

THE RURAL MUNICIPALITY OF ROSSER

BY-LAW NO. 11-17

BEING A BY-LAW TO REGULATE THE WASTEWATER SYSTEM WITHIN THE CENTREPORT INLAND PORT AREA OF THE RURAL MUNICIPALITY OF ROSSER AND ITS WASTEWATER DISCHARGE TO THE CITY OF WINNIPEG.

WHEREAS subsection 232(1) of the Act provides authority for a Municipal Council to pass By-Laws with respect to, among other things, the safety, health, protection and well-being of people, the safety and protection of Property, as well as drains and drainage on private or public Property, public utilities and the enforcement of By-Laws;

AND WHEREAS subsection 232(2) the Act provides authority for a Municipal Council, by By-Law, to, among other things, regulate or prohibit, adopt, by reference or in part a code or standard and require compliance with the code or standard, and provide for a system of licenses, permits and approvals;

AND WHEREAS Section 250(2) of the Act provides general powers that:

- (a) Municipality may for municipal purposes do the following:
- (b) construct, operate, repair, improve, and maintain works and improvements;
- (c) acquire, establish, maintain and operate services, facilities and utilities;
- (d) enter into agreements with one or more of the following regarding anything the Municipality has power to do within the Municipality:
 - (i) a Person,
 - (ii) the Government of Canada or one of its agencies,
 - (iii) the Government of Manitoba or one of its agencies,
 - (iv) a local authority,
 - (v) a band as defined in the Indian Act (Canada),
 - (vi) another municipality in Manitoba or a municipality in another province;
- (e) use municipal equipment, materials and labour to carry out private works on private Property.”

THEREFORE BE IT RESOLVED THAT the Council of the Rural Municipality of Rosser, in open meeting assembled, enacts as follows:

Part 1 - Introduction

Short title	section 1
Intent of By-law	section 2
Definitions and interpretation	section 3

Part 2 - Authority

Inspecting and enforcing the By-law	section 4
Authority to control flooding	section 5
Emergency entries allowed	section 6

Part 3 - General

Monitoring requirements	section 7
Sampling and analytical requirements	section 8
Record search	section 9
Permits, licenses and authorizations	section 10
Suspending and cancelling a permit, license or authorization	section 11
Emergency suspensions of a permit, license or authorization	section 12
Cost of complying with this By-law	section 13
Responsibility for complying with this By-law and Release of Liability	section 14
Dilution prohibited	section 15
Restrictions on withdrawing wastewater	section 16

Fees, rates, charges, and deposits	section 17
Payment locations	section 18
Part 4 - Contractor Authorization Requirements	
Contractor Authorization required	section 19
License requirements	section 20
Part 5 - Construction Requirements	
Authorization and Service Permit required to install or reuse private sewer service pipe	section 21
Complying with construction standards required	section 22
Inspection required before backfilling	section 23
Requirements for abandoning or reusing private sewer service pipes when buildings are demolished or moved	section 24
Requirements for blocking unused private sewer service pipes	section 25
Requirements for reusing private sewer service pipes	section 26
Part 6 - Connection Requirements	
Responsibility for complying with this Part	section 27
All properties to be connected to wastewater sewer	section 28
Requirements for non-conforming private sewer service pipes	section 29
Temporary above-ground wastewater connections permitted	section 30
Property previously served by On-site Wastewater Management System	section 31
Requirement to abandon a non-conforming private sewer service pipe and connect to the wastewater system	section 32
Connection charge	section 33
Owner responsible for private sewer service pipe	section 34
Repair and replacement of pipe under street	section 35
Interconnection of wastewater and land drainage private sewer service pipes prohibited	section 36
Part 7 - Discharges of Wastewater	
Responsibility for complying with this Part	section 37
Wastewater must be discharged to wastewater system	section 38
Wastewater discharges to wastewater system restricted	section 39
Wastewater Discharge license required	section 40
Discharge rate limits	section 41
Overstrength Discharge license required	section 42
Surcharges for select overstrength wastewater substances	section 43
Grease interceptors required	section 44
Oil interceptors required	section 45
Sediment interceptors required	section 46
Grease, oil or sediment interceptor design criteria	section 47
Grease, oil and sediment interceptor maintenance requirements	section 48
Dental waste amalgam separator required	section 49
Food waste grinder discharge restrictions	section 50
Part 8 - Discharges of Land Drainage	
Responsibility for complying with Discharges of Land Drainage	section 51
Part 9 - Spills	
Obligation to notify the Municipality	section 52
Containing and cleaning up the spill	section 53
Preparing and submitting a written report	section 54
Part 10 - Hauled Wastewater	
No discharge of hauled wastewater	section 55
Part 11 - Pollution Prevention Planning	
Definitions	section 56
Scope of this Part	section 57

Plan required	section 58
Form and content of Plan	section 59
Requirements if Plan is rejected	section 60
Notice of change in information required	section 61
Renewing the Plan	section 62
Spills and other contraventions	section 63
Regular submission of progress updates	section 64
Requirements if progress update does not contain adequate information	section 65
Consequences if business does not achieve progress	section 66
Storage of Plans and progress updates	section 67
Termination of obligation to engage in pollution prevention planning	section 68
Consequences of violating this Part	section 69
Enforcement actions against businesses governed by this Part	section 70
 Part 12 - Sewer Charges	
Sewer charge imposed	section 71
Adjustment of sewer charges	section 72
Municipal meters	section 73
Private meters	section 74
Collection of outstanding sewer charges	section 75
 Part 13 - Administration, Enforcement and Other Provisions	
Compliance orders	section 76
Service address	section 77
Obstructing work prohibited	section 78
Damage to and obstruction of sewer prohibited	section 79
Penalties for violating By-law	section 80
Appeals	section 81
Chief Administrative Officer's powers – flooding prevention	section 82
 Schedule A	
Substances Prohibited in discharges to Wastewater System	
Schedule B	
Concentration Limits for discharges into the Wastewater System	
Schedule C	
Business Sectors Required to Prepare Pollution Prevention Plans Under Part 11	

PART 1 INTRODUCTION

Short Title

1 This By-Law may be cited as the “**Rosser CentrePort Wastewater System By-law**”.

Intent of By-Law

2 This By-Law outlines controls for the discharge of pollutants to the Wastewater System, as well as the construction and maintenance of Sewer Connections. The objectives of this By-Law are:

- to protect the Wastewater System from damage and obstruction;
- to protect the Wastewater treatment process;
- to protect the public, municipal workers and Property from hazardous conditions;
- to prevent extraneous dry and wet weather induced inflows from entering the Wastewater System;
- to protect the quality of Wastewater Sludge;
- to protect the natural environment as well as human, plant, and animal health from contaminants;

- to provide the Municipality with the necessary powers to enforce compliance with the condition and terms set forth in this By-law; and
- to assist the Municipality in maintaining compliance with the laws and regulation of the Province of Manitoba and the Government of Canada.

Definitions and Interpretation

3(1) In this By-law:

“Accredited Laboratory” means a laboratory accredited by an authorized accreditation body in accordance with a standard based on “CAN-P-1585: Requirements for the Accreditation of Environmental Testing Laboratories” established by the Standards Council of Canada, as amended from time to time, or “ISO/IEC/EN 17025: General Requirements for Competence of Calibration and Testing Laboratories” established by the International Organization for Standardization, as amended from time to time.

“Act” means *The Municipal Act*, C.C.S.M. c. M225, as amended.

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

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

“Backwater Valve” has the same meaning as *The Manitoba Plumbing Code*, Manitoba Regulations 129/2006.

“Biomedical Waste” means waste comprising:

- human anatomical waste, including human tissues, organs and body parts, but excluding teeth, hair and nails;
- animal waste including animal tissues, organs, body parts, carcasses, bedding, fluid blood and blood products, items saturated or dripping with blood, body fluids contaminated with blood, and body fluids removed for diagnosis or removed during surgery, treatment or autopsy, but excluding teeth, hair, nails, and hooves;
- microbiology laboratory waste including laboratory cultures, stocks or specimens of microorganisms, live or attenuated vaccines, human or animal cell cultures used in research, and laboratory material that has come into contact with any of these;
- human blood and body fluid waste including human fluid blood and blood products, items saturated or dripping with blood, body fluids contaminated with blood, and body fluids removed for diagnosis during surgery, treatment or autopsy, but excluding urine and feces; or
- waste sharps, including clinical and laboratory materials consisting of needles, syringes, blades or laboratory glass capable of causing permanent punctures or cuts;

but excluding waste of household origin, waste controlled in accordance with the *Health of Animals Act (Canada)*, or generated in the production of food, general building maintenance or office administration activities.

“Blowdown Water” means recirculated water discharged from a cooling or Heating Water system to:

- (a) control the level of water in the system; or
- (b) discharge materials from the system which might otherwise build up and harm the operation of the system.

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

“CentrePort” means the inland port area as described in *The CentrePort Canada Act*, C.C.S.M. c. C44, as amended.

“Chemical Oxygen Demand” or **“COD”** means under standard laboratory conditions the quantity of oxygen used during the chemical oxidation of carbonaceous material found in Wastewater.

“Chief Administrative Officer” or **“CAO”** means the Chief Administrative Officer of the Rural Municipality of Rosser.

“City” means the municipal corporation of the City of Winnipeg.

“Combustible Gas Meter” means an instrument capable of determining the percentage of the Lower Explosive Limit for a combustible Gas or vapour in air.

“Common Sewer” means a Wastewater Sewer that:

- (a) is designed to collect wastewater directly from Private Sewer Service Pipes; and
- (b) is not an Interceptor Sewer.

“Connecting” in the context of a Property, means installing a Private Sewer Service Pipe to discharge Wastewater from a Property into the Wastewater Sewer.

