


NOVA SCOTIA UTILITY AND REVIEW BOARD

IN THE MATTER OF THE PUBLIC UTILITIES ACT

- and -

IN THE MATTER OF AN APPLICATION by the HALIFAX REGIONAL WATER COMMISSION for approval of various amendments to the Halifax Regional Water Commission Regulations to support the general administration of the *Regulations*

BEFORE:  Peter W. Gurnham, Q.C., Chair

SUPPLEMENTAL ORDER

**WHEREAS** the Board approved an Application by the Halifax Regional Water Commission (Halifax Water), for various amendments to support the general administration of its *Regulations*, by Order dated July 30, 2019;

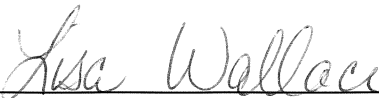
**AND WHEREAS** Halifax Water filed a request with the Board on November 26, 2019, seeking approval of further amendments, all of which were deemed to be non-substantive formatting changes;

**AND WHEREAS** the Board has reviewed and approved the amended version of Halifax Water's *Regulations*;

**IT IS HEREBY ORDERED** that the Board approves the amended *Regulations* as filed;

**IT IS FURTHER ORDERED** that the amended *Regulations*, as set out in the attached Schedule A, be approved effective December 2, 2019.

**DATED** at Halifax, Nova Scotia, this 2<sup>nd</sup> day of December, 2019.

  
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Clerk of the Board

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**SCHEDULE "A"**

**(Effective: December 2, 2019)**

**SCHEDULE OF RATES, RULES & REGULATIONS**  
**FOR WATER, WASTEWATER, AND STORMWATER SERVICES**

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Stormwater, Public and Private Fire Protection Service, made by Order of the Nova Scotia  
Utility and Review Board effective December 2, 2019**

**PART I - INTERPRETATION**

Short Title

1. These regulations may be cited as the “Halifax Regional Water Commission Regulations”.

Adoption of Statutory Definitions

2. All terms defined in the Halifax Regional Water Commission Act have the same meaning in these Regulations, unless otherwise defined.

Definitions

3. In these Regulations,
  - (a) "Accredited Laboratory" means any 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, or "ISO/IEC/EN 17025: General Requirements for Competence of Calibration and Testing Laboratories" established by the International Organization for Standardization, as amended;
  - (b) "Adverse Effect" means an effect that impairs or damages the environment or the operation of a Water System, Wastewater System or Stormwater System, including an adverse effect respecting the health of humans or the reasonable enjoyment of life or property;
  - (c) “Animal” means any creature that is not human and includes any other thing prescribed as an animal, but does not include any thing prescribed as excluded;
  - (d) “Animal by-product” means a part of an animal or its carcass that is extracted, collected or otherwise obtained from an animal or its carcass for purposes that are not a principal intention of growing or raising the animal and includes blood and any of its components, antlers, bones, bristles, feathers, flesh, hair, hides, skins, hoofs, horns, offal and anything containing any of those things or derived from any of those things;
  - (e) “Automated Meter Infrastructure (AMI)” means a system which uses radio frequency transmission technology for measuring individual Customer’s water consumption at intervals of an hour or less and communicating such information at frequent intervals to the Commission;
  - (f) "Best Management Practices (BMP)" means an integrated plan to control and reduce the Release of restricted and prohibited substances into Wastewater or Stormwater Systems to a practicable extent, through methods including physical controls, pretreatment processes, operational procedures and staff training;

- (g) "Biochemical Oxygen Demand (BOD)" means the five-day BOD being the determination of the molecular oxygen utilized during a five-day incubation period for the biochemical degradation of organic material (carbonaceous demand), and the oxygen used to oxidize inorganic material, including sulphides and ferrous iron, and the amount of oxygen used to oxidize reduced forms of nitrogen (nitrogenous demand) as determined by the applicable procedure in Standard Methods;
- (h) "Biosolids" means an organic, stabilized material produced during the treatment of domestic Wastewater and septage sludge which has undergone treatment to reduce pathogen content;
- (i) "Blow Down" means the Discharge of recirculating Non-contact Cooling Water for the purpose of discharging materials contained in the water;
- (j) "Chemical Oxygen Demand (COD)" means a measure of the capacity of water to consume oxygen as a result of oxidation of inorganic chemicals and decomposition of organic matter;
- (k) "Combined Sewer" means a sewer intended to function simultaneously as a Stormwater and a Wastewater sewer;
- (l) "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;
- (m) "Common Customer Location" means two or more locations in respect of which Service is provided by way of separate accounts to the same Customer;
- (n) "Composite Sample" means a volume of Wastewater, Stormwater, Uncontaminated Water, or effluent made up of three or more Grab Samples that have been combined automatically or manually and taken at intervals during the sampling periods;
- (o) "Customer" means a person who arranges to be or is supplied with water and/or Wastewater Service at a specified location or locations and includes a person receiving Stormwater Service;
- (p) "Discharge" means to directly or indirectly discharge, Release, permit or cause to be discharged or Released into Wastewater or Stormwater Systems;
- (q) "Discharger" means an owner, occupant or person who has charge, management or control of effluent, Wastewater, Stormwater, Uncontaminated Water or any combination thereof, which is Discharged to Wastewater or Stormwater Systems;
- (r) "Ditch" means an excavated or constructed open channel, which is vested in or under the control of the Commission;
- (s) "Driveway Culvert" means a culvert pipe within a portion of a street right of way intended for the purpose of providing passage of water along a drainage ditch, under a driveway, from one side of the driveway to the other side of the driveway, and such culvert pipe is deemed to be part of the Stormwater System;



