

NOVA SCOTIA UTILITY AND REVIEW BOARD

IN THE MATTER OF THE PUBLIC UTILITIES ACT

- and -

IN THE MATTER OF AN APPLICATION by HALIFAX REGIONAL WATER COMMISSION for approval of adjustments to Rates for Stormwater Service and Rules and Regulations for Stormwater Service

BEFORE:



Peter W. Gurnham, Q.C., Chair
Murray E. Doehler, CPA, CA, P.Eng., Member
Steven M. Murphy, MBA, P.Eng., Member

ORDER

WHEREAS the Halifax Regional Water Commission ("HRWC") made application to the Nova Scotia Utility and Review Board ("Board") for approval of adjustments to Rates for Stormwater Service and Rules and Regulations for Stormwater Service ("Application");

AND WHEREAS after public notice, a hearing was held on February 14, 2017, and the Board issued its Decision on April 12, 2017;

AND WHEREAS the Board approved the changes to the Rules and Regulations to adjust the rates to reflect the Cost of Service Manual for Stormwater, approved by the Board on September 2, 2016, subject to a Compliance Filing by HRWC;

AND WHEREAS HRWC filed a Compliance Filing with the Board on April 28, 2017, Intervenor comments were received from Dartmouth Crossing Limited on May 12, 2017, with HRWC reply comments received on May 19, 2017;

AND WHEREAS by letter dated May 25, 2017, the Board requested HRWC file a revised Compliance Filing;

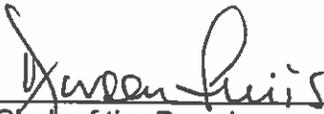
AND WHEREAS HRWC filed a revised Compliance Filing with the Board on June 5, 2017;

AND WHEREAS the Board finds that the June 5, 2017, Compliance Filing meets the requirements set out in the Board's April 12, 2017, Decision;

IT IS HEREBY ORDERED that the adjustments to Rates for Stormwater Service and Rules and Regulations for Stormwater Service effective July 1, 2017, attached hereto as Schedule A, are approved.

DATED at Halifax, Nova Scotia, this 9th day of June, 2017.

BY ORDER OF THE BOARD



Clerk of the Board

SCHEDULE "A"

RMH

**Amendments to the Halifax Regional Water Commission
Regulations made by the Nova Scotia Utility and Review
Board under Section 65 of Chapter 380 of the
Revised Statutes of Nova Scotia 1989, the
Public Utilities Act**

The Halifax Regional Water Commission Regulations made by the Nova Scotia Utility and Review Board by Order dated April 21, 2015 in Matter No. M06540, as amended, are amended as follows:

1. Section 3 is amended by adding immediately following clause (n) thereof the following:

(n1) "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.

2. Section 3 is further amended by adding immediately following clause (oo) thereof the following:

(oo1) "Right of Way Charge" means the charge imposed by the Regulations on HRM for the impervious area in the street right of way.

3. Section 3 is further amended by adding immediately following clause (qq) thereof the following:

(qq1) "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.

4. Section 7 of the Regulations is repealed and the following substituted therefor

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 10 m².

(2) a) Effective July 1, 2017, HRM shall pay annually to the Commission for the fiscal year commencing April 1, 2017, for Stormwater Service associated with the HRM owned Street Right of Way (ROW) the amount of \$3,846,611, which amount is composed of \$970,352 for the period April 1, 2017 to June 30, 2017, (\$3,881,408 x 3/12) and effective July 1, 2017, \$2,876,259 for the period July 1, 2017 to March 31, 2018 (\$3,835,012 x 9/12). This amount is calculated based on the Impervious Area within the HRM owned ROW.

b) 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 m² 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.

Tier	Tier Parameters (Based on Imperious Area m ²)		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 m² 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 properties 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.

5. Section 11 is amended by adding immediately following subsection (6) thereof the following:

(7) In the event, as a result of a decision respecting a Notice of Objection pursuant to subsection 7(10) or as the 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.