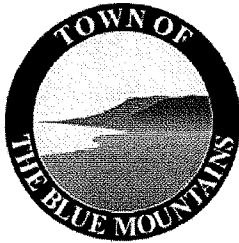


STAFF REPORT: BUILDING & BY-LAW DEPARTMENT



REPORT TO: Finance & Administration
Committee

MEETING DATE: December 16th, 2008

REPORT NO.: SRB.08.68

SUBJECT: Assumption of On-Site Sewage
System Permits & Inspections

PREPARED BY: Greg Miller, Deputy Chief
Building Official

A. Recommendations

THAT Council receive Staff Report SRB.08.68 respecting the assumption of on-site sewage systems permits and inspections and do support the Town's assumption of same commencing January 1, 2010.

B. Background

1. Services within the Town related to the inspections and permits of on-site sewage systems regulated by the *Building Code Act* and Ontario Building Code ("OBC") are currently provided by the Grey Bruce Health Unit ("GBHU") by way of an agreement with the Town, as authorized by Sec. 6.2(1) of the *Building Code Act*.
2. The Agreement at Sec. 7.01, stipulates one (1) year written notice by either party to terminate the Agreement.
3. On-site sewage systems are regulated under Part 8, Div. A of the 2006 OBC. This applies to the design, construction, operation and maintenance of sewage systems up to a daily design flow of 10,000 litres.
4. Currently, residents and/or their agents are required to obtain a permit for an on-site sewage system via the GBHU office in Owen Sound.
5. Further, prior to issuance of a building permit by the TBM Building Division, approval is required from the GBHU where an on-site sewage system will be required to be installed. Typically, our initial correspondence identifies that a permit from the GBHU is required or outstanding prior to building permit issuance. This typically delays the issuance of the building permit.
6. In addition, where the public have any questions or inquires relating to on-site sewage systems they are required to contact the GBHU for further

information. The OBC requires practitioners to be qualified where reviewing projects or giving advice relating OBC requirements.

7. A single permit system would allow a person to submit a permit application for a new dwelling requiring an on-site sewage system and the said application would be reviewed at the same time as the dwelling. This process would take us a step closer to a "one-window" system and would enhance our service to customers. Furthermore, this will allow greater control in our turn-around time.
8. Where an applicant chooses to submit an application separately for their on-site sewage system prior to obtaining a permit for the main house the Building Division will have this on record and confirmation of same would not be required from another agency.
9. Permits and inspections are the business of the Building Division and therefore, this service can be easily incorporate into our current Building Code Program with no major impact to staff or budget. Our current business practices including application review, inspections and record keeping can be utilized. Inspections requests will be through our office similar to any other permit.
10. Additional permit guides, checklists, information and forms will be required to be developed, however, this can be easily obtained from other municipalities and the Ministry of Municipal Affairs and Housing ("MMAH").
11. It is noted that for many sewage systems, a written agreement for the disposal of the sanitary sewage is required. A building permit will not be issued until such agreement is in place. Furthermore, these agreements will be required to be kept on record and will be continuously updated by the Building Division. Our current computer database program will assist us in record keeping and triggering correspondence to request for updated agreements.
12. As we move forward, we will have to be cognizant of the requirements for maintenance agreements as required by Div. A, 8.9 of the 2006 OBC. In addition, this past fall the MMAH had public consultations with respect to amendments to the OBC regarding administrative requirements for discretionary maintenance programs for existing sewage systems. The proposed changes would assist authorities having jurisdiction to design maintenance inspection programs as required by Div. A, 8.0 of the OBC. Alternatively, third party certificates may be acceptable provided compliance with the OBC has been confirmed. It is noted that discretionary maintenance programs will not be in force until a source protection plan for a given area is approved by the Minister of the Environment.

13. The *Building Code Act* was amended as a result of Justice O'Connor's report and the Clean Water Act, 2006. The CWA amended the BCA to authorize inspectors to enter upon land at any time to conduct a maintenance inspection as per BCA 15.10.1(1). Where an on-site sewage system is not maintained or operated in accordance with the *Building Code Act* this constitutes a system as unsafe. Further prosecution is authorized under the Act.
14. If Council proceeds as recommended, it is recommended that all on-site sewage related records be obtained from the GBHU. A review of these files would be completed based on the following:

High Risk	No Record of approved system Sewage system greater than 20 years
Moderate Risk	Approved sewage system between 10 and 20 years old.
Low Risk	Approved sewage system is less than 10 years old.

