

TO: **UBCM MEMBERS**  
FROM: **EXECUTIVE COMMITTEE**  
DATE: September 24, 2008  
RE: **SEWERAGE SYSTEM MOU**

***POLICY PAPER***  
***#5***  
*2008 CONVENTION*

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**1. DECISION REQUEST**

To review the proposed memorandum of understanding on the Sewerage System Regulation, and to consider whether the Union of British Columbia Municipalities (UBCM) should become a signatory to the agreement.

**2. BACKGROUND**

The regulation governing the activities surrounding on-site sewage disposal systems in British Columbia changed on May 31, 2005 from the Sewage Disposal Regulation to the Sewerage System Regulation (SSR). Under the new regulation, only "authorized individuals," or certified practitioners and professionals, are able to design, plan, construct and maintain onsite sewage treatment systems with daily flows under 22,700 litres. The change marked the departure from a very prescriptive regulation to an outcomes-based, industry accountable, administrative regulation.

The provincial Sewerage System Regulation has caused implementation challenges for local governments across the province since the Regulation came into effect. The five (5) key issues identified by local governments include:

- the Regulation has significantly increased the costs to homeowners, as they are no longer able to conduct their own installation or repairs and costs are now deemed to be excessive;
- there is a lack of flexibility in considering other forms of sewage disposal and alternatives for system installations;
- there is an inadequate number of certified professionals in some areas leading to concerns around "monopolies" and "price gouging;"
- there has been a lack of communication of the Regulation's requirements to practitioners and professionals, homeowners and building inspectors; and
- there are liability concerns surrounding system failures.

UBCM has been actively working with the Regulation's implementing agencies since January 2006 to identify and address implementation challenges, and minimize the impact of the SSR. As part of its advocacy efforts, UBCM distributed a survey in February 2007 that was designed to assess local government implementation

experiences with the SSR, as well as to identify specific issues and potential solutions for ameliorating the problems caused by the SSR. Overall, the survey results demonstrated that there was a lack of support for the key principles of the SSR, and that the Regulation has caused implementation problems province-wide.

In order to elevate discussions on the SSR, the UBCM Executive also approved the establishment of a working group of regional district representatives to review the implementation of the Regulation with the Ministry of Health and the Ministry of Community Services. The UBCM Sewerage System Regulation working group was struck in June 2007, with a mandate to review the SSR and address local government onsite septic system issues through the identification of policy changes and/or regulatory amendments where appropriate.

The UBCM Sewerage System Regulation working group met throughout the summer of 2007, and developed a seventeen (17) point action plan that was designed to address the five (5) key implementation challenges identified by local governments. The action plan was subsequently adopted by the UBCM membership at the 2007 Convention as part of the 2007 Environment Action Plan. The UBCM SSR working group continued to meet through fall of 2007 and spring of 2008 and regularly provided recommendations on the deliverables contained in the action plan.

### **3. DISCUSSION**

While some deliverables contained in the UBCM SSR Action plan have been completed, several key policy and regulatory changes identified in the plan have yet to be implemented. In order to prompt further action, the UBCM Executive put forward the following special resolution calling on the Province to make the changes identified in the action plan in order to address outstanding local government concerns with the Regulation.

#### ***SR1-SEWERAGE SYSTEM REGULATION***

WHEREAS the implementation of the Sewerage System Regulation (SSR) which regulates onsite sewage disposal systems has caused implementation challenges for local governments since the SSR came into effect on May 31, 2005;

AND WHEREAS these challenges include increased costs to homeowners, a lack of flexibility in system installations, an inadequate number of practitioners and professionals, a lack of communication and liability concerns;

AND WHEREAS the UBCM membership endorsed a seventeen (17) point action plan in the 2007 UBCM Environment Action Plan which identified a series of policy and regulatory actions that would address local government concerns with the SSR;

AND WHEREAS several key policy and regulatory deliverables contained in the action plan have yet to be completed:

THEREFORE BE IT RESOLVED that the UBCM call upon the Province to make the policy and regulatory changes identified in the SSR action plan in order to address outstanding local government concerns with the Regulation.

