



Water and Waste Department

Summary of Changes in New Sewer By-law

Background to the By-Law revisions

Recommendations from the Clean Environment Commission

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

The recommendations stated:

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

The CEC suggested that the list of restricted substances be expanded to include:

- a number of heavy metals of concern,
- some persistent organic pollutants, and
- other contaminants.

The Toronto Sewer Use By-law as a model

During the CEC public hearings, the Toronto Sewer Use By-law was held up as a good model for Winnipeg to follow. Of particular interest were sections of the by-law which:

- restrict substances being discharged to sewers, and
- require industries to establish pollution prevention programs to control the discharge of contaminants at the source.

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

Pollutant control

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

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

Major changes in the New By-law

Plain Language

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

Format

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

Definitions

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

General Part

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

Construction and Approval

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

Discharges of Wastewater

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

3. We have prohibited the dilution of wastewater to achieve limits for discharge.
4. We have changed the requirements for grease interceptors to comply with the Canadian Standards Association.
5. We have added a requirement for dental waste amalgam separators.
6. We have modified the section on food waste grinders to reflect current practice (i.e., that food waste grinders comply with the performance standards set by the American Society of Sanitary Engineers and the horsepower rating reflect grinders commonly sold for household use).
7. We have added a provision to allow the discharge of swimming pool water into the land drainage system with certain restrictions.

Overstrength Wastewater Surcharges

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

Discharges of Land Drainage

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

Licences

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

Spills

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

Pollution Prevention Planning

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

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

P2 planning will encourage businesses to:

- reduce pollutants at source,
- use energy more efficiently,
- reuse input materials, and
- replace raw materials with more environmentally friendly products.

This will likely result in several benefits to the business, including:

- reduced operating costs,
- reduced risks of liability, and
- increased workplace health and safety.

There would also be public health and environmental benefits.

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

- (a) discharges to the wastewater system any of the prohibited substances listed in Schedule A;
- (b) discharges to the wastewater system any of the substances in excess of the concentration limits set out in Schedule B;
- (c) discharges to the land drainage system any of the prohibited substances listed in Schedule C; or
- (d) discharges to the land drainage system any of the substances in excess of the concentration limits set out in Schedule D.

The P2 planning program:

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

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

Businesses required to prepare a P2 plan must:

- submit their plan to the Department for approval,
- submit annual progress reports, and
- update the plans once every five years to show progress towards their goals.

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

The program allows:

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

Fees and Charges

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

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