- (t) "Dwelling Unit" means the whole or any part of a building or structure that is kept or occupied as a permanent or temporary residence and includes (i) a building within the curtilage of a Dwelling Unit that is connected to it by a doorway or by a covered and enclosed passage-way, and (ii) a unit that is designed to be mobile and to be used as a permanent or temporary residence, regardless of whether it is being used as such a residence;
- (u) "Encoder Receiver Transmitter" (ERT) means a device used to transmit data from a water meter to the Commission and is deemed to be a part of such meter;
- (v) "Extraneous Water or Wastewater" means water or Wastewater originating from a source other than the Commission's water supply, but does not include water originating from private wells for domestic use where a connection to the Commission's Water System is not available;
- (w) "Extra Strength Wastewater" means Wastewater Released to a sewer that is higher in concentration for one or more constituent concentrations than those set out in Table 6 in these Regulations;
- (x) "Fuel" includes alcohol, gasoline, naphtha, diesel fuel, fuel oil or any other ignitable substance intended for use as a fuel;
- (y) "Grab Sample" means a volume of Wastewater, Stormwater, Uncontaminated Water or effluent which is collected over a period not exceeding 15 minutes;
- (z) "Hauled Waste" means any Waste, including Hauled Wastewater, which is transported to and deposited into, or proposed to be deposited into, any location in a Wastewater or Stormwater System;
- (aa) "Hauled Wastewater" means Waste removed from a Wastewater facility, including a cesspool, a septic tank, a vault privy or pit privy, a chemical toilet, a portable toilet or a Wastewater holding tank;
- (bb) "Hazardous Substance" means:
  - i) any substance or mixture of substances, other than a Pesticide, that exhibits characteristics of flammability, corrosivity, reactivity or toxicity; and
  - ii) any substance that is designated as a hazardous substance within the meaning of any applicable provincial or federal legislation, as amended from time to time;
- (cc) "Hazardous Waste" means any Hazardous Substance disposed of as Waste;
- (dd) "HRM" means the Halifax Regional Municipality;
- (ee) "Ignitable Waste" means a substance that:
  - (i) is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume, and has a flash point less than 93 degrees Celsius, as determined by the Tag Closed Cup Tester (ASTM D-56-97a), the Setaflash Closed Cup Tester (ASTM D-3828-97 or ASTM D-3278-96e1), the PenskyMartens Closed Cup Tester (ASTM D-93-97), or as determined by an equivalent test method;

- (ii) is a solid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a danger;
  - (iii) is an ignitable compressed gas as defined in regulations made under applicable provincial or federal legislation, as amended; or
  - (iv) is an oxidizing substance as defined in regulations made under applicable provincial or federal legislation, as amended;
- (ff) "Impervious Area" means an area or surface which prevents or limits the entrance or passage of stormwater, including asphalt, concrete, bricks, roofs and gravel surfaces if they are hard packed, and all of which are denoted as impervious by the satellite imagery utilized by the Commission in that determination;
  - (gg) "Industrial, Commercial or Institutional (ICI)" includes or pertains to industry, manufacturing, commerce, trade, business, or institutions and includes multi-unit dwellings of four or more units;
  - (hh) "Infrastructure Charge" means a development charge levied as a condition of subdivision approval or at a building permit stage;
  - (ii) "Interceptor" means a receptacle that is installed to prevent oil, grease, sand or other materials from passing into a Wastewater System or a Stormwater System;
  - (jj) "Landlord" has the same meaning as set out in Section 2 of the Residential Tenancies Act;
  - (kk) "Leachate" includes any liquid that has percolated through solid waste and, during percolation, has extracted dissolved or suspended materials from such solid waste, including the liquid produced from the decomposition of waste materials and liquid that has entered the waste material from external sources including surface drainage, rainfall and groundwater;
  - (ll) "Monitoring Access Point" means an access point, including a chamber, in a Wastewater or Stormwater Service Connection to allow for observation, sampling and flow measurement of the Wastewater, Uncontaminated Water or Stormwater within such a Service Connection;
  - (mm) "No-Corrode Pipe" means a coal tar impregnated wood fibre pipe, also known generically as Orangeburg pipe;
  - (nn) "Non-contact Cooling Water" means water that is used in a process for the purpose of removing heat and that has not, by design, come into contact with any raw material, intermediate product, waste product, or finished product, but does not include Blow Down water;
  - (oo) "NORM" means naturally occurring radioactive material found in industrial wastes or by-products enriched with radioactive elements found in the environment, including uranium, thorium and potassium and any of their decay products, including radium and radon;

