APPENDIX A – New Sewer By-law

THE CITY OF WINNIPEG
SEWER BY-LAW NO. /2018

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APPENDIX A – New Sewer By-law

THE CITY OF WINNIPEG

SEWER BY-LAW NO. /2018

A By-law of THE CITY OF WINNIPEG 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, namely:

PART 1
INTRODUCTION

Short Title

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

Definitions and interpretation

2(1) In this By-law

"abandon", in the context of the wastewater system, means to physically disconnect a private sewer service pipe from a common sewer main;

"American Public Health Association" means the American Public Health Association founded in 1872, or any successor association;

"American Water Works Association" means the American Water Works Association founded in 1881, or any successor association;

"as-built drawing" means a drawing of a completed construction project that shows on-site changes to the original design documents for the project;

"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 process at a sewage treatment plant;

"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;

"business" has the same meaning as in the Charter;

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"business day" means any day that is not a

(a) Saturday;

(b) Sunday; or

(c) holiday recognized by the City;

"Canadian Standards Association" means the Canadian Standards Association founded in 1919, or any successor association;

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

"Charter" means *The City of Winnipeg Charter*, SM 2002 c 39;

"City" means the municipal corporation of The City of Winnipeg;

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

"City infrastructure" has the same meaning as in the Water By-law;

"combined sewer main" means a common sewer main that is designed to accept both wastewater and land drainage;

"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 main " means a wastewater sewer main or a combined sewer main that

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

(b) is not an interceptor sewer main;

"condominium" means a building that

(a) contains multiple dwelling units; and

(b) is subject to *The Condominium Act*, CCSM c C170;

"connection" means the point at which a private sewer service pipe or a private land drainage system is connected to the wastewater system or to the land drainage system so as to permit the discharge of land drainage or wastewater from a property into a land drainage sewer main or a common sewer main in accordance with this By-law;

"cooling water" means water that is used to reduce temperature in an enclosed system, and includes the condensate from that system;

"Council" means the municipal council for the City;

DRAFT

"demolish", in the context of a building, means to remove or destroy the entire building, including its foundation;

"Department" means the City's Water and Waste Department;

"designated committee" means the Standing Policy Committee on Water and Waste, Riverbank Management and the Environment;

"designated employee" means the Director and any other City employee who has been authorized by the Director to administer and enforce all or part of this By-law or to exercise any of the powers given to the Director under this By-law;

"Director" means the Director of the Department, and includes his or her delegate;

"Downspout Discharge Licence" means a licence issued under section 62 of this By-law;

"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 dwelling unit, where food is manufactured, prepared, processed, heated, cooked, packaged, served or otherwise handled in a manner that produces or may produce natural oils and grease, and may include bakeries, restaurants, catering operations, retail food stores, hotels, commissaries, canteens, cafes and coffee shops, snack bars, banquet halls, delicatessens, ice cream shops and temporary food service operations;

"fronting", with respect to the relationship between a property and a common sewer main or a land drainage sewer main, means that portion of the common sewer main or the land drainage sewer main that lies within a street that is immediately adjacent to the property;

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

"generator" means a person who generates or permits the generation of land drainage or wastewater, and may include the owner or the occupant of property from which land drainage or wastewater is discharged to the land drainage system or to the wastewater system;

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"greywater" means untreated, used water, including water discharged from

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

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

but does not include sewage;

"groundwater" means water beneath the earth's surface that has accumulated through seepage, but does not include water that has been mechanically or manually pumped to the earth's surface;

"hauled wastewater" means wastewater that is

(a) not discharged to the wastewater system; and

(b) is transported by vehicle to a hauled wastewater disposal site;

"hauled wastewater disposal site" means a site or facility designated for the disposal of hauled wastewater by the Director;

"hazardous waste" means any substance or mixture of substances other than a pesticide that

(a) exhibits characteristics of flammability, corrosivity, reactivity or toxicity; or

(b) is designated as a toxic substance in Schedule 1 to the *Canadian Environmental Protection Act, 1999;*

"heating water" means water used to increase temperature in an enclosed system, and includes the condensate from that system;

"dwelling unit" means a residence, with cooking facilities, designed for an individual or a group of individuals living as a single housekeeping unit, including single-family dwellings, but not including hotels, hostels, or residential care facilities;

"infectious or toxic" has the same meaning as in *Canadian Environmental Protection Act, 1999;*

"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 main" means a sewer that

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

(b) has been designated as such by the Director;

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“invert” means the elevation of the lowest inside surface of a pipe, drain, sewer, culvert, or manhole;

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

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

(b) groundwater, including water from weeping tiles, foundation drains and sump pumps;

“Land Drainage Discharge Licence” means a licence issued under section 61 of this By-law;

“land drainage sewer main” means a sewer that is designed to carry only land drainage;

“land drainage system” means the pipes, equipment, facilities, structures and processes within the city designed to collect, carry and dispose of land drainage, including land drainage sewer mains but not including 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;

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

“multi-family dwelling” means a building that contains 3 or more dwelling units;

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

“non-conforming private sewer service pipe” means a private sewer service pipe that is not connected to a fronting common sewer main;

"nonylphenols" means the total of nonylphenols 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 and nonylphenol monoethoxylates; **“occupant”** means a person who occupies a property;

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

“operator”, in respect of a business, means a person having responsibility for and control over the day-to-day operations of that business and may include the owner of that business;

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"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 section 47 of this By-law;

"owner", in respect of real property, means the owner of that property as defined in the Charter and, if the property is divided into condominium units under *The Condominium Act*, includes the condominium corporation with respect to the common elements of the building or buildings and land from which wastewater or land drainage is being discharged;

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

"permit holder" means the person to whom a permit, licence or authorization has been issued under this By-law;

"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 the pipes, equipment, facilities and structures that are not owned by the City and are designed to collect, carry and dispose of land drainage from private property;

"private meter" means a water meter or a wastewater meter that is not owned by the City;

"private property" means property that is not

(a) a street; or

(b) owned by the City;

"private sewer service pipe" means a pipe, or system of pipes, and related components which are designed to carry wastewater or land drainage underground from its source on private property to the wastewater system or to the land drainage system;

"property" means all or part of real property identified by a street address;

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

"Service Permit" means a permit issued under section 27 of this By-law;

"sewage" means liquid waste from residential, industrial, commercial, or institutional sources;

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“sewer main” means a pipe that

(a) is not a private sewer service pipe;

(b) collects and transmits wastewater or land drainage, or both; and

(c) is part of either the wastewater system or the land drainage system;

"Sewer Contractor's Licence" means a licence issued by a designated employee under section 25 of this By-law;

“sewer rate” means the price per cubic metre established by Council or pursuant to powers delegated by Council that is used to calculate the sewer charge in accordance with section 94 of this By-law;

“single-family dwelling” means a building which contains a single dwelling unit;

“single-family or two-family property” means a property on which a single-family dwelling or a two-family dwelling is located, but does not include a property on which a multi-family dwelling is located;

“spill” means a discharge that

(a) is not permitted by this By-law; and

(b) has entered or may enter the wastewater system or the land drainage system;

“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 Charter;

“Sump Pump Discharge Licence” means a licence issued under section 63 of this By-law;

“swimming pool water” means water from swimming pools, wading pools, hot tubs, or spas, but does not include water that has accumulated on the cover of a swimming pool, wading pool or hot tub from rain or snow melt;

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

"total polycyclic aromatic hydrocarbons" means the total of

(a) acenaphthene;

(b) acenaphthylene;

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(c) anthracene;

(d) benzo(a)anthracene;

(e) benzo(a)pyrene;

(f) benzo(b)fluoranthene;

(g) benzo(ghi)perylene;

(h) benzo(k)fluoranthene;

(i) chrysene;

(j) dibenzo(ah)anthracene;

(k) fluoranthene;

(l) fluorene;

(m) indeno(1,2,3 cd)pyrene;

(n) 1-methyl naphthalene;

(o) 2- methyl naphthalene;

(p) naphthalene;

(q) phenanthrene; and

(r) pyrene;

"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 suspended solids" or "**TSS**" means the total amount of solids per litre in wastewater retained by a filter;

"two-family dwelling" means a building that contains 2 dwelling units;

"wastewater" means any mixture of water and water-carried waste, including

(a) sewage;

(b) greywater;

(c) swimming pool water;

(d) heating water;

DRAFT

(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 section 46 of this By-law;

“Wastewater Disposal Vehicle Licence” means a licence issued under section 73 of this By-law;

“Wastewater Hauler’s Licence” means a licence issued under section 72 of this By-law;

“wastewater meter” means a device designed to measure and record the volume of wastewater discharged from a property and includes any associated devices or equipment, such as a remote reading device;

“wastewater sewer main” means a sewer main that is designed to collect directly from private sewer service pipes and carry wastewater, but does not include an interceptor sewer main;

“wastewater system” means all pipes, sewer mains, equipment, facilities, structures and processes within the city designed to collect, carry, treat and dispose of wastewater, but does not include private sewer service pipes;

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

“water meter” has the same meaning as in the Water By-law;

“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 that body of water;

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

"work", unless the context indicates otherwise, includes installing, enlarging, repairing, altering, connecting, abandoning or reusing any part of:

(a) a private sewer service pipe

(b) a private land drainage system;

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(c) the wastewater system; or

(d) the land drainage system.

2(2) For the purposes of this By-law, quantities of substances shall be determined in accordance with tests and expressed in units of measurement set out in the *Standard Methods for the Examination of Water and Wastewater*.

PART 2
AUTHORITY

Director's authority

3(1) Subject to this By-law and to resolutions of Council, the Director is authorized to administer this By-law, the wastewater system and the land drainage system with the city.

3(2) Without restricting the general nature of subsection (1), the authority given to the Director includes the authority to

(a) designate City employees as designated employees under this By-law;

(b) determine which forms of payment will be accepted for a price, rate, fee, penalty, deposit or other charge related to the discharge of wastewater or land drainage to the wastewater system or to the land drainage system, and the locations at which those payments will be accepted;

(c) determine when invoices in respect of sewer charges will be issued;

(d) determine when sewer charges will be due and payable;

(e) recover any unpaid price, rate, fee, penalty, deposit or other charge related to the discharge of wastewater or land drainage to the wastewater system or the land drainage system by any legal means, including adding the unpaid price, rate, fee, penalty, deposit or charge to real property taxes in accordance with the Charter;

(f) determine when inspections are required in respect of work regulated by this By-law; and

(g) designate hauled wastewater discharge sites.

