

Section 1.10. Sewage System Maintenance Inspection Programs

1.10.1. Discretionary Maintenance Inspection Programs

1.10.1.1. Scope

(1) This Subsection governs, for the purposes of subsection 34(2.1) of the Act, *maintenance inspection programs* established under clause 7(1)(b.1) of the Act in respect of *sewage systems*.

1.10.1.2. Application and Inspections

(1) A *maintenance inspection program* referred to in Sentence 1.10.1.1.(1) shall apply to all *sewage systems* in the area affected by the *maintenance inspection program*.

(2) A *maintenance inspection program* referred to in Sentence 1.10.1.1.(1) shall provide that, subject to Article 1.10.1.3., an *inspector* shall inspect all *sewage systems* affected by the *maintenance inspection program* for compliance with the standards prescribed under clause 34(2)(b) of the Act in relation to *sewage systems* that are enforced by the program.

1.10.1.3. Certificate as Alternative to Maintenance Inspection

(1) A *principal authority* that establishes a *maintenance inspection program* in respect of *sewage systems* may, as an alternative to conducting an inspection of a *sewage system* required under Sentence 1.10.1.2.(2) accept a certificate described in Sentence (2) from the owner of the property on which the *sewage system* is located.

(2) The certificate referred to in Sentence (1) shall,

(a) be in a form approved by the *Minister*,

(b) be signed by a person described in Sentence (3), and

(c) confirm that the person,

(i) has conducted an inspection of the *sewage system* to which the certificate relates, and

(ii) is satisfied on reasonable grounds that, on the date on which the certificate is signed, the *sewage system* to which the certificate relates is in compliance with the standards prescribed under clause 34(2)(b) of the Act in relation to *sewage systems* that are enforced by the *maintenance inspection program*.

(3) Subject to Sentence (4), the following persons are authorized to sign a certificate referred to in Sentence (1):

(a) a person registered under Article 3.2.4.2. in the class of registration set out in Column 1 of Item 10 of Table 3.5.2.1.,

(b) a person registered under Article 3.3.3.2.,

(c) an *architect*,

(d) a *professional engineer*.

(4) A person shall not sign a certificate referred to in Sentence (1) if the person would be in a conflict of interest.

(5) For the purposes of Sentence (4), a person would be in a conflict of interest if the person, or an officer, director, partner or employee of the person (where the person is a corporation or partnership), or any person engaged by the person to perform functions for the person,

(a) has participated or participates, in any capacity, in *design activities* or *construction* relating to any part of the *sewage system* to which the certificate relates,

(b) is or has been employed within the previous 180 days by a person who carried out *design activities* or *construction* relating to any part of the *sewage system* to which the certificate relates,

- (c) has a professional or financial interest in,
 - (i) the *construction* of the *sewage system* to which the certificate relates,
 - (ii) the *sewage system* to which the certificate relates, or
 - (iii) the person responsible for the design of the *sewage system* to which the certificate relates, or
- (d) is an elected official, officer or employee of a *principal authority*.

1.10.2. Mandatory Maintenance Inspection Program

1.10.2.1. Scope

- (1) This Subsection establishes and governs, for the purposes of subsection 34(2.2) of the Act, a *maintenance inspection program* in respect of standards prescribed under clause 34(2)(b) of the Act in relation to *sewage systems*.

1.10.2.2. Administration of Maintenance Inspection Program

- (1) The *principal authority* that has jurisdiction in an area affected by the *maintenance inspection program* established under Sentence 1.10.2.3.(1) shall administer the program for that area and shall conduct inspections under the program in accordance with this Subsection.