- (pp) "PAHs" means the total of all of the following polycyclic aromatic hydrocarbons: Acenaphthene, acenaphthylene, anthracene, benza(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, benzo(k)fluoranthene, chrysenes, dibenzo(a,h)anthracene, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, methylnaphthylene, naphthalene, phenanthrene, pyrene;
- (qq) "Pathological Waste" includes fluids or materials which may contain pathogens of human or animal origin;
- (rr) "PCBs" means any monochlorinated or polychlorinated biphenyls or any mixture of them or a mixture that contains one or more of them;
- (ss) "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) and that contains a pest control product;
- (tt) "Phenolic Compounds" means hydroxyl derivatives of benzene and its condensed nuclei;
- (uu) "Pretreatment Facility" means Wastewater treatment processes designed to remove pollutants from Wastewater prior to Discharge to the Commission's Wastewater System;
- (vv) "Reactive Waste" means a substance that:
- (i) is normally unstable and readily undergoes violent changes without detonating;
  - (ii) reacts violently with water;
  - (iii) forms potentially explosive mixtures with water;
  - (iv) when mixed with water, generates toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment;
  - (v) is a cyanide or sulphide bearing Waste which, when exposed to pH conditions between 2 and 12.5 can generate toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment;
  - (vi) is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement;
  - (vii) is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure; or
  - (viii) is an explosive (Class 1) as defined in the Explosives Regulations, C.R.C., c. 599, as amended from time to time;
- (ww) "Regular Working Hours" means any time between the hours of eight o'clock in the forenoon and four o'clock in the afternoon on any day which is not a Saturday, a Sunday or a holiday, as that term is defined in the Interpretation Act;
- (xx) "Release" means a substance that has spilled, leaked, seeped, drained, sprayed, emptied or has been emitted, Released, Discharged, disposed of, injected, inoculated, abandoned, deposited, poured, thrown, dumped, pumped, exhausted or placed in the environment or the Water, Wastewater or Stormwater System;
- (yy) "Right of Way Charge" means the charge imposed by the Regulations on HRM for the impervious area in the street right of way.

- (zz) "Service" means water Service, Wastewater Service or Stormwater Service or any combination of each of them;
- (aaa) "Service Connection" means Water Service Connection, Wastewater Service Connection, or Stormwater Service Connection, or any combination of each of them;
- (bbb) "Site Related Flow Charge" means the charge for service and for the benefit a Customer receives, including access to a property over a Commission owned culvert, and management of stormwater from a property that enters any part of the Commission's stormwater system.
- (ccc) "Solvent Extractable Matter" includes grease or oils from animal, vegetable, mineral or synthetic sources;
- (ddd) "Standard Methods" means *Standard Methods for the Examination of Water and Wastewater* (the edition current at the time of testing), published jointly from time to time by the American Public Health Association, the American Water Works Association and the Water Environment Federation;
- (eee) "Stormwater" means water from precipitation of all kinds, and includes water from the melting of snow and ice, groundwater discharge and surface water;
- (fff) "Stormwater Service Connection" includes a piping system that conveys Stormwater from a property to a Stormwater System;
- (ggg) "Stormwater System" means the method or means of conveying stormwater, within ditches, swales, mains, drains, canals, retention ponds, and culverts under public streets, private roads, public easements and driveways, which are vested in or under control of the Commission;
- (hhh) "Suspended Solids" means the insoluble matter suspended in Wastewater or Stormwater that is separable by laboratory filtration;
- (iii) "Total Kjeldahl Nitrogen" means the sum of organic nitrogen and ammonia nitrogen;
- (jjj) "Toxic Substance" means any substance defined as toxic under the *Canadian Environmental Protection Act 1999*, as amended from time to time;
- (kkk) "Uncontaminated Water" means potable water or any other water to which no matter has been added as a consequence of its use;
- (lll) "Waste" means a substance that would cause or tend to cause an Adverse Effect if added to the environment, or the Water, Wastewater or Stormwater System, and includes rubbish, slimes, tailings, or other industrial wastes, effluent, sludge, Wastewater, garbage, refuse, scrap, litter or other waste products of any kind;
- (mmm) "Waste Radioactive Substances" includes uranium, thorium, plutonium, neptunium, deuterium, their respective derivatives and compounds and such other substances as the Atomic Energy Control Board (Canada) may designate from time to time as being capable of releasing ionizing radiation;

(nnn) "Wastewater" means liquid waste containing animal, vegetable, mineral or chemical matter as well as water from sanitary appliances that contains human fecal matter or human urine in solution or suspension together with such groundwater, surface water or Stormwater as may be present;

(ooo) "Wastewater Service Connection" means a piping system that conveys Wastewater from a property to a Wastewater System;

(ppp) "Wastewater System" means the structures, pipes, devices, equipment, processes and related equipment used, or intended to be used, for the collection, transportation, pumping or treatment of Wastewater and disposal of effluent, which are vested in or under the control of the Commission;

(qqq) "Watercourse" means:

- (i) the bed and shore of every river, stream, lake, creek, pond, spring, lagoon or other natural body of water, and the water therein, within the jurisdiction of the Province, whether it contains water or not; and
- (ii) all ground water;

(rrr) "Water Service Connection" means a piping system that conveys water from a water main to a property;

(sss) "Water System" means the source, structures, pipes, hydrants, meters, devices, equipment or other things used, or intended to be used, for the collection, transportation, pumping or treatment of water, and which are vested in or under the control of the Commission.