Inspecting, enforcing and administering this By-law

4(1) Designated employees are authorized to conduct inspections, administer and enforce this By-law, or remedy a violation of this By-law, and for these purposes, they have the powers of a designated employee under the Charter.

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4(2) The powers given to designated employees in subsection (1) include the authority, after giving reasonable notice to the owner or the occupant, to

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

(b) install wastewater meters;

(c) inspect wastewater meters, private sewer service pipes or any other thing that is required by this By-law to be installed, maintained or done on a property;

(d) collect and analyze samples of

(i) wastewater;

(ii) land drainage; or

(iii) any other substance being discharged, or capable of being discharged, into the wastewater system or land drainage system;

(e) where the owner or the occupant of the property has for 30 consecutive days refused to allow or has interfered with entry to that property by the designated employee, shut off the supply of water to that property; and

(f) take any other action or measure authorized by this By-law.

4(3) The powers given to designated employees in subsection (1) include the authority to prevent or stop a vehicle from discharging hauled wastewater into a hauled wastewater disposal site if the designated employee determines that the discharge violates or may violate this By-law, including any conditions imposed on a Wastewater Disposal Vehicle Licence.

Flood prevention and control

5(1) The Director is authorized to maintain and operate permanent flood pumping stations, gates and gate chambers.

5(2) Where the Director determines that overland flooding is possible, he or she 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 meet the threat of overland flooding or reduce or eliminate its effects.

5(3) Where the Director determines that overland flooding or possible overland flooding constitutes an emergency that affects or may affect the health or safety of persons or property, the Director is authorized to take whatever actions or measures he or she determines necessary to meet the emergency and to eliminate or reduce its effects.

5(4) Despite any other provision of this By-law, a designated employee is authorized to discharge or permit to be discharged wastewater or land drainage into a waterway where the designated employee determines that the discharge is necessary to control overland flooding.

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Emergency entries allowed
6(1) Where the designated employee determines that an emergency exists that affects or may affect the health or safety of persons or property, a designated employee is authorized to take any actions that the designated employee determines necessary to meet the emergency and eliminate or reduce its effects.

6(2) Without limiting the general nature of subsection (1), the authority of the designated employee given in subsection (1) includes the authority to

(a) enter property; and

(b) shut off the supply of water to a property,

without notice to or consent by the owner or the occupant of the property.

PART 3
GENERAL

Responsibility for complying with this By-law
7(1) Unless otherwise indicated, the obligations and requirements set out in this By-law apply to every person.

7(2) Where a requirement is imposed on a person by this By-law, an agent may act on behalf of that person to meet the requirement but the person is responsible to meet the requirement even if an agent is acting on his or her behalf.

7(3) A requirement imposed by this By-law on a generator of wastewater or land drainage, including the owner or the occupant of property, includes the obligation to not permit the requirement to be violated by another person.

Responsibility for installing private sewer service pipes
8(1) The owner of any property that will discharge wastewater to the wastewater system is responsible for the installation of all private sewer service pipes, including connections and related components, required to facilitate the discharge of wastewater from the property to the wastewater system.

8(2) The obligation imposed in subsection (1) includes the obligation to

(a) ensure that the installation of the private sewer service pipes is in accordance with this By-law; and

(b) to pay the costs of the installation.

Responsibility for maintaining private sewer service pipes
9(1) Subject to section 30, the owner of any property that discharges wastewater to the wastewater system through a conforming private sewer service pipe must ensure that the portion of the private sewer service pipe that is not within a street is in an operable condition and is in compliance with this By-law.

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9(2) Despite subsection (1), and subject to this By-law, the owner of any property that discharges wastewater to the wastewater system through a non-conforming private sewer service pipe must ensure that the entire length of the private sewer service pipe is in an operable condition and is in compliance with this By-law.

9(3) The obligation to maintain a private sewer service pipe imposed by this section includes the obligation to

(a) maintain the private sewer service pipe so that it does not leak or cause damage to other property or to City infrastructure; and

(b) repair or replace the private sewer service pipe as required.

9(4) Where a single private sewer service pipe discharges wastewater from more than one property, the obligation imposed by this section applies equally to the owners of all properties from which wastewater is discharged.

Sewer contractors
10 The owner of a property must ensure that any work completed under sections 8 or 9 is carried out by a person who holds a valid Sewer Contractor's Licence issued in accordance with Part 4.

Monitoring requirements
11 Where the designated employee determines that an access point is necessary to observe, sample or measure wastewater, the owner or the occupant of a property must

(a) construct or install the access point in accordance with plans and specifications approved by the designated employee;

(b) maintain the access point in a safe condition, as determined by the designated employee; and

(c) ensure that the access point is accessible to a designated employee at all reasonable times.

Sampling and analytical requirements
12(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*.

12(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 the appropriate test or analysis.

12(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 procedure, test or analysis must be used.

12(4) Samples must be taken at an access point or other location determined by a designated employee.

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12(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 potential accuracy of the result.

12(6) In the absence of evidence to the contrary, samples taken of wastewater discharged from a property are deemed to be characteristic of all of the wastewater discharged into the wastewater system from that property.

Record search
13 Subject to *The Freedom of Information and Protection of Privacy Act*, upon payment of the applicable fee, the owner of a property or an agent of the owner is entitled to receive, in respect of a property, account histories and other records which the City has in its possession.

Contamination of wastewater system prohibited
14 A person must not add any substance to the wastewater system unless authorized by the Director.

Dilution prohibited
15(1) A person must not dilute wastewater with water or any other material in order to comply with the discharge limits set out in this By-law unless authorized by a designated employee.

15(2) A designated employee must not authorize the dilution of wastewater unless

(a) the substance being diluted is not subject to a surcharge under this By-law; and

(b) the designated employee determines that the diluted discharge is not likely to

(i) pose a risk of harm to the health or safety of persons or property, to the environment or to City infrastructure;

(ii) interfere with the operation or maintenance of the wastewater system;

(iii) damage the wastewater system; or

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

15(3) The designated employee is authorized to impose any conditions on the authorization of the dilution of wastewater under subsection (2) that he or she considers appropriate to ensure that the diluted discharge does not

(a) pose a risk to the City's infrastructure, human health or safety, property, or the environment;

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

(c) damage the wastewater system; or

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(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.

15(4) Where wastewater has been diluted in violation of subsection (1), the owner or the 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.

Restrictions on withdrawing wastewater
16(1) A person must not withdraw or use wastewater from the wastewater system unless authorized by a designated employee.

16(2) A designated employee must not authorize the withdrawal of wastewater from the wastewater system unless he or she determines that the withdrawal

(a) is for legitimate scientific study; and

(b) the wastewater can be withdrawn and used without risk of harm to the health or safety of persons, to property or to the environment.

16(3) The designated employee's authority to impose conditions on the authorization under subsection (2) includes the authority to impose the condition that the person to whom the authorization was issued must restore the wastewater system to its original condition following the withdrawal.

Restrictions on withdrawing land drainage
17(1) A person must not withdraw or use land drainage from the land drainage system unless authorized by a designated employee.

17(2) A designated employee must not authorize the withdrawal of land drainage from the land drainage system unless he or she determines that the withdrawal

(a) does not pose a risk of harm the health or safety of persons or property, to the environment or to City infrastructure; and

(b) would not adversely affect the water level of the land drainage system.

17(3) The designated employee's authority to impose conditions on the authorization under subsection (2) includes the authority to impose the condition that the person to whom the authorization was issued must restore the land drainage system to its original condition following the withdrawal.

Obstructing work prohibited
18 A person must not obstruct the ability of employees or agents of the City to work on the wastewater system or the land drainage system.

Damage to and obstruction of sewer prohibited
19(1) A person must not damage the wastewater system or the land drainage system.

19(2) A person must not interfere with the operation of any part of the wastewater system or the land drainage system unless authorized by a designated employee.

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19(3) A person must not interfere with the operation of a private sewer service pipe allocated within a street unless authorized by

(a) the owner of the property that discharges wastewater to the private sewer service pipe; and

(b) a designated employee.

PART 4
PERMITS, LICENCES AND AUTHORIZATIONS

Permits, licences and authorizations

20(1) When a permit, licence or authorization is required by or under this By-law, a designated employee is authorized to issue or renew the permit, licence or authorization if

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

(b) the applicant pays the applicable fee and, if applicable, the required deposit; and

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

20(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 21(5) has not expired.

20(3) A designated employee is authorized to issue or renew a permit, licence or authorization with or without conditions, for either an indefinite or a limited period of time.

20(4) If a designated employee imposes conditions on a permit, licence or authorization under subsection (3)

(a) the conditions must be related to

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

(ii) administering or enforcing this By-law; and

(b) the designated employee is authorized to take into account the previous relevant conduct of the applicant.

20(5) The designated employee is authorized to impose as a condition under clause 20(4)(a) the requirement that the permit holder indemnify the City against loss, harm, damage and other consequences that could result from actions taken under the permit, licence or authorization.

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20(6) It is a condition of any permit, licence or authorization issued under this By-law that the permit holder consent to the entry of a designated employee to the property owned or occupied by the permit holder at any reasonable time, without notice, to conduct an inspection or otherwise administer or enforce this By-law.

20(7) The permit holder must comply with any conditions imposed on the permit, licence or authorization.

20(8) Unless otherwise specified in a permit, licence or authorization, the permit holder must inform a designated employee of any changes to the information submitted in the application for the permit, licence or authorization within 10 business days following the effective date of the change, and a failure to do so voids the permit, licence or authorization.

20(9) Where a cheque or other method of payment used to pay for any fee associated with a permit, licence or authorization is returned for any reason, the permit, licence or authorization is void from the effective date of the licence, permit or authorization and the permit, licence or authorization is deemed to have never been issued.

Suspending and cancelling a permit, licence or authorization

21(1) In this section and section 22

"suspend" means that the permit, licence or authorization is temporarily ineffective for a specified period of time; and

"cancel" 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.

21(2) Unless otherwise specified in this By-law or in the permit, licence or authorization, a permit, licence or authorization is automatically

(a) suspended if fees associated with the permit, licence or authorization are not paid on or prior to the date on which they are due and payable; and

(b) cancelled if the fees associated with the permit, licence or authorization are not paid within 30 days following the date on which they were due and payable.

