Public Works - July 13, 2010

DECISION MAKING HISTORY:

Moved by Deputy Mayor Swandel,

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Carried

Moved by Deputy Mayor Swandel,

That the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On July 13, 2010, 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: **Enactment of new Sewer By-law to replace Sewer By-law No. 7070/97**

Critical Path: **Standing Policy Committee on Infrastructure Renewal and Public Works – Executive Policy Committee – Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
M. A. Shkolny, P.Eng. Manager of Engineering	B. D. MacBride, P. Eng. Director, Water and Waste Department	M. Ruta	M. Ruta, Acting CAO

RECOMMENDATIONS

1. That Council approve and enact a new Sewer By-law (attached as Appendix A) to replace Sewer By-law 7070/97.

2. That the new Sewer By-law come into force on January 01, 2011.

3. That the fees and charges set out in Schedule A of the existing Sewer By-law be continued without change but be exclusively set out in the Fees and Charges Manual after the existing Sewer By-law has been replaced by the proposed new By-law.

4. That the proper officers of the City be authorized to do all things necessary to implement the foregoing.

REASON FOR THE REPORT

The existing Sewer By-law 7070/97 required change because it was out-of-date, difficult to understand and enforce, and needed upgrading to improve environmental stewardship and protection of public health.

IMPLICATIONS OF THE RECOMMENDATIONS

The new By-law will bring the City in line with current Provincial and Federal guidelines and standards. Appendix B is a summary of changes in the new By-law from the existing Sewer By-law 7070/97.

Key changes in the new By-law will have implications for some businesses, including increased costs and possible changes to manufacturing processes and products used in these processes.

The key changes include:

1. More comprehensive restrictions on discharging substances to the wastewater system (Schedules A and B of the By-law) and the land drainage system (Schedules C and D of the By-law).
2. Overstrength charges for new nitrogen and phosphorus limits under Item #1 will be implemented in the future to cover the costs of upgrades to meet Environment Act licence requirements for all three wastewater treatment plants. The City position is that nitrogen removal is not necessary. The requirement for nitrogen removal is still under review by the Province and its ultimate disposition will influence the determination of the overstrength charge.
3. A Pollution Prevention Program, requiring businesses in sectors determined by Council and in violation of Schedules A, B, C, and D of the By-law to prepare, submit and follow a Pollution Prevention Plan. The Pollution Prevention Program, designed to reduce or possibly eliminate pollutants of potential concern, will be phased in over a period of years based on business sectors. The only sector proposed to be included at this time is metal processing businesses (Schedule E of the By-law).
4. Removed the section providing credits and charges originally intended to equalize the cost to property owners connecting to a sewer for the first time when the sewer is not in the middle of the street. The previous credit or charge was based solely on the length of the sewer pipe in relation to centre line of the right-of-way. The main reasons for this change are:
    - with many factors contributing to the varying cost of installing a sewer, applying equalization credits/or charges no longer meets the original intent, and instead often creates unfairness and inequity, and
    - customers do not expect the City to offset their costs because their sewer pipe is a different length than their neighbour's sewer pipe on the opposite side of the street.

The new Sewer By-law will:

- better protect the City's sewer system from damage and service interruptions (e.g. blockages), and
- further protect and reduce potential impacts on the operation of the wastewater treatment plants.

The new By-law is written in user-friendly language, and follows the:

- recommendations made by the Clean Environment Commission in 2003 following public hearings,
- principles in a draft Model Sewer Use By-law produced by the Canadian Council of Ministers of the Environment to help municipalities develop sewer by-laws,
- trends in other Canadian cities, including Toronto,
- legislative by-law drafting style used by both the Province of Manitoba and the City of Winnipeg, and is consistent with *The City of Winnipeg Charter*.

In order to facilitate annual inflationary increases in fees, charges, surcharges, and deposits, as required by Council policy, these fees will no longer be set out in the By-law. Instead, they will be contained in the Fees and Charges Manual and increased by the rate of inflation annually. When larger increases are needed, these will be approved by Council resolution. <u>No new fees or fee increases are proposed in this report</u>.

Increased enforcement to ensure compliance with the revised Sewer By-law will require funds for two additional staff members to act as Pollution Prevention Inspectors and additional analyses to monitor for compliance with the By-law. These costs are shown in the Financial Impact Statement contained in this report.

HISTORY

Recommendations from the Clean Environment Commission stated that the City should update its By-law to:

- expand the list of restricted substances,
- prevent disposal of contaminants of concern,
- encourage treatment at source,
- improve enforcement of the By-law, and
- increase penalties for violations.

Public consultation respecting the new By-law was conducted in February 2010, and included:

- two public meetings, advertised by 1840 invitations, a news release, and newspaper ads in the Winnipeg Free Press and the Winnipeg Sun,
- a comprehensive web site containing the draft Sewer By-law along with relevant background documents,
- meetings with Manitoba Water Stewardship, Manitoba Conservation, the Canadian Restaurant and Food Services Association, and the Manitoba Restaurant & Food Services Association, and
- discussions with representatives from the swimming pool industry.

Following the public consultation, the By-law was revised to take into account stakeholder feedback, including:

- A recommendation that the discharge of swimming pool water into the land drainage system be allowed with certain restrictions. In response, this recommendation is accommodated in the new By-law.
- Concerns that grease trap licensing would impose an undue burden on restaurants and other food service establishments. In response, this requirement was removed from the By-law.
- Some stakeholders expressed concerns that the pollution prevention program was too onerous, while others stated this was a positive step for the City to be undertaking. In response, the program was modified.
- Recommendations that the section on food waste grinders be modified to reflect current practice (i.e., that food waste grinders comply with the performance standards set by the American Society of Sanitary Engineers and the horsepower rating reflect grinders commonly sold for household use). In response, this recommendation is accommodated in the new By-law.

FINANCIAL IMPACT

Financial Impact Statement

Date: July 8, 2010

Project Name:

NEW SEWER BY-LAW TO REPLACE SEWER BY- LAW 7070/97

First Year of Program **2011**

	2011	2012	2013	2014	2015
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ 133,559	$ 192,478	$ 198,097	$ 200,459	$ 202,868
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ 133,559	$ 192,478	$ 198,097	$ 200,459	$ 202,868
Less: Existing Budget Amounts	133,559	192,478	198,097	200,459	202,868
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: The financial impact includes two new Pollution Prevention Inspectors and additional costs for testing and enforcement related to the Pollution Prevention Program. Funding for this program will be included in the 2011-2013 operating budget submission.

"Original signed by L. Szkwarek, C.G.A."

Lucy Szkwarek, C.G.A.

Acting Manager of Finance and Administration

CONSULTATION

In preparing this report there was consultation with:

- Legal Services Department
- Key Stakeholders: Internal and External to the City (see the web site at winnipeg.ca/waterandwaste/sewage/projects/sewerBy-law/default.stm for a summary of the public consultation that was undertaken)

SUBMITTED BY

Department: Water and Waste Department
Division: Engineering Services Division
Prepared by: A. H. Permut, P.Eng. Wastewater Systems Planning Engineer
Date: July 8, 2010
File No. 020-11-01-51-01

Appendices


Appendix A Sewer By-Law.doc


Appendix B Summary of changes.doc



Water and Waste Department

Sewer By-law

CITY OF WINNIPEG
SEWER BY-LAW NO. XXXX/10

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SEWER BY-LAW

THE CITY OF WINNIPEG
BY-LAW NO. XXXX/XX

A By-law to regulate the use of the City of Winnipeg's wastewater system and land drainage system

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

PART 1

1.1 INTRODUCTION

1.1.1 Short Title

1 This By-law may be cited as the "Sewer By-law".

1.1.2 Definitions and interpretation

2(1) In this By-law:

"American Public Health Association" or **"APHA"** means the American Public Health Association founded in 1872, or any successor association.

"American Water Works Association" or **"AWWA"** means the American Water Works Association founded in 1881, or any successor association.

"biochemical oxygen demand" or **"BOD"** means the quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of 20 degrees Celsius.

"biosolids" means the digested and dewatered residual solid material resulting from the treatment of municipal sewage at a wastewater treatment facility.

"blowdown water" means recirculated water discharged from a cooling or heating water system to:

(a) control the level of water in the system; or

(b) discharge materials from the system which might otherwise build up and harm the operation of the system.

"Canadian Standards Association" or **"CSA"** means the Canadian Standards Association founded in 1919, or any successor association.

"catch basin" means an inlet to the land drainage system or the combined sewer system that is designed to capture sediment, debris and associated pollutants from incoming land drainage. A catch basin includes a sump, and may include a grate or curb inlet.

"City" means the municipal corporation of the City of Winnipeg.

"city" means land within the boundaries of the City of Winnipeg.

"combined sewer" means a common sewer that is designed to accept both wastewater and land drainage. It forms part of the wastewater system.

"combustible gas meter" means an instrument capable of determining the percentage of the lower explosive limit for a combustible gas or vapour in air.

"common sewer" means a wastewater sewer or combined sewer that:

(a) is designed to collect wastewater directly from private sewer service pipes; and

(b) is not an interceptor sewer.

"connecting" in the context of a property, means installing a private sewer service pipe to discharge wastewater or land drainage from a property into the wastewater sewer or land drainage sewer.

"cooling water" means water that is used to reduce temperature in an enclosed system.

"Department" means the Water and Waste Department.

"designated employee" means the Director of the Water and Waste Department and any employee of the City of Winnipeg who has been authorized by the Director to administer and enforce all or part of this By-law.

"Director" means the Director of the Water and Waste Department.

"Downspout Discharge Licence" means a licence issued under Part 8 of this By-law allowing drainage from a downspout to be discharged to a wastewater sewer.

"explosive" means a substance that is listed under Class 1 of *The Transportation of Dangerous Goods Act* (Canada).

"flammable liquid" has the same meaning as in regulations under *The Dangerous Goods Handling and Transportation Act* (Manitoba).

"flammable solid" has the same meaning as in regulations under *The Dangerous Goods Handling and Transportation Act* (Manitoba).

"food service establishment" means any place, other than a housing unit, where food is manufactured or prepared. Food service establishments include bakeries, restaurants, catering operations, retail food stores, hotels, commissaries, canteens, and temporary food service operations.

"gas (Class 2)" has the same meaning as in regulations under *The Dangerous Goods Handling and Transportation Act* (Manitoba).

"generator" means the person responsible for the generation of land drainage or wastewater and includes the owner and the occupant of property from which land drainage or wastewater enters the wastewater system or land drainage system.

"greywater" means untreated, used household water that does not contain human waste and does not come from a toilet or urinal. It includes water from:

(a) appliances, such as dishwashers or washing machines; and

(b) plumbing fixtures such as sinks, bathtubs and showers.

"groundwater" means water beneath the earth's surface that has accumulated through seepage.

"hauled wastewater" means wastewater transported by vehicle.

"hazardous waste" has the same meaning as in *The Dangerous Goods Handling and Transportation Act* (Manitoba).

"heating water" means water used to increase temperature in an enclosed system.

"housing unit" means a residence, with cooking facilities, designed for an individual or a family. It includes single-family homes, duplexes, apartments, condominiums, but not hotels, hostels, or residential care facilities.

"infectious or toxic" has the same meaning as in *The Dangerous Goods Handling and Transportation Act* (Manitoba).

"interceptor" means a receptacle or trap installed to intercept and separate specific material and prevent it from passing into a land drainage system or a wastewater system.

“interceptor sewer” means a sewer:

(a) designed to carry wastewater from common sewers to a wastewater treatment plant and not to collect wastewater from private sewer service pipes; and

(b) that has been designated as such by the Director.

“land drainage” means water that has not been mixed with wastewater, including:

(a) surface water, including rainwater and snowmelt; and

(b) groundwater, including water from weeping tiles and well water.