### Interpretation

- 4.(1) These Regulations shall be interpreted in accordance with the principles for the interpretation of legislation.
- (2) The *Interpretation Act* (Nova Scotia) applies to these Regulations, except where a contrary intention appears.

## **PART II - RATES**

### Rates for Water Service

5.(1) Bills for water Service, other than for a specific one time Service, shall be issued on a monthly or quarterly basis and shall be comprised of a base rate and a consumption rate, each applicable as follows;

(a) Table 1. Base Rate for Water Service on or after April 1, 2016:

Size of Meter (mm)	Minimum Water Monthly Bill	Minimum Water Quarterly Bill
15	\$13.00	\$39.00
19	\$18.00	\$54.00

25	\$29.00	\$87.00
38	\$55.00	\$165.00
50	\$85.00	\$255.00
75	\$170.00	\$510.00
100	\$264.00	\$792.00
150	\$527.00	\$1,581.00
200	\$946.00	\$2,838.00
250	\$1,575.00	\$4,725.00

(b) Consumption Rate

The consumption rate for water is: \$0.976 / m<sup>3</sup> for water sold on or after April 1, 2016.

- (2) Non-metered Customers will be charged the approved base water rate and the consumption rate for an equivalent size meter, as estimated by the Commission based on the best information available to the Commission.

Table 2. Non-metered Water Service Rates

Service on or after April 1, 2016:

	Monthly Bill	Quarterly Bill
(15 mm) 158 m <sup>3</sup> /year (Domestic)	\$26.00	\$78.00
(19 mm) 541 m <sup>3</sup> /year	\$63.00	\$189.00
(25 mm) 1061 m <sup>3</sup> /year	\$116.00	\$348.00

Rates for Wastewater Service

- 6.(1) Bills for Wastewater Service, other than those charges for a specific one time Service shall be issued on a monthly or quarterly basis and shall be comprised of a base rate and a volumetric rate, each applicable as follows;

(a) Table 3. Base Rate for Wastewater Service on or after April 1, 2016:

Size of Meter (mm)	Minimum WW Monthly Bill	Minimum WW Quarterly Bill
15	\$14.00	\$42.00
19	\$20.00	\$60.00
25	\$33.00	\$99.00
38	\$64.00	\$192.00
50	\$103.00	\$309.00
75	\$206.00	\$618.00
100	\$321.00	\$963.00
150	\$641.00	\$1,923.00
200	\$1,154.00	\$3,462.00
250	\$1,923.00	\$5,769.00

(b) Wastewater Discharge Rate

The Discharge rate for all Wastewater Discharged to the Wastewater System is: \$1.753/ m<sup>3</sup> for Wastewater Discharged on or after April 1, 2016.

- (2) Non-metered Customers will be charged the approved Wastewater base charge and the consumption Discharge rate for an equivalent size meter, as determined by the Commission and based on the projected usage of the customer, as estimated by the Commission based on the best information available to the Commission, including comparison with other similar customers and/or the use of private meters.

Table 4. Non-metered Wastewater Service Rates

Service on or after April 1, 2016:

	Monthly Bill	Quarterly Bill
(15 mm) 164 m <sup>3</sup> /year (Domestic)	\$38.00	\$114.00
(19 mm) 539 m <sup>3</sup> /year	\$99.00	\$297.00
(25 mm) 1046 m <sup>3</sup> /year	\$186.00	\$558.00

- (3) Despite subsections (1) and (2), where a Customer is discharging Wastewater from sources other than the Commission's system, or where a Customer may be discharging Stormwater into the Wastewater System, or where, in the opinion of the Commission, a Discharge into the Wastewater System by a Customer may not be accurately reflected by use of a similar size and class of Customer water meter, the Commission may require a Customer in any such circumstances to measure actual Discharge in a manner approved by the Commission, in which case the volumetric charge will be based on the actual measured Discharge into the Commission's Wastewater System.

Rates for Stormwater Service

- 7.(1) Bills for Stormwater Service, other than those charges for a specific one time Service, shall be issued on a semi-annual or annual basis, and levied based on Impervious Area calculated and rounded to the nearest 10m<sup>2</sup>.
- (2) Effective April 1, 2018 HRM shall pay annually to the Commission for Stormwater Service associated with the HRM owned Street Right of Way (ROW) the amount of \$3,835,012 calculated based on the Impervious Area within the HRM owned ROW.
- (3) Non-Residential Customers shall pay a Site Related Flow Rate of \$0.135 per m<sup>2</sup> of Impervious Area on and after July 1, 2017, Impervious Area being measured through satellite imagery, provided that where a part of a property is located outside the Commission's Stormwater Service Boundary, that part of the property located outside the Boundary is exempt from the charge.
- (4) Residential Customers shall pay a Site Related Flow Charge which shall be based on the impervious area of their property, provided that properties with impervious area falling within a tier set out in this subsection shall be subject to the Standard Annual Charge for that tier, billed at such frequency as HRWC may determine.