15. From a risk management prospective, a proactive re-inspection program will then be formed to establish current conditions of on-site sewage systems located within the Town and to determine unsafe systems. Properties identified as high risk would take precedence and then medium to low risk.
16. Notification to property owners of the re-inspection program would be required in addition to a cost recovery fee for the inspection. The re-inspection program would take place during non-winter months. Successful re-inspection programs are being completed by the Town of Gravenhurst and the Township of Archipelago.
17. Information gathered from historic records and future on-site sewage systems can be integrated with the Town's GIS system. This would further identify systems within potential high risk areas such as rivers and wells.
18. The Building Dept. currently have 2 staff members that are qualified by MMAH. Additional staff will be required to obtain the necessary MMAH qualifications relating to on-site sewage systems as required by Div. C Part 3 of the 2006 OBC. The per person costs associated with this are:

<i>Self Study Manuals</i>	3 x \$80 = \$240
<i>MMAH Examination Fee</i>	3 x \$80 = \$240
<i>MMAH Application fee</i>	3 x \$80 = <u>\$240</u>

\$720

19. Training can be done in house as Greg Miller, Deputy CBO, is a registered facilitator with the MMAH. Typically this is a five (5) day course; however,

doing this in-house will provide a flexible work schedule and still maintain permit and inspection services

20. Attached are records obtained from the GBHU for 2008 YTD, 2007 and 2006. Based on these figures, the average for the past three (3) years are 47 on-site sewage permits with corresponding revenue of \$21,750.00.

21. A comparison of fees collected by municipalities and the GBHU are shown below:

Building Permit Fee Comparison

Private Sewage System Permits and Inspections	Municipality				
	Grey Highlands	West Grey	Township of Chatsworth	Bradford West Gwillimbury	GBHU
New or Replacement Class 2 or 3 System	\$200.00	\$400.00*	\$165.00	\$579.00	\$250.00
New or Replacement Class 4 or 5 System	\$550.00	\$400.00*	\$385.00	\$579.00	\$525.00
Septic Tank Replacement Class 4 or 5 System	\$414.00	\$400.00*	\$192.50	\$414.00	\$200.00
Leaching Field Replacement/Repairs Class 4 System	\$414.00	N/A	N/A	\$414.00	\$200.00
Compliance Letter (Sewage System Related)	\$50.00	\$50.00	\$55.00	\$63.00	\$125.00

*Flat fee includes new or replacement systems, tank replacement only, leaching bed repair, alterations.

22. Given the above, the Building Department is recommending that Council enact an amending By-law to establish fees substantially in accordance with the rates currently collected by the GBHU and the rates in effect upon termination of this agreement on December 31, 2009.

23. This will allow a transition for stakeholders in so far as to not immediately increase fees and will allow the Building Dept. to review same for determination of reasonable costs. In accordance to the Building Code Act, "the total amount of fees must not exceed the anticipated reasonable costs..."

C. The Blue Mountains' Strategic Plan

Goal Providing a strong, well managed municipal government.

D. Environmental Impacts

N/A

E. Budget Impact (cc: Treasury if required)

Collected revenues will offset costs.

F. Attached (Relevant documentation not personal information about an identifiable person)

- A. MMAH Background Information on On-Site Sewage Systems and OBC.
- B. Grey Bruce Health Unit Summary of Fees Collected 2006-2008 YTD.

Prepared by:

Respectfully submitted:

Greg Miller
Deputy Chief Building Official

David Finbow
Director, Building & By-law/CBO



Publications

[Home](#) / [Publications](#) / [2008 Consultation: Residential Fire Sprinklers & On-site Sewage Systems](#) / Part 3

Residential Fire Sprinklers & On-site Sewage Systems: A Consultation on Proposed Changes to Ontario's Building Code

PART 3

Background Information on On-site Sewage Systems and Ontario's Building Code

There are an estimated 1.2 million on-site sewage systems in Ontario. When properly designed, installed and maintained in accordance with the Building Code, on-site sewage systems contribute to safe drinking water and protect the environment.

In 1998, the Building Code was amended to establish standards for new and renovated on-site sewage systems for houses and small buildings where the systems are contained on one lot and have a daily design sewage flow of not more than 10,000 litres per day. Other larger and more complex systems are regulated under the Ontario Water Resources Act administered by the Ministry of the Environment.

The Building Code regulates the construction, installation, repair, alteration and extension of on-site sewage systems. The Code classifies sewage systems as follows:

- Class 1 — a chemical toilet, an incinerating toilet, a recirculating toilet, a self-contained portable toilet and all forms of privy including a portable privy, an earth pit privy, a pail privy, a privy vault and a composting toilet system;
- Class 2 — a greywater system;
- Class 3 — a cesspool;
- Class 4 — a leaching bed system; and
- Class 5 — a system that requires or uses a holding tank for the retention of hauled sewage at the site where it is produced prior to its collection by a hauled sewage system.