“Land Drainage Discharge Licence” means a licence issued under Part 8 of this By-law that allows the discharge of land drainage into a wastewater sewer.

“land drainage sewer” means a sewer that carries only land drainage.

“land drainage system” means all City works and processes for collecting, controlling, carrying and disposing of land drainage, including ditches, swales, land drainage sewers, street gratings, catch basins, manholes, stormwater retention basins, pump stations, control weirs, gates, and associated works and overflow structures. It does not include private sewer service pipes.

“landfill leachate” means the liquid containing dissolved or suspended contaminants produced by solid waste or by water passing through solid waste.

“lower explosive limit” means the lowest concentration of vapour or gas in air that will explode or burn when ignited.

“natural oil and grease” means fats, waxes or oils from animal or vegetable sources.

“non-conforming private sewer service pipe” means a private sewer service pipe not connected to an adjacent common sewer.

"nonylphenols" means the total of nonylphenols and t-octylphenol as analyzed by liquid chromatography-mass spectrometry (LC-MS).

"nonylphenol ethoxylates" means the total of nonylphenol ethoxylates, as analyzed by liquid chromatography-mass spectrometry (LC-MS), including nonylphenol diethoxylates, nonylphenol monoethoxylates, nonylphenol triethoxylate, t-octylphenol diethoxylate, t-octylphenol monoethoxylate, and t-octylphenol triethoxylate.

“on-site wastewater management system” has the same meaning as in the *On-site Wastewater Management System Regulation*, Manitoba Regulation 83/2003.

“overstrength wastewater” means wastewater which contains substances with concentrations that exceed the limits set out in Schedule B.

“Overstrength Discharge Licence” means a licence issued under Part 7 of this By-law that permits the discharge of overstrength wastewater.

“owner”, unless otherwise stated, means an owner of real property as defined in *The City of Winnipeg Charter*.

“oxidizing substance and organic peroxide” has the same meaning as in regulations under *The Dangerous Goods Handling and Transportation Act* (Manitoba).

“person” means an individual, firm, partnership, association or other body, whether incorporated or unincorporated.

“pesticide” means a product registered under the *Pest Control Products Act* (Canada).

“phenolics” means the total of all phenolic compounds as determined by the 4-aminoantipyrine method (4AAP method).

“private land drainage system” means works or processes for collecting, controlling, carrying or disposing of land drainage that are not owned or operated by the City.

“private sewer service pipe” means a pipe, or system of pipes, and related components which carries wastewater or land drainage underground from its source on private property to the wastewater system or the land drainage system. It includes a non-conforming private sewer service pipe.

"property" means all or part of real property identified on a street address.

“quarter” means a period of three consecutive months.

“radioactive material” means a substance listed under Class 7 in the *Transportation of Dangerous Goods Act (Canada)***.**

“regular working hours” means Monday to Friday, 8:30 a.m. to 4:30 p.m., except holidays that are recognized in the current collective agreement between the City and the Canadian Union of Public Employees.

“residential”, in relation to land, means properties on which single-family, two-family and multiple-family dwellings are located, except where otherwise specified.

“Service Permit” means a permit issued under section 21.

“sewage” means liquid wastes from residential, industrial, commercial, or institutional sources.

“sewer” means a pipe that:

(a) accepts wastewater or land drainage or both; and

(b) is part of either the wastewater system or the land drainage system.

It does not include a private sewer service pipe.

"Sewer Contractor's Licence" means a licence issued by a designated employee under Part 4 of this By-law that authorizes a contractor to work on a private sewer service pipe, the wastewater system, or the land drainage system.

“sewer rate” means the price per cubic metre established by City Council used to calculate the sewer charge.

“single-family or two-family property” means a property on which a single-family or two-family dwelling is located, but not a property on which a multiple-family dwelling is located.

“spill” means an accidental, abnormal or inadvertent discharge that:

(a) violates this By-law; and

(b) has entered or could enter the wastewater or land drainage systems.

“Standard Construction Specifications” means the current edition of the *City of Winnipeg Standard Construction Specifications* posted on the City’s web site.

“*Standard Methods for the Examination of Water and Wastewater*” means the current edition of *Standard Methods for the Examination of Water and Wastewater* as published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

“street” has the same meaning as in *The City of Winnipeg Charter* and includes roadways, sidewalks, ditches, and boulevards.

“Sump Pump Discharge Licence” means a licence issued under Part 8 of this By-law allowing the sump pit water to be discharged to a wastewater sewer.

“swimming pool water” means water from swimming pools, wading pools, hot tubs, or spas.

“synthetic or petroleum oil and grease” means fats, waxes or oils that are not natural oil or grease.

“total nitrogen” means the sum of ammonia, nitrite, nitrate, and organic nitrogen.

"total polycyclic aromatic hydrocarbons" means the total of acenaphthene cenaphthylene, acridine, anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(b&j)fluoranthene, benzo(ghi)perylene, benzo(k)fluoranthene, chrysene, dibenzo(ah)anthracene, fluoranthene, fluorene, indeno(1,2,3 cd)pyrene, 1-methyl naphthalene, 2- methyl naphthalene, naphthalene, phenanthrene, pyrene and quinoline.

“total phosphorus” means the sum of all forms of phosphorus in a substance.

“total polychlorinated biphenyls” means the sum of all chlorobiphenyls that have more than two chlorine atoms. Total polychlorinated biphenyls are reported as Aroclor types.

“total purgeable hydrocarbons” means the sum of all volatile hydrocarbon compounds with carbon numbers up to C10 in a substance, and includes volatile aromatics.

“total semivolatile hydrocarbons” means the sum of all hydrocarbons with a carbon number from C11 to C20 in a substance.

“total suspended solids” or “**TSS**” means the total amount of solids per litre in wastewater retained by a filter.

“wastewater” means a mixture of water and water-carried waste. It includes:

(a) sewage;

(b) greywater;

(c) swimming pool water;

(d) heating water;

(e) cooling water;

(f) land drainage that contains any of the substances set out in Schedule C or contains substances with concentrations that exceed the limits set out in Schedule D; and

(g) any water that has come into contact with sewage, greywater, swimming pool water, heating water, or cooling water.

“Wastewater Discharge Licence” means a licence issued under Part 7 of this By-law that permits the discharge of wastewater into the land drainage system.

“Wastewater Disposal Vehicle Licence” means a licence issued under Part 10 of this By-law for a vehicle used to discharge hauled wastewater.

“wastewater sewer” means a sewer that carries only wastewater. It includes a common sewer and an interceptor sewer.

“wastewater system” means all City works and processes for collecting, storing, carrying, pumping, treating or disposing of wastewater. It does not include private sewer service pipes.

“Water and Waste Department” means the department of the City responsible for collecting and treating wastewater and managing land drainage.

“Water Environment Federation” or **“WEF”** means the Water Environment Federation headquartered in Alexandria, Virginia, or any successor organization.

“waterway” means a body of water located on public property, and includes:

(a) a river, stream, creek, canal, ditch, swale, water channel, pond or stormwater retention basin, whether natural, constructed or altered; and

(b) the frozen surface or bed of a river, stream, creek, canal, ditch, swale, water channel, pond or stormwater retention basin.

“weeping tiles” means a system for collecting or carrying groundwater around a building.

"work" includes the act of:

(a) installing, abandoning, altering, enlarging, repairing or renewing all or part of a private sewer service pipe, the wastewater system or the land drainage system; or

(b) connecting a private sewer service pipe to the wastewater system or land drainage system.

2(2) For the purposes of the definitions set out in section 2, quantities of substances are determined in accordance with tests and expressed in units of measurement set out in *Standard Methods for the Examination of Water and Wastewater*.

PART 2

1.2 AUTHORITY

1.2.1 Inspecting and enforcing the By-law

3(1) Designated employees may conduct inspections, administer and enforce this By-law, or remedy a violation of this By-law. For these purposes, they have the powers of a designated employee under *The City of Winnipeg Charter*.

3(2) The powers given to designated employees in subsection (1) include the authority, after giving reasonable notice, to:

(a) enter upon private property at any reasonable time;

(b) inspect meters provided by the City of Winnipeg or private meters installed under sections 88, 90 and 91; and

(c) collect and analyze samples of:

i) wastewater;

ii) land drainage; or

iii) matter being discharged, or capable of being discharged, into the wastewater system or land drainage system.

1.3

3(3) The powers given to designated employees in subsection (1) include the power to prevent or stop a vehicle from discharging hauled wastewater into a discharge point if there are reasonable grounds to believe that the discharge will violate or is violating the By-law, including conditions placed on a Wastewater Disposal Vehicle Licence.

1.3.1 Authority to control flooding

4 Despite any other provision of this By-law, a designated employee may allow or cause wastewater or land drainage to flow into a waterway in order to control flooding.

1.3.2 Emergency entries allowed

5 In an emergency that affects human health or safety, property, or the environment, a designated employee may enter a property without notice to:

(a) inspect, block, maintain or remove any sewer, or anything connected to it;

(b) construct, repair or enlarge dikes;

(c) take other actions to meet the emergency and to eliminate or reduce its effects.

PART 3

1.4 GENERAL

1.4.1 Monitoring requirements

6 Where an access point is necessary to observe, sample or measure wastewater, at the direction of a designated employee, the owner or occupant of a property must:

(a) construct or install a suitable access point, following plans and specifications approved by the designated employee; and

(b) maintain the access point in a safe condition and ensure that it is accessible to a designated employee at all reasonable times.

1.4.2 Sampling and analytical requirements

7(1) All measurements, tests and analyses required or authorized under this By-law must follow the *Standard Methods for the Examination of Water and Wastewater*.

7(2) If *Standard Methods for the Examination of Water and Wastewater* does not contain an appropriate test or analysis, a designated employee is authorized to determine one.

7(3) If more than one procedure, test or analysis is set out in *Standard Methods for the Examination of Water and Wastewater*, a designated employee is authorized to determine which one to use.

7(4) Samples must be taken at an access point, or other location determined by a designated employee.

7(5) When making a determination under subsection (2), (3) or (4), the designated employee must take into account:

(a) cost and practicality; and

(b) the accuracy of the result.

7(6) In the absence of evidence to the contrary, samples taken from wastewater discharged from a property are presumed to be characteristic of all of the wastewater discharged into the wastewater system from that property.

1.4.3 Record search

8(1) Upon payment of the applicable fee, the property owner or agent is entitled to receive the current account status or account history for the property for the previous five years. If available, additional years of account history may be provided upon payment of the applicable fee.

8(2) Upon payment of any applicable fee, any person is entitled to receive the following information to the extent that it is not prohibited from being released by *The Freedom of Information and Protection of Privacy Act*:

(a) the results of an environmental record search, including:

i) contraventions of this By-law or its predecessor By-laws contained in non-archived records maintained by the Department;

ii) outstanding compliance orders under this By-law or its predecessor; and

iii) records of spills contained in non-archived records maintained by the Department;

(b) the location of private sewer service pipes and common sewers, and other similar information known to the Department;

(c) information about a property's service agreement for water and sewer services.

1.4.4 Permits, licences and authorizations

9(1) When a permit, licence or authorization is required by or under this By-law, a designated employee may issue or renew the permit, licence or authorization if:

(a) the applicant provides the information required to assess the application;

(b) the applicant pays the applicable fee for the permit, licence or authorization; and

(c) the application meets the requirements set out in this By-law.

9(2) A designated employee must not renew a permit, licence or authorization if the applicant's existing permit, licence or authorization:

(a) is suspended; or

(b) has been cancelled and the period of time referred to in subsection 10(5) has not expired.

9(3) A designated employee may issue or renew a permit, licence or authorization, with or without conditions, for either an indefinite or a limited period of time.

