Agenda - Executive Policy Committee – June 5, 2013

Report - Standing Policy Committee on Infrastructure Renewal and Public Works – May 28, 2013

Item No. 1 Amendment to Sewer By-Law No. 92/2010 - Expanding the scope of Pollution Prevention Planning

STANDING COMMITTEE RECOMMENDATION:

On May 28, 2013, the Standing Policy Committee on Infrastructure Renewal and Public Works concurred in the recommendation of the Winnipeg Public Service and submitted the following to Council:

1. That the Sewer By-law No. 92/2010 be amended as per the draft by-law attached as Appendix A, to add a new tier of industry sectors to the pollution prevention planning requirements of the by-law, effective July 1, 2014, including:

    - Textile and Fabric Manufacturing
    - Cement and Concrete Product Manufacturing
    - Semiconductor and Other Electronic Component Manufacturing
    - Jewelry and Silverware Manufacturing
    - Testing Laboratories
    - Medical and Diagnostic Laboratories
    - Funeral Homes
    - Dry Cleaning and Laundry Services
    - Photo Finishing Services
    - Waste Treatment and Disposal
    - Food and Beverage Manufacturing

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

Agenda - Executive Policy Committee – June 5, 2013

Report - Standing Policy Committee on Infrastructure Renewal and Public Works – May 28, 2013

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On May 28, 2013, 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

Title: **AMENDMENT TO THE SEWER BY-LAW 92/2010 TO EXPAND THE SCOPE OF POLLUTION PREVENTION PLANNING.**

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

AUTHORIZATION

Author	Department Head	CFO	CAO
K. Kjartanson, M.Sc., P. Eng. Manager, Environmental Standards	D. P. Sacher, P. Eng. Director, Water and Waste Department	M. Ruta	D. Joshi

RECOMMENDATIONS

That Council enact an amendment to the Sewer By-law (attached as Appendix A) to add a new tier of industry sectors to the pollution prevention planning requirements of the By-law effective July 1, 2014, including:

- Textile and Fabric Manufacturing
- Cement and Concrete Product Manufacturing
- Semiconductor and Other Electronic Component Manufacturing
- Jewelry and Silverware Manufacturing
- Testing Laboratories
- Medical and Diagnostic Laboratories
- Funeral Homes
- Dry Cleaning and Laundry Services
- Photo Finishing Services
- Waste Treatment and Disposal
- Food and Beverage Manufacturing

REASON FOR THE REPORT

An amendment to the Sewer By-law requires Council approval.

IMPLICATIONS OF THE RECOMMENDATIONS

Pollution prevention planning was included in the City of Winnipeg Sewer By-law 92/2010 further to a report from the Clean Environment Commission to the Minister of Conservation in 2003 that included a recommendation that the City of Winnipeg review the existing Sewer By-law. The Canadian Council of Ministers of the Environment (CCME) Model Sewer Use By-law was used during the review and

recommends the use of pollution prevention planning in sewer use by-laws. Pollution prevention planning shifts the focus from wastewater treatment to control at source.

Businesses that are subject to the requirement of Part 11 under the Sewer By-law must submit a Pollution Prevention Plan if they discharge:

- any of the prohibited substances listed in Schedule A to the wastewater system,
- any of the substances in excess of the concentration limits set out in Schedule B to the wastewater system,
- any of the prohibited substances listed in Schedule C to the land drainage system, or
- any of the substances in excess of the concentration limits set out in Schedule D to the land drainage system.

The businesses that need to submit a Pollution Prevention Plan are required to:

- prepare a Pollution Prevention Plan using the template provided,
- submit the plan for approval by the Water and Waste Department,
- submit annual progress reports, and
- update their plan once every five years to show progress towards pollution prevention goals.

Even though Part 11 came into effect on January 1, 2012, its provisions apply only to the industry sectors set out in Schedule E. Tier 1 was included in the original By-law. To date, Council has approved two tiers of industry sectors to be added to Schedule E. They are currently set out in Schedule E using the North American Industry Classification System (NAICS) codes for businesses. Tier 1-B, an expansion of Tier 1, was included in the program as of January 2013 and Tier 2 has been given the required one year notice and will be included in the program starting in July 2013.

This report proposes that the following become Tier 3 of the pollution prevention planning program effective July 1, 2014. Businesses affected will be given the required one year of notice regarding the program.

The total numbers of businesses listed in the following table are those businesses in each sector known at this time. The number of businesses affected will likely increase as the program progresses.

Pollution Prevention Planning Tier 3

Industry Sector	Sewer By-law limits of pertinence	Known number of businesses affected
Textile and Fabric Manufacturing	• Metals • Dyes • pH	4
Cement and Concrete Product Manufacturing	• pH • Total Suspended Solids	16
Semiconductor and Other Electronic Component Manufacturing	• pH • Phosphorus • Sulphate • Volatile Organic Compounds • Metals	9

Industry Sector	Sewer By-law limits of pertinence	Known number of businesses affected
Jewelry and Silverware Manufacturing	• Metals • pH	4
Testing Laboratories	• A variety of parameters	4
Medical and Diagnostic Labs	• A variety of parameters	7
Funeral Homes	• Phenols • Volatile Organic Compounds	27
Dry Cleaning and Laundry Services	• Tetrachloroethylene • Phosphorus	19
Photo Finishing Services	• Metals • pH	2
Waste Treatment and Disposal	• A variety of parameters	6
Food and Beverage Manufacturing	• Biochemical Oxygen Demand • Total Suspended Solids • Oil/Grease • Nitrogen • Phosphorus • Phenols • pH	55

A more detailed breakdown of the business sectors by NAICS code is set out in the table which will be added to Schedule E and which is included in the attached amending By-law.

