

## SCHEDULE "B"

### HALIFAX REGIONAL WATER COMMISSION

### SCHEDULE OF RULES AND REGULATIONS FOR STORMWATER SERVICE

(Effective for stormwater services rendered on and after March 3, 2008)

#### Definitions

1. In these Rules and Regulations ("Regulations"), unless the context otherwise requires, the expressions:
  - a) "**Commission**" means the Halifax Regional Water Commission, a body corporate;
  - b) "**Municipality**" means the Halifax Regional Municipality;
  - c) "**Customer**" means a person, firm, or corporation who is supplied with stormwater service at a specified location or locations;
  - d) "**Board**" means the Nova Scotia Utility and Review Board;
  - e) "**Stormwater Building Service Connection**" means a piping system that conveys stormwater from a property to a stormwater main;
  - f) "**Combined Sewer**" means a sewer intended to function simultaneously as a stormwater and a wastewater sewer.
  - g) "**Combustible Liquid**" means a liquid that has a flash point not less than 37.8 degrees Celsius and not greater than 93.3 degrees Celsius;
  - h) "**Discharge**" means to discharge, release, permit or cause to be discharged into the stormwater system;
  - i) "**Fuel**" includes alcohol, gasoline, naphtha, diesel fuel, fuel oil or any other ignitable substance intended for use as a fuel;
  - j) "**Industrial, Commercial or Institutional**" includes or pertains to industry, manufacturing, commerce, trade, business, or institutions, as distinguished from domestic or residential;

- k) **“Pesticides”** includes any substance that is a pest control product within the meaning of the “Pest Control Products Act” (Canada) or a fertilizer within the meaning of the “Fertilizers Act” (Canada) that contains a pest control product;
- l) **“Phenolic Compounds”** means hydroxyl derivatives of benzene and its condensed nuclei;
- m) **“Sewage”** means the combination of liquid and water-carried wastes from buildings, containing animal, vegetable or mineral matter in suspension or solution, together with such groundwater, surface water or stormwater as might be present;
- n) **“Sewer”** means a pipe or conduit for carrying sewage, groundwater, stormwater or surface runoff, and includes all sewer drains, storm sewers, clearwater sewers, storm drains and combined sewers vested in, or under the control of, the Municipality;
- o) **“Standard Methods”** means Standard Methods for the examination of water and wastewater by the utilization of analytical and examination procedures provided in the edition current at the time of testing, published jointly by the American Public Health Association and the American Water Works Association or any publication by or under the authority of the Canadian Standards Association for the testing of water and waterworks to determine water quality standards;
- p) **“Storm Sewer”** means a sewer that carries stormwater and surface runoff water, excluding sewage;
- q) **“Stormwater”** means water from precipitation of all kinds, and includes water from the melting of snow and ice, groundwater discharge and surface water;
- r) **“Stormwater System”** means a method or means of carrying stormwater including, but not limited to, those ditches, swales, sewers retention ponds, streets or roads that are owned by the Commission and/or the Municipality;
- s) **“Suspended Solids”** means the insoluble matter suspended in wastewater that is separable by laboratory filtration;
- t) **“Waste Radioactive Substances”** includes uranium, thorium, plutonium, neptunium, deuterium, their respective derivatives and compounds and such other substances as the Atomic Energy Control Board may designate as being capable of releasing ionizing radiation;
- u) **“Waste”** means any material discharged into wastewater facilities;
- v) **“Wastewater”** means liquid waste containing animal, vegetable, mineral or chemical matter in solution or suspension carried from any premises.

### **Stormwater Service**

2. The Commission is a water, wastewater and stormwater utility. The Commission collects a number of charges previously established by HRM for the stormwater management services.

### **Liability for Payment of Stormwater Bills**

3.
  - a) An agreement is deemed to exist between the customer and the Commission for the supply of stormwater services at such rates and in accordance with the Schedule of Rules and Regulations and the Schedule of Rates and Charges by virtue of the customer discharging stormwater into the storm sewer, combined sewer and/or open ditch system.
  - b) Any person, business or corporation that receives stormwater service is liable to pay any bill rendered by the Commission for such service.
  - c) Where service is supplied to a condominium unit, the Condominium Corporation in which the unit is situated shall be deemed the customer of record and shall be liable for payment of the stormwater bill for the condominium unit.