21(3) A designated employee is authorized to suspend or cancel a permit, licence or authorization if

(a) the permit holder has failed to comply with

(i) this By-law, the Water By-law, the Lot Grading By-law or any other relevant legislation; or

(ii) any conditions imposed on the permit, licence or authorization;

(b) the applicant provided false or misleading information in the application that affected the decision of the designated employee to grant the permit, licence or authorization;

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(c) the designated employee determines that the past conduct of the permit holder creates a reasonable concern that if a permit, licence or authorization were issued in respect of an activity, the permit holder will not or is unlikely to comply with this By-law, another by-law, other relevant legislation, or with conditions imposed on the permit, licence or authorization;

(d) an activity authorized by the permit, licence or authorization poses a risk of harm to the health or safety of persons or property, to the environment or to City infrastructure; or

(e) the designated employee determines that a discharge authorized by a permit, licence or authorization can no longer be accommodated by the wastewater system or the land drainage system, as applicable.

21(4) Before suspending or cancelling a permit, licence or authorization under subsection (3), the designated employee must

(a) notify the permit holder 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 permit holder a reasonable opportunity to be heard.

21(5) If a designated employee decides to cancel a permit, licence or authorization, he or she must identify the date before which, or the timeframe within which, the permit holder is not permitted to reapply for the permit, licence or authorization.

21(6) For greater certainty, the designated employee must provide a decision concerning the suspension or cancellation of a permit, licence or authorization to the permit holder in accordance with the Charter and this decision is subject to appeal to the designated committee.

Emergency suspensions of a permit, licence or authorization

22(1) A designated employee is authorized, without notice and without a hearing, to suspend a permit, licence or authorization for up to 30 days if the designated employee determines that

(a) an activity authorized by the permit, licence or authorization poses an immediate and substantial risk to the health or safety of persons or property, to the environment or to City infrastructure; or

(b) 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.

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22(2) After imposing an emergency suspension under clause 22(1)(a), the designated employee must

(a) immediately notify the permit holder of

(i) the suspension;

(ii) the date the suspension will expire;

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

(iv) the actions that the permit holder must take or the circumstances that must exist, if any, in order for the suspension to be lifted before the expiration date; and

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

22(3) After imposing an emergency suspension under clause 22(1)(b), the designated employee must

(a) immediately notify the permit holder of

(i) the suspension;

(ii) the date the suspension will expire; and

(iii) the incorrect information submitted in the application; and

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

22(4) Unless it is lifted earlier by the designated employee, an emergency suspension imposed under this section expires 30 days after the date on which it was imposed.

22(5) Despite subsection 22(4), if the designated employee is considering imposing a suspension or cancellation under this section and the permit holder requests that his or her opportunity to be heard be deferred to a date beyond the 30 day period, the designated employee is authorized to extend an emergency suspension imposed under this section for up to an additional 60 days.

Restriction on issuing licences

23 Subject to any other restrictions imposed under this By-law, the designated employee must not issue a licence if the designated employee determines that the activity permitted by the licence is likely to

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

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

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

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

Issuing licences
24 For the purposes of determining whether to issue a licence under this By-law, a designated employee is authorized to require the person who has applied for the licence to

(a) identify the quality and quantity of the proposed discharge;

(b) develop a best management practices plan;

(c) carry out pollution prevention measures; or

(d) provide any other information required by the designated employee in respect of the proposed discharge.

PART 5
SEWER CONTRACTOR'S LICENCE REQUIREMENTS

Sewer Contractor's Licence required
25 Only a designated employee or a person who holds a valid Sewer Contractor's Licence, issued in accordance with Part 4 and this Part, are permitted to perform work on a private sewer service pipe, the wastewater system, or the land drainage system.

Licence requirements
26(1) A designated employee is authorized to issue a Sewer Contractor's Licence if the designated employee determines that the applicant

(a) meets the requirements under Part 4; and

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

26(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 performed by the applicant or the applicant's employees or agents on the wastewater system, the land drainage system, or a private sewer service pipe.

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26(3) A designated employee must not issue a Sewer Contractor's Licence until the applicant files with the City's Chief Financial Officer 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) unlicensed motor vehicle liability;

(e) products and completed operations cover;

(f) 15 days' notice of cancellation; and

(g) deductible to be paid by the contractor.

26(4) A Sewer Contractor's Licence issued under this Part is immediately void if the insurance policy required by subsection (3) is not maintained.

PART 6
CONSTRUCTION REQUIREMENTS

Requirements for private sewer service pipes or private land drainage system
27(1) A person must not install a new private sewer service pipe, reuse an existing private sewer service pipe or abandon a private sewer service pipe unless authorized by the designated employee.

27(2) A person must not do any work on the wastewater system, the land drainage system, a private land drainage system or a private sewer service pipe unless a Service Permit which authorizes that person to carry out the work has been issued in accordance with Part 4.

27(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 proposed work on the wastewater system or the land drainage system.

27(4) Where the designated employee determines that work authorized under subsection (1) or in respect of which a Service Permit has been issued under subsections (2) could have an impact on the wastewater system, the land drainage system or City infrastructure, the designated employee is authorized to require, as a condition of the authorization or Service Permit, that the permit holder submit record drawings showing the completed work within 90 days following the date on which the work is completed.

Complying with construction standards required
28(1) A person to whom a Service Permit has been issued must ensure that work on the wastewater system, the land drainage system, a private land drainage system or a private sewer service pipe meets the standards set out in the *Standard Construction Specifications* unless a designated employee has authorized a variation to those specifications.

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28(2) A designated employee must not authorize a variation to the *Standard Construction Specifications* unless he or she determines that the variation meets the intent of the *Standard Construction Specifications*. Where the designated employee has authorized such a variation, the person to whom the Service Permit has been issued must comply with that variation.

28(3) As well as complying with subsection (1) or (2), a person to whom a Service Permit has been issued must follow any directions and requirements imposed by a designated employee to minimize risk to the health or safety of persons or property, to the environment or to City infrastructure.

Authorization required before backfilling

29(1) A person to whom a Service Permit has been issued must not backfill an excavation on a street or private property until authorized by a designated employee.

29(2) Where an excavation is backfilled without authorization of a designated employee, in addition to any other enforcement action taken, a designated employee is authorized to require the work to be exposed so that an inspection can take place.

Requirements for private sewer service pipes when buildings demolished

30(1) In addition to the provisions of the Winnipeg Building By-law, a designated employee must not issue a demolition permit under the Winnipeg Building By-law unless the owner, or a person on behalf of the owner, has

(a) abandoned the private sewer service pipe in accordance with this By-law and the *Standard Construction Specifications*; or

(b) paid a deposit to the City in an amount established by Council or pursuant to powers delegated by Council.

30(2) Despite section 9, where a demolition permit has been issued under the Winnipeg Building By-law in respect of a property, the owner of that property is responsible for all costs associated with the entire private sewer service pipe, including the costs of repair and maintenance, until the private sewer service pipe is either reused or abandoned.

30(3) If the owner of a property has provided a deposit under clause (1)(b), he or she must, within 18 months after the demolition of the building,

(a) reuse the private sewer service pipe in accordance with section 33; or

(b) ensure that the private sewer service pipe is abandoned in accordance with this section 32 and with the *Standard Construction Specifications*.

30(4) If an owner does not reuse or abandon the private sewer service pipe as required by subsection (3), the designated employee is authorized, after giving 30 days' notice to the owner, to

(a) abandon the private sewer service pipe in accordance with section 32 and with the *Standard Construction Specifications*; and

(b) use the deposit required by this section to the costs of doing so.

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30(5) If ownership of a property changes at any point before the private sewer service pipe is abandoned or reused, the new owner of the property must comply with the obligations under this section.

30(6) The designated employee must refund all or part of the deposit required under this Part to the person who provided the deposit, at the request of that person, as follows

(a) the designated employee must refund the full deposit if

(i) the private sewer service pipe has been reused or abandoned by the owner in accordance with subsection (3); or

(ii) ownership of the property has changed and the new owner has provided a deposit; and

(b) the designated employee must refund any unused portion of the deposit if the private sewer service pipe has been abandoned by the designated employee in accordance with subsection (4),

Requirements for blocking unused private sewer service pipes
31(1) The owner of a property must ensure that the private sewer service pipe is blocked and remains blocked in a manner acceptable to the designated employee where

(a) the building to which the private sewer service pipe is connected

(i) is demolished; or

(ii) has no superstructure; or

(b) required by the designated employee.

Requirements for abandoning private sewer service pipes
32(1) Once a building has been demolished, the owner must abandon all existing private sewer service pipes connected to the building.

32(2) Subject to subsection (3), an owner must not install or permit to be installed any new private sewer service pipes to a building unless all existing private sewer service pipes have been abandoned in accordance with the *Standard Construction Specifications*.

32(3) Subsection (2) does not apply where additional private sewer service pipes are required to service an extension to an existing building.

Requirements for reusing private sewer service pipes
33(1) An owner must not reuse a private sewer service pipe unless authorized by a designated employee.

33(2) A designated employee must not issue an authorization under subsection (1) unless he or she determines that, when reused, the private sewer service pipe will meet all criteria or requirements established by the Director with respect to material, depth, size, location, functionality and other relevant factors.

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33(3) Despite section 9, where a private sewer service pipe is being reused after the building from which wastewater or land drainage is discharged to the private sewer service pipe is demolished, the owner must ensure that the entire length of the private sewer service pipe complies with all criteria and requirements established by the Director with respect to material, depth, size, location, functionality and other relevant factors.

PART 7
CONNECTION REQUIREMENTS

Responsibility for complying with this Part
34 Unless otherwise specified, the generator of wastewater or of land drainage and any person doing work on a property that discharges wastewater or land drainage to the wastewater system or the land drainage system are each responsible for meeting the requirements of this Part.

All properties to be connected to common sewer main
35(1) Subject to subsection (2) and section 36, wastewater from a property must be discharged through a private sewer service pipe to the common sewer main fronting on the property.

35(2) If there is no common sewer main fronting on a property, wastewater must be discharged

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

(b) through a non-conforming private sewer service pipe to a wastewater sewer main in accordance with section 36 as authorized by a designated employee; or

(c) in accordance with a Temporary Overland Discharge Permit.

