



THE CORPORATION OF THE
TOWN OF MIDLAND

QUESTIONS & ANSWERS

SEPTIC SYSTEM INSPECTION MAINTENANCE PROGRAM
under the *Building Code Act, 1992*

Why is the Town introducing an on-site sewage system re-inspection program?

Changes related to the on-site sewage provisions of the Building Code support two (2) Ministry of the Environment led initiatives, the *Clean water Act, 2006* (CWA) and the *South Georgian Bay Lake Simcoe Protection Plan* (SGBLSPP). These amendments are intended to contribute to a healthy Ontario through the protection of drinking water and enhance the protection of the natural environment.

How has the CWA influenced the creation of the on-site sewage maintenance inspection programs?

The CWA was developed as a result of Justice O'Connor's inquiry into the events at Walkerton and identifies improperly installed and/or poorly maintained septic systems as a potential threat to drinking water. The CWA included amendments to the *Building Code Act, 1992* (BCA) to establish a legislative framework for on-site sewage system maintenance inspections. These amendments provide the Province with authority to make regulations (through the Building Code) establishing and governing on-site sewage system maintenance inspection programs which must be administered by principal authorities (i.e., municipalities, health units and/or conservation authorities). The amendments also provide authority for principal authorities to establish on-site sewage system maintenance inspection programs on a discretionary basis.

How has the SGBLSPP influenced the creation of the on-site sewage maintenance inspection programs?

The SGBLSPP was established under the *Lake Simcoe Protection Act, 2008*, and strives to protect and restore the ecological health of the Georgian Bay watershed, including addressing septic systems that are inadequate or not functioning properly.

The SGBLSPP contains a policy which provides that the Ministry of Municipal Affairs and Housing and the Ministry of the Environment will develop a proposal for a regulation under the BCA, which would require maintenance inspections of on-site sewage

systems regulated under the BCA which are located within 100 metres of the Georgian Bay shoreline, other lakes and any permanent stream of Georgian Bay.

What does the regulation do?

The regulation establishes and governs mandatory on-site sewage system maintenance inspection programs to be administered by principal authorities. The regulation also governs discretionary maintenance inspection programs that principal authorities may establish.

Who would enforce these inspection programs?

Both the mandatory and discretionary programs would be enforced by the Town's Building Department. Presently, only properties within the mandatory areas will be inspected.

What do the mandatory inspection programs entail?

On-site evaluation of septic systems for break-outs (effluent bubbling out of the ground), foul smelling odour, erosion, poor grading, excessive vegetation. Obtain maintenance schedule (pump out report) from owner. Septic tank assessment (pump out report).

Where would the mandatory inspection program be required?

Inspections will be required in areas located within 100 metres of Georgian Bay, and to land located within 100 metres of other lakes or ponds and permanent rivers and streams in the Gregorian Bay watershed.

The mandatory inspection program would also be required in parts of "vulnerable areas" located in source protection areas identified through the source protection planning process under the CWA. The "vulnerable areas" are in the process of being determined by local source protection committees and will be identified in Source Protection Plans.

What are third party certificates?

Under the regulation, the Town will accept certificates from property owners as an alternative to conducting inspections under maintenance inspection programs. These certificates must be in a form approved by the Minister and be signed by a qualified person as set out in the regulation.

What happens if a system is identified as failing?

If an inspector inspects a system and identifies it as failing, the inspector may issue an Order to comply with the BCA or the Building Code. This order would specify the nature of the contravention and its location and the nature of the compliance that is required. The Order would also specify the amount of time the property owner would have to comply with the Order.

Who is responsible for funding the inspection programs?

The enforcement of the maintenance inspection programs is the responsibility of the principal authority administering the program. However, enforcement bodies have the option of charging fees in order to recover the costs associated with maintenance inspections.

What are the anticipated outcomes of this regulation?

The amendments relating to maintenance inspection programs will contribute to a healthy Ontario through the protection of the drinking water supply and will enhance the protection of the natural environment. The regulation also supports the implementation of the CWA and SGBLSPP.