1.10.2.3. Maintenance Inspection Program

- (1) Subject to Article 1.10.2.5., an *inspector* shall inspect all *sewage systems* located in whole or in part in the areas set out in Sentence (2) for compliance with the requirements of Section 8.9. of Division B.
- (2) The areas referred to in Sentence (1) are:
 - (a) the strip of land that is located along the *Lake Simcoe shoreline* and that is 100 m wide measured horizontally and perpendicular to and upland from the *Lake Simcoe shoreline*, except for the portions of the strip of land that are described in Sentence (3), and
 - (b) areas within a *vulnerable area* that are located in a *source protection area* and that are identified in the most recent of the following documents as the areas where an activity described in Sentence (4) is or would be a *significant drinking water threat*:
 - (i) the assessment report for the *source protection area*, as initially approved under the *Clean Water Act, 2006* or as most recently approved following any updating under that Act, or
 - (ii) the *source protection plan* for the *source protection area*, as initially approved under the *Clean Water Act, 2006* or as most recently approved following any amendments or reviews under that Act.
- (3) The excepted portions of the strip of land along the *Lake Simcoe shoreline* referred to in Clause (2)(a) are:
 - (a) that portion of the strip of land in the geographic Township of Oro, now in the municipal Township of Oro-Medonte, in the County of Simcoe, and in the geographic Townships of Innisfil and Vespra, now in the City of Barrie, being bounded on the north by the east limit of Lot 1, Concession 1 East Penetanguishene Road of the said geographic Township of Oro and its southerly prolongation and on the south by the east limit of Lot 14, Concession 13 of the said geographic Township of Innisfil and its northerly prolongation,
 - (b) that portion of the strip of land in the geographic Townships of North Gwillimbury and Georgina, now in the Town of Georgina, and in the geographic Township of East Gwillimbury, now in the Town of East Gwillimbury, all in The Regional Municipality of York, being bounded on the west by the west limit of Lot 6, Concession 1 of the said geographic Township of North Gwillimbury and its northerly prolongation and on the east by the east limit of Lot 3, Concession 8 of the said geographic Township of Georgina and its northerly prolongation, and
 - (c) that portion of the strip of land in the geographic Township of Mara, now in the municipal Township of Ramara, in the County of Simcoe, and in the geographic Township of Thorah, now in the municipal Township of Brock, in The Regional Municipality of Durham, being bounded on the north by the west limit of Lot 13, Concession C of the said geographic Township of Mara and its southerly prolongation and on the south by the west limit of Lot 14, Concession 6 of the said geographic Township of Thorah and its northerly prolongation.

(4) The activity referred to in Clause (2)(b) is an activity that is subject to the Act and that is described in paragraph 2 of subsection 1.1(1) of Ontario Regulation 287/07 (General) made under the *Clean Water Act, 2006*.

1.10.2.4. Time Periods for Maintenance Inspections

(1) An inspection required under Sentence 1.10.2.3.(1) shall be conducted in respect of a *sewage system* in an area described in Clause 1.10.2.3.(2)(a),

- (a) initially, no later than,
 - (i) January 1, 2016, in the case of a *sewage system constructed* before January 1, 2011, or
 - (ii) five years after the *construction* of the *sewage system*, in the case of a *sewage system constructed* on or after January 1, 2011, and
- (b) thereafter, every five years after the most recent inspection of the *sewage system* has been conducted.

(2) An inspection required under Sentence 1.10.2.3.(1) shall be conducted in respect of a *sewage system* in an *area affected by a significant drinking water threat*,

- (a) initially, no later than,
 - (i) five years after the date on which notice of the approval of one of the following documents is published on the environmental registry under the *Clean Water Act, 2006*, in the case of a *sewage system constructed* before the date of publication,
 - (A) the assessment report for the *source protection area*, if the *source protection plan* is one prepared under section 22 of the *Clean Water Act, 2006*, or
 - (B) the *source protection plan* for the *source protection area*, if the *source protection plan* is one prepared under section 26 or 33 of the *Clean Water Act, 2006*, or
 - (ii) five years after the *construction* of the *sewage system*, in the case of a *sewage system constructed* on or after the date of publication, and
- (b) thereafter, every five years after the most recent inspection of the *sewage system* has been conducted.

(3) If additional *areas affected by a significant drinking water threat* are identified for a *source protection area* after the date of publication referred to in Clause (2)(a), an inspection required under Sentence 1.10.2.3.(1) shall be conducted in respect of a *sewage system* in those additional areas,

- (a) initially, no later than,
 - (i) five years after the following date of approval or publication, as applicable, in the case of a *sewage system constructed* before that date,
 - (A) the date of approval under section 19 of the *Clean Water Act, 2006* of the updated assessment report in which the additional areas are identified, or
 - (B) the date of publication on the environmental registry under the *Clean Water Act, 2006* of notice of the approval of the amended or updated *source protection plan* in which the additional areas are identified, or
 - (ii) five years after the *construction* of the *sewage system*, in the case of a *sewage system constructed* on or after the date of approval or publication, as applicable, and
- (b) thereafter, every five years after the most recent inspection of the *sewage system* has been conducted.

1.10.2.5. Certificate as Alternative to Maintenance Inspection

(1) The *principal authority* that administers the *maintenance inspection program* established under Sentence 1.10.2.3.(1), may, as an alternative to conducting an inspection of a *sewage system* required under Sentence 1.10.2.3.(1), accept a certificate described in Sentence (2) from the owner of the property on which the *sewage system* is located.

(2) The certificate required by Sentence (1) shall satisfy the requirements of Sentence 1.10.1.3.(2) and for these purposes Sentences 1.10.1.3.(3) to (5) apply with necessary modifications.