9(4) If a designated employee imposes conditions on a licence, permit or authorization under subsection (3), the conditions:

(a) must be related to:

i) the criteria for issuing the permit, licence or authorization; or

ii) administering or enforcing this By-law; and

(b) may take into account the previous relevant conduct of the applicant.

9(5) Conditions imposed under clause 9(4)(a) may include the requirement that the holder of the licence, permit or authorization indemnify the City for loss, harm, damage and other consequences that could result from actions taken under the licence, permit or authorization.

9(6) The holder of a permit or authorization must comply with any conditions imposed on the permit, licence or authorization.

9(7) It is a condition of any permit, licence or authorization issued under this By-law that the applicant consent to the entry of a designated employee to the property at any reasonable time, without notice, in order to conduct an inspection or otherwise administer or enforce this By-law.

9(8) Subject to different requirements imposed as a condition of the permit, licence or authorization, the holder of the permit, licence or authorization must, within ten business days, inform a designated employee of any changes to the information submitted in the application, and a failure to do so voids the permit, licence or authorization.

1.4.5 Suspending and cancelling a permit, licence or authorization

10(1) In this section and section 11:

"suspension" means that the permit, licence or authorization is temporarily ineffective for a specified period of time.

"cancellation" means that the permit, licence or authorization no longer exists and the person must reapply for a new permit, licence or authorization in order to legally carry out the activity for which a permit, licence or authorization is required.

10(2) Unless otherwise specified in this By-law or in the licence, permit or authorization, a licence, permit or authorization is automatically:

(a) suspended if fees associated with the permit, licence or authorization have been outstanding for more than 30 days;

(b) cancelled if the fees associated with the permit, licence or authorization have been outstanding for more than 60 days.

10(3) A designated employee may suspend or cancel a permit, licence or authorization if:

(a) the holder of the permit, licence or authorization has failed to comply with this By-law, the Water Works By-law, the Lot Grading By-law, other relevant legislation, or conditions imposed on the licence, permit or authorization;

(b) the applicant provided false or misleading information in the application that had an effect on the decision to grant the permit, licence or authorization;

(c) the past conduct of the holder of the permit, licence or authorization creates a reasonable concern that the authorized activity will not comply with this By-law, another by-law, other relevant legislation, or conditions imposed on the licence, permit or authorization; or

(d) an activity authorized by the permit, licence or authorization poses a risk to human health or safety, property, or the environment.

10(4) Before suspending or cancelling a permit, licence or authorization under subsection (3), the designated employee must:

(a) notify the holder of the permit, licence or authorization in writing that suspending or cancelling the permit, licence or authorization is being considered;

(b) provide in writing the reasons why suspending or cancelling the permit, licence or authorization is being considered; and

(c) give the holder of the permit, licence or authorization a reasonable opportunity to be heard.

10(5) If a designated employee decides to cancel a permit, licence or authorization, he or she must identify a date before which, or a time frame within which, the holder is not permitted to reapply for the permit, licence or authorization.

10(6) A decision concerning the suspension or cancellation of a permit, licence or authorization must be sent to the holder of the permit, licence or authorization in accordance with *The City of Winnipeg Charter* and is subject to appeal to the Standing Policy Committee on Infrastructure Renewal and Public Works.

1.4.6 Emergency suspensions of a permit, licence or authorization

11(1) A designated employee may, without notice and without a hearing, suspend a permit, licence or authorization for up to 30 days if an activity authorized by the permit, licence or authorization poses an immediate and substantial risk to human health or safety, property, or the environment. After imposing an emergency suspension, the designated employee must:

(a) immediately notify the holder of the permit, licence or authorization:

i) of the suspension;

ii) of the date the suspension will expire;

iii) of the reasons why the designated employee has concluded that the activity authorized by the permit, licence or authorization poses an immediate and substantial risk to human health or safety, property, or the environment; and

iv) of the actions that must be taken or circumstances that must exist, if any, that will result in the suspension being lifted before the expiration date;

(b) lift the suspension as soon as the immediate and substantial risk to human health or safety, property, or the environment no longer exists.

11(2) A designated employee may, without notice and without a hearing, suspend a permit, licence or authorization for up to 30 days if the information submitted in the application was incorrect and, had the correct information been known, the permit, licence or authorization would not have been issued. After imposing an emergency suspension, the designated employee must:

(a) immediately notify the holder of the permit, licence or authorization:

i) of the suspension;

ii) of the date the suspension will expire; and

iii) of the incorrect information submitted in the application;

(b) lift the suspension if it was imposed in error.

11(3) Unless it is lifted earlier by the designated employee, an emergency suspension imposed under this section expires 30 days after it has been imposed. However, if the designated employee is considering imposing a suspension or cancellation under section 10 and the holder of the licence, permit or authorization requests that his or her opportunity to be heard be deferred to a date beyond the 30 day period, the designated employee may extend the suspension for up to an additional 60 days to accommodate this request.

1.4.7 Cost of complying with this By-law

12 Wherever an obligation is imposed on a person by this By-law, the cost of complying is the responsibility of that person, and not the City.

1.4.8 Responsibility for complying with this By-law

13(1) Unless an obligation or requirement is imposed on a particular person, the obligations and requirements set out in this By-law apply to every person.

13(2) If there is a requirement placed on a person by this By-law:

(a) an agent may act on behalf of that person to meet the requirement; but

(b) the person is responsible to meet the requirement even if an agent is acting on his or her behalf.

13(3) A requirement imposed by this By-law on a generator of wastewater or land drainage, including an owner or occupant of property, includes the obligation not to permit the requirement to be violated by another person.

1.4.9 Dilution prohibited

14(1) A person must not dilute wastewater or land drainage with water or any other material in order to comply with the discharge limits set out in this By-law unless a designated employee has given written permission for the dilution.

14(2) A designated employee may not grant written permission for wastewater or land drainage to be diluted if the substance being diluted is subject to a surcharge under this By-law or if the diluted discharge is likely to:

(a) pose a risk of harm to human health or safety, property, or the environment;

(b) interfere with the operation or maintenance of the wastewater system or the land drainage system;

(c) damage the wastewater system or the land drainage system;

(d) prevent the City from meeting limits imposed by the Province of Manitoba or Government of Canada for disposal of liquid to waterways or of biosolids to land.

14(3) Where wastewater or land drainage has been diluted in violation of subsection (1), the owner or occupant of the property from which the diluted wastewater is being discharged is responsible for the contents of the wastewater as if it had not been diluted.

1.4.10 Restrictions on withdrawing wastewater

15(1) A person must not withdraw or use wastewater from the wastewater system without the written permission of a designated employee.

15(2) A designated employee may grant written permission for wastewater to be withdrawn from the wastewater system for legitimate scientific study, if the samples can be taken and used at minimal risk to human health and safety, property, and the environment.

15(3) A designated employee may impose conditions on a permission issued under subsection (1).

1.4.11 Restrictions on withdrawing land drainage

16(1) A person must not use or withdraw land drainage from the land drainage system without the written permission of a designated employee.

16(2) Permission under subsection (1) must not be provided if, in the opinion of the designated employee, the withdrawal:

(a) poses a risk of harm to human health or safety, property, or the

environment; or

(b) would adversely affect the water level of the land drainage system.

16(3) A designated employee may impose conditions on a permission issued under subsection (1), including a condition that the applicant restore the land drainage system to its original condition after the withdrawal.

1.4.12 Fees, rates, charges and deposits

17(1) Fees, rates, charges, surcharges, and deposits referred to in this By-law:

(a) must be established by City Council or by authority delegated by City Council, or calculated in accordance with this By-law;

(b) are subject to inflationary increases authorized by the Fees and Charges By-law;

(c) may be set out in the Fees and Charges Manual referred to in the Fees and Charges By-law.

17(2) The Director may determine when invoices and bills are issued.

17(3) Invoices and bills must be paid within 30 days of being issued.

17(4) A late payment charge in the form of interest payable at a rate determined by City Council is imposed on the outstanding balance of a fee, rate or charge that is not paid as required in subsections (1) and (3). The fee is imposed on the outstanding balance, including the amount of the late payment charge, for every 30-day period that a fee, rate or charge is overdue.

1.4.13 Payment locations

18 The Director is authorized to designate locations at which bill payments may be made.

PART 4

1.5 SEWER CONTRACTOR'S LICENCE REQUIREMENTS

1.5.1 Sewer Contractor's Licence required

19 Only a designated employee or a person holding a valid Sewer Contractor's Licence may work on a private sewer service pipe, the wastewater system, or the land drainage system.

1.5.2 Licence requirements

20(1) A designated employee may issue an initial annual Sewer Contractor's Licence only if an applicant:

(a) meets the requirements of section 9; and

(b) demonstrates that he or she can satisfactorily perform the work for which the licence is being issued.

20(2) A designated employee must not issue a Sewer Contractor's Licence unless the applicant agrees, in a written form approved by the City Solicitor, to indemnify the City against any lawsuits or other claims for damages resulting from the work done by the applicant or the applicant's employees or agents on the wastewater system, the land drainage system, or a private sewer service pipe.

20(3) A designated employee must not issue a Sewer Contractor's Licence until the applicant files with the Chief Financial Officer of the City a Certificate of Insurance demonstrating that the licence holder has in place a commercial general liability insurance policy in an amount determined by the Director to be sufficient to address the risk to the City and which includes:

(a) the City as an additional insured;

(b) evidence of cross liability;

(c) contractor's equipment cover;

(d) products and completed operations cover;

(e) 15 days notice of cancellation; and

(f) deductible to be paid by the contractor.

20(4) The Sewer Contractor's Licence is immediately void if the insurance policy required by subsection (3) is not maintained.

PART 5

1.6 CONSTRUCTION REQUIREMENTS

1.6.1 Authorization and Service Permit required to install or reuse private sewer service pipe or private land drainage system

21(1) A person must not install a new private sewer service pipe or reuse an existing private sewer service pipe unless the owner has applied for, and a designated employee has authorized, the installation in accordance with section 9.

21(2) A licensed contractor must not do any work on the wastewater system, land drainage system, private land drainage system or a private sewer service pipe unless a Service Permit which authorizes the licensed contractor to carry out the work has been issued in accordance with section 9.

21(3) In deciding whether or not to issue an authorization under subsection (1) or a Service Permit under subsection (2), the designated employee must take into account the impact of the work on the wastewater or land drainage system.

21(4) Where the work being authorized in subsections (1) or (2) could have a significant impact on the wastewater system or land drainage system, as a condition of the authorization or Service Permit, a designated employee may require a property owner to submit a record drawing showing the completed work.

1.6.2 Complying with construction standards required

22(1) A Service Permit holder must ensure that work on the wastewater system, land drainage system, private land drainage system or private sewer service pipe meets the standards set out in the *Standard Construction Specifications*.

22(2) Despite subsection (1), a designated employee may authorize in writing a variation to the *Standard Construction Specifications* if the variation meets the intent of the *Standard Construction Specifications*. Where the designated employee has authorized a variation, the Service Permit holder must comply with the variation.

22(3) As well as complying with subsection (1) or (2), a Service Permit holder doing the work must follow directions and requirements imposed by a designated employee to minimize risks to human health and safety, property, and the environment.

1.6.3 Inspection required before backfilling

23(1) A Service Permit holder must not backfill an excavation unless a designated employee has inspected and approved the work.

23(2) Where an excavation is backfilled prior to an inspection, a designated employee may require the work to be exposed so that the inspection can take place.

23(3) Where a designated employee identifies a deficiency during an inspection, the Service Permit holder must not backfill the excavation until he or she has:

(a) remedied the deficiency;

(b) paid any applicable inspection fees; and

(c) received approval from the designated employee following a reinspection of the work.