HISTORY

The current Sewer By-law 92/2010 was approved by City Council on July 21, 2010. Several minor administrative adjustments were approved by Council, since that time. Schedule E was amended to include Tier 1-B on November 16, 2011, and Tier 2 on June 27, 2012.

The pollution prevention planning program has been well received by affected customers. As of April 4, 2013, 187 of 230 companies in Tier 1 have been inspected. Of the companies inspected, 33 have been notified that a Pollution Prevention Plan is required. 20 Pollution Prevention Plans have been submitted and approved.

Pollution prevention planning requires the continual evaluation of materials, processes and practices involved in commercial and industrial operations with the goal of reducing or possibly eliminating pollutants of potential concern.

FINANCIAL IMPACT

Financial Impact Statement **Date:**

Project Name:

Amendment to the Sewer By-law 92/2010 to expand the scope of Pollution Prevention Planning

COMMENTS:

There is no financial impact associated with this report.

"Original signed by M. L. Geer, C. A."
Moira Geer, CA
Manager of Finance & Administration

CONSULTATION

In preparing this report there was consultation with:

Legal Services Department

SUBMITTED BY

Water and Waste Department
Environmental Standards Division
Prepared by: B. Zastre and M. Marsland
Date: May 16, 2013
File No. 020-11-01-23-00

Appendix A

A By-law of the City of Winnipeg to Amend the Sewer By-law

THE CITY OF WINNIPEG

BY-LAW NO.

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

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

Schedule E of Sewer By-law amended

1 Schedule E of the Sewer By-law No. 92/2010 is amended by adding the following table after the existing tables set out in Schedule E:

Pollution Prevention Plan Tier 3

Effective Date ***July 2014***

Textile and Fabric Manufacturing	***NAICS Code ****
Textile and fabric finishing	*313310*
Fabric coating	*313320*
Linen and uniform supply	*812330*

Cement and Concrete Product Manufacturing	***NAICS Code ****
Cement Manufacturing	*327310*
Ready-mix concrete manufacturing	*327320*
Concrete pipe, brick and block manufacturing	*327330*
Other concrete product manufacturing	*327390*

Semiconductor and Other	***NAICS***

Electronic Component Manufacturing	***Code ****
Semiconductor and other electronic component manufacturing	*334410*

Jewellery and Silverware Manufacturing	***NAICS Code ****
Jewellery and silverware manufacturing	*339910*

Testing Laboratories	***NAICS Code ****
Testing laboratories	*541380*

Medical and Diagnostic Laboratories	***NAICS Code ****
Medical and Diagnostic Laboratories	*621510*

Funeral Homes	***NAICS Code ****
Funeral Homes	*812210*

Dry Cleaning and Laundry Services	***NAICS Code ****
Dry Cleaning and Laundry Services (except coin-operated)	*812320*

Photo Finishing Services	***NAICS Code ****
Photo Finishing Laboratories (except one-hour)	*812921*
One Hour Photo Finishing	*812922*

Waste Treatment and	***NAICS***

Disposal	***Code ****
Waste Treatment and Disposal	*562210*

Food and Beverage Manufacturing	***NAICS Code ****
Dog and Cat Food Manufacturing	*311111*
Other Animal Food Manufacturing	*311119*
Flour Milling	*311211*
Rice Milling and Malt Manufacturing	*311214*
Wet Corn Milling	*311221*
Oilseed Processing	*311224*
Fat and Oil Refining and Blending	*311225*
Breakfast Cereal Manufacturing	*311230*
Sugar Manufacturing	*311310*
Non-chocolate Confectionery Manufacturing	*311340*
Chocolate and Chocolate confectionary Manufacturing from Cacao Beans	*311351*
Confectionary Manufacturing from Purchased Chocolate	*311352*
Frozen Food Manufacturing	*311410*
Fruit and Vegetable Canning, Pickling, and Drying	*311420*
Fluid Milk Manufacturing	*311511*
Butter, Cheese, and Dry and Condensed Diary Product Manufacturing	*311515*
Ice Cream and Frozen Dessert Manufacturing	*311520*
Animal (except poultry) slaughtering	*311611*
Rendering and Meat Processing from Carcasses	*311614*
Poultry Processing	*311615*
Seafood Product Preparation and	*311710*

Packaging	
Retail Bakeries	*311811*
Commercial Bakeries and Frozen Bakery Product Manufacturing	*311814*
Cookie and Cracker Manufacturing	*311821*
Flour Mixes, Dough, and Pasta Manufacturing from Purchased Flour	*311824*
Tortilla Manufacturing	*311830*
Roasted Nut and Peanut Butter Manufacturing	*311911*
Other Snack Food Manufacturing	*311919*
Coffee and Tea Manufacturing	*311920*
Flavouring Syrup and Concentrate Manufacturing	*311930*
Seasoning and Dressing Manufacturing	*311940*
All Other Food Manufacturing	*311990*
Soft Drink and Ice Manufacturing	*312110*
Breweries	*312120*
Wineries	*312130*
Distilleries	*312140*

DONE AND PASSED, this day of , 2013.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Director of Water and Waste

Approved as to form:

_____
For Director of Legal Services/City Solicitor