“Construction Specifications” means the construction standards adopted by the Municipality to ensure the proper, safe, and reliable installation of materials and operation of the Wastewater infrastructure system.

“Designated Employee of the City” means the Director of the Water and Waste Department and any employee of the City of Winnipeg who has been authorized by the Director to represent the interests of the City in respect of the Wastewater system.

“Designated Officer” means the Chief Administrative Officer (CAO) and any employee of the Municipality or an Agent who has been authorized by the CAO to administer and enforce all or part of this By-law.

“Domestic Wastewater” means spent water from Residential premises, and restrooms from non-residential properties.

“Explosive” means a substance that is listed under Class 1 of The Transportation of Dangerous Goods Act (Canada).

“Five-day Biochemical Oxygen Demand” or **“BOD5”** means under standard laboratory conditions for five days at a temperature of 20°C the quantity of oxygen used in the biochemical oxidation of organic matter found in Wastewater.

“Flammable Liquid” has the same meaning as in regulations under *The Dangerous Goods Handling and Transportation Act*, C.C.S.M. c. D12, as amended.

“Flammable Solid” has the same meaning as in regulations under *The Dangerous Goods Handling and Transportation Act*, C.C.S.M. c. D12, as amended.

“Food Service Establishment” means any place, other than a Housing Unit, where food is manufactured or prepared. Food Service Establishments include bakeries, restaurants, catering operations, retail food stores, hotels, commissaries, canteens, and temporary food service operations.

“Gas” has the same meaning as in regulations under *The Dangerous Goods Handling and Transportation Act*, C.C.S.M. c. D12, as amended.

“Generator” means the entity responsible for the generation of Wastewater and includes the Owner and the occupant of Property from which Wastewater enters the Wastewater System.

“Grab Sample” means the obtainment of a representative volume of Wastewater from the Wastewater System or from a Property that is collected within a 15 minute period and used for analytical purposes.

“Grease” means fats, waxes, oils and other relatively non-volatile organic substances whose concentration is expressed as milligrams per litre (mg/L) as determined in accordance with procedures contained in Standard Methods.

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

- (a) appliances, such as dishwashers or washing machines; and
- (b) plumbing fixtures such as sinks, bathtubs and showers.

“Groundwater” means water beneath the earth’s surface that has accumulated via infiltration or underground moisture migration occupying a saturation zone.

“Hazardous Waste” has the same meaning as in *The Dangerous Goods Handling and Transportation Act*, C.C.S.M. c. D12, as amended.

“Heating Water” means water used to increase temperature in an enclosed system.

“Housing Unit” means a residence, with cooking facilities, designed for an individual or a family. It includes single-family homes, duplexes, apartments, condominiums, but not hotels, hostels, or Residential care facilities.

“Industry” means any Owner or operator of industrial, commercial or institutional premises from which Wastewater is generated and discharged into the Municipality’s Wastewater System.

“Industrial Wastewater” means Wastewater pertaining to manufacturing, commerce, trade, business or Institutions as distinguished from domestic or Residential.

“Infectious or Toxic” has the same meaning as in *The Dangerous Goods Handling and Transportation Act*, C.C.S.M. c. D12, as amended.

“Interceptor” means a receptacle or trap installed to intercept and separate specific material and prevent it from passing into a Wastewater System.

“Interceptor Sewer” means a Sewer designed to convey Wastewater solely from Common Sewers to a Wastewater treatment plant and not to collect Wastewater from Private Sewer Service Pipes.

“Institution” means a facility operated for public purposes, such as schools, universities, medical facilities, museums, prisons, government offices, military bases and similar services.

“Land Drainage” means water that has not been mixed with Wastewater, including:

- (a) surface water, including rainwater and snowmelt;
- (b) groundwater, including water from Weeping Tiles and well water;
- (c) sump pump water; and
- (d) downspout water

“Land Drainage Sewer” means a Sewer that carries only Land Drainage.

“Land Drainage System” means all Municipal works and processes for collecting, controlling, carrying and disposing of Land Drainage, including ditches, swales, Land Drainage Sewers, street gratings, catch basins, manholes, stormwater retention basins, pump stations, control weirs, gates, and associated works and overflow structures. It does not include Private Sewer Service Pipes.

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

“Lower Explosive Limit” or **“LEL”** means the lowest concentration of vapour or Gas in air that will explode or burn when ignited.

“Monitoring Point” means a location in the Wastewater System or on private property that is accessible for the purposes of:

- (a) measuring the flow rate or volume of Wastewater; and
- (b) collecting representative samples of the Wastewater for analytical purposes.

“Municipal Council” means the Council of the Rural Municipality of Rosser.

“Municipality” means the Rural Municipality of Rosser as incorporated under the Act.

“Natural Oil and Grease” means fats, waxes or oils from animal or vegetable sources.

“Non-conforming Private Sewer Service Pipe” means a Private Sewer Service Pipe not connected to an adjacent Common Sewer.

“Non-domestic Wastewater” means spent water from locations other than Residential premises, and restrooms from non-residential properties.

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

“Nonylphenol ethoxylates” means the total of nonylphenol ethoxylates, as analyzed by liquid chromatography-mass spectrometry (LC-MS), including nonylphenol

diethoxylates, nonylphenol monoethoxylates, nonylphenol triethoxylate, t-octylphenol diethoxylate, t-octylphenol monoethoxylate, and t-octylphenol triethoxylate.

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

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

“Overstrength Discharge License” means a license issued under Part 7 of this Bylaw that permits the discharge of Overstrength Wastewater.

“Owner”, unless otherwise stated, means an Owner of real Property as defined in *The Municipal Assessment Act*, C.C.S.M. c. M226, as amended, and includes a Person who is the Owner of such Property with another Person, and a Person who is registered under *The Condominium Act* as the Owner.

“Oxidizing Substance and Organic Peroxide” has the same meaning as in regulations under *The Dangerous Goods Handling and Transportation Act*, C.C.S.M. c. D12, as amended.

“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*, S.C. 2002, c. 28, as amended.

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

“Private Sewer Service Pipe” means a pipe, or system of pipes, and related components that convey Wastewater underground from its source on private Property to the Wastewater System.

“Pretreatment Processes” means one or more processes or devices designed to remove sufficient substances in raw Wastewater from non-domestic sources to enable compliance with effluent limits established in this By-Law for discharge into the Municipality’s Wastewater System.

“Property” means all or part of real Property identified on a Street address.

“Prohibited Substance” means substance prohibited to be discharge into Wastewater as described in Schedule “A” of this By-Law.

“Quarter” means a period of three consecutive months.

“Radioactive Material” means a substance listed under Class 7 in the *Transportation of Dangerous Goods Act*, 1992 (1992, c.34), as amended.

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

“Septic Tank Waste” – any Wastewater extracted from a cesspool, septic tank, Sewage holding tank, seepage pit, interceptor or other containment vessel.

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

“Sewage” means liquid wastes from Residential, and non-residential sources.

“Sewer” means a pipe that:

- (a) accepts Wastewater;
- (b) is part of the Wastewater System; and
- (c) does not include a Private Sewer Service Pipe.

“Sewer Contractor Authorization” means an approval issued by a designated Municipal employee under Part 4 of this By-law that authorizes a contractor to Work on a Private Sewer Service Pipe, the Wastewater System, or the Land Drainage System.

“Sewer Charge” means the charge imposed by section 73 of this By-law.

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

- (a) violates this By-law; and
- (b) has entered or could enter the Wastewater System.

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

“Street” includes any highway, road, road allowance, unopened road allowance, street, lane, or thoroughfare, dedicated to the public use as a highway or opened or made as a highway and any sidewalks, ditches, and boulevards, bridge, floodway, pier, ferry, square or public place, dedicated to the public use and any highway improvements or works thereon or appurtenant thereto.

“Swimming Pool Water” means water from swimming pools, wading pools, hot tubs, or spas.

“Synthetic or Petroleum Oil and Grease” means fats, waxes or oils that are not natural oil or Grease.

“Total Nitrogen” or **“TN”** means the sum of ammonia, nitrite, nitrate, and organic nitrogen present as dissolved or particulate matter in the Wastewater.

“Total Polycyclic Aromatic Hydrocarbons” means the total of acenaphthene, acenaphthylene, cenaphthylene, acridine, anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(b&j)fluoranthene, benzo(ghi)perylene, benzo(k)fluoranthene, chrysene, dibenzo (ah)anthracene, fluoranthene, fluorene, indeno(1,2,3 cd)pyrene, 1-methyl naphthalene, 2- methyl naphthalene, naphthalene, phenanthrene, pyrene and quinoline.

“Total Phosphorus” or **“TP”** means the sum of both inorganic and organic forms of phosphorus present as dissolved or particulate matter in the Wastewater.

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

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

“Total Semi-volatile Hydrocarbons” means the sum of all hydrocarbons with a carbon number from C11 to C20 in a substance.

“Total Suspended Solids” or **“TSS”** means the total amount of solids per litre in Wastewater retained by a filter.

“Toxic Substance” means any substance defined as toxic under the *Canadian Environmental Protection Act*, 1999 (S.C. 1999, c. 33), as amended.

“Wastewater” means a mixture of dissolved or particulate waste matter water carried by water. It includes:

- (a) Sewage;
- (b) Greywater;
- (c) Swimming Pool Water;
- (d) Heating Water;
- (e) Cooling Water; and
- (f) any water that has come into contact with Sewage, Greywater, Swimming Pool Water, Heating Water, or Cooling Water.

“Wastewater Discharge License” means a license issued under Part 7 of this By-law that permits the discharge of Wastewater into the Land Drainage System.

