



## **MOE - Septic Systems and Hauled Sewage Regulation Changes**

The Services Improvement Act (formerly Bill 152) has changed the way septic systems and hauled sewage are regulated. Most septic systems are now regulated under the Building Code Act. Large and off-lot (e.g. communal) systems are defined as sewage works and come under the Ontario Water Resources Act. The definition of hauled sewage in Regulation 347 of the Environmental Protection Act has also been changed and haulers of septic waste now require a certificate of approval from the Ministry of the Environment.

### Septic Systems and Hauled Sewage Regulation Changes - Questions and Answers

**1 Now that the septic program has been moved to the building code, where do I obtain an approval to install a septic system?**

In southern Ontario the responsibility rests with the chief building official in your municipality. However, the legislation does make provisions for this work to be done by another agent in certain cases. You should check with your local building department to find out who is responsible in your area. In Northern Ontario most of the former delivery agents (health units and conservation authorities) will continue to deliver the program.

**2 I have a septic system approval under the present legislation, but haven't started construction yet. How do these changes affect me?**

If you have obtained your certificate of approval (C of A) before April 6, 1998 and you have begun construction before October 5, 1998 the agent who issued your C of A will complete the process and issue the use permit when the system is completed in accordance with the present C of A. After October 5 people constructing septic systems will need to apply for an approval under the building code.

**3 I have submitted an application for a C of A for a septic system and paid my fee, but haven't received it. How do these changes affect me?**

If your C of A was not issued by April 6, 1998 your application will become invalid and you will need to reapply under the new process unless it is a large or an off-lot system.

**4 Will I get my fee back?**

Fees are administered by the delivery agent to whom you applied. You should contact that agent with respect to any fees you have paid.

**5 Are all septic systems now approved by the building authority?**

No. If you are proposing a system that is larger than 10,000 l/day, or is not fully contained on the property, it will now be reviewed as a sewage works by the Approvals Branch of the Ministry of the Environment (MOE) under the *Ontario*

*Water Resources Act.*

**6 How will I know how big the system I require is and to whom I should apply for my C of A?**

If the system you are installing is for a normal single residence, your system is most likely less than 10,000 l/day. Approval will be a municipal responsibility. If you are proposing a system for an apartment building, commercial facility or similarly large building, you should review your proposal with the local building department, which can estimate the size of system you need and determine whether it is a building code or MOE approval.

**7 I don't understand why all septic systems are not the responsibility of one agency. Why do I have to worry about going to two places?**

It is estimated that fewer than one per cent of septic systems are greater than 10,000 l/day. These systems are more environmentally sensitive and do not lend themselves to the building code model. The average business or homeowner will be working with the municipality or its delivery agent.

**8 My property is in an unorganized area in Northern Ontario; from whom do I get my C of A?**

Northern Ontario issues are being addressed separately and decisions have not yet been made. For the immediate future, the legislation provides for the existing delivery agents, in most cases, to continue to deliver the septic program. If you are not sure who this is in your area contact the Ministry of Municipal Affairs and Housing.

**9 I'm in the business of installing septic systems and currently hold a Class 1 licence. How do these changes affect me?**

The certification and licensing of installers are now part of the building code. You should check with the Ministry of Municipal Affairs and Housing.

**10 I am a licensed septic hauler under the existing regulations. What effect will these changes have on my business?**

Since April 6, 1998 Part VIII of the Environmental Protection Act, and Ontario Regulation 358 (Sewage Systems) have not been law. The regulation of hauled sewage has become part of the *Environmental Protection Act*, Part V, which is the legislation that controls waste management.

**11 Is my licence still valid under this new legislation?**

No. Your licence will need to be replaced with a C of A for a waste management system for hauled sewage. A regulation is proposed that will allow current, valid Class 2 licences holders to have their licences converted to the necessary C of A's. You will be required to provide some basic information to the ministry for this changeover to take place.

**12 Are my old licence and the new C of A the same?**

No. Your existing licence allowed you to operate a business. The new C of A is for the system itself. It will cover the business, equipment, hauled sewage sites and how the system is operated.

**13 This sounds complex; what does a C of A involve?**

The C of A will replace your existing licence when you provide the necessary information to the ministry. This information will be explained in the regulation. The C of A will be similar to any other C of A issued for waste management systems and will contain a number of conditions that provide the details of how your system should be operated. Many are general and are applied to all waste management systems; others will cover the hauled sewage specifically.

**14 I have approval already for my sites. How will they be affected by these changes and the C of A?**

If your current sites have a valid C of A under Part VIII under the new legislation they can continue to be used under Part V, provided that the conditions on the Cof A are met. Your new C of A will contain a schedule confirming this. In time, however, this schedule will need to be replaced with a schedule that provides details on each site. The procedures to do this are still being developed and will be provided when finalized.

**15 Under the existing system my licence and site approvals are separate processes; will this be the case under the new system?**

In the new process you will have a single C of A that will cover both your system and your sites. The system C of A will be issued by the Approvals Branch and will include the sites, as a schedule to the certificate.

If you are adding a new site to an existing system certificate you will do this by having the site schedule revised. This will be done at the local MOE district office in the area where the site is located.

**16 Where can I get more information on the process?**

An information sheet has been prepared with details of these procedures and was mailed to all the haulers on our current list. Additional information is available from the MOE Approvals Branch toll free at 1-800-461-6290 1-800-461-6290 .

**17 Will this changeover have any new fees?**

The original process of changing your licence to a C of A will be done through a regulation. You will have to provide some information required by the regulation, within a fixed period of time, for the change to become effective. If you respond right away, the ministry will issue your new C of A as soon as possible. This process will not result in you paying any fees.

**18 I have been issued an order by the director of the current delivery agent. Who do I report to once the work has been completed since the 6<sup>th</sup> of April, 1998?**

For systems which have been transferred into the building code, the amendments to the building code require the existing delivery agent to complete this work. You should continue to work with that department to complete the work under the order.

**19 My application for a C of A was refused and I have filed an appeal. What happens to this since the 6<sup>th</sup> of April, 1998?**

The amendments in the building code also require the existing delivery agents to finalize any appeals that will continue after April 6, 1998.

**20 I already have a system C of A for a waste management system, Can I have my hauled sewage system C of A included in my current certificate?**

To provide for continuity in transferring your licence from the old EPA, Part VIII to EPA, Part V the process will be done through a regulation. This will not provide for a combined certificate at this time. At a later date we will be in a position to further consider this matter.