Agenda – Executive Policy Committee – December 9, 2020

Report – Standing Policy Committee on Water and Waste, Riverbank Management and the Environment – December 1, 2020

Item No. 1 Environment Act Licence No. 3042 Clause 8 Application in Combined Sewer Districts

STANDING COMMITTEE RECOMMENDATION:

On December 1, 2020, the Standing Policy Committee on Water and Waste, Riverbank Management and the Environment concurred in the recommendation of the Winnipeg Public Service and submitted the following to Council:

1. That the Combined Sewer Overflow Master Plan be approved for use in satisfying Clause 8 requirements of the Environment Act License No. 3042 for the operation of the combined sewer system with respect to smaller developments in the City of Winnipeg, as set out in this report.

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

Agenda – Executive Policy Committee – December 9, 2020

Report – Standing Policy Committee on Water and Waste, Riverbank Management and the Environment – December 1, 2020

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On December 1, 2020, the Standing Policy Committee on Water and Waste, Riverbank Management and the Environment concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: **ENVIRONMENT ACT LICENCE NO. 3042 CLAUSE 8 APPLICATION IN COMBINED SEWER DISTRICTS**

Critical Path: **Standing Policy Committee on Water and Waste, Riverbank Management and the Environment – Executive Policy Committee – Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
G. K. Patton, P. Eng., Manager of Engineering Services	M. L. Geer, CPA, CA, Director, Water and Waste Department	N/A	M. Ruta, Interim CAO

EXECUTIVE SUMMARY

This report explains the proposed method to meet Clause 8 of Environment Act Licence No. 3042 for smaller developments in combined sewer districts. Environment Act License No. 3042 regulates the operation of the combined sewer system in Winnipeg (attached as Appendix A).

Clause 8 states that "The Licencee shall not increase the frequency or volume of combined sewer overflows in any sewer shed due to new and upgraded land development activities and shall use green technology and innovative practices in the design and operation of all new and upgraded storm and wastewater infrastructures". Combined sewer overflows are a combination of wastewater and land drainage.

Interpretation of Clause 8 of Environment Act Licence No. 3042 (EA No.3402) is a complex matter that generates interest from the public, consultants, developers, internal City Departments and the Province of Manitoba for the following smaller developments in combined sewer districts:

- New single-family dwellings which are replacing older, smaller homes built prior to 1990
- New two-family dwellings which are replacing older, smaller homes built prior to 1990
- Residential, commercial and industrial interior renovations/small additions

The Water and Waste Department recommends using the Combined Sewer Overflow Master Plan (CSO Master Plan) to meet Clause 8 for smaller developments. This means that the overall CSO Master plan will incrementally reduce total CSO's over time and will remove the negligible flow impact of small development. This will not require property owners to accommodate on-site land drainage management on a development-by-development basis. If property owners were required to meet Clause 8, development would be more complex and expensive to build – this might require installation and maintenance of underground storage tanks or catch basin leads with above ground storage. This would likely be a deterrent to smaller developments in mature neighbourhoods.

Using the CSO Master Plan to satisfy Clause 8 requirements for these smaller developments over time will increase the combined sewage volume that the CSO Master Plan needs to capture to meet targets. This may increase the cost of the CSO Master Plan to meet volume reduction targets but will be small in comparison to the overall CSO Master Plan cost.

The existing practice that wastewater flows (which typically include the existing pre-development building foundation drains/weeping tiles) could not increase for smaller developments will continue.

RECOMMENDATIONS

1. That the Combined Sewer Overflow Master Plan be approved for use in satisfying Clause 8 requirements of the Environment Act License No. 3042 for the operation of the combined sewer system with respect to smaller developments in the City of Winnipeg, as set out in this report.

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

REASON FOR THE REPORT

The Province of Manitoba has requested a formal response from the City on how small-scale infill development is approached with regards to Clause 8. The Public Service is requesting Council's approval on the interpretation of Clause 8 Environment Act Licence No. 3042 prior to notifying the Province.

IMPLICATIONS OF THE RECOMMENDATIONS

If the CSO Master Plan is not utilized as a strategic approach to meet Clause 8 requirements, then property owners of these smaller developments will need to accommodate on-site land drainage management to meet Clause 8. On-site land drainage management may limit development and the City's desire to densify older neighborhoods by adding complexity to the proposed development (e.g. underground storage tank or catch basin leads with above ground storage) and maintenance for the prospective owners.