### **Deposits**

4. When required by the Commission, an applicant for stormwater service shall deposit with the Commission a sum equal to the estimated charges for six months of stormwater service. The deposit shall be held by the Commission as collateral security for the payment of the applicant's bills. When a customer ceases to use the stormwater service (fails to use water service), the deposit shall be returned to the customer with interest thereon at the current simple interest rate being paid by the Commission's chartered bank.

### **Payment of Bills**

5. Bills for stormwater service will be rendered as set out in the Schedule of Rates and Charges and are due and payable as noted therein.

### **Adjustment of Bills**

6.
  - (a) If the seal of a meter is broken or if the meter does not register correctly, the bill for that stormwater service shall be estimated in accordance with the rules and regulations for the supply of water service. If the premises is unmetered or a non-user of the water system, then the bill for stormwater service will be estimated in accordance with the best available data.
  - (b) Customers Under-billed - Should it be necessary for the Commission to make a billing adjustment as a result of a customer being under-billed for any reason, such adjustment shall be retroactive for a maximum of four billing periods or one year whichever is the longest. Notwithstanding the above, in the event that a billing

adjustment is the result of the customer's illegal connection to the stormwater system, the billing adjustment in such circumstances will not be limited to one year or four billing periods, but rather the customer shall be responsible for all payments of such accounts from the date of such illegal connection.

- (c) Customers Over-billed - Shall it become necessary for the Commission to make a billing adjustment as a result of a customer being over-billed for any reason, such adjustment will be estimated by the Commission, and the Commission will be responsible for payment of the over-billed amount with interest calculated on the basis current simple interest paid by the bank.

### **Suspension of Water Service for Non-Payment of Bills**

- 7. The Commission shall have the right to suspend water service to a customer whose bill remains unpaid for more than:
  - a) Forty (40) days in the case of customers who are billed for water service on a quarterly basis.
  - b) Thirty-five (35) days in the case of customers who are billed for water service on a monthly basis.

### **Access to Customer's Premises**

- 8. Representatives of the Commission shall have the right of access to all parts of a customer's property or premises at all reasonable hours for the purpose of inspecting any sewer pipes, fittings, appliances, or for the purpose of installing, removing, repairing, testing or inspecting the stormwater service connection. The Commission shall have the right to use all legal means including suspension of water service to any customer who refuses such access or does not respond to requests by the Commission for such access.

### **Cross Connection of Stormwater and Wastewater Discharges**

- 9. The Commission may from time to time undertake testing to detect unapproved connections to the stormwater system.
- 10. No owner, customer, or other person hereinafter collectively referred to in this rule and regulation as "person" shall connect, cause to be connected, or allow to remain connected to the stormwater system or plumbing installation, without the express written consent of the Commission, any piping, fixtures, fitting or appliance in a manner which, under the circumstances, may allow wastewater, sewage or any other liquid as specified elsewhere in these regulations to ingress or flow into the stormwater system. This regulation does not apply to existing premises currently connected to the combined sewer system.
- 11. Where in the opinion of the Commission, there may be a risk of wastewater, sewage and/or any other liquid as specified elsewhere in these regulations, flowing into the stormwater

system, the Commission may require the customer, at the customer's sole cost and expense, to install (or remove) at any point on the customer's stormwater system, one or more fittings or appurtenances to prevent such connection.

12. In the event of any breach, contravention or non-compliance by a person of any of the provisions of regulations 7 or 8, the Commission may:
  - a) suspend water service to such person, or
  - b) give notice to the person to correct the breach, contravention or non-compliance within 96 hours, or other specified period. If the person fails to comply with such notice, the Commission may immediately thereafter suspend wastewater and/or water service to such person.

### **Plumbing to be Satisfactory**

13. Within the service boundary of the Commission, all plumbing ,pipes, fittings, vents, fixtures, and other devices for conveying, distributing, controlling or handling stormwater, which are used by a customer and are not the property of the Commission, shall be installed in a manner provided by the plumbing ordinance of the Municipality and be approved by the plumbing inspector of the Municipality. The stormwater shall not be connected (except for construction and testing purposes) until the applicant for service has satisfied the Commission that the requirements have been met. The supply of the water service may be discontinued at any time, if in the opinion of the Commission, the plumbing, pipes, fittings, vents, fixtures, and other devices as hereinbefore mentioned, or any of them, fail to comply with the above requirements. Stormwater service shall not be re-established until the condition is corrected to the satisfaction of the Commission.