35(3) A meter must be installed in accordance with sections 100 or 101, as applicable, on any property that discharges wastewater to the wastewater system.

Requirements for non-conforming private sewer service pipes
36(1) Unless authorized by a designated employee, a private sewer service pipe must not be connected to

(a) an interceptor sewer main; or

(b) a wastewater sewer main that is not fronting on the property.

36(2) Subject to this section, a designated employee must not authorize a private sewer service pipe to be connected to an interceptor sewer main or to a wastewater sewer main that is not fronting on the property unless

(a) there is no wastewater sewer main fronting on the property;

(b) the installation of a wastewater sewer main fronting on the property is not reasonable, as determined under subsection (5);

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(c) where the proposed non-conforming private sewer service pipe crosses another property between the wastewater sewer main and the point of use, the owner has submitted drawings of the proposed non-conforming private sewer service pipe and its location that are signed and sealed by a professional engineer registered to practice in the Province of Manitoba; and

(d) the property owner

(i) 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

(ii) has provided to the designated employee a Certificate of Insurance that the City's Chief Financial Officer has determined is sufficient to support the indemnifications under subclause (i).

36(3) Where the designated employee authorizes a private sewer service pipe to be connected to an interceptor sewer main or to a wastewater sewer main that is not fronting on the property, the owner of the property must pay a frontage levy in accordance with the Frontage Levy By-law No. 7958/2002.

36(4) Despite clause (2)(a), but subject to clauses (2)(b), (c) and (d), a designated employee is authorized to allow a non-conforming private sewer service pipe to be connected to an interceptor sewer main or a wastewater sewer main that is not fronting on a property even where a wastewater sewer main fronting on the property exists if the designated employee determines that

(a) it is not technically feasible to connect the private sewer service pipe to the wastewater sewer main that is fronting on the property; or

(b) connecting the private sewer service pipe to the wastewater sewer main that is fronting on the property would put City infrastructure at risk.

36(5) For the purposes of clause (2)(b), the installation of a wastewater sewer main that would front on a property where a non-conforming private sewer service pipe is proposed is not reasonable

(a) where the designated employee determines that the installation of the wastewater sewer main

(i) would put City infrastructure at risk; or

(ii) is not feasible based on the elevation or any other reason; or

(b) where

(i) the property that is proposed to be served by non-conforming private sewer service pipe is immediately adjacent to a property that fronts on a wastewater sewer main;

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(ii) the land under which the pipe is located is unlikely to ever be subdivided; and

(iii) the non-conforming private sewer service pipe will connect with the wastewater sewer main at a point that fronts on the adjacent property.

36(6) Despite anything else in this section, the designated employee is authorized to refuse to allow the installation of a non-conforming private sewer service pipe if he or she determines that the proposed non-conforming private sewer service pipe poses or is likely to pose a threat to or interfere with City infrastructure, the health or safety of persons or property or the environment.

Property to be connected to land drainage sewer or combined sewer

37(1) A property must discharge land drainage through a private sewer service pipe to a land drainage sewer main or a common sewer main unless

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

(b) there is no land drainage sewer main or common sewer main fronting on the property; or

(c) otherwise authorized by a designated employee.

37(2) The designated employee must not issue an authorization under clause (1)37(1)(c) unless he or she determines that

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

(b) the discharge will not pose a risk to the health or safety of persons or property, to the environment or to City infrastructure.

Temporary overland discharge permit required

38(1) The owner or occupant of a property must not permit the overland discharge of wastewater or land drainage from that property to the wastewater system or to the land drainage system except in accordance with a valid temporary overland discharge permit.

38(2) Subsection (1) does not apply in respect of land drainage discharged from a single-family or two-family property.

38(3) A designated employee must not issue a temporary overland discharge permit unless he or she determines that

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

(b) the discharge will not pose a risk to the health or safety of persons or property, to the environment or to City infrastructure.

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

39(1) Where the designated employee gives notice to an owner of a property, the owner must, within the time specified in the notice, abandon a non-conforming private sewer service pipe and connect the property to the wastewater sewer main in accordance with this By-law.

39(2) The designated employee must provide the notice referred to in subsection (1) to the owner of a property where

(a) a common sewer main fronting on the property has been installed; or

(b) the non-conforming private sewer service pipe

(i) has failed;

(ii) has a structural defect such that the private sewer service pipe is not operable;

(iii) is interfering or may interfere with the operation or maintenance of the wastewater system or the land drainage system, or with activities or development on adjacent properties; or

(iv) poses or may pose a risk to the health or safety of persons or property, to the environment or to City infrastructure.

39(3) A designated employee who issues an order under the Charter to an owner of property who has failed to comply with subsection (1) must, in the order, specify a time for compliance of no less than 18 months.

Connection charge

40(1) In this section:

"connection charge" means a fee equivalent to the local improvement taxes that would have been imposed on the property if the property had fronted on a wastewater sewer constructed as a local improvement for which notice had been given in the year in which the property was connected to the wastewater sewer. If no wastewater sewer local improvements take place in the year in which the property was connected to the wastewater sewer, the connection charge is equivalent to the local improvement taxes that would have been imposed on the basis of the maximum rate per frontage foot established for wastewater sewers in that year.

40(2) Subject to subsections (3) and (4), if in respect of a property where neither local improvement taxes nor a connection charge have ever been imposed, the owner of the property must, at the time of connecting the property to the wastewater sewer, pay the connection charge.

40(3) Where the owner of a property fails to pay the entirety of a connection charge imposed under subsection (2) at the time that it is imposed, the connection charge must be added to the property taxes payable in respect of the property pursuant to the Charter and collected in the same manner as local improvement taxes. For greater certainty, the interest rate applicable to local improvement taxes for wastewater sewers imposed in that year and term (that is, the

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number of years of payments) for local improvement taxes for wastewater sewers imposed in that year, or in the last year in which local improvement taxes were imposed for wastewater sewers where no local improvement taxes have been imposed for wastewater sewers in that year, applies to the payment of the connection charges.

40(4) Despite subsection (2), no connection charge is payable in respect of a property when

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

(b) the said agreement includes the property.

Repair and replacement of pipe under street

41(1) Despite section 9, 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.

41(2) For the purposes of determining whether subsection (1) is applicable, the designated employee is authorized to require that the owner of a property provide to the designated employee

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

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

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

(d) an electronic tracing of the private sewer service pipe which confirms the location of the private sewer service pipe and the blockage.

41(3) In making a determination under subsection (1), a designated employee is authorized to require a City employee to be present for any attempt to clear any blockage in, or during a video inspection of, a part of a private sewer service pipe.

41(4) The obligation of the Director to act under subsection (1) does not apply

(a) in respect of

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

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(ii) a non-conforming private sewer service pipe;

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

(iv) private sewer service pipes that are or have been frozen; or

(v) damage to a private sewer service pipe caused by a third party; or

(b) where the owner has failed to provide any information required by the designated employee under subsection (2).

Interconnection of wastewater and land drainage private sewer service pipes prohibited
42 The owner of property and any person doing work on the owner's property must not allow a private sewer service pipe carrying wastewater to be connected with a private sewer service pipe carrying land drainage.

PART 8
DISCHARGES OF WASTEWATER

Responsibility for complying with this Part
43 The generator of wastewater is responsible for ensuring that wastewater being discharged meets the requirements of this Part.

Wastewater must be discharged to wastewater system
44 Unless otherwise authorized under this By-law, wastewater must be discharged to the wastewater system.

Wastewater discharges to wastewater system restrictions
45(1) A generator must not discharge or permit the discharge of wastewater into the wastewater system if the discharge is likely to

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

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

(c) damage the wastewater system;

(d) restrict the flow in the wastewater system;

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

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

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45(2) Despite anything else in this By-law, a generator must not discharge or permit 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”.

Wastewater Discharge Licence required
46(1) A generator must not discharge or permit the discharge of wastewater into the land drainage system except in accordance with a valid Wastewater Discharge Licence issued in accordance with Part 4.

46(2) A generator must not discharge or permit the discharge of 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”,

except in accordance with a valid Wastewater Discharge Licence issued in accordance with Part 4.

Overstrength Discharge Licence required
47(1) A generator must not discharge or permit 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”,

except in accordance with a valid Overstrength Discharge Licence issued in accordance with Part 4.

47(2) In addition to any conditions imposed under subsection 20(3), the designated employee is authorized to impose as a condition of an Overstrength Discharge Licence the requirement that the licence holder manage the wastewater in a manner specified by the designated employee to ensure that the discharge permitted by the Overstrength Discharge Licence meets the requirements of this By-law.

Discharge rate limits
48(1) In order to prevent the wastewater system or the land drainage from being overloaded, a designated employee is authorized to require the generator of wastewater to limit the rate of discharge of wastewater to the wastewater system or to the land drainage system. Where the designated employee has imposed such a limit, the generator of wastewater must comply with that limit.

48(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.

48(3) If a designated employee imposes a limit under subsection (1), the generator must install and maintain a discharge control device acceptable to the designated employee.

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Surcharges for select overstrength wastewater substances
49(1) A generator of wastewater must pay any applicable surcharges on substances with concentrations that exceed the limits set out in Schedule “B”, based on a sampling protocol designed to represent discharges over a full day of operation of the generator.

49(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.

Swimming pool water discharge restrictions
50 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 main,

except in accordance with a valid Wastewater Discharge Licence issued in accordance with Part 4.

Grease interceptors required
51(1) The owner and the operator of a food service establishment must ensure that every kitchen sink waste pipe and dishwasher waste pipe in the food service establishment is connected to a grease interceptor that

(a) is installed so as to prevent natural oil and grease from being discharged to the wastewater system;

(b) complies with this Part; and

(c) is acceptable to a designated employee.

51(2) Subsection (1) does not apply to any kitchen sink located in kitchen food service establishment that is used for hand washing only.

51(3) Upon application by the owner or the operator of a food service establishment, a designated employee is authorized to grant an exemption to the requirements of subsection (1), in writing, if the designated employee determines that the food service establishment does not discharge significant amounts of natural oil and grease to the wastewater system.