“Wastewater Sewer” means a Sewer that carries only Wastewater. It includes a Common Sewer and an Interceptor Sewer.

“Wastewater System” means all infrastructure and processes for collecting, storing, conveying, pumping, treating or disposing of Wastewater discharged from properties within CentrePort. It includes infrastructure and processes located within or operated by the City of Winnipeg but does not include Private Sewer Service Pipes.

"Water Contractor Authorization" means an approval issued by a designated Municipal employee under Part 4 of this By-law that authorizes a contractor to work on a private Water Service Pipe, or on the Municipality's water distribution system.

"Water Service Pipe" means the pipe and fittings that convey potable water from a watermain, well or other source to the Water Meter.

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

"Waterway" means a body of water located on public Property, and includes:

- (a) a river, stream, creek, canal, ditch, swale, water channel, pond or stormwater retention basin, whether natural, constructed or altered; and
- (b) the frozen surface or bed of a river, stream, creek, canal, ditch, swale, water channel, pond or stormwater retention basin.

"Water Meter" or **"Wastewater Meter"** means an apparatus at a Property which measures and records the quantity of water passing through it.

"Weeping Tiles" means an underground system for collecting or carrying Groundwater around a building foundation.

"Work" includes the act of:

- (a) installing, abandoning, altering, enlarging, repairing or renewing all or part of a Private Sewer Service Pipe, the Wastewater System; or
- (b) Connecting a Private Sewer Service Pipe to the Wastewater System.

3(2) For the purposes of the definitions set out in subsection 3(1), quantities of substances are determined in accordance with tests and expressed in units of measurement set out in *Standard Methods for the Examination of Water and Wastewater*.

PART 2 AUTHORITY

Inspecting and enforcing the By-law

4(1) Designated Officers may conduct inspections, administer and enforce this By-law, or remedy a violation of this By-law. For these purposes, they have the powers of a Designated Officer under the Act and *The Planning Act*, C.C.S.M. c. P80.

4(2) The powers given to Designated Officers in subsection (1) include the authority to carry out any inspection reasonably required to ensure compliance with this By-Law, after giving reasonable notice, included but not limited to:

- a) entering upon private Property at any reasonable time;
- b) inspecting, observing, sampling and measuring the flow in any private:
 - i) Wastewater disposal system, and
 - ii) monitoring point;
- c) inspecting and testing Water Meters provided by the Municipality or private Water Meters or Wastewater Meters installed under sections 74, 75 and 76;
- d) taking samples of Wastewater, within or being released from Private Property Sewer Connections;
- e) performing on-site testing of Wastewater within or being released from Private Property Sewer Connections;
- f) inspecting the types and quantities of chemicals being handled or used on the premises in relation to possible releases into the Wastewater System;
- g) inspecting and copying relevant documents or remove documents from premises to make copies;
- h) inspecting chemical storage areas and Spill containment facilities and requesting Material Safety Data Sheets (MSDS) for materials stored or used on site;
- i) inspecting premises where a release of a Prohibited Substance has been made or is suspected to have been made, or where a release of a substance in excess of permissible limits has been made or is suspected to

have been made, and to sample any or all matter that in the Designated Officer's opinion could have been part of the release.

4(3) No Person shall hinder or prevent the Designated Officer from carrying out any of the Designated Officer's powers or duties pursuant to this By-Law.

Authority to control flooding

5 Despite any other provision of this By-law, a Designated Officer may allow or cause Wastewater to flow into a Waterway in order to control flooding.

Emergency entries allowed

6 In an emergency that affects human health or safety, Property, or the environment, a Designated Officer may enter a Property without notice to:

- (a) inspect, block, maintain or remove any Sewer, or anything connected to it; or
- (b) take other actions to meet the emergency and to eliminate or reduce its effects.

PART 3 GENERAL

Monitoring requirements

7 Where a monitoring point is necessary to observe, sample or measure Wastewater, at the direction of a Designated Officer, the Owner or occupant of a Property must:

- (a) construct or install a suitable access location, following plans and specifications approved by the Designated Officer; and
- (b) maintain the access location in a safe condition and ensure that it is accessible to a Designated Officer at all reasonable times.

Sampling and analytical requirements

8(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*.

8(2) If *Standard Methods for the Examination of Water and Wastewater* does not contain an appropriate test or analysis, a Designated Officer is authorized to determine one.

8(3) If more than one procedure, test or analysis is set out in *Standard Methods for the Examination of Water and Wastewater*, a Designated Officer is authorized to determine which one to use.

8(4) Samples must be taken at an access location, or other location determined by a Designated Officer.

8(5) When making a determination under subsection (2), (3) or (4), the Designated Officer must take into account:

- (a) cost and practicality; and
- (b) the accuracy of the result.

8(6) In the absence of evidence to the contrary, samples taken from Wastewater discharged from a Property are presumed to be characteristic of all of the Wastewater discharged into the Wastewater System from that Property.

Record search

9(1) Subject to *The Freedom of Information and Protection of Privacy Act*, upon payment of the applicable fee, the Property Owner or Agent is entitled to receive, in respect of a Property, account histories and other records which the Municipality has in its possession.

Permits, Licenses and authorizations

10(1) When a permit, license or authorization is required by or under this By-law, a Designated Officer may issue or renew the permit, license or authorization if:

- (a) the applicant provides the information required to assess the application;
- (b) the applicant pays the applicable fee for the permit, license or authorization; and
- (c) the application meets the requirements set out in this By-law.

10(2) A Designated Officer must not renew a permit, license or authorization if the applicant's existing permit, license or authorization:

- (a) is suspended; or
- (b) has been cancelled and the period of time referred to in subsection 11(5) has not expired.

10(3) A Designated Officer may issue or renew a permit, license or authorization, with or without conditions, for either an indefinite or a limited period of time.

10(4) If a Designated Officer imposes conditions on a license, permit or authorization under subsection (3), the conditions:

- (a) must be related to:
 - i. the criteria for issuing the permit, license or authorization; or
 - ii. administering or enforcing this By-law; and
- (b) may take into account the previous relevant conduct of the applicant.

10(5) Conditions imposed under clause 10(4)(a) may include the requirement that the holder of the license, permit or authorization indemnify the Municipality and the City for loss, harm, damage and other consequences that could result from actions taken under the license, permit or authorization.

10(6) The holder of a permit or authorization must comply with any conditions imposed on the permit, License or authorization.

10(7) It is a condition of any permit, license or authorization issued under this By-law that the applicant consent to the entry of a Designated Officer to the Property at any reasonable time, without notice, in order to conduct an inspection or otherwise administer or enforce this By-law.

10(8) Subject to different requirements imposed as a condition of the permit, license or authorization, the holder of the permit, license or authorization must, within ten business days, inform a Designated Officer of any changes to the information submitted in the application, and a failure to do so voids the permit, license or authorization.

Suspending and cancelling a permit, License or authorization 11(1) In this section and section 12:

“suspension” means that the permit, license or authorization is temporarily ineffective for a specified period of time.

“cancellation” means that the permit, license or authorization no longer exists and the Person must reapply for a new permit, license or authorization to legally carry out the activity for which a permit, license or authorization is required.

11(2) Unless otherwise specified in this By-law or in the license, permit or authorization, a license, permit or authorization is automatically:

- (a) suspended if fees associated with the permit, license or authorization have been outstanding for more than 30 days;
- (b) cancelled if the fees associated with the permit, license or authorization have been outstanding for more than 60 days.

11(3) A Designated Officer may suspend or cancel a permit, license or authorization if:

- (a) the holder of the permit, license or authorization has failed to comply with this By-law, other Municipality By-laws, other relevant legislation, or conditions imposed on the license, permit or authorization;

- (b) the applicant provided false or misleading information in the application that had an effect on the decision to grant the permit, license or authorization;
- (c) the past conduct of the holder of the permit, license or authorization creates a reasonable concern that the authorized activity will not comply with this By-law, another Municipality By-law, other relevant legislation, or conditions imposed on the license, permit or authorization; or
- (d) an activity authorized by the permit, license or authorization poses a risk to human health or safety, Property, or the environment.

11(4) Before suspending or cancelling a permit, license or authorization under subsection (3), the Designated Officer must:

- (a) notify the holder of the permit, license or authorization in writing that suspending or cancelling the permit, license or authorization is being considered;
- (b) provide in writing the reasons why suspending or cancelling the permit, license or authorization is being considered; and
- (c) give the holder of the permit, license or authorization a reasonable opportunity to be heard.

11(5) If a Designated Officer decides to cancel a permit, license or authorization, the officer must identify a date before which, or a timeframe within which, the holder is not permitted to reapply for the permit, license or authorization.

11(6) A decision concerning the suspension or cancellation of a permit, license or authorization must be sent to the holder of the permit, license or authorization in accordance with the Act and is subject to appeal to the Municipal Council (Part 13).

Emergency suspensions of a permit, License or authorization

12(1) A Designated Officer may, without notice and without a hearing, suspend a permit, license or authorization for up to 30 days if an activity authorized by the permit, license or authorization poses an immediate and substantial risk to human health or safety, Property, or the environment. After imposing an emergency suspension, the Designated Officer must:

- (a) immediately notify the holder of the permit, license or authorization:
 - i.) of the suspension;
 - ii.) of the date the suspension will expire;
 - iii.) of the reasons why the Designated Officer has concluded that the activity authorized by the permit, license or authorization poses an immediate and substantial risk to human health or safety, Property, or the environment; and
 - iv.) of the actions that must be taken or circumstances that must exist, if any, that will result in the suspension being lifted before the expiration date;
- (b) lift the suspension as soon as the immediate and substantial risk to human health or safety, Property, or the environment no longer exists.