1.6.4 Requirements for abandoning or reusing private sewer service pipes when buildings are demolished or moved

24(1) In this section and in section 25:

"demolish" means to remove or destroy the entire building, including its foundation.

24(2) Before demolishing a building that has a private sewer service pipe, the applicant for a demolition permit under the Winnipeg Building By-law must pay a deposit established by City Council. The deposit must be in the form of cash, a certified cheque, a letter of credit, or any other method of payment acceptable to the Director.

24(3) No interest is payable on a deposit provided under subsection (2).

24(4) Within 18 months after a building has been demolished or moved, the current owner must:

(a) reuse the private sewer service pipe after complying with section 26; or

(b) ensure that the private sewer service pipe is abandoned as required by the *Standard Construction Specifications*.

24(5) If the current owner fails to comply with subsection (4), a designated employee may abandon the private sewer service pipe as required by the *Standard Construction Specifications* and may use the deposit, required by subsection (2), to cover the cost of doing so.

24(6) When a private sewer service pipe has been reused or abandoned as required, the designated employee must return the deposit, or the unused part of the deposit, to the applicant at the request of the applicant.

Requirements for blocking unused private sewer service pipes

25 To prevent any flow or material from entering the sewer, the owner must ensure that the private sewer service pipe is blocked and remains blocked in a manner acceptable to a designated employee, or has been abandoned as required by the *Standard Construction Specifications*, if:

(a) a building has no superstructure; or

(b) a building that has a private sewer service pipe has been demolished.

1.6.5 Requirements for reusing private sewer service pipes

26(1) Before an owner reuses a private sewer service pipe as allowed by section 24, he or she must obtain authorization from a designated employee.

26(2) A designated employee must not issue an authorization unless he or she is satisfied that the private sewer service pipe is in good working order.

PART 6

1.7 CONNECTION REQUIREMENTS

1.7.1 Responsibility for complying with this Part

27 The generator of wastewater or land drainage and any contractor doing work on the property are each responsible for meeting the requirements of this Part.

1.7.2 All properties to be connected to wastewater sewer

28(1) Subject to subsection (2) and section 29, wastewater from a property must be discharged through a private sewer service pipe to the common sewer adjacent to the property.

28(2) If there is no common sewer adjacent to a property, wastewater must be discharged:

(a) to an on-site wastewater management system in compliance with Provincial statutes and regulations;

(b) through a non-conforming private sewer service pipe to a wastewater sewer in compliance with subsection 29(2) at a point that is approved by a designated employee; or

(c) in compliance with an authorization under section 30.

28(3) A meter must be installed in compliance with sections 90 or 91 on any property that discharges wastewater to the wastewater system.

1.7.3 Requirements for non-conforming private sewer service pipes

29(1) Unless authorized by a designated employee, a private sewer service pipe must not be connected to:

(a) an interceptor sewer; or

(b) a wastewater sewer that is not fronting or adjacent to the property.

29(2) A designated employee may authorize a private sewer service pipe to be connected to an interceptor sewer or to a wastewater sewer that is not fronting or adjacent to the property only if there is no wastewater sewer adjacent to the property and if the property owner:

(a) pays in advance the connection charge referred to in section 35;

(b) agrees to accept full responsibility for, and to indemnify the City against, any damage, loss or expense as a result of the construction, existence or abandonment of the non-conforming private sewer service pipe; and

(c) agrees to pay the annual sewer maintenance assessment (frontage tax) as approved by City Council, once the non-conforming private sewer service pipe is connected to the wastewater sewer or interceptor sewer.

1.7.4 Temporary above-ground wastewater connections permitted

30 A designated employee may, in writing, authorize wastewater to be discharged to the wastewater system through pipes, hoses or pumps located above ground on a temporary basis where:

(a) the wastewater system is able to accommodate the discharge; and

(b) where it will not pose a risk to human health or safety, property, or the environment.

1.7.5 Property to be connected to land drainage sewer or combined sewer

31 Land drainage from all properties must be discharged through a private sewer service pipe connected to a land drainage sewer or combined sewer unless:

(a) the property is a single-family or two-family property;

(b) a designated employee has authorized otherwise under sections 32, 57, 58, 59, or 61(2); or

(c) there is no land drainage sewer or combined sewer adjacent to the property.

1.7.6 Temporary above-ground land drainage connections permitted

32 A designated employee may, in writing, authorize land drainage from other than a single-family or two-family property to be discharged above ground through pipes, hoses, trenches or pumps on a temporary basis where:

(a) the land drainage system or wastewater system is able to accommodate the discharge; and

(b) the discharge will not pose a risk to human health or safety, property, or the environment.

1.7.7 Property previously served by on-site wastewater management system

33 Before a property previously served by an on-site wastewater management system is connected to the wastewater system, the owner must ensure that a water meter or wastewater meter is installed and is approved, inspected and sealed by a designated employee.

1.7.8 Requirement to abandon a non-conforming private sewer service pipe and connect to the wastewater system

34(1) The owner of a property served by a non-conforming private sewer service pipe must, immediately upon being notified of this obligation by a designated employee:

(a) connect the property to the wastewater sewer in compliance with this By-law; and

(b) abandon the non-conforming private sewer service pipe as required by the *Standard Construction Specifications* and in compliance with directions from a designated employee.

34(2) A designated employee must notify the owner of a property served by a non-conforming private sewer service pipe under subsection (1) when a common sewer is installed adjacent to the property.

34(3) A designated employee must notify the owner of a property served by a non-conforming private sewer service pipe under subsection (1) if the non-conforming private sewer service pipe:

(a) has collapsed or there is a structural defect or blockage so that it is not functioning;

(b) is interfering with the operation or maintenance of the wastewater system or the land drainage system; or

(c) is interfering with activities or development on nearby properties.

34(4) A designated employee who issues an order under section 184 of *The City of Winnipeg Charter* to the owner of property who has failed to comply with subsection (1) must, in the order, specify a time of at least 18 months for compliance with the order.

34(5) An order issued by a designated employee under section 184 of *The City of Winnipeg Charter* may be registered by way of caveat against the property in the land titles office under subsection 184(3) of *The City of Winnipeg Charter*.

1.7.9 Connection charge

35(1) In this section:

> **"charge"** means a fee equivalent to the rate for calculating local improvement taxes under the Local Improvement Regulation By-law that was in force at the time the property was required to be connected to the wastewater sewer, multiplied by the frontage feet of the property on which the charge is being imposed.

35(2) Subject to subsection (3), if no charge has ever been imposed on a property, the owner of the property must, at the time of connecting the property to the wastewater sewer, pay the charge, calculated on the basis of the current rate for calculating local improvement taxes under the Local Improvement Regulation By-law.

35(3) No charge is payable in respect of a property when:

(a) a wastewater sewer has been installed adjacent to a property as a condition of a subdivision or other agreement; and

(b) the agreement affects the property.

1.7.10 Owner responsible for private sewer service pipe

36(1) The owner of a property is responsible for installing and maintaining in good working order every private sewer service pipe serving that property.

36(2) Subject to section 37, the owner of a property is responsible for repairing or replacing a private sewer service pipe serving that property.

36(3) Where two or more properties share a private sewer service pipe, the owner of each property is responsible for complying with the obligations of an owner under this By-law.

36(4) In complying with the obligations imposed by subsections (1) and (2) to install, maintain, repair, or replace a private sewer service pipe, the owner must use the services of a sewer contractor licensed under this By-law.

1.7.11 Repair and replacement of pipe under street

37(1) Despite section 36, the Director must arrange and pay for repairing or replacing the part of a private sewer service pipe carrying only wastewater if the property owner can demonstrate to the satisfaction of the designated employee that a blockage in the private sewer service pipe is located under a street and:

(a) cannot be cleared satisfactorily by auguring from within the property; or

(b) is due to a structural failure in the private sewer service pipe.

37(2) In determining whether subsection (1) is applicable, the designated employee may take into account:

(a) evidence that at least two different sewer cleaning contractors have been unsuccessful in clearing a blockage under a street by auguring from within the property;

(b) evidence that at least four sewer cleanings, two within the previous nine months, have been required to clear a blockage under a street that has been caused by a structural failure in the private sewer service pipe; or

(c) a video inspection demonstrating that the private sewer service pipe has collapsed or is otherwise blocked so that it is not functioning and an excavation is required.

37(3) In making a determination under subsection (1), an authorized employee may require a City employee to be present at an attempt to clear any blockage in, or during a video inspection of, the private sewer service pipe.

37(4) The obligation of the Director to act under subsection (1) does not apply to:

(a) cleaning or other maintenance required for a private sewer service pipe;

(b) a non-conforming private sewer service pipe; or

(c) any part of a private sewer service pipe that has been installed or replaced within the previous 12 months.

1.7.12 Interconnection of wastewater and land drainage private sewer service pipes prohibited

38 The owner of property and a person doing the work must not allow a private sewer service pipe carrying wastewater to be connected with a private sewer service pipe carrying land drainage.

PART 7

1.8 DISCHARGES OF WASTEWATER

1.8.1 Responsibility for complying with this Part

39 The generator of wastewater is responsible for ensuring that the wastewater being discharged meets the requirements of this Part.

1.8.2 Wastewater must be discharged to wastewater system

40 Unless otherwise authorized in this Part, wastewater must be discharged only to the wastewater system.

Wastewater discharges to wastewater system restricted

41(1) Except as authorized by an Overstrength Discharge Licence or a Wastewater Discharge Licence, a person must not discharge or allow the discharge of wastewater into the wastewater system, if to do so is likely to:

(d) pose a risk of harm to human health or safety, property, or the environment;

(e) interfere with the operation or maintenance of the wastewater system or the land drainage system;

(f) damage the wastewater system or the land drainage system;

(g) restrict the flow in the land drainage system or the wastewater system;

(e) cause an unusual and offensive odour to be given off from the land drainage system or the wastewater system; or

(f) prevent the City from meeting limits imposed by the Province of Manitoba or Government of Canada for disposal of liquid to waterways or of biosolids to land.

41(2) Except as authorized by an Overstrength Discharge Licence or a Wastewater Discharge Licence, a person must not discharge or allow the discharge of wastewater into the wastewater system if it contains:

(a) any of the substances set out in Schedule A; or

(b) substances with concentrations that exceed the limits set out in Schedule B.

1.8.3 Wastewater Discharge Licence required

42(1) A person must not discharge wastewater into the land drainage system unless a designated employee has, in accordance with section 9, issued a Wastewater Discharge Licence or an authorization permitting the discharge.

42(2) Unless a Wastewater Discharge Licence specifically permits a particular substance or a particular concentration of a substance to be discharged, a person must not discharge wastewater into the land drainage system if it contains:

(a) any of the substances set out in Schedule C; or

(b) substances with concentrations that exceed the limits set out in Schedule D.

42(3) A designated employee must not issue a Wastewater Discharge Licence to a person if permitting the discharge would:

(a) pose a risk of harm to human health or safety, property, or the environment;

(b) interfere with the operation or maintenance of the wastewater system or the land drainage system;

(c) damage the wastewater system or the land drainage system; or

(d) restrict the flow in the land drainage or wastewater system.

42(4) In addition to the reasons set out in Part 3 for suspending or cancelling a licence, a Wastewater Discharge Licence may be suspended or cancelled if the designated employee concludes that the wastewater cannot be accommodated and treated within the wastewater system or the land drainage system.

1.8.4 Discharge rate limits

43(1) In order to prevent the wastewater system from being overloaded, a designated employee may require the generator of wastewater to limit the rate of discharge of wastewater to the wastewater sewer. The generator of wastewater must comply with such a requirement.

43(2) Subsection (1) does not apply to a discharge from a single-family or two-family property, except for the discharge of swimming pool water.

43(3) If a designated employee imposes a limit under subsection (1), the generator must construct and maintain a discharge control device acceptable to the designated employee.