Table 4A. Rates for Stormwater Service

Tier	Tier Parameters (Based on Imperious Area m <sup>2</sup> )		Rate
	From	To	
1	0	Less than 50	\$0
2	50	200	\$14
3	210	400	\$27
4	410	800	\$54
5	810	or more	\$81

- (5) Properties that are within the Commission's service boundary and do not receive Stormwater Service from the Commission are exempt from the Site Related Flow Charge.
- (6) Properties that have impervious area less than 50 m<sup>2</sup> are exempt from the Site Related Flow Charge.
- (7) Notwithstanding (5) and (6), a Residential or Non-residential property that has a Driveway Culvert, is deemed to be receiving stormwater service and will be charged therefor in accordance with Tier 2 as set out in subsection (4).
- (8) Non-residential Customers may be eligible for a credit not less than 30% but not exceeding 50% of the Site Related Flow Charge if they are undertaking certain qualified stormwater best management practices that detain their peak flow on an on-going basis in accordance with the parameters and application process set out in the Commission's Stormwater Credit Manual.
- (9) Any person who objects to not being exempt from the Site-Related Flow Charge portion of the charge under subsections (5), (6) or (7) may file a notice with the Commission setting out the reasons for the objection and the relevant facts on which that person relies, such Notice of Objection to be accepted by the Commission by way of email, letter, facsimile, telephone or in person.
- (10) On receipt of a Notice of Objection the Commission shall, with all due dispatch, vary or confirm, in writing, its original decision, the onus being on the Commission to show, based on engineering or other evidence, that the property in question receives Stormwater Service.
- (11) For greater certainty, any person may register a complaint with the Dispute Resolution Officer under Part XIII A of these regulations respecting a matter which is the subject of this Section.
- (12) Any person who disputes a decision of the Commission under subsection (10), after referral to the Dispute Resolution Officer, may refer the matter to the Board for resolution.

Charge for Temporary Water, Wastewater or Stormwater Service

- 8.(1) The Commission may furnish water, Wastewater or Stormwater Service to persons requiring temporary Service for construction of buildings or other work.



- (2) Persons referred to in subsection (1) who require water Service shall deposit with the Commission such sum as may be determined by the Commission as being sufficient to defray the cost of making the necessary connection to the Services provided, together with the cost of the meter to be installed to measure the water consumed.
- (3) Upon completion of the work referred to in subsection (2) and the return to the Commission of the undamaged meter, the Commission shall refund the deposit referred to in subsection (2) after payment for the Services provided and the Commission's determination of connection or disconnection charges calculated based on the time and materials used in providing the Service, together with the meter base charge and the consumption and/or Discharge rates in respect of such Service installation.
- (4) The Commission may approve the temporary Discharge of Wastewater or Stormwater to the Wastewater or Stormwater Systems, upon such terms and conditions as the Commission determines appropriate in the circumstances, such temporary Discharges to be subject to the Discharge rate approved by these Regulations.
- (5) Costs incurred by the Commission to sample, analyze, monitor or inspect a temporary Discharge may be charged to and recovered from the person to whom permission to Discharge has been given.

#### New Water, Wastewater or Stormwater Account Charge

9. The Commission shall charge \$25.00 for the creation of a water, Wastewater, or Stormwater account.

### **PART III - BILLING**

#### Payment of Bills

- 10.(1) Bills for Service issued by the Commission to Customers shall be payable on the date indicated thereon and will provide as follows:
  - (a) Bills issued on a quarterly basis and which are not paid within 30 days after the billing date shall be subject to an interest charge of 1.5% per month or part thereof, or a maximum of 19.56% per annum, such amount being due and payable within such 30 day period, and the effective date of the interest charge shall be clearly shown on the bill.
  - (b) Bills issued on a monthly basis and which are not paid within 25 days after the billing date shall be subject to an interest charge of 1.5% per month or part thereof, or a maximum of 19.56% per annum, such amount being due and payable within such 25 day period, and the effective date of the interest charge shall be clearly shown on the bill.
  - (c) Bills may be issued annually and if not paid within 30 days after the billing date shall be subject to an interest charge of 1.5% per month or part thereof, or a maximum of 19.56% per annum, such amount being due and payable within such 30 day period and the effective date of the interest charge shall be clearly shown on the bill.

#### Adjustment of Bills

- 11.(1) Any Customer desiring to question their bill shall do so in writing within two years from the

date shown on such bill.