### **Stormwater Building Service Connection**

14. Every stormwater building service connection shall be designed and constructed at the expense of the customer served by the connection, whether on privately owned property or not.
15. Should any person make application for more than one stormwater building service connection to a premises, the decision as to the necessity of the additional service connection shall be made by the Commission. All stormwater service connections shall be installed to the satisfaction of the Commission.
16. When a stormwater building service connection has been installed without objection from the customer as to location of the same, no subsequent removal of or alteration to the position of the service pipe shall be made except at the expense of the customer requesting such removal or alteration.
17. In the event of a change of the use of premises, by way of rezoning, re-subdivision, condominium conversion or otherwise, where such use would result in an increased impermeable surface area, the owner of such premises shall apply to the Commission for

a determination as to whether the existing stormwater building service connection(s) is/are of a suitable size to provide the increased demand required. The applicant may be required to provide a hydraulic analysis of the proposed stormwater generation and existing system capacity to determine the suitability of the service connection for the new use. In the event that the Commission, in its sole discretion, determines that the existing stormwater service connection(s) is/are not suitable, the owner shall comply with the requirements of the Commission with respect to the appropriate type and size of stormwater service connection to be utilized. All such stormwater service connections shall be installed at the owner's expense, from the main sewer line to the premises, and all installation shall be to the satisfaction of the Commission.

18. The Commission may require the owner of a property to cap off abandoned stormwater service connections at the stormwater main line as prescribed by and without cost to the Commission.

### **Repairs to Stormwater Service Pipes**

19. If a stormwater building service connection is obstructed, the following procedure shall be followed in removing the obstruction:
  - a) The customer is responsible for the initial investigation and clearing of the obstruction. The customer shall secure the services of a licensed plumber to identify the cause and the location of the obstruction and take all necessary measures to remove the obstruction before requesting the Commission for assistance. The expenses of the plumber and any necessary video services shall be borne by the customer.
  - b) If the obstruction is located in the portion of the service connection on private property, the customer is responsible for all the costs of removal of the obstruction, including the expenses of any contractor to excavate and replace the pipe if necessary. The customer shall obtain any permits required by municipal by-laws and/or the Commission before commencing any excavation.
  - c) If the obstruction is located in the portion of the service connection on municipal property, and the plumber is unable to remove it pursuant to clause 16(a), the customer shall submit to the Commission a written report from the plumber and a video tape identifying the location and probable cause of the obstruction; and on receipt of the report and video tape, the Commission shall investigate the obstruction and if it is determined by the Commission that the cause of the obstruction was:
    - i) non-structural, the Commission shall advise the customer of its determination and the customer shall be responsible for clearing the obstruction, including replacing the pipe, if necessary; or
    - ii) If the obstruction is caused by a broken, sheared, sagged or collapsed pipe

or some other structural problem, the Commission will rectify the deficiency at its expense and reimburse the customer for the cost of plumbing and video services in an amount not exceeding \$250.00, including HST.

**Discharge into the Stormwater System**

20. No person shall discharge into a stormwater system, matter which causes or may cause or may result in:
  - a) a health or safety hazard;
  - b) interference with the operation of a stormwater system;
  - c) obstruction or restriction of a stormwater system or the flow therein;
  - d) damage to the stormwater system;
  - e) impairment to the quality of the water in a stormwater system;
  - f) the quality of the water discharged from a Commission stormwater system to be in violation of Provincial or Federal Acts or Regulations.
  
21. No person shall discharge into a stormwater system, matter which results in one or more of the following characteristics:
  - a) visible sheen, film or discolouration;
  - b) one or more separate layers;
  - c) a pH less than 6.0 or greater than 9.5;
  - d) a temperature greater than 40 degrees Celsius.
  
22. No person shall discharge into a stormwater system:
  - a) hazardous waste chemicals;
  - b) combustible liquids;
  - c) floating debris;
  - d) fuel;
  - e) hauled sewage or hauled waste;
  - f) pathological waste;
  - g) PCB's;
  - h) pesticides;
  - i) reactive waste;
  - j) toxic waste;
  - k) waste radioactive substances.
  