51(4) Unless an exemption has been granted under subsection (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;

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(b) sized so as to be able to accommodate the maximum flow capacity of all plumbing fixtures connected to the grease interceptor as identified in the manufacturer's specifications;

(c) installed in compliance with all requirements and specifications of:

(i) the Canadian Standards Association Standard B481 or successor standard; and

(ii) the manufacturer;

(d) maintained so as to be effective in preventing natural oil and grease from being discharged to the wastewater system;

(e) equipped with a designated sampling point downstream of the interceptor outlet but prior to any additional wastewater connections; and

(f) acceptable to the designated employee.

51(5) Unless an exemption has been granted under subsection (3), the owner and the operator of a food service establishment must ensure that any dishwasher located within the food service establishment are connected to a dedicated grease interceptor that is

(a) of an appropriate size; and

(b) meets tempering requirements

as required by manufacturer specifications and to the satisfaction of the designated employee.

51(6) The owner and the operator of a food service establishment must not add enzymes, bacteria, solvents, hot water or other agents or substances to wastewater that is discharged to a grease interceptor for the purposes of facilitating the passage of natural oil and grease through the grease interceptor.

Oil interceptors required

52(1) The owner and the occupant of a property that discharges or is likely to discharge mineral or synthetic oil or grease to the wastewater system must ensure that an oil interceptor is installed on the property

(a) so as to prevent mineral or synthetic oil or grease from being discharged to the wastewater system;

(b) that complies with this Part; and

(c) that is acceptable to the designated employee.

52(2) Unless a designated employee has authorized a design or program solution as an alternative to an oil interceptor required under subsection (1), 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;

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(b) connected to all floor drains within the property; and

(c) maintained so as to be effective in preventing mineral or synthetic oil or grease from being discharged to the wastewater system.

52(3) A designated employee must not authorize a design or program solution as an alternative to an oil interceptor required under subsection (1) unless he or she determines that the design or program solution will be effective in preventing mineral or synthetic oil or grease from being discharged to the wastewater system.

52(4) A designated employee is authorized to impose any conditions on the authorization of a design or program solution under subsection (3) that he or she determines to be appropriate or necessary to ensure that the design or program solution will be effective in preventing mineral or synthetic oil or grease from being discharged to the wastewater system.

Sediment interceptors required
53(1) The owner and the 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 or a vehicle wash floor that discharges to a private sewer service pipe.

53(2) The owner and the operator of a property must ensure the sediment interceptor required by subsection (1)

(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.

Oil, grease or sediment interceptor design specifications
54 The owner and the 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.

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Oil, grease and sediment interceptor maintenance requirements
55(1) The owner and the operator of a property must ensure that an oil, grease or sediment interceptor required under this Part is

(a) operated and maintained according to all applicable standards and manufacturer's instructions; and

(b) cleaned regularly so that it functions properly.

55(2) The owner and the operator of a property must ensure that all maintenance activities for an oil, grease or sediment interceptor required under this Part are recorded and that the records are

(a) retained for 12 months following the date of maintenance; and

(b) made available for inspection by a designated employee upon request.

Dental waste amalgam separator required
56 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.

Food waste grinder discharge restrictions
57(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.

57(2) Wastewater must not be discharged from a food waste grinder into the wastewater system, unless 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.

PART 9
DISCHARGE OF LAND DRAINAGE

Responsibility for complying with this Part
58 The generator of land drainage is responsible for ensuring that the land drainage being discharged meets the requirements of this Part.

Land drainage must be discharged to land drainage system
59 A generator must ensure that land drainage is discharged to the land drainage system by way of

(a) a land drainage sewer main; or

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(b) where no land drainage sewer main is available, a combined sewer main.

Land drainage discharges to land drainage system restricted
60(1) Despite section 59, 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 the health or safety of persons or property, to the environment or to City infrastructure;

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

(c) damage the land drainage system;

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

(e) cause an unusual or offensive odour to be given off from the land drainage 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.

60(2) Despite anything else in this By-law, a generator must not discharge or permit the discharge of land drainage 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”.

Land Drainage Discharge Licence required
61(1) A generator must not discharge or permit the discharge of land drainage into any wastewater sewer main or interceptor sewer main except in accordance with a valid Land Drainage Discharge Licence issued in accordance with Part 4 of this By-law.

61(2) Subsection (1) does not apply to land drainage being discharged from a single-family or two-family property.

Downspout Discharge Licence required
62(1) The owner or the occupant of a property must not permit rainwater downspouts to discharge to a wastewater sewer main except in accordance with a valid Downspout Discharge Licence issued in accordance with Part 4 and this section.

62(2) In addition to the restrictions under section 23, the designated employee must not issue a Downspout Discharge Licence unless

(a) the property is connected to a combined sewer main; and

(b) the downspout water discharged on the property would otherwise

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

(ii) pose a risk of harm to the health or safety of persons or property, to the environment or to City infrastructure.

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Sump Pump Discharge Licence required
63(1) The owner or occupant of a property must not permit water from a sump pump to be discharged to a wastewater sewer main except in accordance with a valid Sump Pump Discharge Licence issued in accordance with Part 4 and this section.

63(2) In addition to the restrictions under section 23, a designated employee must not issue a Sump Pump Discharge Licence unless the sump pump water discharged on the property would otherwise

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

(b) pose a risk of harm to the health or safety of persons or property, to the environment or to City infrastructure.

Discharge rate limits
64(1) In order to prevent the land drainage system or the wastewater system from being overloaded, a designated employee is authorized to require the generator of land drainage to limit the rate of discharge of land drainage to the land drainage system or the wastewater system and, where the designated employee has imposed such a limit, the generator of land drainage must comply with that limit.

64(2) Subsection (1) does not apply to a single-family or two-family property.

64(3) If a designated employee imposes a limit under subsection (1), the owner must install and maintain a discharge control device acceptable to the designated employee.

Catch basin maintenance required
65 All catch basins and discharge control devices in respect of land drainage installed or constructed on private property must be maintained in good working order.

PART 10
SPILLS

Obligation to notify the City
66(1) The person who is responsible for a spill to the wastewater system or the land drainage system, or who has custody and control of the substances involved in the 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.

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66(2) If a spill poses or may pose an immediate risk to the health or safety of persons or property, to the environment or to City infrastructure, the person responsible for the spill or who has custody and control of the substances involved in the spill must call 911 to report the spill.

Containing and cleaning up the spill
67 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.

Preparing and submitting a written report
68 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 business days of the spill, containing information required by the designated employee in order to determine

(a) information required by subsection 66(1); and

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

Spills deemed to be emergencies
69(1) Where the Director determines that a spill constitutes an emergency that affects or may affect the health or safety of persons or property or the environment, a designated employee is authorized to take whatever actions and measures the designated employee determines to be necessary to meet the emergency and reduce or eliminate its effects.

69(2) Any costs or expenses incurred by the City under subsection (1) are a debt due and owing to the City by the person who caused the spill.

PART 11
HAULED WASTEWATER

No discharge except at designated sites
70 A person must not discharge hauled wastewater except at hauled wastewater disposal sites.

Use of public hauled wastewater disposal stations
71 A person who discharges hauled wastewater to a hauled wastewater disposal site must comply with all rules and requirements for the discharge of hauled wastewater to a hauled wastewater disposal site established by the Director.

Wastewater Hauler's Licence required

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72(1) The owner of a vehicle must not discharge or permit to be discharged hauled wastewater at a hauled wastewater disposal site unless he or she holds a valid Wastewater Hauler's Licence issued in accordance with Part 4.

72(2) In addition to the reasons for suspending or cancelling a licence set out in Part 4, the designated employee is authorized to suspend or cancel a Wastewater Hauler's Licence where the designated employee determines that the licence holder has contravened section 75 or section 77.

Wastewater Disposal Vehicle Licence required

73(1) Subject to this section, a person must hold a valid Wastewater Disposal Vehicle Licence issued in accordance with Part 4 for each vehicle owned by that person that is used to discharge hauled wastewater at a hauled wastewater disposal site.

73(2) A designated employee must not issue a Wastewater Disposal Vehicle Licence unless the designated employee has determined 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.

73(3) A person hauling wastewater within the city must present a valid Wastewater Disposal Vehicle Licence for the vehicle to a designated employee upon request.

73(4) In addition to the reasons for suspending or cancelling a licence set out in Part 4, a designated employee is authorized to suspend or cancel a Wastewater Disposal Vehicle Licence if the designated employee determines that the vehicle in respect of which the Wastewater Disposal Vehicle Licence is not or is no longer suitable for hauling wastewater.

73(5) A Wastewater Disposal Vehicle Licence is automatically suspended or cancelled when the owner's Wastewater Hauler's Licence is suspended or cancelled.

Recreational vehicles exempt

74 Sections 72 and 73 do not apply to the owner or the operator of a recreational vehicle that discharges wastewater directly from the recreational vehicle to a hauled wastewater disposal site.

Responsibilities of wastewater haulers

75(1) Before discharging hauled wastewater at a hauled wastewater disposal site, 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 hauled wastewater; and

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(e) the volume of hauled wastewater.

75(2) A person hauling wastewater must

(a) ensure that hauled wastewater is not deposited on the ground at the hauled wastewater disposal site;

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

(c) provide the following information to the designated employee before discharging each load of hauled wastewater:

(i) the name of the hauler and the person hauling the wastewater;

(ii) the information required under subsection (1); and

(iii) the contents of the load;

(d) comply with any and all rules established by a designated employee for the operation of the hauled wastewater disposal site;

(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”, except as authorized by the designated employee; and

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

Responsibility of generators of hauled wastewater

76 The generator of hauled wastewater must not permit the hauled wastewater to be collected by a wastewater hauler 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”,

except in accordance with an Overstrength Discharge Licence issued in accordance with Part 4.

Damage to hauled wastewater disposal site

77 The owner of a vehicle that is used to haul wastewater, and the person driving that vehicle, must not cause or permit to be caused any damage or blockages to or within a hauled wastewater disposal site.

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PART 12
POLLUTION PREVENTION PLANNING

Definitions
78 In this Part:

"Best Management Practices Guidelines" or **"BMP Guideline"** means a business sector-based plan to control, eliminate or reduce the discharge of pollutants to the wastewater system or the land drainage system;

"owner", in respect of a business, includes

(a) the operator of that business;

(b) any agent of the owner; and

(c) any agent of the operator;

"Pollution Prevention Plan" or **"Plan"** means a plan in respect of a particular business to prevent, eliminate or reduce the discharge of pollutants to the wastewater system or the land drainage system;

"pollutant" means

(a) a substance listed in Schedules "A" or "C"; or

(b) a substance in a concentration which exceeds the limits prescribed in Schedules "B" or "D";

"progress update" means an update provided by the owner a business to the designated employee in respect of the progress in implementing a Plan or the applicable BMP Guideline; and

"reject", in respect of a Plan or a progress update, means that the Plan or progress update, as the case may be, is not approved..

