

M A N I T O B A                    )  
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THE PUBLIC UTILITIES BOARD ACT    )    Order No. 144/09  
  )    October 14, 2009

BEFORE:   Graham Lane, CA, Chairman  
            Susan Proven, P.H.Ec., Member  
            Monica Girouard, C.G.A., Member

THE RURAL MUNICIPALITY OF CARTIER  
LAGOON TIPPING FEES

### **Executive Summary**

In this Order, the Public Utilities Board (Board) approves the Rural Municipality of Cartier's (RM) proposal to implement new lagoon tipping fees effective November 1, 2009.

The Board approves the following charges:

*"Each septic wastewater contractor registered with the municipality shall be charged a flat fee of \$20.00 for up to a maximum of 1,500 gallons (single axle vehicle) load of septic wastewater or a flat fee of \$40.00 for up to a maximum of 3,000 gallons (tandem axle vehicle) load of septic wastewater, to be paid quarterly."*

As required, the RM provided a notice of the proposed charges that set out its proposal and invited residents to provide comment to the Board by September 27, 2009 - no communications were received.

### **Application**

On July 17, 2009, the RM applied to the Board for approval of its initial lagoon tipping fees (filing By-law No. 1604-09, read for a first time on July 13, 2009, and supporting documents). The by-law also establishes rules and regulations related to the billing and operations of the RM's lagoons, as noted below.

The RM operates two lagoons, one in Elie, the other in Springstein. Each lagoon is restricted by a locked gate and is fenced.

Currently, six septic haulers are permitted to discharge effluent from properties located in the RM into either of the RM's lagoons without charge. However, currently there are only two haulers using the lagoons.

The proposed by-law requires all septic haulers planning to use either of the RM's lagoons to be registered with the RM and, to submit a quarterly report to the RM providing monthly data (the number of loads, the volume of each load, the address from where each load originated, and into which lagoon each discharge was made). The by-law also includes a provision that failure to submit the reports may result in the hauler's rights and privileges to use the lagoons being withdrawn.

Proposed lagoon tipping fees:

- a minimum fee of \$20.00 (for up to a maximum of 1,500 gallons, single axle vehicle, load); or
- a minimum fee of \$40.00 (for up to a maximum of 3,000 gallons, tandem axle vehicle, load).

Each single family dwelling ratepayer in the municipality, not on the RM's Septic Tank Pump Program, would be provided one free use of a lagoon per year; septic haulers are to be billed quarterly.

The by-law also provides the RM with the right to restrict the use of the lagoons at any time without notice.

The RM expects average yearly revenues of \$21,000 to arise

from the new fees, the revenue to be used for maintenance of the lagoon. While the RM did not provide an estimate of its annual costs to operate the lagoons, its 2009 budget forecasts that the operation of the sewage collection and disposal systems will cost of \$47,350 for Elie and \$7,680 for Lido Plage - Whitehorse (Springstein lagoon).

The RM advised that until the Board approved its proposal it would not receive septic from the White Horse Trailer Park; consequently, the Park's septic was hauled to lagoons in the RM of St. Francois Xavier. Upon approval, the RM expects the Park's septic will again be hauled to their lagoons.

#### **Board Findings**

The Board will approve the RM's application for initial lagoon tipping fees, finding them reasonable and noting that neither comments nor concerns were expressed to the Board.

While the RM did not provide a specific estimate of the haulers share of the total operating costs of the lagoons, the Board accepts the premise that users of the system should meet the full cost of administering the service as well, a prorated share of the costs of operating the lagoons.

The Board notes while the service is not new, the rates are, and the implementation of new charges will likely affect usage. Accordingly, the Board will require the RM to

track actual revenues and expenses for the service, and provide a report to the Board commenting on the reasonableness of the new rates by no later than March 15, 2011.

As the proposed reference to "minimum" fees might imply the RM may charge a higher fee, the reference is to be deleted. If fees are to vary, the RM is reminded the Board's approval is required.

Further, the Board notes that under required new accounting standards the RM will be required to provide annually for the amortization over time of its fixed assets, and when rates are next amended, this new cost will need to be factored into the proposed rates.

Board decisions may be appealed in accordance with the provisions of Section 58 of *The Public Utilities Board Act*, or reviewed in accordance with section 36 of the Board's Rules of Practice and Procedure (Rules). The Board's Rules may be viewed on the Board's website, [www.pub.gov.mb.ca](http://www.pub.gov.mb.ca).

**IT IS THEREFORE ORDERED THAT:**

1. By-law No. 1604-09 BE AND IS HEREBY approved by amending, prior to second reading, the first sentence in clause 5, on page two to read:

"THAT each septic wastewater contractor registered with the municipality shall be charged a flat fee of \$20.00 for up to a maximum of 1,500 gallons (single axle vehicle) load of septic wastewater or a flat fee of \$40.00 for up to a maximum of 3,000 gallons (tandem axle vehicle) load of septic wastewater, to be paid quarterly."

2. The Rural Municipality of Cartier file with the Public Utilities Board a copy of By-law 1604-09 after having received third and final reading.

Fees payable upon this Order - \$250.00.

PUBLIC UTILITIES BOARD

"GRAHAM LANE, CA"

Chairman

"K. SHIELDS"  
Acting Secretary

Certified a true copy of Order  
No.144/09 issued by The Public  
Utilities Board

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Acting Secretary