Using the CSO Master Plan to satisfy Clause 8 requirements for these smaller developments will increase the combined sewage volume that the CSO Master Plan needs to capture to meet targets. These volume increases may increase the cost of the CSO Master Plan to meet volume reduction targets.

HISTORY/DISCUSSION

In 2013, the City of Winnipeg obtained Environment Act Licence No. 3042 from the Province of Manitoba for the operation of the existing combined sewers and overflow structures in the City (attached as Appendix A). Clause 8 of the EA No. 3402 states "The Licencee shall not increase the frequency or volume of combined sewer overflows in any sewer shed due to new and

upgraded land development activities and shall use green technology and innovative practices in the design and operation of all new and upgraded storm and wastewater infrastructures."

The current City of Winnipeg Sewer Bylaw 106/2018 does not require the restriction of a land drainage discharge rate for a single-family or two-family property on a lot with an area of less than 1,000 square metres (Part 9 Section 64(2)). The City addresses Clause 8 requirements by not allowing wastewater flows to increase to offset allowed increases in land drainage flows.

Developments greater than two dwelling units must meet Clause 8 requirements. This also applies to new commercial and industrial development in combined sewer districts. This practice is consistent with the Sewer Bylaw and addresses increased wastewater flow and/or impervious areas.

Additional types of development within combined sewer areas (such as a lot split where the original home remains and a new small-scale development is proposed on the new lot and the development of vacant lands, as examples) will require additional analysis on a case by case basis to determine application of Clause 8.

In February 2020, Water and Waste Department staff met with the Province to discuss the intent and application of Clause 8 of EA No. 3402 with respect to new single-family dwellings, new two-family dwellings and residential, commercial and industrial interior renovations/small additions. The Province indicated Clause 8 applies to these scenarios and that Clause 8 can be met by removing wastewater and/or land drainage water from the combined sewer system in another area of the City in order to offset the additional wastewater and/or land drainage water from these developments. A formal submission to the Province is proposed following Council's consideration of the recommendations of this report.

It is possible that the overall cost of the CSO Master Plan will slightly increase through the proposed approach. However, the CSO Master Plan is currently a Class 5 estimate, and will be implemented over a long delivery schedule depending on available funding. Therefore, any actual increases will not be known for some time. If any financial impacts do arise, the appropriate level of approval will be sought from the Public Service.

FINANCIAL IMPACT

Financial Impact Statement **Date:** October 27, 2020

Project Name:

ENVIRONMENT ACT LICENCE NO. 3042 CLAUSE 8 APPLICATION IN COMBINED SEWER DISTRICTS

COMMENTS:

There is no financial impact associated with the current recommendation. The appropriate level of approval will be sought for any possible future financial impacts.

"Original signed by L. Szkwarek, CPA, CGA"
Lucy Szkwarek, CPA, CGA
Manager of Finance and Administration

CONSULTATION

This Report has been prepared in consultation with:

Property Planning and Development

OURWINNIPEG POLICY ALIGNMENT

This report is in accordance with the OurWinnipeg policies through

01-1c Key Directions for Specific City Areas:
Key Direction: Enhance the quality, diversity, completeness and sustainability of stable neighbourhoods and expand housing options for Winnipeg's changing population.

01-3 Prosperity Direction:
Direction 2: Provide a predictable and cost-effective business environment that promotes investment and growth. Using the CSO Master Plan to meet Clause 8 will help densify older neighborhoods.

Direction 7: Create favorable conditions for development that is consistent with the principles and goals of complete communities. Using the CSO Master Plan will reduce complexity and cost for owners.

01-4 Housing:
Direction 1: Support diverse housing options in each neighborhood or neighborhood cluster throughout the City.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

This report is in accordance with the Winnipeg Climate Action Plan through Strategic Opportunity #4 Facilitate Compact, Complete Development and Increase Density.

SUBMITTED BY

Department: Water and Waste
Division: Engineering Services
Prepared by: Gregory Kulczycki, P. Eng., Wastewater Collections Planning Engineer
Date: October 27, 2020
File No.: 020-17-08-11-00
020-17-08-11-0N

Attachments:

Appendix A – Environment Act Licence No. 3042