The Building Code also contains operation and maintenance requirements for on-site sewage systems. In particular, the Code requires that all on-site sewage systems be operated and maintained to prevent breakout of effluent to the surface, leakage from any component of the system, or leakage into ground water or surface water. Moreover, sewage systems must be operated in accordance with the basis on which their construction was approved and the manufacturer's requirements.

There is great variety within the Class 4 category, which represents the most common type of small, on-site sewage system in Ontario. However, most Class 4 systems include a septic tank and leaching bed, and rely on gravity to move effluent through its components.

Some Class 4 systems contain additional components such as pumps, filters and secondary and tertiary treatment units. Under the Building Code, a Class 4 system that incorporates a tertiary treatment unit may be designed with a specific type of trench-based absorption system known as a shallow buried trench. In addition, other Class 4 systems utilizing certain tertiary treatment units may be designed with a bed-type absorption system known as an "area bed".

Standards for "area bed" systems, however, are not set out in the Building Code, but their use has been authorized by the Building Materials Evaluation Commission (BMEC).

The BMEC is a regulatory body authorized under the Building Code Act, 1992, whose mandate is to evaluate new and innovative construction materials, systems and designs for use in construction in Ontario. Since 1998 the BMEC has issued eight separate "area bed" authorizations for use in construction in Ontario. (Authorizations of the BMEC are available on the Building Code website at www.ontario.ca/buildingcode.)

Under the Building Code Act, 1992 and Building Code enforcement of the on-site sewage provisions of the Act and Code is carried out by principal authorities (municipalities, health units and conservation authorities).

What Changes are Proposed for On-Site Sewage Systems?

This consultation paper proposes two types of Building Code amendments related to on-site sewage systems:

- Administrative requirements for maintenance inspections (re-inspections) of on-site sewage systems; and
- Technical requirements for area beds.

1) Administrative Requirements for Maintenance Inspections

In response to the events in Walkerton of 2000, the Government of Ontario appointed a public inquiry, which resulted in Justice Dennis O'Connor's report in 2002. The report concluded that drinking water should be protected at its source through a coordinated planning process. Among other matters, improperly installed and poorly maintained septic systems were identified as a potential threat to drinking water.

In response to Justice O'Connor's report, the government introduced the Clean Water Act, 2006, which was proclaimed in force on July 3, 2007. This legislation permits communities to protect their municipal drinking water supplies by creating multi-stakeholder committees that are required to develop collaborative, locally driven, science-based protection plans. These committees will identify potential risks to local water sources and identify actions to be taken to reduce or eliminate these risks.

The Clean Water Act, 2006 included complimentary amendments to the Building Code Act, 1992, concerning maintenance inspection programs for on-site sewage systems.

These amendments authorize regulations to establish programs to enforce the Building Code's standards for the maintenance and operation of existing sewage systems, and to require that these programs be enforced by principal authorities.

It is proposed that required maintenance inspection programs would apply to sewage systems located in prescribed areas. These areas are anticipated to be a subset of the "vulnerable areas" identified in an assessment report included in a source protection plan subject to posting on the environmental registry in accordance with section 30 of Clean Water Act, 2006. The method of delineating these areas will be set out in future technical rules under the Clean Water Act, 2006.

Questions related to the Clean Water Act, 2006 and source protection plans can be directed to:

"Ask the Expert" at source.protection@ontario.ca

Source Protection Programs Branch
Ministry of the Environment
8th Floor, 2 St Clair Ave W
Toronto, ON, M4V1L5

The amendments to the Building Code Act, 1992 also authorize principal authorities to establish "discretionary" maintenance inspection programs for existing sewage systems. These programs would be subject to provisions under the Building Code.

The amendments to the Building Code Act, 1992 authorize principal authorities to pass by-laws, regulations or resolutions governing both types of programs.

The amendments to the Building Code Act, 1992 also provide for the Building Code to authorize principal authorities to accept a certificate ("third party certificate"), as an alternative to conducting an inspection, confirming that a sewage system has been inspected and found to comply with the applicable Building Code standards.

This consultation paper proposes that changes be made to the Building Code to establish the following details related to required and discretionary maintenance inspection programs:

- Classes of sewage systems affected;
- Areas affected;
- Qualifications of inspectors;
- The frequency of inspections; and
- Requirements related to third party certificates.