12(2) A Designated Officer may, without notice and without a hearing, suspend a permit, license or authorization for up to 30 days if the information submitted in the application was incorrect and, had the correct information been known, the permit, license or authorization would not have been issued. After imposing an emergency suspension, the Designated Officer must:

- (a) immediately notify the holder of the permit, license or authorization:
 - i.) of the suspension;
 - ii.) of the date the suspension will expire; and
 - iii.) of the incorrect information submitted in the application;
- (b) lift the suspension if it was imposed in error.

12(3) Unless it is lifted earlier by the Designated Officer, an emergency suspension imposed under this section expires 30 days after it has been imposed. However, if the Designated Officer is considering imposing a suspension or cancellation under section 10 and the holder of the license, permit or authorization requests that their opportunity to be heard be deferred to a date beyond the 30 day period, the Designated Officer may extend the suspension for up to an additional 60 days to accommodate this request.

Cost of complying with this By-law

13 Wherever an obligation is imposed on a Person by this By-law, the cost of complying is the responsibility of that Person, and not the Municipality.

Responsibility for complying with this By-law and Release of Liability

14(1) Unless an obligation or requirement is imposed on a particular Person, the obligations and requirements set out in this By-law apply to every Person.

14(2) If there is a requirement placed on a Person by this By-law:

- (a) an agent may act on behalf of that Person to meet the requirement; but
- (b) the Person is responsible to meet the requirement even if an agent is acting on their behalf.

14(3) A requirement imposed by this By-law on a Generator of Wastewater, including an Owner or occupant of Property, includes the obligation not to permit the requirement to be violated by another Person.

14(4) The Property Owner and the Occupant hereby release and forever discharge the Municipality and the City from any claims, damages, or costs of any kind which the Owner or occupant may suffer as a result of blockage in the Wastewater System, back up of the Wastewater System or any other malfunction of the Wastewater System.

Dilution prohibited

15(1) A Person must not dilute Wastewater with water or any other material to comply with the discharge limits set out in this By-law unless a Designated Officer has given written permission for the dilution.

15(2) A Designated Officer may not grant written permission for Wastewater to be diluted if the substance being diluted is subject to a surcharge under this By-law or if the diluted discharge is likely to:

- (a) pose a risk of harm to human health or safety, Property, or the environment;
- (b) interfere with the operation or maintenance of the Wastewater System;
- (c) damage the Wastewater System;
- (d) prevent the City of Winnipeg 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(3) Where Wastewater has been diluted in violation of subsection (1), the Owner or occupant of the Property from which the diluted Wastewater is being discharged is responsible for the contents of the Wastewater as if it had not been diluted.

Restrictions on withdrawing Wastewater

16(1) A Person must not withdraw or use Wastewater from the Wastewater System without the written permission of a Designated Officer.

16(2) A Designated Officer may grant written permission for Wastewater to be withdrawn from the Wastewater System for legitimate scientific study, if the samples can be taken and used at minimal risk to human health and safety, Property, and the environment.

16(3) A Designated Officer may impose conditions on a permission issued under subsection (1).

Fees, rates, charges, and deposits

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

- (a) must be established by the Municipal Utility Wastewater Rate as approved by the Public Utilities Board as calculated in accordance with the Wastewater Rate Utility By-law, as amended;
- (b) are subject to inflationary increases authorized by the Wastewater Rate Utility By-law;

17(2) The Chief Administrative Officer may determine when invoices and bills are issued.

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

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

Payment locations

18 The Chief Administrative Officer is authorized to designate locations at which bill payments may be made.

PART 4 CONTRACTOR AUTHORIZATION REQUIREMENTS

Contractor Authorization required

19(1) Only a designated Person holding a valid Sewer Contractor Authorization may Work on a Private Sewer Service Pipe, Wastewater Meter or the Wastewater System.

19(2) Only a designated Person holding a valid Water Contractor Authorization may work on a private Water Service Pipe or Water Meter.

License requirements

20(1) A Designated Officer of the Municipality may issue an initial annual Water or Sewer Contractor Authorization License only if an applicant:

- (a) meets the requirements of section 10; and
- (b) demonstrates that they can satisfactorily perform the Work for which the approval is being issued.

20(2) A Designated Officer must not issue a Water or Sewer Contractor Authorization unless the applicant agrees, in a written form to indemnify the Municipality and the City against any lawsuits or other claims for damages resulting from the Work done by the applicant or the applicant's employees or agents on the Wastewater System, a Private Sewer Service Pipe, Water Service Pipe, Water Meter or Wastewater Meter.

20(3) A Designated Officer must not issue a Water or Sewer Contractor Authorization until the applicant files with the Chief Administrative Officer of the Municipality a Certificate of Insurance demonstrating that the license holder has in place a commercial general liability insurance policy in an amount determined by the Chief Administrative Officer to be sufficient to address the risk to the Municipality and which includes:

- (a) the Municipality as an additional insured;
- (b) the City as an additional insured;
- (c) evidence of cross liability;
- (d) contractor's equipment cover;
- (e) products and completed operations cover;
- (e) 15-day notice of cancellation; and
- (f) deductible to be paid by the contractor.

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

PART 5 CONSTRUCTION REQUIREMENTS

Authorization and Service Permit required to install or reuse Private Sewer Service Pipe

21(1) A Person must not install a new Private Sewer Service Pipe or reuse an existing Private Sewer Service Pipe unless the Owner has applied for, and a Designated Officer has authorized, the installation in accordance with section 10.

21(2) An approved contractor must not do any Work on the Wastewater System, or a Private Sewer Service Pipe unless a Service Permit which authorizes the approved contractor to carry out the Work has been issued in accordance with section 10.

21(3) In deciding whether or not to issue an authorization under subsection (1) or a Service Permit under subsection (2), the Designated Officer must take into account the impact of the Work on the Wastewater System.

21(4) Where the Work being authorized in subsections (1) or (2) could have a significant impact on the Wastewater System, as a condition of the authorization or Service Permit, a Designated Officer may require a Property Owner to submit a record drawing showing the completed Work.

Complying with construction standards required

22(1) A Service Permit holder must ensure that Work on the Wastewater System, or Private Sewer Service Pipe meets the standards set out in the Construction Specifications as adopted by the Municipality from time to time.

22(2) Despite subsection (1), a Designated Officer may authorize in writing a variation to the Construction Specifications after consultation with and acceptance by a designated employee of the City to ensure that the variation will not have any negative effect on that portion of the Wastewater System located within the City of Winnipeg and if the variation meets the intent of the construction requirements. Where the Designated Officer has authorized a variation, the Service Permit holder must comply with the variation.

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

Inspection required before backfilling

23(1) A Service Permit holder must not backfill an excavation unless a Designated Officer has inspected and approved the Work.

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

23(3) Where a Designated Officer identifies a deficiency during an inspection, the Service Permit holder must not backfill the excavation until they have:

- (a) remedied the deficiency;
- (b) paid any applicable inspection fees; and
- (c) received approval from the Designated Officer following a re-inspection of the Work.

Requirements for abandoning or reusing Private Sewer Service Pipes when buildings are demolished or moved

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

“**demolish**” means to remove or destroy the entire building, including its foundation.

24(2) Before demolishing a building that has a Private Sewer Service Pipe, the applicant for a demolition permit under the applicable By-law must pay a deposit established by Municipal Council. The deposit must be in the form of cash, a certified cheque, a letter of credit, or any other method of payment acceptable to the Chief Administrative Officer.

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

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

- (a) reuse the Private Sewer Service Pipe after complying with section 26; or
- (b) ensure that the Private Sewer Service Pipe is abandoned as required by the Construction Specifications adopted by the Municipality from time to time.

24(5) If the current Owner fails to comply with subsection (4), a Designated Officer may abandon the Private Sewer Service Pipe as required by the Construction Specifications and may use the deposit, required by subsection (2), to cover the cost of doing so.

24(6) When a Private Sewer Service Pipe has been reused or abandoned as required, the Designated Officer must return the deposit, or the unused part of the deposit, to the applicant at the request of the applicant.

Requirements for blocking unused Private Sewer Service Pipes

25 To prevent any flow or material from entering the Wastewater System, the Owner must ensure that the Private Sewer Service Pipe is blocked and remains blocked in a manner acceptable to a Designated Officer, or has been abandoned as required by the Standard Construction Specifications, if:

- (a) a building has no superstructure; or
- (b) a building that has a Private Sewer Service Pipe has been demolished.

Requirements for reusing Private Sewer Service Pipes

26(1) Before an owner reuses a Private Sewer Service Pipe as allowed by section 24, the Owner must obtain authorization from a Designated Officer.

26(2) A Designated Officer must not issue an authorization unless the Designated Officer is satisfied that the Private Sewer Service Pipe is in good working order.

PART 6 CONNECTION REQUIREMENTS

Responsibility for complying with this Part

27 The Generator of Wastewater and any contractor doing work on the Property are each responsible for meeting the requirements of this Part.

All Properties to be Connected to Wastewater Sewer

28(1) Subject to subsection (2) and section 29, Wastewater from a Property must be discharged through a Private Sewer Service Pipe to the Common Sewer adjacent to the Property, and such Property must be connected within two (2) years of the Common Sewer being made available.

28(2) If there is no Common Sewer adjacent to a Property, Wastewater must be discharged:

- (a) to an On-site Wastewater Management System in compliance with Provincial statutes and regulations;
- (b) in compliance with an authorization under section 30; or
- (c) such other connections as may be accepted by the Municipality.

28(3) A Water Meter or Wastewater Meter must be installed in compliance with sections 75 or 76 on any Property that discharges Wastewater to the Wastewater System.