Scope of this Part
79(1) This Part applies to businesses within the business sectors listed in Schedule "E".

79(2) The designated employee 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 any other reasonable efforts determined by the designated employee to be necessary or advisable to communicate the effective date and the requirements of this Part to the owners of businesses within a particular business sector.

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Pollution Prevention Plan required
80(1) Where the designated employee determines that a business is discharging or is likely to discharge pollutants to the wastewater system or to the land drainage system, he or she must provide notice to the owner of the business that a Plan is required.

80(2) Where the designated employee has given notice that a Plan in respect of a business is required under subsection (1), the owner of the business must submit the Plan to the designated employee within the timeframe set out in the notice.

80(3) Subsection (1) does not apply in respect of pollutants being discharged to the wastewater system in accordance with a valid Overstrength Discharge Licence issued in accordance with Part 4.

80(4) For the purposes of making a determination under subsection (1), the designated employee is authorized to require the owner of a business, in accordance with requirements established by the designated employee, to collect and provide to the designated employee data respecting discharges from the business to the wastewater system or the land drainage system, or both.

80(5) Where the owner of a business receives or is deemed to have received notice under subsection (1), the owner must

(a) obtain the designated employee's approval of a Plan; and

(b) once approved, comply with the Plan.

Change of business ownership
81(1) If the ownership of a business changes within the timeframe set out in a notice given in accordance with subsection 80(1), the original owner of the business must provide notice of the change in writing to the designated employee.

81(2) Where the designated employee determines that ownership of a business has changed, or where he or she has been provided notice under subsection (1),

(a) the designated employee is authorized to provide notice to the new owner of the business that a Plan is required; and

(b) the new owner of the business must submit a Plan within the timeframe set out in that notice.

81(3) Where the designated employee has given notice under clause (2)(a), the obligation imposed under subsection 80(5) applies to the new owner.

Form and content of Plan
82(1) The designated employee is authorized to determine the form in which a Plan must be submitted.

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82(2) A Plan must include

(a) a description of the pollutants which will or may be discharged to the wastewater system or the land drainage system, including the type, quantity and concentration of those pollutants;

(b) a description of the source of the pollutants;

(c) a description of the measures to be undertaken by the business to eliminate or reduce the discharge of the pollutants to the wastewater system or the land drainage system;

(d) an implementation schedule for each measure identified;

(e) the implementation date for each measure identified;

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

(g) current business ownership and contact information;

(h) any other information required by the designated employee; and

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

82(3) Despite subsection (2), where the designated employee has approved BMP Guidelines for a particular business sector, the designated employee is authorized to approve a Plan submitted by the owner of a business within that business sector that consists of a written undertaking by the owner of the business to follow the approved BMP Guideline(s).

Rejected Plans

83(1) The designated employee must reject a Plan if the designated employee determines that the Plan

(a) would not or is not likely to prevent, eliminate or reduce the discharge of pollutants in a manner that would bring the business into compliance with Schedules “A”, “B”, “C”, and “D” within a reasonable period of time;

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

(c) is not in the form determined by the designated employee under subsection 82(1); or

(d) is missing one or more of the requirements under subsection 82(2).

83(2) In addition to subsection (1), the designated employee is authorized to reject a Plan where he or she determines that the Plan does not otherwise meet the requirements of this Part.

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83(3) Where the designated employee rejects a Plan, the designated employee must provide notice to the owner of the business in respect of which the Plan was submitted.

Submitting subsequent Plans
84(1) Where the designated employee has approved a Plan in respect of a business, the owner of that business must submit a new Plan every 5 years following the date on which the original Plan was approved by the designated employee.

84(2) Despite subsection (1), the owner of a business may submit new Plans more frequently.

84(3) Sections 82 and 83 apply in respect of any Plans submitted by the owner of a business under this section.

84(4) The obligation imposed under subsection 80(5) applies in respect of a Plan required under this section.

Notice of change in information required
85 Where there is a change in any information contained in a Plan, the owner of the business in respect of which the Plan was submitted must notify the designated employee of that change within 30 days following the effective date of the change.

Spills and other contraventions
86(1) The designated employee is authorized to require that a Plan be submitted in respect of a business where the designated employee determines that the owner or the occupant of the business

(a) caused or permitted a spill to the wastewater system or the land drainage system; or

(b) is otherwise in contravention of any provision of this By-law.

86(2) Where the designated employee provides notice to the owner of a business that a Plan is required under subsection (1), the owner must provide a Plan within the timeframe set out in the notice.

86(3) The obligation to submit a Plan under this section is imposed on the owner of a business irrespective of whether a Plan was submitted previously in respect of that business.

86(4) Sections 82 and 83 apply in respect of any Plan submitted under this section.

86(5) The obligation imposed under subsection 80(5) applies in respect of a Plan required under this section.

Progress updates required
87 Every 6 months following the date on which a Plan is approved by the designated employee, the owner of the business in respect of which the Plan was approved must obtain the designated employee's approval of a progress update.

Form of progress updates
88 The designated employee is authorized to determine the form in which a progress update must be submitted.

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Rejected progress updates
89(1) The designated employee must reject a progress update if he or she determines that the progress update

(a) is not in a form determined by the designated employee under section 88; or

(b) does not contain adequate information so as to permit the designated employee to evaluate the progress of the business towards implementation of the Plan.

Business must achieve progress
90(1) The owner of a business must ensure that any approved Plan in respect of that business is implemented to the satisfaction of the designated employee.

90(2) Where the designated employee determines that the owner of a business has not made adequate progress in implementing an approved Plan in respect of that business, the designated employee is authorized to require the owner of the business to obtain approval of a new Plan.

90(3) Where the owner of a business receives or is deemed to have received notice that a new plan is required under subsection (2), the owner of the business must submit the new Plan within the timeframe provided in the notice.

90(4) Sections 82 and 83 apply in respect of any Plan submitted under this section.

90(5) The obligation imposed under subsection 80(5) applies in respect of a Plan required under this section.

Storage of Plans and progress updates
91 The owner of a business must

(a) keep copies of any approved Plan in respect of that business, and any approved progress updates in respect of that Plan, on the premises of that business; and

(b) make any such Plan and progress updates available for inspection by a designated employee upon request.

Termination of obligation to engage in pollution prevention planning
92 Where the designated employee 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 designated employee is authorized to notify the owner that, unless and until the designated employee determines that the business has again discharged or is again likely to discharge substances in contravention of Schedules “A”, “B”, “C” and “D”, the business no longer has an obligation to comply with the requirements of this Part.

Consequences of violating this Part
93 If a person is in violation of this Part, in addition to any other enforcement measures, the designated employee is authorized to cancel any Overstrength Discharge Licence issued to the business.

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PART 13
SEWER CHARGES

Sewer charge imposed
94(1) A price, rate, fee, penalty, deposit or other charge related to the provision of wastewater services or land drainage services is imposed on the owner or occupant of any property from which any wastewater or land drainage is discharged to the wastewater system or the land drainage system.

94(2) Despite the fact that a price, rate, fee, penalty, deposit or other charge related to the provision of wastewater services or land drainage services is owed by a person other than the owner of a property, if the statement of account in respect of an amount is overdue by more than 30 days, the designated employee is authorized to add the overdue amount to the real property taxes imposed by the City on the real property from which wastewater or land drainage was discharged to the wastewater system or to the land drainage system in accordance with the Charter.

Sewer charges for condominiums
95(1) A price, rate, fee, penalty, deposit or other charge related to the provision of wastewater services or land drainage services in respect of a dwelling unit within a condominium is payable by the owner of the dwelling unit from which the wastewater or land drainage was discharged.

95(2) If separate water meters have not been installed to measure the water supplied to individual dwelling units within the condominium, any price, rate, fee, penalty, deposit or other charge related to the provision of wastewater or land drainage services in respect of the condominium is payable by the owners of the individual dwelling units on the basis of the percentage of the common element costs assigned to each dwelling unit under the Condominium Declaration in effect for the condominium.

95(3) Despite subsection (2), in order to collect the amount payable by the owners of individual dwelling units within the condominium, the Director is authorized to issue a bill for any charges to the condominium corporation responsible for the control, management and administration of the common elements of the condominium.

95(4) Despite a bill being issued to a condominium corporation under subsection (3), if the condominium corporation fails to pay the bill, the Director is authorized to collect the amount owing from the owners of individual dwelling units within the condominium in accordance with subsection (2).

Calculation of sewer charge
96(1) 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 particular billing period.

96(2) Where water is supplied to a property by a source other than the City, the sewer charge is the sewer rate multiplied by the amount of water supplied to the property.

96(3) Where the amount of wastewater discharged to the wastewater system or the land drainage system is greater than the volume of water supplied to the property from all sources, the sewer charge owing is the sewer rate multiplied by the amount of wastewater being discharged from the property to the wastewater system.

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96(4) For the purposes of this Part, the amount of wastewater being discharged to the wastewater system or the land drainage system is

(a) where a private meter has been installed pursuant to section 101, the amount of wastewater measured by the private meter; or

(b) deemed to be the amount of water supplied to the property as measured by a water meter installed by the City pursuant to section 100.

96(5) If an accurate measurement of the water supplied to or the 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 the designated employee of the volume of water supplied to or the volume of wastewater discharged from the property during a particular billing period.

Adjustment of sewer charges

97(1) In this section

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

97(2) Despite anything else in this section, a property owner must pay sewer charges each year on the first 1,000 kilolitres of applied volume used in that year at the property.

97(3) Subject to subsection (6), where the applied volume used at a property exceeds 1,000 kilolitres in a year, the Director may annually adjust the sewer charges by applying a credit against the owner or occupant's account in respect of the property for the portion of the applied volume in excess of 1,000 kilolitres where

(a) the owner or occupant of the property

(i) submits an application to the Director;

(ii) pays an application fee, the annual renewal fee and all other applicable fees and charges;

(iii) installs and maintains at the property any meters, including any necessary plumbing modifications, in accordance with this By-law and as required by the designated employee in order to determine the applied volume; and

(iv) is not otherwise in contravention of this By-law or the Water By-law; and

(b) the property is connected to the wastewater system.