1.8.5 Overstrength Discharge Licence required

44(1) The generator must not allow wastewater to be discharged into the wastewater system if it violates Schedule B, unless he or she holds an Overstrength Discharge Licence issued by a designated employee, in accordance with section 9, authorizing the specific discharge. In this case, the generator must comply with any limits or conditions on specific substances specified in the Overstrength Discharge Licence.

44(2) A designated employee may issue an Overstrength Discharge Licence only if he or she concludes that the overstrength wastewater can be accommodated and treated within the wastewater system.

44(3) In addition to the reasons set out in Part 3 for suspending or cancelling a licence, an Overstrength Discharge Licence may be suspended or cancelled if the designated employee concludes that the overstrength wastewater cannot be accommodated and treated within the wastewater system.

44(4) The designated employee may impose, as a condition on the Overstrength Discharge Licence, the requirement that the licence holder treat the wastewater in a manner specified by the designated employee so that it meets the By-law requirements.

1.8.6 Surcharges for select overstrength wastewater substances

45(1) The generator of wastewater must pay any applicable surcharges on substances that exceed limits set out in Schedule B. The surcharges must be based on a sampling protocol designed to represent discharges over a full day of operation of the generator.

45(2) For the purposes of subsection (1), a full day of operation means all or part of a 24-hour period, beginning at the start of production and ending at the completion of cleanup, during which a continuous or intermittent discharge to the wastewater system can occur.

1.8.7 Grease interceptors required

46(1) Unless an exemption is granted under subsection (2), the operator and owner of a food service establishment must ensure that every kitchen sink and dishwasher waste pipe in a food service establishment is connected to a grease interceptor that complies with this Part and is acceptable to a designated employee.

46(2) A designated employee may grant a written exemption to the requirements of subsection (1) if the food service establishment does not discharge grease or cooking oil to the wastewater system.

46(3) The operator and owner of a food service establishment must ensure that the grease interceptor required by subsection (1) is:

(a) accessible for maintenance and cleaning;

(b) the right size for the flow capacity of the connected pipe; and

(c) installed at the required slope to provide a minimum retention time as required by *Canadian Standards Association* Standard B 481 or successor standard.

46(4) The operator and owner of a food service establishment must ensure that chemical or biological additives are not added to wastewater discharged to a grease interceptor or placed into a grease interceptor, if this increases the quantity of grease discharged to a sewer.

1.8.8 Oil interceptors required

47(1) The operator and owner of a property that discharges or is likely to discharge motor oil to the wastewater system must ensure that an oil interceptor that complies with this Part and is acceptable to the designated employee is installed on the premises.

47(2) The operator and owner of a property must ensure that the oil interceptor required by subsection (1) is:

(a) installed at the point where the wastewater enters the private sewer service pipe; and

(b) connected to all floor drains to prevent motor oil and lubricating grease from passing into the private sewer service pipe.

1.8.9 Sediment interceptors required

48(1) The owner and operator of a property must ensure that a sediment interceptor that complies with this Part and that is acceptable to the designated employee is installed at a mechanical service garage and a vehicle wash floor that discharges to the private sewer service pipe.

48(2) The operator and owner of a property must ensure the sediment interceptor required by subsection (1) for mechanical service garages and vehicle wash floors:

(a) is large enough to retain sand or grit during any 24-hour period at peak flow; and

(b) has a volume of at least 0.6 cubic metres, measured below the invert of the overflow.

1.8.10 Oil, grease or sediment interceptor design specifications

49 The owner and operator of a property must ensure that an oil, grease or sediment interceptor required by this Part is:

(a) solid, watertight, and secured in place;

(b) readily accessible for cleaning;

(c) large enough to capture, under peak flow conditions, the material it is designed to intercept;

(d) capable of withstanding abrupt and extreme changes in temperature;

(e) equipped with easily removable covers which, when bolted in place, are airtight and watertight; and

(f) able to support occupancy floor load if installed under a floor.

1.8.11 Oil, grease and sediment interceptor maintenance requirements

50(1) The owner and operator of a property must ensure that an oil, grease or sediment interceptor is:

(a) operated and maintained according to the manufacturer's instructions; and

(b) cleaned regularly so that it functions properly.

50(2) The owner and operator of a property must ensure that all maintenance activities for an oil, grease or sediment interceptor are recorded and the records kept for 12 months following the date of maintenance. The records must be made available for inspection by a designated employee upon request.

1.8.12 Dental waste amalgam separator required

51 Subject to this section, the owner of a dental practice must ensure that an amalgam separator is installed, operated and properly maintained on all fixtures that receive dental amalgam containing mercury in compliance with the requirements of the Manitoba Dental Association.

1.8.13 Food waste grinder discharge restrictions

52(1) In this section, "food waste grinder" means a device installed in a kitchen sink that is designed to grind food waste to particle sizes for discharge into the wastewater system.

52(2) Wastewater must not be discharged from a food waste grinder into the wastewater system, except as permitted in subsection (3).

52(3) Wastewater may be discharged to the wastewater system from a food waste grinder if the grinder:

(a) meets the requirements of the current version of the standard performance requirements for plumbing aspects of food waste disposer units, issued by the American Society of Sanitary Engineers (ASSE), and

(b) is operated by a motor or motors having a combined rating equal to or less than 0.80 kilowatts.

Swimming pool water discharge restrictions

53 Unless a valid Wastewater Discharge Licence under section 42 has been issued authorizing the discharge, a person must not discharge swimming pool water:

(a) into the land drainage system;

(b) onto a street;

(c) onto neighbouring property;

(d) into a waterway or onto the banks of a waterway; or

(e) above ground into a wastewater sewer.

PART 8

1.9 DISCHARGES OF LAND DRAINAGE

1.9.1 Responsibility for complying with this Part

54 The generator of land drainage is responsible for ensuring that the land drainage being discharged meets the requirements of this Part.

1.9.2 Land drainage must be discharged to land drainage system

55 Unless otherwise authorized in this Part, land drainage must be discharged only to the land drainage system or a combined sewer.

1.9.3 Land drainage discharges to land drainage system restricted

56(1) A person must not discharge or allow the discharge of land drainage into the land drainage system, if to do so is likely to:

(a) pose a risk of harm to human health or safety, property, or the environment;

(b) interfere with the operation or maintenance of the land drainage system or the wastewater system;

(c) damage the land drainage system or the wastewater system;

(d) restrict the flow in the land drainage system or the wastewater system;

(e) cause an unusual and offensive odour to be given off from the land drainage system or the wastewater system; or

(f) prevent the City from meeting limits imposed by the Province of Manitoba or Government of Canada for disposal of liquid to waterways or of biosolids to land.

56(2) A person must not discharge or permit the discharge of land drainage into the land drainage system if it contains any of the substances set out in Schedule C or if it exceeds the limits of the concentrations of substances set out in Schedule D.

1.9.4 Land Drainage Discharge Licence required

57(1) Subject to this section and sections 58 and 59, a person must not discharge land drainage into any wastewater sewer, other than a combined sewer, unless a designated employee has, in accordance with section 9, issued a Land Drainage Discharge Licence authorizing the discharge.

57(2) Subsection (1) does not apply to land drainage being discharged from a single-family or two-family property.

57(3) A designated employee may issue a Land Drainage Discharge Licence only if:

(a) the rate of discharge of the land drainage will not exceed the capacity of the wastewater system; and

(b) there is no risk of harm to human health or safety, property, or the environment caused by the licensed discharge.

57(4) In order to determine whether or not to issue a Land Drainage Discharge Licence or authorization, a designated employee may require the person discharging or planning to discharge the land drainage to:

(a) identify the quality or quantity of the discharge, or provide other information relevant to the discharge;

(b) develop a best management practices plan; or

(c) carry out pollution prevention measures.

1.9.5 Downspout Discharge Licence required

58(1) The owner or occupant of a property must not permit rainwater downspouts to connect to a wastewater sewer unless a designated employee has, in accordance with section 9, issued a Downspout Discharge Licence authorizing the discharge.

58(2) The designated employee may issue a Downspout Discharge Licence only if the building is connected to a combined sewer and the downspout water discharged on the property would:

(a) flow onto adjacent property or onto the street; or

(b) pose a risk to human health or safety, property, or the environment.

1.9.6 Sump Pump Discharge Licence required

59(1) The owner or occupant of a property must not permit water from a sump pump to be discharged to a wastewater sewer unless a designated employee has, in accordance with section 9, issued a Sump Pump Discharge Licence authorizing the discharge.

59(2) A designated employee may issue a Sump Pump Discharge Licence only if sump pump water discharged on the property would:

(a) flow onto adjacent property or onto the street; or

(b) pose a risk to human health or safety, property, or the environment.

1.9.7 Discharge rate limits

60(1) In order to prevent the land drainage system or wastewater system from being overloaded, a designated employee may require the generator of land drainage to limit the discharge rate of land drainage to the land drainage or wastewater system.

60(2) Subsection (1) does not apply to a single-family or two-family property on a lot that is smaller than 1,000 square metres.

60(3) If a designated employee imposes a limit under subsection (1), the owner must construct, use and maintain a discharge control device acceptable to the designated employee.

1.9.8 Overland discharge authorization required

61(1) The owner or occupant of property, other than a single-family or two family property, must not allow land drainage to be discharged overland unless a designated employee has, in accordance with Section 9, authorized the discharge.

61(2) A designated employee may authorize land drainage to be discharged overland where the land drainage system or combined sewer is able to accommodate the discharge and where it will not pose a risk to human health or safety, property, or the environment.

1.9.9 Catch basin maintenance required

62 All catch basins and discharge control devices on private property must be maintained in good working order.

PART 9

1.10 SPILLS

1.10.1 Obligation to notify the City

63(1) The person who is responsible for a spill or who has custody and control of the substances involved in a spill must immediately notify a designated employee, and must provide all information about the spill, including:

(a) the date and time of the spill;

(b) the content and quantity of the spill;

(c) the location of the spill;

(d) the cause and nature of the spill;

(e) the action completed and any work still in progress to mitigate the spill; and

(f) the name and contact information of the person reporting the spill.

63(2) If a spill poses an immediate danger to human health or safety, property or the environment, the person responsible for the spill or who has custody and control of the substances involved in a spill must call 911 to report the spill.

1.10.2 Containing and cleaning up the spill

64 The person who is responsible for a spill or who has custody and control of the substances involved in a spill must take all reasonable measures to:

(a) contain the spill;

(b) reduce the risk of harm to human health and safety, property, and the environment;

(c) clean up the spill and contaminated residue and dispose of spill material appropriately; and

(d) restore the affected area to its condition before the spill.

1.10.3 Preparing and submitting a written report

65 The person who is responsible for a spill or who has custody and control of the substances involved in a spill must submit a written report to the designated employee within five working days of the spill, containing information required to determine:

(a) information required by section 63(1); and

(b) actions necessary to reduce the effect of the spill and to prevent future spills.

PART 10

1.11 HAULED WASTEWATER

1.11.1 No discharge except at designated sites

66 A person may discharge hauled wastewater only at the discharge points designated by the Director.

1.11.2 Wastewater Hauler's Licence required

67(1) The owner of a vehicle that discharges hauled wastewater at a discharge point designated by the Director must hold a valid Wastewater Hauler's Licence.

67(2) Subsection (1) does not apply to the owner of a recreational vehicle that discharges wastewater directly at a discharge point designated by the Director.

67(3) In addition to the reasons for suspending or cancelling a licence set out in sections 10 and 11, a Wastewater Hauler's Licence may be suspended or cancelled for one or more violations of section 69.

1.11.3 Wastewater Disposal Vehicle Licence required

68(1) Subject to this section, a person must hold a current Wastewater Disposal Vehicle Licence for each vehicle used to discharge hauled wastewater at a discharge point designated by the Director.