28(4) To protect against sewer backup which can result in wastewater entering a Property all Private Sewer Service Pipes must be equipped with a Backwater Valve approved by the Municipality.

Requirements for Non-conforming Private Sewer Service Pipes

29(1) Unless authorized by a Designated Officer, a Private Sewer Service Pipe must not be connected to:

- (a) an Interceptor Sewer; or
- (b) a Wastewater Sewer that is not fronting or adjacent to the Property.

29(2) A Designated Officer may authorize a Private Sewer Service Pipe to be connected to an Interceptor Sewer or to a Wastewater Sewer that is not fronting or adjacent to the Property only if there is no Wastewater Sewer adjacent to the Property and if the Property owner:

- (a) pays in advance the connection charge referred to in section 33;
- (b) agrees to accept full responsibility for, and to indemnify the Municipality against, any damage, loss or expense as a result of the construction, existence or abandonment of the Non-conforming Private Sewer Service Pipe; and
- (c) agrees to pay the Capital Lot Levy fee as approved by Municipal Council, once the Non-conforming Private Sewer Service Pipe is connected to the Wastewater Sewer or Interceptor Sewer.

Temporary above-ground Wastewater connections permitted

30 (1) The Owner or Occupant of Property must not allow Wastewater to be disposed of overland to the land drainage and wastewater systems unless a Designated Officer has, in accordance with Section 10, issued a permit for the disposal.

30(2) A Designated Officer may issue a permit authorizing Wastewater to be disposed of overland where the Wastewater system is able to accommodate the disposal and where it will not pose a risk to human health, safety, property, or the environment.

Property previously served by On-site Wastewater Management System

31 Before a Property previously served by an On-site Wastewater Management System is connected to the Wastewater System, the owner must ensure that a Water Meter or Wastewater Meter is installed and is approved, inspected and sealed by a Designated Officer.

Requirement to abandon a Non-conforming Private Sewer Service Pipe and connect to the Wastewater System

32(1) The owner of a Property served by a Non-conforming Private Sewer Service Pipe must, immediately upon being notified of this obligation by a Designated Officer:

- (a) connect the Property to the Wastewater Sewer in compliance with this By-law; and
- (b) abandon the Non-Conforming Private Sewer Service Pipe as required by the Construction Specifications adopted by the Municipality from time to time, and in compliance with directions from a Designated Officer.

32(2) A Designated Officer must notify the owner of a Property served by a Non-conforming Private Sewer Service Pipe under subsection (1) when a Common Sewer is installed adjacent to the Property.

32(3) A Designated Officer must notify the owner of a Property served by a Non-conforming Private Sewer Service Pipe under subsection (1) if the Non-conforming Private Sewer Service Pipe:

- (a) has collapsed or there is a structural defect or blockage so that it is not functioning;
- (b) is interfering with the operation or maintenance of the Wastewater System; or

- (c) is interfering with activities or development on nearby properties.
- compliance **32(4)** A Designated Officer who issues an order under section 232(2) (e)(v) of The Act to the owner of Property who has failed to comply with subsection (1) must, in the order, specify a time of at least 18 months for with the order.

Connection charge

33(1) In this section:

“**charge**” means a fee levied by Municipal Council for the owner to be connected to the Wastewater Sewer to recover costs incurred by the Municipality to manage additional services associated with administration and management of the Wastewater System.

33(2) If no charge has ever been imposed on a Property, the Owner of the Property must, at the time of Connecting the Property to the Wastewater Sewer, pay the fee levied by Municipal Council.

Owner responsible for private Sewer service pipe

34(1) The Owner of a Property is responsible for the cost of installing and maintaining in good working order every Private Sewer Service Pipe serving that Property.

34(2) Subject to section 35, the Owner of a Property is responsible for the cost of repairing or replacing a private Sewer service pipe serving that Property.

34(3) Where two or more properties share a private Sewer service pipe, the Owner of each Property is responsible for complying with the obligations of an Owner under this By-law.

34(4) In complying with the obligations imposed by subsections (1) and (2) to install, maintain, repair, or replace a private Sewer service pipe, the Owner must use the services of a Sewer contractor licensed under this By-law.

34(5) If a Property that generates Wastewater has not previously been connected to the Wastewater System, the Owner of such Property shall comply with this By-Law at the Owner's expense within two (2) years of the date that a Common Sewer is first constructed adjacent to the Property.

Repair and replacement of pipe under Street

35(1) Despite section 34, the Chief Administrative Officer 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 Officer that a blockage in the Private Sewer Service Pipe is located under a Street and:

- (a) cannot be cleared satisfactorily by auguring or alternative means from within the Property; or
- (b) is due to a structural failure in the Private Sewer Service Pipe; or
- (c) is not due to prohibited matter or substances which are in breach of the terms of this By-law.

35(2) In determining whether subsection (1) is applicable, the Designated Officer may take into account:

- (a) evidence that at least two different Sewer cleaning contractors have been unsuccessful in clearing a blockage under a Street by auguring or alternative means from within the Property;
- (b) evidence that at least four Sewer cleanings, two within the previous nine months, have been required to clear a blockage under a Street that has been caused by a structural failure in the Private Sewer Service Pipe; or
- (c) a video inspection demonstrating that the Private Sewer Service Pipe has collapsed or is otherwise blocked so that it is not functioning and an excavation is required.

35(3) In making a determination under subsection (1), an authorized officer may require an additional Municipal officer to be present at an attempt to clear any blockage in, or during a video inspection of, the Private Sewer Service Pipe.

35(4) The obligation of the Chief Administrative Officer to act under subsection (1) does not apply to:

- (a) cleaning or other maintenance required for a Private Sewer Service Pipe;
- (b) a Non-conforming Private Sewer Service Pipe; or
- (c) any part of a Private Sewer Service Pipe that has been installed or replaced within the previous 12 months.

Interconnection of Wastewater and Land Drainage Private Sewer Service Pipes prohibited

36 The Owner of Property and a Person doing the work must not allow a Private Sewer Service Pipe carrying Wastewater to be interconnected with a Private Sewer Service Pipe carrying Land Drainage.

PART 7 DISCHARGES OF WASTEWATER

Responsibility for complying with this Part

37 The Generator of Wastewater is responsible for ensuring that the Wastewater being discharged meets the requirements of this Part.

Wastewater must be discharged to Wastewater System

38 Unless otherwise authorized in this Part, Wastewater must be discharged only to the Wastewater System.

Wastewater discharges to Wastewater System restricted

39(1) Except as authorized by an Over strength Discharge License, a Person must not discharge or allow the discharge of Wastewater into the Wastewater System, if to do so is likely to:

- (a) pose a risk of harm to human health or safety, Property, or the environment;
- (b) interfere with the operation or maintenance of the Wastewater System;
- (c) damage the Wastewater System or the Land Drainage System;
- (d) restrict the flow in the Wastewater System;
- (e) cause an unusual and offensive odour to be given off from the Wastewater System; or
- (f) prevent the Municipality or City from complying with Provincial or Federal requirements associated with the Wastewater collection and treatment.
- (g) prevent the beneficial reuse of sludge.

39(2) Except as authorized by an Overstrength Discharge License or a Wastewater Discharge License, a Person must not discharge or allow the discharge of Wastewater into the Wastewater System if it contains:

- (a) any of the substances set out in Schedule A; or
- (b) substances with concentrations that exceed the limits set out in Schedule B.

Wastewater Discharge License required

40(1) A Person must not discharge Wastewater into the Land Drainage System unless a Designated Officer has, in accordance with section 10, issued a Wastewater Discharge License or an authorization permitting the discharge.

40(2) Unless a Wastewater Discharge License specifically permits a particular substance or a particular concentration of a substance to be discharged, a Person must not discharge Wastewater into the Land Drainage System.

40(3) A Designated Officer must not issue a Wastewater Discharge License to a Person if permitting the discharge would:

- (a) pose a risk of harm to human health or safety, Property, or the environment;
- (b) interfere with the operation or maintenance of the Land Drainage System;
- (c) damage the Land Drainage System;
- (d) restrict the flow in the Land Drainage System;
- (e) cause an unusual and offensive odor to be given off from the Land Drainage System;
- (f) prevent the Municipality from complying with Provincial or Federal requirements associated with the surface water discharges from the Land Drainage System.

40(4) In addition to the reasons set out in Part 3 for suspending or cancelling a license, a Wastewater Discharge License may be suspended or cancelled if the Designated Officer concludes that the Wastewater cannot be accommodated within the Wastewater System or the Land Drainage System.

Discharge rate limits

41(1) To prevent the Wastewater System from being overloaded, a Designated Officer may require the Generator of Wastewater to limit the rate of discharge of Wastewater to the Wastewater Sewer. The Generator of Wastewater must comply with such a requirement.

41(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.

41(3) If a Designated Officer imposes a limit under subsection (1), the Generator must construct and maintain a discharge control device acceptable to the Designated Officer.

Overstrength Discharge License required

42(1) The Generator must not allow Wastewater to be discharged into the Wastewater System if it violates Schedule B, unless he or she holds an Overstrength Discharge License issued by a Designated Officer, in accordance with section 10, authorizing the specific discharge. In this case, the Generator must comply with any limits or conditions on specific substances specified in the Overstrength Discharge License.

42(2) A Designated Officer may issue an Overstrength Discharge License only if the Designated Officer in consultation with a designated employee of the City concludes that the Overstrength Wastewater can be accommodated and treated within the Wastewater System capacity limits.

42(3) In addition to the reasons set out in Part 3 for suspending or cancelling a license, an Overstrength Discharge License may be suspended or cancelled if the Designated Officer in consultation with a designated employee of the City concludes that the Overstrength Wastewater cannot be accommodated and treated within the Wastewater System.

