

M A N I T O B A) Order No. 129/01
)
THE PUBLIC UTILITIES BOARD ACT) August 23, 2001

BEFORE: G. D. Forrest, Chairman
S. Proven, Member

THE RURAL MUNICIPALITY OF MACDONALD
LOCAL IMPROVEMENT DISTRICT NO. 2 (SANFORD) -
BY-LAW NO. 29/00
LOCAL IMPROVEMENT DISTRICT NO. 3 (LA SALLE) -
BY-LAW NO. 27/00
LOCAL IMPROVEMENT DISTRICT NO. 5 (OAK BLUFF) -
BY-LAW NO. 28/00
SEWER RATES

The Public Utilities Board (the Board) in Order No. 61/01 dated March 28, 2001 approved revised sewer rates for the communities of Sanford, La Salle and Oak Bluff as set out in By-law Nos. 29/00, 27/00 and 28/00, respectively. In the same Order, the Board deferred its approval of a proposed surcharge for residents that do not install sump pits, and pumps subject to the R. M. of Macdonald (the Municipality) conducting further analysis and providing a report to the Board.

The surcharge was titled the Storm Water Surcharge (SWS) and the By-laws provided as follows:

"Any service that permits the discharge of storm water from the drainage system servicing or affecting the property into the sewage system will be subject to another quarterly charge of \$50.00 in addition to the quarterly rates of sewer service shown in Section 1."

On June 29, 2001 the Municipality provided to the Board a copy of a report prepared by W. H. Brant, P. Eng. of Cochrane Engineering Ltd. (Cochrane) dated June, 2001 titled "Community Low Pressure Sewer System Preliminary Analysis of Hydraulic Impact Of Weeping Tile Flows". With the submission of this additional information, the Municipality requested approval of the SWS.

On July 13, 2001, the Board invited comments on the Municipality's filing from the participants at the hearing: namely Brian and Jo-Anne Rex, Mr. J. D. Stefaniuk of Thompson Dorfman Sweatman representing his clients, Mr. D. Radies and Mr. John Klassen. Responses were received from Mr. Lorne F. Erb directly, one of the clients of Mr. Stefaniuk, on July 27, 2001, Mr. Stefaniuk on July 17, 2001 and Brian and Jo-Anne Rex on July 23, 2001.

These responses were circulated to the Municipality, and an opportunity to make a final submission was provided. This submission was received on August 16, 2001.

The following provides a brief summary of the information filed.

1. The scope of work performed by Cochrane Engineering Ltd. did not include a full hydraulic analysis of the three low pressure systems due to cost. Instead, analysis was based on a review of system design, hydraulic loading information gained from previous studies, and operating characteristics on a sub-catchment basis, which included an assessment of the impact of weeping tile flows on pipe size, flow rates and pressure.

The conclusion reached by Cochrane is as follows:

"This review concludes that weeping tile flows are overloading the LPS system in LaSalle and Sanford, and that disconnecting the weeping tiles will address the problem. For Oak Bluff, the problem may not exist now that the lift station is in place.

Regardless of impact on the capacity of the piping system, weeping tile flows also impact on lagoon capacity. Allowing continuation of weeping tile discharges, may ultimately lead to costly lagoon upgrading. As noted in a previous report, expansion will have to take into account not only the higher-than-anticipated weeping tile flows, but also the additional month's storage (May 16 - June 15) that is stipulated in all new lagoon licences. It is far more favourable to reduce system

flows, to allow the existing lagoons to operate without expansion."

2. Mr. Stefaniuk, while being retained only for the hearing, and not having received any further instructions made the observation that the engineering report does not appear to deal with any of the issues referred to by the Board wherein the Board stated:

"While the Board is satisfied that Macdonald did reasonably explore the options available, the Board is persuaded by the comments of the residents of the communities who suggested more analysis should be conducted by Macdonald to ensure that all aspects of the problem are examined fully including any future need for expansion and to ensure that the most desirable option is justified based on a sound engineering assessment. The engineering assessment should examine the cost and benefits of the Macdonald proposal together with the cost and benefits of a system upgrade to address the immediate problem at hand and the further growth in the communities in the short and long term."

3. Brian and Jo-Anne Rex indicated that the SWS imposes a penalty on every residence that has weeping tiles connected to the sewer system regardless of the successful efforts of some residences, such as their own, to reduce weeping tile flows by diverting storm water away from the dwelling.

4. Mr. Lorne Erb advised the Board that the support group has increased to 36 supporters and his report reflects their concern. With respect to the Sanford system they believe the collection system is undersized and the pumping station is not sufficient to handle the flows. Based on a survey of properties, they conclude that the number of properties discharging weeping tiles may be 40, and not 116 as reported, that inadequate measures are being taken to control drainage away from homes, and that manholes and overall land drainage in the Municipality needs attention. They conclude the LPS should be improved, homeowners should be encouraged to prevent surface water from entering the sewage system, not penalized for it, and surface drainage in the Municipality must be improved.

5. The Municipality in its final submission, made the following comments:
 - a) The number of connections to the main, fall within the design criteria of a 2 inch sewer main, and increasing the capacity of the lift station pump will not improve the ability of the collection lines to deliver the high flow volume of weeping tile water in periods of heavy rain.

- b) Proper landscaping will reduce weeping tile water flow but not eliminate such flows in heavy rainfalls.
- c) The municipal engineer does not believe ground water infiltration at the manholes is a contributing factor to the overloading.
- d) The Municipality is not aware of any danger to property from ditch drainage during the 5 inch rain fall of July 27, 2001.
- e) The costs of enlarging the collection system, installing larger pumps and expanding the lagoon collectively exceeds the total cost of sump pits, and may still not be able to handle extremely heavy rainfall events.
- f) Allowing exceptions such as recommended by Mr. & Mrs. Rex is not practical recognizing that the success of landscaping efforts may vary from property to property.

The Municipality concludes noting that:

"Those who have completed the installation of a sump pit in accordance with By-law No. 18/00 are expecting that the municipality will ensure others complete these changes to protect all customers connected to these LPS systems from the possibility of backup."

Board Finding

The Board would like to thank the Municipality and all the respondents for assisting the Board with their comments and advice pertaining to this matter.

In the Board's opinion, the engineering assessment confirms the statements made at the public hearing and previously, acknowledged by the Board in Order No. 61/01 wherein the Board stated that it:

". . . . accepts that the diversion of weeping tile water away from the sewer system will alleviate in part, the pressure of overloading which is the experience in other communities. However, the Board is not convinced that the evidence provided by Macdonald provides a high level of certainty that the problem will be fully addressed."

The Board noted that a full hydraulic study was not performed because of cost, and further, that a detailed cost estimate was not provided for any upgrading that would be required to address any capacity related issues faced by the Municipality.

As noted at the hearing, it is possible that the cost of the upgrades to the system that would remedy the current system constraints may approximate the ratepayers' costs to install sump pits and pumps which may be necessary in any event due to other capacity issues. However, in absence of such an analysis, it is impossible to confirm.

Because of this missing information which the Board believes is extremely important, the Board will not approve the SWS. The Board strongly encourages the Municipality to provide information to its customers about the importance of good drainage away from dwellings and further, to the extent necessary, ensure that its drainage system is able to accommodate such flows.

IT IS THEREFORE ORDERED THAT:

1. The Storm Water Surcharge be and is hereby denied.

THE PUBLIC UTILITIES BOARD

"G. D. FORREST"

Chairman

"G. O. BARRON"

Secretary

Certified a true copy of
Order No. 129/01 issued by
The Public Utilities Board

Secretary