- (2) In the event the Commission determines it is necessary to make a billing adjustment as a result of a Customer being under-billed, such adjustment shall be retroactive for a maximum period of one year.
- (3) Despite subsection (2), in the event that a billing adjustment is the result of the Customer's unauthorized connection to the Water, Wastewater or Stormwater System or willful interference with or damage to metering equipment, the Customer shall be responsible for all payments of such accounts from the date such unauthorized connection to Water Service or interference with meter equipment occurred.
- (4) In the event the Commission determines it is necessary to make a billing adjustment as a result of a Customer being over-billed, such adjustment will be estimated by the Commission, and, based upon such estimate, the Commission will pay to such Customer the overbilled amount together with interest calculated as simple interest paid on savings accounts by deposit taking banks listed in Schedule I of the Bank Act (Canada), during the period which the Customer was over-billed by the Commission, such period not to exceed two years.
- (5) If a water meter security seal is broken or if a meter does not register correctly or has been removed without the Commission's authorization, the charge for water, and Wastewater Service shall be estimated in accordance with the best data available to the Commission, provided that if the subject premises are unmetered or a non-user of the Commission's Water System, then the charge for Service will be estimated in accordance with the best available data to the Commission.
- (6) In the event a Customer has been billed in error for a Service they did not receive, the Commission will reimburse such customer the amount billed to and paid by the customer, together with interest calculated as simple interest paid on savings accounts by deposit taking banks listed in Schedule I of the Bank Act (Canada), respecting the period during which the customer was incorrectly billed by the Commission, such period not to exceed five years.
- (7) In the event, as a result of a decision respecting a Notice of Objection pursuant to subsection 7(10) or as a result of any other review carried out under the Regulations it is determined the billing determinant of chargeable impervious area for stormwater accounts is inaccurate or yields an inequitable result the Commission may adjust the chargeable impervious area in order to rectify such inequity.
- (8) In the event, as a result of a decision respecting a Notice of Objection pursuant to subsection 7(9), or through a credit application process, it is determined that a portion of the stormwater from a non-residential property does not reach a Commission stormwater system, or the Customer is only receiving the benefit of a culvert at the end of their driveway, the chargeable impervious area may be adjusted downward.

#### Estimated Reading for Billing Customers

- 12.(1) The Commission may estimate a meter reading provided that under no circumstances will an estimated reading be used for more than three consecutive billing periods.

- (2) In the event an estimated bill is utilized by the Commission for three consecutive billing periods, the Commission shall make every reasonable effort to obtain a meter reading.
- (3) For the purposes of subsection (2), if entry to the property on which such meter is located is required, the Commission shall notify the Customer by first class mail and undertake its reasonable efforts to obtain a reading, and failing such arrangements being made despite its reasonable efforts, the Commission may suspend Service until arrangements are made with the Customer for the Commission to obtain a reading of such meter.
- (4) When a meter reading referred to in subsection (3) has been obtained, any previously estimated bill or bills provided in respect of Service measured by such meter shall be adjusted by the Commission if required by its reconciliation of metered Service data to previously estimated Service.

#### Suspension or Refusal of Service

- 13.(1) The Commission shall have the right to suspend Service to a Customer at any Common Customer Location for such Customer where a water, Wastewater or Stormwater account remains unpaid for more than 40 days.
  - (2) With respect to
    - (a) water, Wastewater and Stormwater accounts referred to in subsection 13(1); and
    - (b) a Landlord who is in default for more than 40 days under the terms of repayment arrangement referred to in subsection 31(2),unpaid balances will be transferred to HRM with a request from the Commission that they be registered as a lien against the property to which Service is provided or in respect of which a repayment arrangement exists under subsection (2) of Section 31, and in respect of which such accounts have been rendered as evidence of such Service or repayment arrangement.
  - (3) In the event of a violation of these Regulations by a person or Customer, including liabilities and obligations owed to the Commission by any Customer under a private contract for Services entered into between the Commission and such Customer, the Commission may refuse or immediately suspend Service to such Customer, and may continue such refusal or suspension until the violation has been cured.

#### Collection of Overdue Bills

14. The Commission may charge a \$35.00 fee for each visit by Commission staff to a Customer whose payment is overdue, if in the opinion of the Commission, such fee is warranted.

#### Customer Bill Retrievals/Copies

15. The Commission shall charge a fee of \$12.00 per copy for water, Wastewater, and/or Stormwater bill retrievals or copies issued to Customers outside the Customer's regular billing cycle, except that no such fee shall be charged for the provision of electronic copies of such bills.

### Dishonoured Payments

16. The Commission shall charge a \$25.00 fee plus bank charges for cheques or pre-authorized payments that have been dishonoured by the Customer's bank or other financial institution.

### Deposits

- 17.(1) The Commission may require an applicant for water, Wastewater and/or Stormwater Service to deposit with the Commission a sum equal to the estimated charges for six months of Service, which deposit shall be held by the Commission as security for the payment of the applicant's bills as a Customer of the Commission.
- (2) When a Customer referred to in subsection (1) ceases to be a Customer, a deposit paid in accordance with subsection (1) shall be returned to the Customer with interest thereon at the simple interest rate than being paid on savings accounts by the Commission's chartered bank.