97(4) For the purposes of subsection (3), an owner or the occupant of a property is deemed to not be in contravention of this By-law if he or she is in violation of Schedules "A", "B", "C" or "D" of this By-law but is otherwise in compliance with all requirements under Part 12.

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97(5) If the Director adjusts the sewer charges under subsection (3), the Director must apply the application fee and the annual renewal fee to the credit of the owner or the occupant's account at the time the sewer charges are adjusted.

97(6) The Director must not adjust the sewer charges under subsection (3) if

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

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

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

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

(e) any fees or charges required to be paid under this By-law or the Water By-law are in arrears.

97(7) The Director is authorized to reject an application to adjust the sewer charges and to apply the annual renewal fee or application fee to the owner or the occupant's account if

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

(b) the owner or the 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.

97(8) Where the Director rejects an application to adjust sewer charges under subsection (7)

(a) the owner or the occupant must pay sewer charges from the date the meter was found to be inaccurate or the obligation to inform was violated; and

(b) the Director may reinstitute the adjustment after being satisfied that the owner or the occupant's private meter is accurately measuring the amount of water supplied to or the amount of wastewater discharged from the property.

Large volume sewer credit program

98(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 the amount established by Council or pursuant to powers delegated by Council for that 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 that calendar year from sales to locations outside the city; and

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(b) has been charged the amount established by Council or pursuant to powers delegated by Council for that year in sewer charges and overstrength wastewater surcharges in that year on all its properties.

98(2) The Director may approve a credit under subsection (1) only if the owner or the 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.

98(3) For the purposes of subsection (2), an owner or occupant of a property is deemed to not be in contravention of this By-law if he or she is in violation of Schedules “A”, “B”, “C” or “D” of this By-law but is otherwise in compliance with all requirements under Part 12.

Property previously served by on-site wastewater management system

99 Where a property is served by an on-site wastewater management system, the owner must ensure that a water meter or a wastewater meter is installed and is approved, inspected and sealed by a designated employee before the property may be connected to the wastewater system.

City meters

100(1) Unless a designated employee authorizes a private meter under section 101, the owner of a property must allow a City-owned water meter to be installed on the property in accordance with the Water By-law in order to determine the volume of wastewater discharged to the wastewater system.

100(2) The designated employee must test a City-owned water meter to determine its accuracy where the owner or the occupant of a property

(a) requests that the water meter be tested; and

(b) pays the applicable fee.

100(3) If a test under subsection (2) shows that the water meter is inaccurate such that it was over-registering according to the current specifications of the American Water Works Association, the designated employee must refund the test fee to the person by whom it was paid.

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Private meters
101(1) A designated employee is authorized to permit or require a private meter to be installed on a property where the designated employee determines that

(a) water is supplied to the property by a source other than the City;

(b) the property's water meter requirements exceed the capabilities or specifications of a standard City-owned water meter;

(c) the private meter is required as part of an adjustment of sewer charges application under section 97; or

(d) it is not practical or possible to meter the water source.

101(2) Where a private meter is installed:

(a) the private 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 private 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 private meter is accurate.

PART 14
ADMINISTRATION, ENFORCEMENT AND OTHER PROVISIONS

Compliance orders
102(1) Without restricting the general nature of the powers given in Part 2, a designated employee is authorized to issue an order to remedy any violation of this By-law in accordance with the Charter.

102(2) An order issued by a designated employee under the Charter may be registered by way of caveat against the property involved in the contravention in the land titles office in accordance with the Charter.

Notice
103(1) Unless otherwise provided in this By-law, any notice, order, decision or other document required to be given or sent under this By-law may be sent by registered mail to an address determined in accordance with the following

(a) where the person is the owner of real property

(i) the address maintained by the tax collector for the purpose of issuing the tax notice for that property; or

(i) the address maintained by the Director for the purpose of issuing bills for wastewater or land drainage services for that property;

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(b) where the person is the occupant of real property, the street address for that property;

(c) where the person is an applicant for a permit, licence or approval, the address provided to the designated employee by the applicant for the permit, licence or authorization; or

(d) in all other situations, the last known address for the person.

103(2) Despite subsection (1), where a person to whom notice is required to be given has provided his or her email address to the designated employee, any notice, order, decision or other document required to be given or sent under this By-law may be sent to that person at the email address provided.

103(3) Where a notice, order, decision or other document is sent by way of email under subsection (2), the designated employee must request and retain a copy of a delivery receipt. Where a delivery receipt is not obtained, the notice, order, decision or other document must be sent in accordance with subsection (1).

Penalties for contravening By-law

104(1) Subject to subsection (2), a person who is contravenes a provision of this By-law is subject to the following minimum and maximum fines under The Provincial Offences Act

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

(b) for a second offence of a similar nature under this By-law or the Sewer By-law No. 92/2010 within the previous 6 years, a fine of not less than $5,000 and not more than $100,000; and

(c) for a third offence and subsequent offence of a similar nature under this By-law or the Sewer By-law No. 92/2010 within the previous 6 years, a fine of not less than $10,000 and not more than $250,000.

104(2) Subject to the Municipal By-law Enforcement Act (MBEA) Enabling By-law, a person who contravenes a provision of this By-law referred to in Schedule “A” to the Municipal By-law Enforcement Act (MBEA) Enabling By-law must pay the administrative penalty for that contravention set out in that By-law. If an Early Payment Discount amount is set out for a provision in that schedule, a person who is issued a penalty notice for a contravention of that provision may, within 14 days after the penalty notice has been issued, voluntarily pay to The City of Winnipeg the applicable Early Payment Discount amount and will thereafter not be prosecuted for the contravention.

Appeals

105 Any appeal authorized by the Charter for orders or decisions under this By-law may be made, upon payment of any applicable fee, to the designated committee by filing a written appeal with the City Clerk in accordance with the Charter.

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PART 15
REPEALS AND COMING INTO FORCE

Sewer By-law No. 92/2010 repealed
106(1) The Sewer By-law No. 92/2010 is repealed.

106(2) This By-law replaces the Sewer By-law No. 92/2010.

Coming into force
107 This By-law comes into force on January 1, 2019.

DONE AND PASSED this day of , 2018.

Mayor

City Clerk

Approved as to content:

Director of Water and Waste

Legally reviewed and certified as to form:

for Director of Legal Services
and City Solicitor

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SCHEDULE "A"

Substances Prohibited in Discharges to Wastewater System

1. a liquid or gas which 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;

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) toxic substances;

   (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 upon request;

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 57 of this By-law; and

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.

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SCHEDULE "B"

Concentration Limits for Discharges into the Wastewater System

Parameter	Limit
Aldrin / dieldrin	0.0002 mg/L
Aluminum (total)	50 mg/L
Antimony (total)	5.0 mg/L
Arsenic (total)	1.0 mg/L
Benzene	0.5 mg/L
Biochemical oxygen demand	300 mg/L
Cadmium (total)	0.7 mg/L
Chlordane (cis plus trans isomers)	0.1 mg/L
Chromium (hexavalent)	2.0 mg/L
Chromium (total)	4.0 mg/L
Cobalt (total)	5.0 mg/L
Copper (total)	2.0 mg/L
Cyanide (total)	2.0 mg/L
1,1,2,2 Tetrachloroethane	1.4 mg/L
1, 2 – dichlorobenzene	0.05 mg/L
1, 4 – dichlorobenzene	0.08 mg/L
3, 3 – dichlorobenzidine	0.002 mg/L
Dichlorodiphenyltrichloroethane (DDT)	0.0001 mg/L
Cis -1, 2 – dichloroethylene	4.0 mg/L
Ethyl benzene	0.16 mg/L
Fluoride	10 mg/L
Hexachlorobenzene	0.0001 mg/L
Hexachlorocyclohexane (Lindane)	0.1 mg/L
Lead (total)	1.0 mg/L
Manganese (total)	5.0 mg/L
Mercury (total)	0.01 mg/L
Methylene chloride	2.0 mg/L
Mirex	0.1 mg/L

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Parameter	Limit
Molybdenum (total)	5.0 mg/L
Nickel (total)	2.0 mg/L
Nitrogen (total)	60 mg/L
Nonylphenols	0.02 mg/L
Nonylphenol ethoxylates	0.2 mg/L
Oil and grease – natural – mineral or synthetic	 100.0 mg/L 15.0 mg/L
Pentachlorophenol (PCP)	0.01 mg/L
Phenolics (total by 4AAP method)	1.0 mg/L
pH	Less than 5.5 or greater than 11.0
Phosphorus (total)	10.0 mg/L
Polychlorinated biphenyls (PCBs) – total	0.001 mg/L
Polycyclic aromatic hydrocarbons (PAHs) – total	0.005 mg/L
Selenium (total)	1.0 mg/L
Silver (total)	5.0 mg/L
Sulphate (total)	1500 mg/L
Sulphide	1.0 mg/L
Suspended solids (total)	350 mg/L
Temperature	60 degrees Celsius
Tetrachloroethylene	1.0 mg/L
Tin (total)	5.0 mg/L
Titanium (total)	5.0 mg/L
Toluene	0.024 mg/L
Trichloroethylene	0.4 mg/L
Zinc (total)	2.0 mg/L
Xylenes (total)	1.4 mg/L

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SCHEDULE "C"

Substances Prohibited in Discharges to the Land Drainage System

1. blowdown water;

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

3. grease, oils and petroleum hydrocarbons;

4. greywater;

5. hauled wastewater;

6. hazardous waste, including

   (a) explosive waste;

   (b) flammable liquids;

   (c) flammable solids;

   (d) gas (Class 2);

   (e) toxic substances;

   (f) oxidizing substances and organic peroxides;

   (g) radioactive material;

7. landfill leachate;

8. 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;

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

10. concentrated pesticides;

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

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

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SCHEDULE “D”