23. No person shall discharge into a stormwater system, matter containing a concentration, expressed in milligrams per litre, in excess of any one or more of the limits in Table 1 below:

**Table 1 - Limits for Stormwater System Discharge**

| <b>Substance</b>                                       | <b>Milligrams per litre</b> |
|--|-----------------------------|
| Arsenic  | 0.5                         |
| B.E.T.X.<br>(benzine, ethyl benzine, toluence, xylene) | 0.02                        |
| Biochemical Oxygen Demand                              | 15                          |
| Cadmium  | 0.015                       |
| Carbon tetrachloride                                   | 0.02                        |
| Chromium   | 0.02                        |
| Copper   | 0.03                        |
| Cyanide  | 0.05                        |
| Fluoride   | 1.5                         |
| Lead   | 0.05                        |
| Mercury  | 0.001                       |
| Oil and Grease   | 15                          |
| Phosphorus   | 0.5                         |
| Selenium   | 0.01                        |
| Silver   | 0.001                       |
| Suspended Solids                                       | 15                          |
| Thallium   | 0.01                        |
| Trichloroethylene                                      | 0.02                        |
| Zinc   | 0.30                        |

24. The provisions of Sections 20, 21, 22 and 23 apply to the discharge of stormwater runoff from industrial, commercial and institutional process areas to a stormwater system, and to any stormwater discharge to which the matter prohibited by Section 17 has been added for the purpose of disposing of the matter.

### **Sampling and Analytical Requirements**

25. Where the Commission determines that monitoring of any discharge to the stormwater system is required, the owner or operator of premises may be required to monitor, analyse, and report to the Utility the results of the monitoring program at the owner's expense.
26. The Commission may specify specific time periods for collection of samples and analytical requirements based on practices of the business, as required.
27. The Commission may from time to time enter any premises and conduct such tests as deemed necessary.
28. All tests, measurements, analyses and sample handling shall be carried out in accordance with "Standard Methods" and by a laboratory certified by the Canadian Association of Environmental Laboratories.

### **Control Service Access**

29. The Commission may require the installation of a control service access or the upgrading of an existing control service access, for each connection to the stormwater system for the purpose of monitoring or sampling discharges.
30. A control service access shall be:
  - a) located on the property of the discharger unless the Commission permits an alternative location;
  - b) constructed and maintained at the expense of the discharger;
  - c) accessible at all times by the Commission;
  - d) constructed in a manner which meets the standards of the Commission; and
  - e) maintained to ensure access and structural integrity.

### **Season for Laying Pipes**

31. The Commission shall not be required to lay pipe in any season of the year which, in its opinion, is not suitable. The Commission may not guarantee a free flow of stormwater in service pipes exposed, extended or installed in severe winter conditions.

### **Unauthorized Extensions, Additions or Connections**

32. No person shall, without the written consent of the Commission, make or cause to be made any connection to any part of the stormwater system, or in any way obtain or use the stormwater system thereon in any manner other than as set out in the Schedule of Rules and Regulations.

### **Backflow Preventer Valves**

33. The Commission may require that customers install backflow preventer valves in their service pipe if, in the opinion of the Commission the area may be subjected to flow backups in the street system at that location. The customer is responsible for the maintenance and operation of valves including their replacement if they fail.

### **Liability for Supply of Service**

34. The Commission shall not be deemed to guarantee an uninterrupted stormwater service. The Commission shall not be liable for any damage, direct or consequential, loss or liability or injury caused or done by reason of the interruption of the stormwater service, intermittent flow of the stormwater system or flooding of basements as a result of stoppages in the stormwater system for any cause.
35. Where an overflow of water from a sewer, drain, ditch or watercourse is a consequence of snow, ice or rain, the Commission is not liable for a loss as a result of the overflow.

### **Interference with Commission Property**

36. No persons, unless authorized by the Commission in writing, shall discharge stormwater into, open, cut, break, or in any way injure or interfere with any stormwater main, manhole, service pipe, pumping station, or any property of the Commission, or obstruct the free access to any stormwater main, manhole, service pipe, pumping station, etc.

### **Capital Cost Contribution**

37. The Commission may establish a Stormwater Capital Cost Contribution from developers and/or future users requiring extension or improvements of the stormwater system. The total amount of the capital cost contribution shall ensure that the Commission is cost neutral to the design, construction, financing and applicable overhead as prescribed by the Commission. Cost factors shall include, but not be limited to the transmission, pumping, temporary storage and treatment required by the Commission. The Commission will allocate the capital costs on the basis of the formula as set out in Schedule "A", Addendum "B" to the Schedule of Rates and Charges for Wastewater and Stormwater Services. Any changes in the method of calculation must be submitted to the Board for approval.

### **Suspending Service for Violation**

38. Whenever in the opinion of the Commission, violation of these Rules and Regulations is existing or has occurred, the Commission may take action including the suspension of water service to the premises where the violation has occurred or is existing and may keep the same suspended from the premises where the violation has occurred or is existing.