42(4) The Designated Officer may impose, as a condition on the Overstrength Discharge License, the requirement that the License holder treat the Wastewater in a manner specified by the Designated Officer so that it meets the By-law requirements.

Surcharges for select Overstrength Wastewater substances

43(1) The Generator of Wastewater must pay any applicable surcharges on substances that exceed limits set out in Schedule B. The surcharges must be based on a sampling protocol designed to represent discharges over a full day of operation of the Generator.

43(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.

Grease Interceptors required

44(1) Unless an exemption is granted under subsection (2), the operator and Owner of a Food Service Establishment must ensure that every kitchen sink and dishwasher waste pipe in a Food Service Establishment is connected to a Grease Interceptor that complies with this Part and is acceptable to a Designated Officer.

44(2) A Designated Officer may grant a written exemption to the requirements of subsection (1) if the Food Service Establishment does not discharge Grease or cooking oil to the Wastewater System.

44(3) The operator and Owner of a Food Service Establishment must ensure that the Grease Interceptor required by subsection (1) is:

- (a) accessible for maintenance and cleaning;
- (b) the right size for the flow capacity of the connected pipe; and
- (c) installed at the required slope to provide a minimum retention time as required by Canadian Standards Association Standard B 481 or successor standard.

44(4) The operator and Owner of a Food Service Establishment must ensure that physical, chemical or biological additives are not added to Wastewater discharged to a Grease Interceptor or placed into a Grease Interceptor, if this increases the quantity of Grease discharged to a Sewer.

Oil Interceptors required

45(1) The operator and Owner of a Property that discharges or is likely to discharge motor oil to the Wastewater System must ensure that an oil Interceptor that complies with this Part and is acceptable to the Designated Officer is installed on the premises.

45(2) The operator and Owner of a Property must ensure that the oil Interceptor required by subsection (1) is:

- (a) installed at the point where the Wastewater enters the Private Sewer Service Pipe; and
- (b) connected to all floor drains to prevent motor oil and lubricating grease from passing into the Private Sewer Service Pipe.

Sediment Interceptors required

46(1) The Owner and operator of a Property must ensure that a sediment Interceptor that complies with this Part and that is acceptable to the Designated Officer is installed at a mechanical service garage and a vehicle wash floor that discharges to the Private Sewer Service Pipe.

46(2) The operator and Owner of a Property must ensure the sediment Interceptor required by subsection (1) for mechanical service garages and vehicle wash floors:

- (a) is large enough to retain sand or grit during any 24-hour period at peak flow; and
- (b) has a volume of at least 0.6 cubic metres, measured below the invert of the overflow.

Grease, oil or sediment Interceptor design criteria

47 The Owner and operator of a Property must ensure that an oil, Grease or sediment Interceptor required by this Part is:

- (a) solid, watertight, and secured in place;
- (b) readily accessible for cleaning;
- (c) large enough to capture, under peak flow conditions, the material it is designed to intercept;
- (d) capable of withstanding abrupt and extreme changes in temperature;
- (e) equipped with easily removable covers which, when bolted in place, are airtight and watertight; and
- (f) able to support occupancy floor load if installed under a floor.

Grease, oil and sediment Interceptor maintenance requirements

48(1) The Owner and operator of a Property must ensure that an oil, Grease or sediment Interceptor is:

- (a) operated and maintained according to the manufacturer's instructions; and
- (b) cleaned regularly so that it functions properly.

48 (2) The Owner and operator of a Property must ensure that all maintenance activities for an oil, Grease or sediment Interceptor are recorded and the records kept for 12 months following the date of maintenance. The records must be made available for inspection by a Designated Officer upon request.

Dental waste amalgam separator required

49 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

50(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.

50(2) Wastewater must not be discharged from a food waste grinder into the Wastewater System, except as permitted in subsection (3).

50(3) Wastewater may be discharged to the Wastewater System from a food waste grinder if the grinder:

- (a) meets the requirements of the current version of the standard performance requirements for plumbing aspects of food waste disposer units, issued by the American Society of Sanitary Engineers (ASSE), and
- (b) is operated by a motor or motors having a combined rating equal to or less than 0.80 kilowatts.

PART 8 DISCHARGES OF LAND DRAINAGE

Responsibility for complying with Discharges of Land Drainage

51 The Generator of Land Drainage must ensure that the Land Drainage is discharged only to the Land Drainage System.

PART 9 SPILLS

Obligation to notify the Municipality

52(1) The Person who is responsible for a Spill or who has custody and control of the substances involved in a Spill must immediately notify a Designated Officer, 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.

52(2) If a Spill poses an immediate danger to human health or safety, Property or the environment, the Person responsible for the Spill or who has custody and control of the substances involved in a Spill must call 911 to report the Spill.

52(3) The Designated Officer must notify a designated employee of the City as soon as possible after being informed of a spill.

Containing and cleaning up the Spill

53 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

54(1) 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 Officer within five working days of the Spill, containing information required to determine:

- (a) information required by section 53(1); and
- (b) actions necessary to reduce the effect of the Spill and to prevent future Spills.

54(2) The Designated Officer must provide a copy of the written report to a designated employee of the City as soon as possible after receiving it.

PART 10 HAULED WASTEWATER

No discharge of Hauled Wastewater

55 Hauled Wastewater shall not be discharged into the Municipality's Wastewater System.

PART 11 POLLUTION PREVENTION PLANNING

Definitions

56 In this Part:

“BMP Guideline” means a Best Management Practices Guideline, to control or reduce the discharge of substances listed in Schedules A and B into the Wastewater System from a business sector.

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

- (a) actions to control or reduce the discharge of substances listed in Schedules A, and B into the Wastewater System; and
- (b) target dates for accomplishing specific actions.

“Pollutant” means a substance listed in Schedules A, or B.

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

Scope of this Part

57(1) This Part applies only to businesses within a business sector listed in Schedule C.

57(2) The Chief Administrative Officer or Designated Officer must:

- (a) at least one year prior to the effective date established in Schedule C for this Part to apply to a business sector, post on the Municipality's web site a notice announcing the effective date; and
- (b) make other reasonable efforts to communicate the effective date and the requirements of this Part to businesses within the business sector.
- (c) On the first anniversary of any amendments to Schedules A, B and E of the City of Winnipeg's Sewer By-law, those amendments are incorporated into Schedules A, B and C of this By-law so that Schedule A of this By-law corresponds to Schedule A of the City of Winnipeg Sewer By-law, Schedule B of this By-law corresponds to Schedule B of the City of Winnipeg Sewer By-law, and that Schedule C of this By-law corresponds to Schedule E of the City of Winnipeg Sewer By-law.

Plan required

58(1) Subject to this section, an Owner of a business must submit a Plan for approval by the Chief Administrative Officer and follow the approved Plan if the Chief Administrative Officer determines that the business is discharging substances in contravention of Schedules A or B.

58(2) The obligation in subsection (1) does not apply if the only discharge of a pollutant from the business is a substance that is the subject of an Overstrength Discharge License and for which a surcharge is paid under section 42.

58(3) To make a determination under subsection (1), the Chief Administrative Officer may require Owners of businesses, in accordance with requirements established by the Chief Administrative Officer, to collect and provide to the Chief Administrative Officer data respecting discharges from the business to the Wastewater System.

58(4) The requirement to collect and provide data under subsection (3) may be imposed on businesses prior to the effective date established in Schedule C for this Part to apply to the business sector.

58(5) If a business has never submitted a Plan, the obligation under subsection (1) takes effect the later of:

- (a) six months after the date the Owner was notified by the Chief Administrative Officer that the business is required to submit a Plan under subsection (1); or
- (b) the effective date established in Schedule C for this Part to apply to a business sector to which the business belongs.

58(6) Where the ownership of a business changes within six months after the Owner has been notified by the Chief Administrative Officer under subsection (5), the obligation to submit a Plan takes effect six months after the new Owner has been notified by the Chief Administrative Officer.

Form and content of Plan

59(1) The Chief Administrative Officer is authorized to determine the form on which the Plan is submitted.

59(2) In addition to any other matter or requirement determined by the Chief Administrative Officer, a new Plan or a renewed Plan must include the following:

- (a) a description of the processes at the premises which use or produce pollutants;
- (b) a description of those processes at the premises which are to be adjusted over the life of the Plan;
- (c) a list of any pollutants that are present at the premises at any stage of the operations of the premises;
- (d) the types, quantities and concentrations of any pollutants that are discharged directly to the Wastewater System;
- (e) a description of current waste reduction, recycling, Wastewater treatment, substitution, and pollution prevention activities with respect to Wastewater at the premises;

- (f) a description of pollution prevention options for pollutants that are present in the Wastewater discharge and an evaluation of those options;
- (g) a schedule to reduce or eliminate the discharge of pollutants to the Wastewater Systems to the point where the discharge is in compliance with Schedules A, and B; and
- (h) a declaration from an appropriate representative of the business that the content of the Plan is true, accurate and complete.

59(3) Where the Chief Administrative Officer has approved one or more BMP Guidelines for a business sector to which a business belongs, the Plan submitted for the business may consist of a written undertaking by the Owner or operator of the business to follow the BMP Guideline.

Requirements if a Plan is rejected

60(1) The Chief Administrative Officer must not approve a new or renewed Plan if it:

- (a) would not control or reduce the discharge of pollutants in a manner that will bring the business into compliance with Schedules A and B within a reasonable period of time; or
- (b) fails to contain enough information to determine if it would control or reduce the discharge of pollutants.

60(2) If a Plan is not approved by the Chief Administrative Officer, the Owner of the business must amend and resubmit the Plan within 90 days of being notified of the Chief Administrative Officer's refusal to approve the Plan.