The purpose of the proposed standards for maintenance inspections is to assess compliance with Section 8.9, Operation and Maintenance, of the Building Code in respect of existing on-site sewage systems. These proposed administrative amendments are intended to assure compliance with Section 8.9 in order to better support the Code's health and safety and environmental integrity objectives.

This consultation paper proposes a maintenance inspection methodology for possible inclusion as an Appendix Note to the Building Code. This methodology could be considered by principal authorities when designing maintenance inspection programs for on-site sewage systems.

Transition

The Building Code requirements related to discretionary maintenance inspection programs are proposed to come into force on January 1, 2009.

The required programs will not be in force until a source protection plan for a given area is approved

by the Minister of the Environment. The plans are required under O. Regulation 285/07 made under the Clean Water Act, 2006, and are anticipated to be submitted to the Minister of the Environment by 2012.

2) Technical Requirements for Area Beds

The Ministry is also seeking comments on proposed technical changes to Part 8 of Division B in respect of the design and construction of area bed on-site sewage systems.

Area beds are a soil absorption system used in conjunction with an on-site sewage system that includes a tertiary treatment unit listed in the supplementary standards (SB-5) to the Building Code. Area beds are designed to further treat and disperse effluent within the soil. They are comprised of a stone layer situated on top of a sand layer and may be installed in or on soil.

The Building Code does not presently contain specific requirements relating to the design and construction of area bed systems. The Ministry is proposing to establish area bed requirements in the Building Code.

Specifically, the proposed construction requirements for area beds include:

- Their size or footprint;
- Sizing the stone and sand layers and when a "mantle" of imported fill is necessary;
- Their thickness and the type of sand used;
- Means of ensuring proper distribution of effluent; and
- Maintenance and testing.

Transition

The proposed Building Code requirements related to area bed systems are proposed to come into force upon filing.

[Part 2 - Residential Fire Sprinklers](#)

[Part 4 - Comment Submission](#)



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Last Modified: February 15, 2008

11/21/2008 B

Town of the Blue Mountains

2006		
Permit/Application Type	Total Issued	Revenue/Fees Collected
Replacement System	2	\$ 720.00
Class 4 Repair	1	\$ 200.00
Class 4 Tank Only	1	\$ 150.00
New Residential Systems	52	\$ 23,400.00
New Non Residential Systems	0	\$ -
Total Septic Permits	56	\$ 24,470.00
Building Alteration/Change of Use Residential	25	\$ 2,250.00
Building Alteration Change of Use-Non Residential	0	\$ -
Total Building Alteration/Change of Use	25	\$ 2,250.00
Zoning Apps	9	\$ 1,400.00
Severences	16	\$ 2,000.00
Minor Variances	6	\$ 750.00
Niagara Esc. Commission	4	\$ 500.00
Total		\$ 31,370.00

2007		
Permit/Application Type	Total Issued	Revenue/Fees Collected
Class 4 Bed Repair	1	\$ 200.00
Class 4 Tank Only	2	\$ 400.00
New Residential Systems after Bldg Alt application	2	\$ 800.00
New Residential Systems	39	\$ 20,475.00
New Non Residential Systems	1	\$ -
Total Septic Permits	45	\$ 21,875.00
Building Alteration/Change of Use Residential	14	\$ 1,750.00
Building Alteration Change of Use-Non Residential	0	\$ -
Total Building Alteration/Change of Use	14	\$ 1,750.00
Zoning Apps	11	\$ 475.00
Severences	13	\$ 1,625.00
Minor Variances	11	\$ 1,375.00
Niagara Esc. Commission	3	\$ 375.00
Total		\$ 27,475.00

2008 Year to Date		
Permit/Application Type	Total Issued	Revenue/Fees Collected
Class 2 System	1	\$ 250.00
Class 4 Bed Repair	2	\$ 400.00
New Residential Systems	33	\$ 17,325.00
New Residential Systems after Bldg Alt Application	2	\$ 800.00
New Non Residential Systems	1	\$ -
Application Renewal/Bed Repair	2	\$ 150.00
Total Septic Permits	41	\$ 18,925.00
Building Alteration/Change of Use Residential	20	\$ 2,500.00
Building Alteration Change of Use-Non Residential	0	\$ -
Total Building Alteration/Change of Use	20	\$ 2,500.00
Zoning Apps	10	\$ 650.00
Severences	13	\$ 1,625.00
Minor Variances	7	\$ 875.00
Niagara Esc. Commission	4	\$ 500.00
Total		\$ 25,075.00

TBM-Septic data for 06-07-08ytd, 11/21/2008

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