68(2) Subsection (1) does not apply to the owner of a recreational vehicle that discharges wastewater directly at a discharge point designated by the Director.

68(3) Before issuing a Wastewater Disposal Vehicle Licence in accordance with section 9, the designated employee must ensure that:

(a) the owner of the vehicle holds a valid Wastewater Hauler's Licence; and

(b) the vehicle being licensed has a tank that will not leak and is otherwise suitable for hauling wastewater.

68(4) A person hauling wastewater within the city must present a valid Wastewater Disposal Vehicle Licence for the vehicle when asked to do so by a designated employee.

68(5) In addition to the reasons for suspending or cancelling a licence set out in sections 10 and 11, a Wastewater Disposal Vehicle Licence may be suspended or cancelled if the vehicle is not suitable for hauling wastewater.

68(6) A Wastewater Disposal Vehicle Licence is automatically suspended or cancelled when the owner's Wastewater Hauler's Licence is suspended or cancelled.

1.11.4 Responsibilities of wastewater haulers

69(1) Before discharging hauled wastewater at a designated discharge point, the person hauling the wastewater must provide to the designated employee the following information concerning each generator of the wastewater he or she is hauling:

(a) the type of property or facility;

(b) the address of the property or facility;

(c) the owner or contact person of the property or facility;

(d) the type of wastewater; and

(e) the volume of wastewater.

69(2) When discharging hauled wastewater at a designated discharge point, the person hauling the wastewater must:

(a) ensure that wastewater is not deposited on the ground at the discharge point;

(b) pay a volumetric disposal fee within 30 days of being billed by the designated employee;

(c) provide the following information in writing before discharging each load of hauled wastewater:

  i) the name of the hauler,

  ii) the name and address of the generator(s), and

  iii) the contents of the load;

(d) comply with the rules established for the operation of the discharge point;

(e) ensure that sand, gravel or other material that has been identified by the designated employee as likely to obstruct the wastewater system is not deposited at the discharge point;

(f) ensure that the wastewater being discharged does not contain:

  i) any of the substances set out in Schedule A; or

  ii) substances with concentrations that exceed the limits set out in Schedule B, with the exception of the select overstrength substances that are subject to a surcharge; and

(g) comply with all other conditions placed on the Wastewater Hauler's Licence.

1.11.5 Responsibility of generators of hauled wastewater

70 The generator of hauled wastewater must not permit the wastewater to be collected by a wastewater hauler if it contains:

(a) any of the substances set out in Schedule A; or

(b) substances in Schedule B, other than those with an applicable surcharge, if the concentrations exceed the limits set out in Schedule B.

1.11.6 Non-household hauled wastewater disposal fee

71(1) In this section:

"household wastewater" means greywater and toilet waste discharged by:

(a) appliances such as dishwashers and washing machines; and

(b) plumbing fixtures such as toilets, urinals, bidets, sinks, showers, and bathtubs.

71(2) Subject to subsection (3), in addition to the applicable disposal fee payable by a person hauling wastewater, under subsection 69(2), the generator of hauled wastewater must pay a volumetric fee for wastewater that is not household wastewater or wastewater from a food service establishment.

71(3) For greater certainty, the fee referred to in subsection (2) applies to all wastewater, except household wastewater and wastewater from a food service establishment, that has been kept separate from other wastewater until it enters the wastewater disposal vehicle.

PART 11

1.12 POLLUTION PREVENTION PLANNING

1.12.1 Definitions

72 In this Part:

"BMP Guideline" means a Best Management Practices Guideline, a business sector-based plan to control or reduce the discharge of substances listed in Schedules A, B, C, and D into the wastewater or land drainage system.

"Plan" means a Pollution Prevention Plan prepared for a particular business that identifies:

(a) actions to control or reduce the discharge to the wastewater system or land drainage system of substances listed in Schedules A, B, C, and D; and

(b) target dates for accomplishing specific actions.

"pollutant" means a substance listed in Schedules A, B, C, or D.

"progress update" means an update on the progress made by the particular business toward the pollution prevention goals set out in its Plan or the best management practices set out in the applicable BMP Guideline.

1.12.2 Scope of this Part

73(1) This Part applies only to businesses within a business sector listed in Schedule E.

73(2) The Director must:

(a) at least one year prior to the effective date established in Schedule E for this Part to apply to a business sector, post on the City's web site a notice announcing the effective date; and

(b) make other reasonable efforts to communicate the effective date and the requirements of this Part to businesses within the business sector.

1.12.3 Plan required

74(1) Subject to this section, an owner of a business must submit a Plan for approval by the Director and follow the approved Plan if the Director determines that the business is discharging substances in contravention of Schedules A, B, C or D.

74(2) The obligation in subsection (1) does not apply if the only discharge of a pollutant from the business is a substance that is the subject of an Overstrength Discharge Licence and for which a surcharge is paid under section 45.

74(3) In order to make a determination under subsection (1), the Director may require owners of businesses, in accordance with requirements established by the Director, to collect and provide to the Director data respecting discharges from the business to the wastewater or the land drainage system or both.

74(4) The requirement to collect and provide data under subsection (3) may be imposed on businesses prior to the effective date established in Schedule E for this Part to apply to the business sector.

74(5) If a business has never submitted a Plan, the obligation under subsection (1) takes effect the later of:

(a) six months after the date the owner was notified by the Director that the business is required to submit a Plan under subsection (1); or

(b) the effective date established in Schedule E for this Part to apply to a business sector to which the business belongs.

74(6) Where the ownership of a business changes within six months after the owner has been notified by the Director under subsection (5), the obligation to submit a Plan takes effect six months after the new owner has been notified by the Director.

Form and content of Plan
75(1) The Director is authorized to determine the form on which the Plan is submitted.

75(2) In addition to any other matter or requirement determined by the Director, a new Plan or a renewed Plan must include the following:

(a) a description of the processes at the premises which use or produce pollutants;

(b) a description of those processes at the premises which are to be adjusted over the life of the Plan;

(c) a list of any pollutants that are present at the premises at any stage of the operations of the premises;

(d) the types, quantities and concentrations of any pollutants that are discharged directly to the wastewater or land drainage system;

(e) a description of current waste reduction, recycling, wastewater treatment, and pollution prevention activities with respect to wastewater or land drainage discharges at the premises;

(f) a description of pollution prevention options for pollutants that are present in the wastewater or land drainage discharge and an evaluation of those options;

(g) a schedule to reduce or eliminate the discharge of pollutants to the wastewater or land drainage systems to the point where the discharge is in compliance with Schedules A, B, C, and D; and

(h) a declaration from an appropriate representative of the business that the content of the Plan is true, accurate and complete.

75(3) Where the Director has approved one or more BMP Guidelines for a business sector to which a business belongs, the Plan submitted for the business may consist of a written undertaking by the owner or operator of the business to follow the BMP Guideline.

1.12.4 Requirements if a Plan is rejected

76(1) The Director must not approve a new or renewed Plan if it:

(a) would not control or reduce the discharge of pollutants in a manner that will bring the business into compliance with Schedules A, B, C, and D within a reasonable period of time; or

(b) fails to contain enough information to determine if it would control or reduce the discharge of pollutants.

76(2) If a Plan is not approved by the Director, the owner of the business must amend and resubmit the Plan within 90 days of being notified of the Director's refusal to approve the Plan.

76(3) If the resubmitted Plan is not approved by the Director, the owner of the business is in violation of this By-law.

1.12.5 Notice of change in information required

77 Where there is a change to the facts referred to in clauses 75(2)(a) to (d) or where there is a change of ownership, the owner of the business required to submit a Plan must notify the Director of the change within 30 days.

1.12.6 Renewing the Plan

78(1) Subject to this Part, the owner of a business required to submit a Plan must, at least once every five years, renew the Plan by:

(a) submitting a new or revised Plan; or

(b) confirming his or her commitment to the existing Plan.

78(2) In order to take into account changing circumstances, including a change in ownership, the Director may require the owner of a business to renew the Plan more frequently than required in subsection (1). In this case, the owner of the business must provide a renewed Plan within 90 days of being notified by the Director of this requirement.

Spills and other contraventions

79 When a spill takes place or where there is evidence that a business is involved in new contraventions, the Director may require the owner of the business responsible for the spill or the contraventions to submit a new or revised Plan even if the business has not been required to submit a Plan or has had its obligations under this Part terminated. In this case, the owner of business must provide a renewed Plan within 90 days of being notified by the Director of this requirement.

1.12.7 Regular submission of progress updates

80(1) The owner of every business that is required to submit a Plan under section 74 must regularly submit progress updates for the approval of the Director.

80(2) Progress updates must be submitted:

(a) annually within 30 days of the anniversary of the date when the Plan was approved;

(b) in a form approved by the Director; and

(c) with sufficient information to evaluate the progress of the business towards the goals in its Plan and the ability of the business to accomplish those goals.

80(3) If a progress update contains false information concerning the progress of the business towards the goals in its Plan or otherwise fails to accurately disclose the progress of the business towards the goals in its Plan, the owner of the business is in violation of this By-law.

1.12.8 Requirements if progress update does not contain adequate information

81(1) If a submitted progress update does not contain the information referred to in clause 80(2)(c), the Director may refuse to accept the progress update and require the owner of the business to amend and resubmit the progress update within 90 days.

81(2) If a resubmitted progress update does not contain the information required by the Director, the owner of the business is in violation of this By-law.

1.12.9 Consequences if business does not achieve progress

82(1) If the Director determines that a business is not making adequate progress toward the goals set out in a Plan, the Director may require the owner to submit a new Plan for the business and the business to follow that Plan, once it has been approved by the Director.

82(2) If the business fails to achieve the goals established in the new Plan by the target dates set out in the new Plan, the owner of the business is in violation of this By-law.

1.12.10 Storage of Plans and progress updates

83 The owner of a business that is required to have a Plan under this Part must keep copies of the current Plan and the current progress update at the business for which it was prepared, and have them available for inspection by a designated employee.

Termination of obligation to engage in pollution prevention planning

84 Where the Director determines that a business is complying with Schedules A, B, C, and D and is likely to continue to do so in the future, the Director must notify the owner that the business no longer has an obligation to comply with the requirements of this Part. After being so notified, the business is not required to comply with this Part unless it again discharges substances in contravention of Schedules A, B, C or D.

1.12.11 Consequences of violating this Part

85 If a person is in violation of this Part, in addition to any other enforcement measures, the Director may cancel an Overstrength Discharge Licence issued to the business.

Enforcement actions against businesses governed by this Part

86 The fact that the owner of a business is in compliance with this Part does not limit the Director’s capacity to enforce this By-law in any way.

PART 12

1.13 SEWER CHARGES

1.13.1 Sewer charge imposed

87(1) A sewer charge, calculated according to this Part, is imposed on the owner or occupant of any property from which any wastewater or land drainage is discharged to the wastewater system or land drainage system.

87(2) Subject to this Part, the amount of the sewer charge owing is the sewer rate multiplied by the volume of water supplied to the property from all sources during a billing period. The sewer charge is payable when billed.

87(3) Subject to subsection (4), if water is not supplied to a property by the City, the sewer charge owing is:

(a) the sewer rate multiplied by the amount of wastewater being discharged to the wastewater system from the property as measured by a private wastewater meter installed in accordance with section 91 or, if the amount of wastewater being discharged is not being measured in accordance with section 91, the amount of water being supplied to the property as measured by a water meter approved by a designated employee in accordance with section 90; plus

(b) a daily basic service charge.

87(4) If an accurate measurement of the water supplied to, or wastewater discharged from, a property cannot be obtained for any reason, the sewer charge owing is the sewer rate multiplied by an estimate made by a designated employee of the volume of water used by the property or the volume of wastewater discharged from the property during the billing period.