60(3) If the resubmitted Plan is not approved by the Chief Administrative Officer, the Owner of the business is in violation of this By-law.

Notice of change in information required

61 Where there is a change to the facts referred to in clauses 61(2)(a) to (d) or where there is a change of ownership, the Owner of the business required to submit a Plan must notify the Chief Administrative Officer of the change within 30 days.

Renewing the Plan

62(1) Subject to this Part, the Owner of a business required to submit a Plan must, at least once every five years, renew the Plan by:

- (a) submitting a new or revised Plan; or
- (b) confirming their commitment to the existing Plan.

62(2) To account for changing circumstances, including a change in ownership, the Chief Administrative Officer may require the Owner of a business to renew the Plan more frequently than required in subsection (1). In this case, the Owner of the business must provide a renewed Plan within 90 days of being notified by the Chief Administrative Officer of this requirement.

Spills and other contraventions

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

Regular submission of progress updates

64(1) The owner of every business that is required to submit a Plan under section 60 must regularly submit progress updates for the approval of the Chief Administrative Officer.

64(2) Progress updates must be submitted:

- (a) annually within 30 days of the anniversary of the date when the Plan was approved;
- (b) in a form approved by the Chief Administrative Officer; and
- (c) with sufficient information to evaluate the progress of the business towards the goals in its Plan and the ability of the business to accomplish those goals.

64(3) If a progress update contains false information concerning the progress of the business towards the goals in its Plan or otherwise fails to accurately disclose the progress of the business towards the goals in its Plan, the owner of the business is in violation of this By-law.

Requirements if progress update does not contain adequate information

65(1) If a submitted progress update does not contain the information referred to in clause 66(2)(c), the Chief Administrative Officer may refuse to accept the progress update and require the Owner of the business to amend and resubmit the progress update within 90 days.

65(2) If a resubmitted progress update does not contain the information required by the Chief Administrative Officer, the Owner of the business is in violation of this By-law.

Consequences if business does not achieve progress

66(1) If the Chief Administrative Officer determines that a business is not making adequate progress toward the goals set out in a Plan, the Chief Administrative Officer may require the owner to submit a new Plan for the business and the business to follow that Plan, once it has been approved by the Chief Administrative Officer.

66(2) If the business fails to achieve the goals established in the new Plan by the target dates set out in the new Plan, the Owner of the business is in violation of this By-law.

Storage of Plans and progress updates

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

Termination of obligation to engage in pollution prevention planning

68 Where the Chief Administrative Officer determines that a business is complying with Schedules A and B, and is likely to continue to do so in the future, the Chief Administrative Officer may notify the Owner that the business no longer has an obligation to comply with the requirements of this Part. After being so notified, the business is not required to comply with this Part unless it again discharges substances in contravention of Schedules A or B.

Consequences of violating this Part

69 If a Person is in violation of this Part, in addition to any other enforcement measures, the Chief Administrative Officer may cancel an Overstrength Discharge License issued to the business.

Enforcement actions against businesses governed by this Part

70 The fact that the Owner of a business is in compliance with this Part does not limit the Chief Administrative Officer's capacity to enforce this By-law in any way.

PART 12 SEWER CHARGES

Sewer Charge imposed

71(1) A Sewer Charge, calculated according to this Part, is imposed on the Owner or occupant of any Property from which any Wastewater is discharged to the Wastewater System.

71(2) The amount of the Sewer Charge owing is the Sewer rate, as determined by the Public Utilities Board, as set out in the Municipality's Sewer rate By-law, as amended from time to time multiplied by the volume of water supplied to the property during a billing period.

71(3) The Sewer Charge is payable when billed.

71(4) Notwithstanding subsections (2) and (3), the Sewer Charge does not apply to water supplied to a property by a well so long as the entirety of the water from the well is used for irrigation purposes and is not supplied to a building.

71(5) Subject to subsection (6), if water is not supplied to a property by the Municipality, the sewer charge owing is:

(a) the sewer rate multiplied by the amount of wastewater being discharged to the wastewater system from the property as measured by a private meter installed in accordance with section 76 or, if the amount of wastewater being discharged is not being measured in accordance with section 76, the amount of water being supplied to the property as measured by a water meter approved by a designated officer in accordance with section 75; plus

(b) a daily basic service charge.

71(6) If an accurate measurement of the water supplied to a Property cannot be obtained for any reason, the Sewer Charge owing is the Sewer rate multiplied by an estimate made by a Designated Officer of the volume of water used by the Property during the billing period.

Adjustment of Sewer Charges

72(1) In this section:

“net volume” means the volume of indoor water supplied to a particular Property that is discharged into the Wastewater System calculated on the basis of data provided by Water Meters or Wastewater Meters.

72(2) The reading taken from a Water Meter or Wastewater Meter shall be deemed to be correct unless the Municipality determines that there has been a malfunction in the meter and then in such case the Municipality may estimate the water volume consumed by the Owner. The Owner shall always have the option to make a request pursuant to the section 75(2).

72(3) The Chief Administrative Officer may adjust the Sewer Charges under this by-law, only if approved by the Public Utilities Board, and:

- (a) the Property Owner or occupant pays an application fee and an annual renewal fee;
- (b) the Property Owner or occupant installs and maintains Water Meters or Wastewater Meters as required by the Designated Officer to determine the net volume;
- (c) the Property Owner or occupant pays for the installation of a Water Meter or meters in compliance with section 76 and necessary plumbing modifications as required by the Designated Officer;
- (d) the Property is connected to the Wastewater System;
- (e) the Property is not in contravention of this By-law ; and
- (f) the fees and charges required to be paid under this By-law are not in arrears.

72(4) Subject to this section, the Chief Administrative Officer must apply the application fee and the annual renewal fee to the credit of the Property Owner or occupant's account at the time the Sewer Charges are adjusted under subsection (2), if the Property qualifies for an adjustment of Sewer Charges under this section.

72(5) The Chief Administrative Officer must stop adjusting the Sewer Charges under subsection (4) if:

- (a) the Property Owner or occupant fails to pay the annual renewal fee on the date set by the Chief Administrative Officer;
- (b) the process that diverts water from the Wastewater System has failed or is no longer consistent with the information provided in the application;
- (c) the Property is in contravention of this By-law; or
- (d) the fees and charges required to be paid under this By-law are in arrears.

72(6)

The Chief Administrative Officer may stop adjusting the Sewer Charges and may refuse to apply the renewal fee or application fee to the Property Owner or occupant's account if:

- (a) a privately owned meter is not accurately measuring for four months or more the amount of water or wastewater supplied to a meter; or
- (b) the Property Owner or occupant benefitting from an adjustment fails to inform a Designated Officer, within ten business days, of any changes to the information submitted in the application.

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

72(7) Where the Chief Administrative Officer has stopped adjusting the Sewer Charges under subsection (6), the Chief Administrative Officer may reinstitute the adjustment after being satisfied that the Property Owner or occupant is accurately estimating the amount of Wastewater supplied to Common Sewer.

Municipal meters

73(1) Unless a Designated Officer authorizes a private Water Meter or Wastewater Meter under section 76, the Owner of a Property discharging wastewater to the Wastewater System must allow a Municipal Water Meter to be installed by the Municipality in order to determine the volume of Wastewater discharged to the Wastewater System.

73(2) Where a property owner requests that a water meter be tested to determine its accuracy and pays a test fee, the CAO must conduct a test of the water meter. If the test shows that the water meter was over-registering according to the current specifications of the American Water Works Association, the CAO must refund the test fee.

73(3) A Water Meter shall be installed pursuant section 76 and shall conform with the relevant provisions contained in the City of Winnipeg Water Works By-Law and any replacement by-law, with respect to the design, installation, location, accessibility, damage to, tampering and by-passing of the meter, as determined by the Designated Officer.

73(4) A Water Meter must be installed for all water supplied to a building by a well, unless the well water can be used only for irrigation, in which case the well water does not need to be metered.

73(5) The rule requiring metering of water in subsection 75(4) does not apply for well water used both to supply a building and for irrigation if the building was occupied as of January 1, 2015 and a municipal water supply is not available for the property. In this case, a hose bib must be installed between the well and the meter, and the water used to supply the building must be metered. Once municipal water is available to the property through a fronting water main, whether or not it is supplied to the property, the plumbing must be altered so that

- (a) the well cannot be used at all or can be used only for irrigation; or
- (b) all water from the well is metered.

73(6) The Owner must pay all costs of purchase and installation of the Water Meter (Municipal or private) and the size and type shall be as determined by the Municipality

Private meters

74(1) At the request of the Property Owner, a Designated Officer may permit a privately owned Water Meter or Wastewater Meter to be installed:

- (a) where water is supplied by a well or alternative source; or
- (b) in situations where the amount of water supplied to a Property may not accurately reflect the Wastewater discharged to the Wastewater System.

74(2) A designated employee of the City or Designated Officer may require a privately owned meter to be installed in situations where the amount of water supplied to a property may be less than the wastewater discharged to the wastewater system.

74(3) Where a privately owned meter is installed:

- (a) the Water Meter or Wastewater Meter must be of a type and size determined by a Designated Officer to be appropriate for its proposed use;
- (b) must conform with the relevant provisions contained in the City of Winnipeg Water Works By-Law and any replacement by-law, with respect to the design, installation, location, accessibility, damage to, tampering and by-passing of the meter, as determined by the Designated Officer;
- (c) Notwithstanding clause (b) and any provision in the City of Winnipeg Water Works By-law or a replacement by-law to the contrary, a water meter must be installed so that it measures all water supplied to a property by a well, with the exception of water supplied to a property by a well where the entirety of the water from the well is used for irrigation purposes and is not supplied to a building.
- (d) the Owner must supply, install and maintain the Water Meter or Wastewater Meter in proper working order; and
- (e) if required by the Designated Officer, the Owner must provide certification satisfactory to a Designated Officer that the Water Meter or Wastewater Meter is accurate.