## **PART IV - CHARGES**

### Connection/Disconnection of Service

- 18.(1) The Commission shall charge \$55.00 for a connection or disconnection of Service during Regular Working Hours, which charge shall be \$210.00 for a connection or disconnection of Service outside Regular Working Hours.
- (2) When water, Wastewater, or Stormwater Service has been suspended for any violation of these Regulations, such Service shall not be re-established until a connection charge has been paid.
- (3) Despite subsections (1) and (2), where suspension of Service is for non-payment only, the fees set out therein respecting connection or disconnection of Service during Regular Working Hours do not apply in respect of one disconnection and one connection of Service every year, or in any 12 month period.
- (4) The Commission may, in considering the circumstances respecting a request to reconnect Service, decline to reconnect such Service outside Regular Working Hours where the Service was disconnected as a result of a violation of these Regulations.

### Water Meter Installation

- 19.(1) The Commission shall charge \$55.00 for the installation of a meter in a Customer's premises during Regular Working Hours for a meter size up to and including 25 mm, in a meter setting specified by the Commission and provided by the Customer unless the meter installation is initiated by the Commission as part of an implementation of AMI or other technology, in which case no charge will be applied.
- (2) Installation of a meter referred to in subsection (1) which takes place outside of Regular Working Hours shall be subject to a charge of \$210.00, unless the meter installation is initiated by the Commission as part of an implementation of AMI or other technology change, in which case no charge will be applied.

- (3) In respect of the installation by the Commission of meters of a meter size of 40 mm or larger in a Customer's premises in a meter setting specified by the Commission and provided by the Customer, such charge shall be calculated based on the Commission's determination of any difficulties or challenges it encountered in carrying out such installation including access to the location of the meter.

#### Customer Monitoring Service

- 20.(1) The Commission may enter into an agreement with a Customer to monitor the metered flow of Service to the Customer and to provide the Customer access to the data generated by such monitoring.
- (2) The cost of providing the monitoring referred to in subsection (1) will be charged to the Customer at the rate of \$120.00 per month per meter, and billed to the Customer monthly.

#### Inspection of Service Connections and Driveway Culverts

- 21.(1) The Commission shall require all Water, Wastewater and Stormwater Service Connections, including renewals and repairs, to be inspected by the Commission prior to activation of such water, Wastewater or Stormwater Service, subject to the following fees:
  - (a) for Water, Wastewater or Stormwater Service Connections, \$90.00 per site visit.
  - (b) for Water, Wastewater or Stormwater Service Connections requiring an acceptance package under the Commission's design specifications, \$75.00 per application.
  - (c) where multiple Service Connections are inspected within the same inspection visit, the applicable fee shall be charged once.
- (2) Driveway culverts inspected by the Commission shall be subject to a fee of \$90.00 per inspection visit.
- (3) Replacement of a lead Service Connection pipe shall be exempt from the fees set out in this section.

#### Wastewater Rebate

- 22.(1) A Customer who uses more than 1,000 m<sup>3</sup> of water in a one year period is eligible for a wastewater rebate if they can demonstrate to the satisfaction of the Commission that the volume of Wastewater Discharged by the Customer into the Commission's Wastewater System is less than the volume of water used by the Customer.
- (2) Upon application for a rebate referred to in subsection (1) being made by a Customer to the Commission, a rebate of the Wastewater Discharge Charge attributable to the difference between the amount of the water used and the amount of Wastewater Discharged to the Commission's Wastewater System shall be paid to the Customer.
- (3) The rebate referred to in subsection (1) does not apply to the Wastewater Discharge Base Charge nor to leakage or wastage from a metered water supply.
- (4) Application for a rebate under subsection (1) shall be made annually by a Customer to the Commission, together with such documentation required by the Commission in support of

such application for rebate, such application to be submitted to the Commission no later than 6 months after the year in respect of which the application for rebate is made.

#### Extra Strength Wastewater Surcharge

- 23.(1) The Commission may grant temporary; approval to a user of a Wastewater System to discharge Extra Strength Wastewater into the Commission's Wastewater System in accordance with the terms of an agreement referred to in Section 65.
- (2) The approval referred to in subsection (1) shall include an Extra Strength Wastewater surcharge that shall be established by the Commission as set out in Attachment 2 to these Regulations, which surcharge shall be in addition to an approved wastewater Discharge rate and which surcharge shall be in addition to the monthly or quarterly Wastewater bill of the Customer, as the case may be.