Limits for Discharges to Land Drainage System

Parameter	Limit
Aldrin / dieldrin	0.00008 mg/L
Ammonia (un-ionized)	0.18 mg/L
Arsenic (total)	0.02 mg/L
Benzene	0.002 mg/L
Biochemical oxygen demand	15.0 mg/L
Di-n-butyl phthalate	0.015 mg/L
Cadmium (total)	0.008 mg/L
Chlordane (cis plus trans isomers)	0.04 mg/L
Chromium (hexavalent)	0.01 mg/L
Chromium (total)	0.08 mg/L
Chlorine (total residual)	0.01 mg/L
Copper (total)	0.04 mg/L
Cyanide (weak acid dissociable)	0.005 mg/L
1, 2 - dichlorobenzene	0.0056 mg/L
1, 4 - dichlorobenzene	0.0068 mg/L
3, 3 - dichlorobenzidine	0.0008 mg/L
Dichlorodiphenyltrichloroethane (DDT)	0.00004 mg/L
Cis - 1, 2 - dichloroethylene	0.0056 mg/L
Trans -1, 3 - dichloropropylene	0.0056 mg/L
Escherichia Coli	200 colonies/100mL
Ethyl benzene	0.002 mg/L
Bis (2-ethylhexyl) phthalate	0.0088 mg/L
Hexachlorobenzene	0.00004 mg/L
Hexachlorocyclohexane (Lindane)	0.04 mg/L
Lead (total)	0.08 mg/L
Manganese	0.2 mg/L
Mercury (total)	0.0004 mg/L
Methylene chloride	0.0052 mg/L

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Parameter	Limit
Mirex	0.04 mg/L
Nickel (total)	0.08 mg/L
Nonylphenols	0.001 mg/L
Nonylphenol ethoxylates	0.01 mg/L
Pentachlorophenol (PCP)	0.002 mg/L
pH	Less than 6.0 or greater than 9.5
Phenolics (total by 4AAP method)	0.008 mg/L
Phosphorus (total)	0.4 mg/L
Polychlorinated biphenyls (PCBs) – total	0.0004 mg/L
Polycyclic aromatic hydrocarbons (PAHs) - total	0.002 mg/L
Selenium (total)	0.02 mg/L
Silver (total)	0.04 mg/L
Suspended solids (total)	15.0 mg/L
1,1,2,2-tetrachloroethane	0.017 mg/L
Temperature	40 degrees Celsius
Tetrachloroethylene	0.0044 mg/L
Toluene	0.002 mg/L
Trichloroethylene	0.0076 mg/L
Xylenes (total)	0.0044 mg/L
Zinc (total)	0.04 mg/L

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SCHEDULE "E"

Business Sectors which require Pollution Prevention Plans under Part 12

NAICS Codes used in this Schedule refer to the North American Industrial Classification System

Pollution Prevention Plan Tier 1 (a)

Effective Date: January 1, 2012

Metal Processing Companies	NAICS Code
Primary production of alumina and aluminum	331313
Steel foundries	331514
Prefabricated metal building and component manufacturing	332311
Metal Plating	332810
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

Pollution Prevention Plan Tier 1 (b)

Effective Date: January 1, 2013

Metal Processing Companies	NAICS Code
Iron and Steel Mills and Ferro-Alloy Manufacturing	331110
Iron and Steel Pipes and Tubes Manufacturing from Purchased Steel	331210
Non-Ferrous Metal (except Aluminum) Smelting and Refining	331410
Iron Foundries	331511
Non-Ferrous Die-Casting Foundries	331523
Non-Ferrous Foundries (except Die-casting)	331529
Forging	332113
Stamping	332118
Cutlery and Hand Tool Manufacturing	332210
Concrete Reinforcing Bar Manufacturing	332314
Other Plate Work and Fabricated structural metal manufacturing	332319
Metal Window and Door Manufacturing	332321
Power Boiler and Heat Exchange Manufacturing	332410
Metal Tank (Heavy Gauge) Manufacturing	332420
Metal Can Manufacturing	332431
Other Metal Container Manufacturing	332439
Cold-Rolled Steel Shape Manufacturing	331211
Steel Wire Drawing	331222
Aluminum Rolling, Drawing, Extruding and Alloying	331317
Copper Rolling, Drawing, Extruding and Alloying	331420

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Metal Processing Companies	NAICS Code
Non-Ferrous Metal (except Copper and Aluminum) Rolling, Drawing, Extruding and Alloying	331490
Hardware Manufacturing	332510
Spring (Heavy Gauge) Manufacturing	332611
Other Fabricated Wire Product Manufacturing	332619
Machine Shops	332710
Turned Product and Screw, Nut and Bolt Manufacturing	332720
Ball and Roller Bearing Manufacturing	332991

Pollution Prevention Plan Tier 2

Effective Date: July 1, 2013

Paper Manufacturing	NAICS Code
Mechanical Pulp Mills	322111
Chemical Pulp Mills	322112
Paper (except Newsprint) Mills	322121
Newsprint Mills	322122
Paperboard Mills	322130
Corrugated and Solid Fibre Box Manufacturing	322211
Folding Paperboard Box Manufacturing	322212
Other Paperboard Container Manufacturing	322219
Paper Bag and Coated and Treated Paper Manufacturing	322220
Stationery Product Manufacturing	322230
Sanitary Paper Product Manufacturing	322291
All Other Converted Paper Product Manufacturing	322299

Petroleum and Coal Product Manufacturing	NAICS Code
Petroleum Refineries	324110
Asphalt Paving Mixture and Block Manufacturing	324121
Asphalt Shingle and Coating Material Manufacturing	324122
Other Petroleum and Coal Product Manufacturing	324190

Metal Processing Companies	NAICS Code
Petrochemical Manufacturing	325110
Industrial Gas Manufacturing	325110
Synthetic Dye and Pigment Manufacturing	325130
Alkali and Chlorine Manufacturing	325181
All Other Basic Inorganic Chemical Manufacturing	325189
Other Basic Organic Chemical Manufacturing	325190
Soap and Cleaning Compound Manufacturing	325610
Toilet Preparation Manufacturing	325620
Paint and Coating Manufacturing	325510
Adhesive Manufacturing	325520
Resin and Synthetic Rubber Manufacturing	325210
Artificial and Synthetic Fibres and Filaments Manufacturing	325220
Printing Ink Manufacturing	325910

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Metal Processing Companies	NAICS Code
Explosives Manufacturing	325920
Custom Compounding of Purchased Resins	325991
All Other Miscellaneous Chemical Product Manufacturing	325999
Chemical Fertilizer (except Potash) Manufacturing	325313
Mixed Fertilizer Manufacturing	325314
Pesticide and Other Agricultural Chemical Manufacturing	325320

Printing and Related Support Activities	NAICS Code
Quick Printing	323114
Digital Printing	323115
Manifold Business Forms Printing	323116
Other Printing	323119
Support Activities for Printing	323120

Miscellaneous Industries	NAICS Code
Leather and Hide Tanning and Finishing	316110
Battery Manufacturing	335910
Pharmaceutical and Medicine Manufacturing	325410

Pollution Prevention Plan Tier 3

Effective Date: July 1, 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 Electronic Component Manufacturing	NAICS 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

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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 Disposal	NAICS 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 Packaging	311710
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

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Food and Beverage Manufacturing	NAICS Code
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

Pollution Prevention Plan Tier 4

Effective Date: January 1, 2018

Automotive Repair and Maintenance	NAICS Code
General automotive repair	811111
Automotive exhaust system repair	811112
Other automotive mechanical and electrical repair and maintenance	811119
Automotive body, paint and interior repair and maintenance	811121
Automotive glass replacement shops	811122
Car washes	811192
All other automotive repair and maintenance	811199

Transportation Equipment Manufacturing	NAICS Code
Automobile and light-duty motor vehicle manufacturing	336110
Heavy-duty truck manufacturing	336120
Motor vehicle body manufacturing	336211
Truck trailer manufacturing	336212
Motor home, travel trailer and camper manufacturing	336215
Motor vehicle gasoline engine and engine parts manufacturing	336310
Motor vehicle electrical and electronic equipment manufacturing	336320
Motor vehicle steering and suspension components (except spring) manufacturing	336330
Motor vehicle brake system manufacturing	336340
Motor vehicle transmission and power train parts manufacturing	336350
Motor vehicle seating and interior trim manufacturing	336360
Motor vehicle metal stamping	336370
Other motor vehicle parts manufacturing	336390

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Transportation Equipment Manufacturing	NAICS Code
Aerospace product and parts manufacturing	336410
Railroad rolling stock manufacturing	336510
Ship building and repairing	336611
Boat building	336612
Other transportation equipment manufacturing	336990

Gas Stations	NAICS Code
Gasoline stations with convenience stores	447110
Other gasoline stations	447190

Miscellaneous Industries	NAICS Code
Commercial screen printing	323113
Mushroom production	111411

Pollution Prevention Plan Tier 5

Effective Date: January 1, 2019

Wood Product Manufacturing	NAICS Code
Sawmills (except shingle and shake mills)	321111
Shingle and shake mills	321112
Wood preservation	321114
Hardwood veneer and plywood mills	321211
Softwood veneer and plywood mills	321212
Structural wood product manufacturing	321215
Particle board and fibreboard mills	321216
Waferboard mills	321217
Wood window and door manufacturing	321211
Other millwork	321919
Wood container and pallet manufacturing	321920
Manufactured (mobile) home manufacturing	321991
Prefabricated wood building manufacturing	321992
All other miscellaneous wood product manufacturing	321999

Plastics and Rubber Products Manufacturing	NAICS Code
Plastic bag and pouch manufacturing	326111
Plastic film and sheet manufacturing	326114
Unlaminated plastic profile shape manufacturing	326121
Plastic pipe and pipe fitting manufacturing	326121
Laminated plastic plate, sheet (except packaging), and shape manufacturing	326130
Polystyrene foam product manufacturing	326140
Urethane and other foam product (except polystyrene) manufacturing	326150

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Plastics and Rubber Products Manufacturing	NAICS Code
Plastic bottle manufacturing	326160
Plastic plumbing fixture manufacturing	326191
Motor vehicle plastic parts manufacturing	326193
Plastic window and door manufacturing	326196
All other plastic product manufacturing	326198
Tire manufacturing	326210
Rubber and plastic hose and belting manufacturing	326220
Other rubber product manufacturing	326290

Miscellaneous Industries	NAICS Code
Petroleum and petroleum products merchant wholesalers	412110

Pollution Prevention Plan Tier 6

Effective Date: January 1, 2020

Cannabis Growth And Manufacturing	NAICS Code
Cannabis product manufacturing	312310
Cannabis grown under cover	111412
Cannabis grown in open fields	111995

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