Collection of outstanding Sewer Charges

75 Where Sewer Charges imposed by this By-law have not been paid, the Chief Administrative Officer may take any action the Municipality is authorized to take in order to collect the outstanding charges. This includes adding the amount of the charges to the real Property taxes imposed by the Municipality on the Property from which Wastewater was discharged to the Wastewater System.

PART 13 ADMINISTRATION, ENFORCEMENT AND OTHER PROVISIONS

Compliance orders

76 Any order to remedy a violation or penalty for contravention of this By-law must be issued under *The Municipal Act*, CCSM c M225, *The Planning Act*, CCSM c P80 or *the Municipal Bylaw Enforcement Act*.

Service address

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

- (a) if the Person to be served is the Owner of real Property, either the address maintained by the Assessment Branch of Manitoba for the purpose of issuing the tax notice for that Property or the address maintained by the Chief Administrative Officer for the purpose of issuing bills for Sewer service for that Property;
- (b) if the Person to be served is the occupant of real Property, the Street address for that Property; or

- (c) if the document relates to a permit, license or authorization, the address provided to the Chief Administrative Officer by the applicant for the permit, license or authorization.

Obstructing work prohibited

78 A Person must not obstruct the authorized work of the officers or agents of the Municipality while they are working on the Wastewater System or enforcing the provisions of this By-law.

Damage to and obstruction of Sewer prohibited

79(1) A Person must not damage the Wastewater System.

79(2) A Person must not interfere with the operation of any part of the Wastewater System unless authorized by a Designated Officer in accordance with section 10.

79(3) A Person must not interfere with the operation of a Private Sewer Service Pipe under a Street unless authorized to do so by the Property Owner and authorized by a Designated Officer in accordance with section 10.

Penalties for violating By-law

80(1) Unless another penalty for an offence is specified in this By-law, a Person who is convicted of violating this By-law is subject to the fines and penalties set forth in the applicable legislation used to issue the Order (*The Municipal Act*, CCSM c M225, *The Planning Act*, CCSM c P80 or *the Municipal Bylaw Enforcement Act*.)

80(2) Every Person who is guilty of an offence under *the Act*, CCSM c M225 is liable on summary conviction to a fine of not more than \$1,000.00.

80(3) Every person who is guilty of an offence under *The Planning Act*, CCSM c P80 is liable on summary conviction

(a) In the case of an individual, to a fine of not more than \$5,000.00, or imprisonment for a term of not more than six months, or both; and

(b) In the case of a corporation, to a fine of not more than \$20,000.00

80(4) Each day that the breach continues will be considered a separate offence.

Appeals

81(1) Any appeal permitted by the Act may be made to the Municipal Council by written notice no later than 14 days after the Order was made.

81(2) Any appeal permitted by *The Planning Act*, CCSM c P80 may be made to the Municipal Council by written notice within 14 days after the date the Order was received, or such longer period as a by-law specifies.

81(3) Appeals must be in writing and accompanied by the applicable appeal fee.

Chief Administrative Officer's powers - flooding prevention

82(1) In a period of high water levels in rivers and streams or when overland flooding is possible, the Chief Administrative Officer is authorized to operate auxiliary pumps and to close openings to and from the Wastewater Systems and any body of water to alleviate the threat of flooding or remedy its effects.

82(2) Where the threat of flooding constitutes an emergency under *The Emergency Measures Act*, the Chief Administrative Officer is authorized to take whatever actions or measures are necessary to eliminate or reduce threat of flooding and its effects. However, before the Chief Administrative Officer authorizes the diversion of flood water to the wastewater system, he or she must consult with a designated employee of the City to determine what impact this would have on the wastewater system.

THAT this by-law shall come into force and effect January 9, 2018

DONE AND PASSED by the Council of the Rural Municipality of Rosser, in open Council assembled at the Municipal Hall, Rosser in the Province of Manitoba, this 9th day of January, A.D. 2018.

RURAL MUNICIPALITY OF ROSSER

Reeve
Frances Smee

Chief Administrative Officer
Larry Wandowich

Read a first time this 12th day of December, A.D. 2017.
Read a second time this 12th day of December, A.D. 2017.
Read a third time this 9th day of January, A.D. 2018.

SCHEDULE A

Substances Prohibited in Discharges to Wastewater System

- (1) A liquid or Gas which:
 - (a) will cause a Lower Explosive Limit reading to exceed 10% of the Lower Explosive Limit on a Combustible Gas Meter at any point in the Wastewater system;
 - (b) has a Total Purgeable Hydrocarbons concentration greater than 10 mg/L; or
 - (c) has a total semivolatile hydrocarbons concentration greater than 100 mg/L;
- (2) Any solids which will not pass through a 6.0 millimetre screen;
- (3) Dyes or colouring materials which could pass through the Wastewater System and discolour the Wastewater;
- (4) Hazardous Waste, including:
 - (a) Explosives,
 - (b) Flammable Liquids,
 - (c) Flammable Solids,
 - (d) Gas (Class 2),
 - (e) Infectious or Toxic,
 - (f) Oxidizing Substances and Organic Peroxides,
 - (g) Radioactive Material except where the Person:
 - i.) is discharging Radioactive Material under a valid license issued by the Canadian Nuclear Safety Commission or its successor, and
 - ii.) has provided a copy of the license to a Designated Officer upon request;
- (5) Biomedical Waste;
- (6) Ignitable Liquids;
- (7) Landfill Leachate;
- (8) Concentrated Pesticides;
- (9) Pharmaceutical products, both dispensed and over-the-counter;
- (10) Solid matter, other than properly shredded food waste from a food waste grinding device as set out in section 49;
- (11) 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;
- (12) Any substance or matter at a temperature greater than 60 degrees Celsius at point of discharge.

SCHEDULE B

Concentration Limits for Discharges into the Wastewater System

Parameter	Limit (mg/L)
Aldrin/dieldrin	0.0002
Aluminum (total)	50
Antimony (total)	5.0
Arsenic (total)	1.0
Benzene	0.5
Biochemical Oxygen Demand	300
Cadmium (total)	0.7
Chlordane (cisplustransisomers)	0.1
Chromium (hexavalent)	2.0
Chromium (total)	4.0
Cobalt (total)	5.0
Copper (total)	2.0
Cyanide (total)	2.0
1,1,2,2Tetrachloroethane	1.4
1,2–dichlorobenzene	0.05
1,4–dichlorobenzene	0.08
3,3–dichlorobenzidine	0.002
Dichlorodiphenyltrichloroethane (DDT)	0.0001
Cis-1,2–dichloroethylene	4.0
Ethylbenzene	0.16
Fluoride	10
Hexachlorobenzene	0.0001
Hexachlorocyclohexane (Lindane)	0.1
Lead (total)	1.0
Manganese (total)	5.0
Mercury (total)	0.01
Methylene chloride	2.0
Mirex	0.1
Molybdenum (total)	5.0
Nickel (total)	2.0
Nitrogen (total)	60
Nonylphenols	0.02
Nonylphenol ethoxylates	0.2
Oil and Grease - animal or vegetable	100
Oil and Grease - mineral or synthetic	15.0
Pentachlorophenol (PCP)	0.01
Phenolics (total by 4AAP method)	1.0
pH Less than	5.5
pH greater than	11.0
Phosphorus (total)	10.0
Polychlorinated biphenyls (PCBs) – total	0.001

SCHEDULE B

Concentration Limits for Discharges into the Wastewater System

Polycyclic aromatic hydrocarbons (PAHs) – total	0.005
Selenium (total)	1.0
Silver (total)	5.0
Sulphate (total)	1500
Sulphide	1.0
Suspended solids (total)	350
Tetrachloroethylene	1.0
Tin (total)	5.0
Titanium (total)	5.0
Toluene	0.024
Trichloroethylene	0.4
Zinc (total)	2.0
Xylenes (total)	1.4

Schedule C
Business Sectors Required to Prepare Pollution Prevention Plans under Part 11

Pollution Prevention Plan Tier 1
Effective Date January 2012

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

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

Schedule C

Business Sectors Required to Prepare Pollution Prevention Plans under Part 11

Pollution Prevention Plan Tier 1 (b)

Effective Date January 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
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

Schedule C

Business Sectors Required to Prepare Pollution Prevention Plans under Part 11

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

Chemical Manufacturing	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
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

Schedule C
Business Sectors Required to Prepare Pollution Prevention Plans under Part 11

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

Misc. Industries	NAICS Code*
Leather and Hide Tanning and Finishing	316110
Battery Manufacturing	335910
Pharmaceutical and Medicine Manufacturing	325410

Schedule C

Business Sectors Required to Prepare Pollution Prevention Plans under Part 11

Pollution Prevention Plan Tier 3

Effective Date July 2014

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

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

Semiconductor and Other 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*
Medical and Diagnostic Laboratories	6215 10

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

Schedule C
Business Sectors Required to Prepare Pollution Prevention Plans under Part 11

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 Cocoa 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 Dairy 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
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

Schedule C
Business Sectors Required to Prepare Pollution Prevention Plans under Part 11

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
Aerospace product and parts manufacturing	336410
Railroad rolling stock manufacturing	336510
Ship building and repairing	33 6611
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

Schedule C

Business Sectors Required to Prepare Pollution Prevention Plans under Part 11

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 p reservation	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	32 1211
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 p late, sheet (except packaging), and shape manufacturing	326130
Polystyrene foam product manufacturing	326140
Urethane and other foam product (except polystyrene) manufacturing	326150
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