

Sewerage System Regulation

Introduction and Background

The Sewerage System Regulation (SSR) replaced the former Sewage Disposal Regulation in 2005. The primary function of the SSR is to:

- prevent the contamination of drinking water and groundwater by sewage;
- prevent human and animal contact with sewage or sewage effluent; and
- prevent public exposure to sewage-borne disease agents such as hepatitis, amebiasis, E. coli and typhus.

The Sewerage System Regulation deals with small, onsite sewage systems, primarily servicing single-family dwellings, and differs from the former Sewage Disposal Regulation in the following key areas in that it:

- replaces health-authority-directed regulation with industry-focused outcome-based accountability;
- replaces a prescriptive approach with an outcome-based approach;
- removes the requirement for permits, and relies on the filing of plans;
- incorporates a professional reliance model with training and certification of industry practitioners;
- provides flexibility for emerging technology by substituting prescription with practice standards; and
- provides clear outcome standards for system performance through the *Sewerage System Standard Practice Manual*.

Issues of Concern

Over the past few years, local government and homeowners have raised concerns about the Sewerage System Regulation. The concerns noted by the Union of BC Municipalities include:

- increased cost to homeowners;
- lack of practitioners and professionals;
- indeterminate accountability and liability; and
- lack of communication.

To address these issues, the *Memorandum of Understanding Regarding Sewerage System Regulation Implementation Challenges for Local Governments* between the Union of BC Municipalities, the Ministry of Healthy Living and Sport (MHLs) and the Ministry of Community and Rural Development was signed in September 2008. Significant progress in addressing these challenges has been made by MHLs over the past year.

Sewerage System Regulation Working Group

The UBCM Sewerage System Regulation Working Group (SSRWG) has been established as a result of the memorandum of understanding. It meets periodically to discuss options and review directions towards meeting the action plan.

Members of the SSRWG include:

- Chair: Marvin Hunt, Councillor, City of Surrey; UBCM Past President
- Al Richmond, Director, Cariboo Regional District
- John Kettle, Director, Regional District of Central Kootenay
- Tim Lambert, Executive Director, Health Protection, B.C. Ministry of Healthy Living and Sport
- Glen Brown, Executive Director, Local Government Infrastructure and Finance, B.C. Ministry of Community and Rural Development

On February 29, 2008, the SSRWG developed a 17-point action plan outlining key actions to deal with concerns raised. Many of the items have been addressed. However, several outstanding issues remain, and MHLS is leading the work to address these items.

MHLS is working towards enhancements to the onsite sewage system in partnership with a number of organizations, primarily the Applied Science Technologists and Technicians of British Columbia (ASTTBC).

Specific work as part of a regulatory review is ongoing as follows:

1) Increased Cost to Homeowners

- Homeowner "self-installations" under the supervision of a qualified professional will be allowed so that installation costs can be reduced. Regulatory changes will be considered to enable this option.
- A third-party, independent oversight system through audits provided by the ASTTBC is under development to help prevent "overbuilding" of systems. A central filing registry is also being considered to support this work. There are a number of additional benefits to this system, including improved source water reporting, increased public access to information, and more thoroughly reviewed system filings. Auditing protocol can include spot checks (random audits), or targeted audits (based on industry practitioner "track record"). Field audits would ensure that system construction is consistent with the plans filed for the system, and also help reduce the incidence of premature system failure.
- A potential program for replacing old sewage systems to help offset costs of upgrading systems is under consideration.

2) Availability of Practitioners and Professionals

- MHLS is working with ASTTBC to carry out the following:
 - Certify additional practitioners from other provinces under the Trade, Investment and Labour Mobility Agreement (TILMA) and the Agreement on Internal Trade (AIT). ASTTBC has initiated the process; certification of a number of practitioners from Alberta has been completed.
 - Increase access to training.

- MHLS has been working with ASTTBC and the BC OnSite Sewage System Association (BCOSSA) on a mentorship program and funding support to increase Registered Onsite Wastewater Practitioner (ROWP) availability in remote areas.

BCOSSA has revised its training syllabus and posted additional training times to increase training accessibility and practitioner availability. Distance training will be explored to service students living in remote areas.

3) Accountability and Liability

- A third-party, independent oversight system through audits of filings and installations is under development to enhance practitioner accountability. Provisions for access to private property will be addressed as part of the audit and inspection process.
- Errors and omissions insurance is now available for Registered Onsite Wastewater Professionals and a mandatory liability-insurance program is being considered.
- A centralized filing registry is under consideration, which would provide better reporting and control than the current filing system. The registry could be linked with the land-title search systems (e.g., BC OnLine) to improve consumer access and awareness. Furthermore, this registry could be funded through a filing fee charged by the registrar per applicant, which would replace the fee being charged by the regional health authorities for the current filing process. Regulatory amendments to support this are being considered. Benefits of this system include:
 - better reporting on source water protection;
 - access to important information by the homeowner and public;
 - provision of information for real estate transactions; and
 - facilitation of the file-auditing process, thereby decreasing the incidence of illegal systems.
- Development and implementation of a consumer awareness-and-protection program is underway. It includes:
 - an online consumer-information resource centre;
 - a consumer-information hotline;
 - a complaints process available on a website;
 - requirements for authorized persons to provide rationale to homeowners for design recommendations, especially for the more expensive systems;
 - a potential mechanism by which homeowners are required to provide documentation of the sewerage system upon the sale of their home; and
 - access to all the necessary ROWP-client contract-document templates intended to prevent any misunderstandings. These include:
 - a contract to Plan and Install a Sewerage System (which outlines ROWP and homeowner responsibilities, timelines and costs);
 - Property Owner's Declaration, Specifications regarding the proposed sewerage system, and copies of key filing documents; and
 - provision of the necessary rationale for homeowners, documenting why an engineered system may be required for their property.

4) Communication

- MHLS is planning a communications strategy for educating local governments and stakeholders about policy and regulatory changes that result from the current review of the Sewerage System Regulation.
- Outreach to gather further input and participation in the regulatory review is underway.
- A public-information website may help reduce the number of illegal installations due to increased homeowner awareness. The website could include:
 - the responsibilities of both homeowners and installers;
 - the key considerations for the protection of health and the environment;
 - questions homeowners should ask the installer to gain an understanding of what type of system is appropriate for their particular circumstances;
 - information for disclosure of filing upon sale of home;
 - a risk-based questionnaire which addresses the issues and considerations for homeowners contemplating “self-installation.” Details regarding available parcel sizes and setbacks from watercourses and other obstacles would be required information to determine the associated level of risk and type of system required. This risk-based component would ultimately help the homeowner determine whether “self installation” is feasible; and
 - links to other information websites (for example, information about system types, costs, and Standard Practice Manual Qs & As).
- The following is under development:
 - a concept for a regular newsletter for practitioners, a member forum and a “members only” page on the ASTTBC website; and
 - a program to monitor and advise on the availability of Registered Onsite Wastewater Practitioners throughout British Columbia.

Summary

Enhancements to the onsite sewage-management system in B.C. are underway to address a number of stakeholder issues raised since the inception of the Sewerage System Regulation in 2005. This work is being conducted under a memorandum of understanding with the UBCM, the Ministry of Community and Rural Development, and the Ministry of Health Living and Sport.

The Ministry of Health Living and Sport is working with the Applied Scientists, Technologists and Technicians of B.C. to enhance Registered Onsite Wastewater Practitioner accountability and availability. Other improvements to the system will help mitigate costs to homeowners, as well as improve communication to ensure the system is understood and accessible to the public. Amendments to the Sewerage System Regulation may be required to support these enhancements.

For more information, contact:

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