The Extra Strength Wastewater surcharge rates are as follows:

Effective May 1, 2015: BOD: \$1.0545 per kg and Suspended Solids: \$0.8959 per kg

Effective April 1, 2016: BOD: \$1.0951 per kg and Suspended Solids: \$0.9273 per kg

#### Audit Inspections and Review of Drawings

- 24(1). The Commission shall levy a charge pursuant to a services agreement with any person requesting a review of final design drawings for additions or extensions to the Commission's system, at the following rates:
- |                                       |                         |
|---------------------------------------|-------------------------|
| (a) Water Mains                       | \$1.24 per linear metre |
| (b) Wastewater Mains                  | \$1.24 per linear metre |
| (c) Stormwater Mains/Ditches/Culverts | \$1.24 per linear metre |
- (2) The charges referred to in subsection (1) are due upon receipt by the Commission of a signed systems agreement with the counterparty to such agreement.
- (3) The Commission will undertake audit inspections of Water, Wastewater and Stormwater Systems in respect of an extension of Commission infrastructure resulting from a subdivision application by an applicant to HRM or in support of a new Service Connection, such audit inspection fee being equal to 0.5% of the estimate of the construction cost of the project or \$2,500, whichever is greater, to which such systems relate.
- (4) Audit inspections fees referred to in subsection (3) which are in respect of an extension of Commission infrastructure incorporated in a subdivision application to HRM shall be remitted to HRM.
- (5) In the event the Commission incurs costs more than or less than the fees described in subsection (3), an amount equal to the difference between such estimated fees and actual cost incurred shall be payable to the Commission or reimbursed to the payor of such estimated cost, as the case may be.

### Missed Appointment by Customer

25.(1) Where the Commission makes an appointment with a Customer respecting:

- (a) a Water, Wastewater, and/or Stormwater Service Connection;
- (b) the installation of a water meter;
- (c) water turned on or off to a property;
- (d) a Service related visit requested by the Commission; or
- (e) a Customer's request to have the Commission visit a property,

and the Customer fails to keep or permit such appointment or the required plumbing is not completed to allow for the installation of a water meter, the Commission may levy a charge of \$45.00 for each missed appointment.

- (2) Where the Commission fails to keep an appointment with a Customer under subsection (1), the Commission shall credit the customer's account in the amount of \$45.00 for each missed appointment.
- (3) Despite subsection (2), the \$45.00 charge referred to therein shall not apply in respect of an appointment with a Customer related to an implementation of AMI.

### Theft of Service

26. The Commission may impose penalties in addition to charges for Service approved by these Regulations for each unauthorized Water, Wastewater, and/or Stormwater Service Connection and Bulk Fill, as follows:

1<sup>st</sup> incident \$300.00  
2<sup>nd</sup> incident \$750.00

### Designated Bulk Fill Station

27.(1) The Commission may permit a person to have access to bulk fill water stations in accordance with the fees, consumption rates and access card use as follows:

(a) annual designated bulk fill station permit fee:

an annual permit fee will be charged for each vehicle equipped for access to the bulk fill stations, as follows:

- (i) first vehicle \$225.00
- (ii) each additional vehicle \$ 20.00

(b) consumption rates:

consumption rates for water accessed through the bulk fill stations will be \$2.08 per cubic metre effective May 1, 2015 and \$2.24 effective April 1, 2016.

(c) Bulk Fill Station Account:

- (i) bulk fill station accounts will be pre-loaded in specific dollar amounts and will be

- recorded as deferred revenue;
  - (ii) individual accounts and personal identification numbers (PIN) will be assigned to each vehicle to use the station to access water;
  - (iii) when an account is closed by an authorized user any outstanding balance will be refunded to such user;
- (2) Consumption charges will be deducted from an account based on the volume of water sold in accordance with the rate structure authorized by these Regulations.
  - (3) Vehicles accessing a designated bulk fill station shall be inspected and approved by the Commission on an annual basis, beginning April 1, as part of its permitting process.
  - (4) Designated bulk fill station procedures as prescribed by the Commission shall be adhered to at all times by authorized users as a condition of retaining such permit.
  - (5) Failure to comply with the permitting requirements set out in this Section shall result in termination of a designated bulk fill station permit.
  - (6) The Commission reserves the right to control flow rates at each designated fill station.

#### Area Master Capital Cost Contribution Charge

- 28.(1) The Commission may establish a water, Wastewater and Stormwater capital cost contribution charge to be collected from developers and/or future Customers requiring extension of oversized infrastructure.
- (2) The total amount of a capital cost contribution charge shall ensure that the cost impact to the Commission is neutral to the design, construction, financing and applicable overhead costs, as prescribed by the Commission.
- (3) The water, Wastewater and Stormwater capital cost contribution charge shall be calculated for charge areas referred to in Attachment 3 and allocated on the basis of the water, Wastewater and Stormwater capital cost contribution formula, as set out in Attachment 3.
- (4) Funds collected under the water, Wastewater and Stormwater capital cost contribution charge shall be placed in a reserve account and will be used for extension or improvements of the applicable system within the area related to the charge upon application and subject to the approval of the Board.
- (5) The Commission may require a capital cost contribution from developers and/or future users requiring extension or improvements of the Water, Wastewater or Stormwater System, the total amount of such capital cost contribution having a cost impact to the Commission which is neutral to the design, construction, financing and applicable overhead as prescribed by the Commission.
- (6) Cost factors to be used in calculating the capital cost contribution in subsection (5) shall include, but not be limited to the supply, storage, transmission, distribution, pressure control and fire protection requirements as required by the Commission from time to time.
- (7) The Commission will allocate capital costs in accordance with the Rates and Charges