1.13.2 Adjustment of sewer charges

88(1) In this section:

"applied volume" means the volume of water supplied to a particular property that is not discharged into the wastewater system, land drainage system or a waterway, calculated on the basis of data provided by meters.

88(2) Despite any other provision in this section, a property owner must pay sewer charges on the first 1,000 kilolitres of applied volume used annually at each property.

88(3) Subject to this section, upon application by the owner or occupant of a property and payment of any application fee, the Director may adjust the sewer charges by crediting to the account annually the sewer charges on the applied volume in excess of 1,000 kilolitres annually.

88(4) The Director may adjust the sewer charges under subsection (3) only if:

(a) the property owner or occupant pays an application fee and an annual renewal fee;

(b) the property owner or occupant installs and maintains meters as required by the designated employee in order to determine the applied volume;

(c) the property owner or occupant pays for the installation of a water meter or meters in compliance with section 91, and necessary plumbing modifications;

(d) the property is connected to the wastewater system;

(e) the property is not in contravention of this By-law or the Water Works By-law; and

(f) the fees and charges required to be paid under this By-law are not in arrears.

88(5) Subject to this section, the Director must apply the application fee and the annual renewal fee to the credit of the property owner or occupant's account at the time the sewer charges are adjusted under subsection (3), if the property qualifies for an adjustment of sewer charges under this section.

88(6) The Director must stop adjusting the sewer charges under subsection (3) if:

(a) the property owner or occupant fails to pay the annual renewal fee on the date set by the Director;

(b) the applied volume supplied to the property falls below 1,000 kilolitres in a year;

(c) the process that diverts water from the wastewater system has failed or is no longer consistent with the information provided in the application;

(d) the property is in contravention of this By-law or the Water Works By-law; or

(e) the fees and charges required to be paid under this By-law or the Water

Works By-law are in arrears.

88(7) The Director may stop adjusting the sewer charges and may refuse to apply the renewal fee or application fee to the property owner or occupant's account if:

(a) a privately owned meter is not accurately measuring for four months or more the amount of water or wastewater supplied to a meter; or

(b) the property owner or occupant benefitting from an adjustment fails to inform a designated employee, within ten business days, of any changes to the information submitted in the application.

The property owner or occupant must pay sewer charges estimated under this subsection from the date the meter was found to be inaccurate or the obligation to inform was violated.

88(8) Where the Director has stopped adjusting the sewer charges under subsection (7), the Director may reinstitute the adjustment after being satisfied that the property owner or occupant's privately owned meter is accurately measuring the amount of water or wastewater supplied to the meter.

1.13.3 Large volume sewer credit program

89(1) Subject to this section, the Director may apply an annual credit in the amount of 30% of the total sewer charges and overstrength wastewater surcharges which exceed $100,000 in a calendar year on one or more properties owned or occupied by a business that has:

(a) earned at least 25% of its gross sales revenue in the previous calendar year from sales to locations outside the city; and

(b) has been charged more than $100,000 in sewer charges and overstrength wastewater surcharges on all its properties in the preceding year.

89(2) The Director may approve a credit under subsection (1) only if the owner or occupant of the property:

(a) applies for the credit each year in the 12 months after the calendar year for which the discount is being requested;

(b) conducts a business limited to the manufacture, fabrication, assembly or processing of goods and materials at premises within the city;

(c) provides an attest opinion from an independent accounting professional authorized to provide such opinions in the Province of Manitoba which satisfies the Director that at least 25% of its gross sales revenue in the previous calendar year resulted from sales to locations outside the city;

(d) is not in violation of this By-law or the Water Works By-law; and

(e) the fees and charges required to be paid under this By-law and the Water Works By-law are not in arrears.

1.13.4 City meters

90(1) Unless a designated employee authorizes a private meter under section 91, the owner of property must allow a City water meter to be installed by the City in order to determine the volume of wastewater discharged to the wastewater system.

90(2) Where a property owner or occupant requests that a water meter be tested to determine its accuracy and pays a test fee, the Director must conduct a test of the water meter. If the test shows that the water meter was over-registering according to the current specifications of the American Water Works Association, the Director must refund the test fee.

1.13.5 Private meters

91(1) At the request of the property owner, a designated employee may permit a privately owned meter to be installed:

(a) where water is supplied by a well; or

(b) in situations where the amount of water supplied to a property may not accurately reflect the wastewater discharged to the wastewater system.

91(2) Where a privately owned meter is installed:

(a) the meter must be of a type determined by a designated employee to be appropriate for its proposed use;

(b) the owner must supply, install and maintain the meter in proper working order; and

(c) if required by the designated employee, the owner must provide certification satisfactory to a designated employee that the meter is accurate.

1.13.6 Collection of outstanding sewer charges

92 Where sewer charges imposed by this By-law have not been paid, the Director may take any action the City is authorized to take in order to collect the outstanding charges. This includes adding the amount of the charges to the real property taxes imposed by the City on the property from which wastewater or land drainage was discharged to the wastewater system or land drainage system.

PART 13

1.14 ADMINISTRATION, ENFORCEMENT AND OTHER PROVISIONS

1.14.1 Compliance orders

93 Any order to remedy a violation of this By-law must be issued under *The City of Winnipeg Charter*.[1]

1.14.2 Service address

94 Where an address for sending a notice, order, decision, or other document is required, one of the following must be used:

(a) if the person to be served is the owner of real property, either the address maintained by the tax collector for the purpose of issuing the tax notice for that property or the address maintained by the Director for the purpose of issuing bills for sewer service for that property;

(b) if the person to be served is the occupant of real property, the street address for that property; or

(c) if the document relates to a permit, licence or authorization, the address provided to the Director by the applicant for the permit, licence or authorization.

1.14.3 Obstructing work prohibited

95 A person must not obstruct the authorized work of the employees or agents of the City while they are working on the wastewater system or land drainage system

1.14.4 Damage to and obstruction of sewer prohibited

96(1) A person must not damage the wastewater system or land drainage system.

96(2) A person must not interfere with the operation of any part of the wastewater system or land drainage system unless authorized by a designated employee in accordance with section 9.

96(3) A person must not interfere with the operation of a private sewer service pipe under a street unless authorized to do so by the property owner and authorized by a designated employee in accordance with section 9.

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1 Charter provisions concerning Orders are found in sections 116, 117 and 184.

1.14.5 Penalties for violating By-law

97 Unless another penalty for an offence is specified in this By-law, a person who is convicted of violating this By-law is subject to the following fines:

(a) for a first offence a fine of not less than $1,000 up to $50,000;

(b) for a second offence a fine of not less than $5,000 up to $100,000; and

(c) for a third offence a fine of not less than $10,000 up to $250,000.

1.14.6 Appeals

98(1) Any appeal permitted by *The City of Winnipeg Charter* may be made to the Standing Policy Committee on Infrastructure Renewal and Public Works.

98(2) Appeals must be in writing and accompanied by the applicable appeal fee.

1.14.7 Director's powers – flooding prevention

99(1) The Director is authorized to maintain and operate permanent flood pumping stations, gates and gate chambers.

99(2) In a period of high water levels in rivers and streams or when overland flooding is possible, the Director is authorized to operate auxiliary pumps and to close openings between the wastewater or land drainage systems and any body of water in order to alleviate the threat or remedy its effects.

99(3) Where the threat of flooding constitutes an emergency, the Director is authorized to take whatever actions or measures are necessary to meet the threat of flooding and to eliminate or reduce its effects.

PART 14

1.15 REPEALS AND COMING INTO FORCE

1.15.1 Sewer By-law No. 7070/97 repealed

100(1) The Sewer By-law No. 7070/97 is repealed.

100(2) This By-law replaces the Sewer By-law No. 7070/97.

1.15.2 Schedules

101 Schedules A to E attached form part of this By-law.

1.15.3 Coming into force

102(1) Subject to subsection (2), this By-law comes into force on January 1, 2011.

102(2) Part 11 (Pollution Prevention Planning) comes into force on January 1, 2012.

DONE AND PASSED in Council assembled, this XXX day of 201X.

SCHEDULE A

Substances Prohibited in Discharges to Wastewater System

1. a liquid or gas which:
   (a) will cause a lower explosive limit reading to exceed 10% of the lower explosive limit on a combustible gas meter at any point in the sewer system;
   (b) has a total purgeable hydrocarbons concentration greater than 10 mg/L; or
   (c) has a total semivolatile hydrocarbons concentration greater than 100 mg/L;

2. any solids which will not pass through a 6.0 millimetre screen;

3. dyes or colouring materials which could pass through the wastewater system and discolour the wastewater;

4. hazardous waste, including:
   (a) explosives,
   (b) flammable liquids,
   (c) flammable solids,
   (d) gas (Class 2),
   (e) infectious or toxic,
   (f) oxidizing substances and organic peroxides,
   (g) radioactive material except where the person:
      (i) is discharging radioactive material under a valid licence issued by the Canadian Nuclear Safety Commission or its successor, and
      (ii) has provided a copy of the licence to a designated employee;

5. ignitable liquids;

6. landfill leachate, except that produced from landfills owned by the City of Winnipeg and other landfills approved by a designated employee;

7. concentrated pesticides;

8. pharmaceutical products, both dispensed and over-the-counter;

9. solid matter, other than properly shredded food waste from a food waste grinding device as set out in section 52;

10. solid or viscous substances that are likely to obstruct the flow in a sewer, including ashes, bones, cinders, sand, mud, soil, straw, shavings, metal, glass, rags, feathers, tar, plastics, grease, oil, wood, unground garbage, animal parts or tissues, and material taken from the belly of slaughtered animals;

11. any substance or matter at a temperature greater than 60 degrees Celsius at point of discharge.

SCHEDULE B

Concentration Limits for Discharges into the Wastewater System

Parameter	Limit (mg/L)
Aldrin / dieldrin	0.0002
Aluminum (total)	50
Antimony (total)	5.0
Arsenic (total)	1.0
Benzene	0.5
Biochemical oxygen demand	300
Cadmium (total)	0.5
Chlordane (cis plus trans isomers)	0.1
Chromium (hexavalent)	2.0
Chromium (total)	4.0
Cobalt (total)	5.0
Copper (total)	2.0
Cyanide (total)	2.0
1,1,2,2 Tetrachloroethane	1.4
1, 2 – dichlorobenzene	0.05
1, 4 – dichlorobenzene	0.08
3, 3 – dichlorobenzidine	0.002
Dichlorodiphenyltrichloroethane (DDT)	0.0001
Cis -1, 2 – dichloroethylene	4.0
Ethyl benzene	0.16
Fluoride	10
Hexachlorobenzene	0.0001
Hexachlorocyclohexane (Lindane)	0.1
Lead (total)	2.0
Manganese (total)	5.0
Mercury (total)	0.01
Methylene chloride	2.0

SCHEDULE B (continued)

Concentration Limits for Discharges into the Wastewater System

[3]

Parameter	Limit (mg/L)
Mirex	0.1
Molybdenum (total)	5.0
Nickel (total)	3.0
Nitrogen (total)	60
Nonylphenols	0.02
Nonylphenol ethoxylates	0.2
Oil and grease - animal or vegetable - mineral or synthetic	 100.0 15.0
Pentachlorophenol (PCP)	0.01
Phenolics (total by 4AAP method)	1.0
pH	Less than 5.5 or greater than 11.0
Phosphorus (total)	10.0
Polychlorinated biphenyls (PCBs) – total	0.001
Polycyclic aromatic hydrocarbons (PAHs) – total	0.005
Selenium (total)	1.0
Silver (total)	5.0
Sulphate (total)	1500
Sulphide	5.0
Suspended solids (total)	350
Tetrachloroethylene	1.0
Tin (total)	5.0
Titanium (total)	5.0
Toluene	0.016
Trichloroethylene	0.4
Zinc (total)	2.0
Xylenes (total)	1.4

[4]

SCHEDULE C

Substances Prohibited in Discharges to the Land Drainage System

1. blowdown water;

2. E. coli colonies in excess of 200 colonies per 100 mL;

3. direct discharge of floating debris such as leaves, grass clippings, branches, plastic bottles, cans, and other garbage;

4. grease and oils – two or more separate layers of fuel or lubricating oil;

5. greywater;

6. hauled wastewater;

7. hazardous waste, including:
   (a) explosive waste,
   (b) flammable liquids,
   (c) flammable solids,
   (d) gas (Class 2),
   (e) infectious or toxic waste,
   (f) oxidizing substances and organic peroxides,
   (g) radioactive material;

8. landfill leachate;

9. matter that is likely to:
   (a) interfere with proper operation of the land drainage system,
   (b) affect the flow into the land drainage system,
   (c) damage the land drainage system, or
   (d) harm any person, animal, property, or vegetation;

10. matter that contravenes a licence or provisional licence issued by the Province of Manitoba concerning the land drainage system or its discharge;

11. matter that has any one of the following characteristics:
   (a) a pH less than 6.0 or greater than 9.5, or
   (b) a temperature greater than 40 degrees Celsius;

10. concentrated pesticides;

11. pharmaceutical products, both dispensed and over-the-counter;

12. substances used in or produced from an industrial process.

SCHEDULE D

Limits for Discharges to Land Drainage System

Parameter	Limit (mg/L)
Aldrin / dieldrin	0.00008
Ammonia (total)	0.18
Arsenic (total)	0.02
Benzene	0.002
Biochemical oxygen demand	15.0
Di-n-butyl phthalate	0.015
Cadmium (total)	0.008
Chlordane (cis plus trans isomers)	0.04
Chromium (hexavalent)	0.01
Chromium (total)	0.08
Chlorine (total residual)	0.01
Copper (total)	0.04
Cyanide (weak acid dissociable)	0.005
1, 2 - dichlorobenzene	0.0056
1, 4 - dichlorobenzene	0.0068
3, 3 - dichlorobenzidine	0.0008
Dichlorodiphenyltrichloroethane (DDT)	0.00004
Cis - 1, 2 - dichloroethylene	0.0056
Trans -1, 3 - dichloropropylene	0.0056
Ethyl benzene	0.002
Bis (2-ethylhexyl) phthalate	0.0088
Hexachlorobenzene	0.00004
Hexachlorocyclohexane (Lindane)	0.04
Lead (total)	0.08
Manganese	0.2
Mercury (total)	0.0004
Methylene chloride	0.0052

SCHEDULE D (continued)

Limits for Discharges to Land Drainage System

Parameter	Limit (mg/L)
Mirex	0.04
Nickel (total)	0.08
Nonylphenols	0.001
Nonylphenol ethoxylates	0.01
Pentachlorophenol (PCP)	0.002
Phenolics 8* (total by 4AAP method)	0.008
Phosphorus (total)	0.4
Polychlorinated biphenyls (PCBs) – total	0.0004
Polycyclic aromatic hydrocarbons (PAHs) – total	0.002
Selenium (total)	0.02
Silver (total)	0.04
Suspended solids (total)	15.0
1,1,2,2-tetrachloroethane	0.017
Tetrachloroethylene	0.0044
Toluene	0.002
Trichloroethylene	0.0076
Xylenes (total)	0.0044
Zinc (total)	0.04

SCHEDULE E

Business Sectors Required to Prepare Pollution Prevention Plans under Part 11

Pollution Prevention Plan Tier 1

Effective Date **January 2012**

Metal Processing Companies	NAICS Code ✱
Primary production of alumina and aluminum	331313
Steel foundries	331514
Prefabricated metal building and component manufacturing	332311
Fabricated structural metal manufacturing	332312
Sheet metal work manufacturing	332322
Metal Plating	332810
Ornamental and architectural metal work manufacturing	332323
Other ornamental and architectural metal work manufacturing	332329
Metal tank (heavy gauge) manufacturing	332420
Other metal container manufacturing	332439
Metal valve manufacturing	332910
All other miscellaneous fabricated metal product manufacturing	332999

✱ NAICS Code as used in this schedule refers to North American Industrial Classification System

Winnipeg

Water and Waste Department

4.1.1Summary of Changes in New Sewer By-law

Background to the By-Law revisions

Recommendations from the Clean Environment Commission
Recommendations from the Clean Environment Commission (CEC) in 2003 to the Minister of Conservation led us to review the existing Sewer By-law 7070/97.

The recommendations stated:

> "The City of Winnipeg should be directed to implement changes to Winnipeg's Sewer-By-Law that would expand the list of restricted substances, prevent disposal of contaminants of concern, encourage treatment at source, improve enforcement of the By-Law and increase penalties for violations."

The CEC suggested that the list of restricted substances be expanded to include:
- a number of heavy metals of concern,
- some persistent organic pollutants, and
- other contaminants.

The Toronto Sewer Use By-law as a model
During the CEC public hearings, the Toronto Sewer Use By-law was held up as a good model for Winnipeg to follow. Of particular interest were sections of the by-law which:
- restrict substances being discharged to sewers, and
- require industries to establish pollution prevention programs to control the discharge of contaminants at the source.

Accordingly, we used the Toronto By-law as a guide in preparing our new Sewer By-Law. We also reviewed sewer by-laws of eight other Canadian cities.

Pollutant control
The new draft includes principles contained in a draft Model Sewer Use By-Law produced by the Canadian Council of Ministers of the Environment to help municipalities implement source control of contaminants discharged to the municipal sewer system.

In determining the pollutants to be restricted or controlled, we referred to the National Pollutant Release Inventory set up under the Canadian Environmental Protection Act.

4.2 Major changes in the New By-law

Plain Language

We have written the new Sewer By-law in user-friendly language.

Format

The By-law is consistent with the legislative by-law drafting style used by both the Province of Manitoba and the City of Winnipeg. It is also consistent with The City of Winnipeg Charter.

Definitions

We have added new definitions to make the By-law clearer.

General Part

We have expanded this Part to include clauses that apply in many other sections of the By-law. This has reduced duplication and will make it easier for citizens to find these clauses.

Construction and Approval

1. We have changed sections related to construction and approvals to clarify City requirements in these areas.

2. We have deleted the section equalizing the cost of new sewer connections where a sewer is not in the middle of the street. By providing credits and charges, this section was intended to equalize the cost to property owners connecting to a sewer for the first time when the sewer is not in the middle of the street, and based solely on the length of the sewer pipe in relation to centre line of the right-of-way. The reasons for deleting this section include:
    - with changes in construction methods over the last 20 years (e.g., trenchless technologies), length of the sewer pipe is no longer the key factor in the cost as it was in the past,
    - applying equalization instead often creates unfairness and inequity because installing a sewer pipe is site specific and a number of factors contribute to the cost of connecting to the sewer (e.g., location, depth, size, condition, and material type of the sewer main),
    - customers do not expect the City to offset their costs because their sewer pipe is a different length than their neighbour's sewer pipe on the opposite side of the street.

Discharges of Wastewater

1. We have expanded the schedule that lists substances prohibited for discharge to the wastewater system (Schedule A). Some dispensed and over-the-counter pharmaceutical products are now prohibited.

2. We have expanded the schedule that sets substance discharge limits (Schedule B). New restricted substances include:
   - total nitrogen and phosphorus, to reflect restrictions on these compounds contained in the Environment Act Licences for the City's three water pollution control centres,
   - metals of concern related to the operation of the water pollution control centres and the biosolids treatment and disposal program, and
   - endocrine disrupting compounds.

3. We have prohibited the dilution of wastewater to achieve limits for discharge.

4. We have changed the requirements for grease interceptors to comply with the Canadian Standards Association.

5. We have added a requirement for dental waste amalgam separators.

6. We have modified the section on food waste grinders to reflect current practice (i.e., that food waste grinders comply with the performance standards set by the American Society of Sanitary Engineers and the horsepower rating reflect grinders commonly sold for household use).

7. We have added a provision to allow the discharge of swimming pool water into the land drainage system with certain restrictions.

Overstrength Wastewater Surcharges

We added nitrogen and phosphorus to the overstrength wastewater surcharge program. This will recover costs for treating these substances to meet the effluent limits set out in the licences for the wastewater treatment plants. These surcharges are in addition to those for biochemical oxygen demand and total suspended solids which are already in place. These rates are currently under review and a recommendation will be forwarded to Council for review and approval in the future.

Discharges of Land Drainage

This new part deals with the control of discharges to land drainage sewers. Schedules C and D list prohibited and restricted substances that may affect the aquatic environment where land drainage sewers discharge.

Licences

We have extended the term of many of the licences required in the By-Law to five years with annual fees payable to maintain the licence. This will reduce administrative costs and inconvenience for the customer.

Spills

This is a new part giving directives for persons responsible for spills or who have custody and control of a substance involved in a spill.

Pollution Prevention Planning

4.2.1 This is a new part. Pollution Prevention (or P2) Planning is defined in the Canadian Environment Protection Act as "the use of processes, practices, materials, products or energy that avoids or minimizes the creation of pollutants and waste, and reduces overall risk to human health or the environment".

Implementing a P2 planning program shifts the focus of wastewater treatment from control to prevention at source. It requires the continual evaluation of materials, processes and practices involved in commercial and industrial operations. This will reduce or possibly eliminate pollutants of potential concern.

P2 planning will encourage businesses to:
- reduce pollutants at source,
- use energy more efficiently,
- reuse input materials, and
- replace raw materials with more environmentally friendly products.

This will likely result in several benefits to the business, including:
- reduced operating costs,
- reduced risks of liability, and
- increased workplace health and safety.

There would also be public health and environmental benefits.

An owner of a business will be required to submit a P2 plan for approval by the Director and follow the approved Plan, if the business falls within one of the business sectors listed in Schedule E, and:

(a) discharges to the wastewater system any of the prohibited substances listed in Schedule A;

(b) discharges to the wastewater system any of the substances in excess of the concentration limits set out in Schedule B;

(c) discharges to the land drainage system any of the prohibited substances listed in Schedule C; or

(d) discharges to the land drainage system any of the substances in excess of the concentration limits set out in Schedule D.

The P2 planning program:
- will apply to business sectors listed in Schedule E, starting with metal processing companies,
- will provide one year of notice before a business sector is included, and
- may provide best management practices guidelines to help businesses prepare their P2 plans.

Schedule E may be expanded to include other business sectors (e.g. food processing, beverage processing, photofinishing/printing, gas stations/auto repair, industrial laundries, pharmaceutical and medicine). However, Schedule E can only be expanded with a By-law amendment approved by Council. Justification for expanding Schedule E would be provided to Council in a report requesting the By-law amendment.

Businesses required to prepare a P2 plan must:
- submit their plan to the Department for approval,
- submit annual progress reports, and
- update the plans once every five years to show progress towards their goals.

Some businesses will need specialist environmental or engineering practitioners to assist them in preparing their P2 plans.

The program allows:
- the Director to require owners of businesses to collect and analyse samples and submit results to the department to determine compliance with the By-law,
- businesses "opt out" of P2 Program requirements if ongoing compliance with the By-law discharge schedules is achieved by the business or to "opt back in" if compliance issues or a spill occurs with the business.

Fees and Charges
In order to facilitate annual inflationary increases in fees, charges, surcharges, and deposits, as required by Council policy, these fees are no longer set out in the By-law. Instead, they will be contained in the Fees and Charges Manual and increased by the rate of inflation annually. When larger increases are needed, these will be approved by Council resolution.
No new fees or fee increases are proposed in this report.