In early September, the Province approached UBCM with a proposal to develop a memorandum of understanding on the SSR between the ministries of Community Development, Healthy Living and Sport, and UBCM. The MOU would be designed to achieve two objectives with regards to the SSR: first, to elevate discussions on the SSR up to the deputy minister level in accordance with the importance of the issue to local governments; and second, to allow all parties to move forward with the work of addressing local government implementation concerns. Following senior direction from within the Province and UBCM, staff from all three parties developed the MOU. The MOU was then reviewed and discussed at a meeting between the UBCM President, Susie Gimse, and the Honourable Mary Polak, Minister of Healthy Living and Sport in mid-September.

The SSR Memorandum of Understanding (see Appendix A) reflects a recognition by all parties that further work is required, and will continue, on key policy and regulatory deliverables contained in the action plan. It is a commitment to take the following specific actions directly in response to local government concerns:

- update the UBCM SSR action plan, including developing clear timelines around the completion of deliverables;
- deliver on the action plan at the 2009 UBCM Convention;
- provide dedicated resources and staff to carry out the work of the MOU; and
- establish Executive Oversight at the Deputy Minister level within the ministries of Community Development and Healthy Living and Sport and the Executive Director level at UBCM.

Overall, the SSR MOU is a mutual understanding that the SSR will be a priority for all signatories to the agreement, and that sufficient staff resources will be dedicated to identifying practical solutions to onsite wastewater administration in a timely manner.

**Next Steps:**

If the proposed MOU is approved by the UBCM membership, staff will draft an updated action plan and an oversight committee in early October. All parties will work towards the resolution of local government concerns by September 2009.

#### **4. RECOMMENDATION**

That the UBCM membership approves UBCM becoming a signatory to the Sewerage System Regulation Memorandum of Understanding.

## APPENDIX A



# MEMORANDUM OF UNDERSTANDING

**BETWEEN \**  
**THE UNION OF BRITISH COLUMBIA MUNICIPALITIES (UBCM)**  
**THE BRITISH COLUMBIA MINISTRY OF HEALTH LIVING & SPORT (MHLS)**  
**THE MINISTRY OF COMMUNITY DEVELOPMENT (MCD)**  
**(“the Parties”)**

## REGARDING

### **SEWERAGE SYSTEM REGULATION IMPLEMENTATION CHALLENGES FOR LOCAL GOVERNMENTS**

#### **WHEREAS:**

1. All Parties recognize the importance of protecting public health as it pertains to the management of on-site wastewater;
2. The Sewerage System Regulation (SSR) was intended to improve waste water management practices and environmental health standards for effluent in BC by allowing for technical flexibility while providing for
  - clear and specific system performance and industry standards for site evaluation, design, installation and maintenance
  - a formal structure for education, training and certification of service providers; and
  - greater industry accountability.
3. The parties understand that the implementation of the SSR has caused challenges for local governments including concerns with respect to:
  - increased costs to homeowners;
  - an inadequate number of practitioners and professionals;
  - indeterminate accountability, liability; and
  - a lack of effective communication;
4. All Parties recognize the need to foster a cooperative inter-governmental approach to resolving the issues;
5. The Parties had established the UBCM SSR Working Group in Spring 2007 to address the implementation challenges for local governments;

6. The UBCM SSR Working Group developed a 17 point action plan which identified a series of policy and regulatory actions that would address local government concerns with the SSR;
7. The parties recognize that further work is required and will continue on some key policy and regulatory deliverables contained in the action plan adopted by UBCM membership
8. All parties acknowledge that additional measures beyond the UBCM action plan may have to be taken to fully address concerns with on-site sewerage

**THEREFORE:**

This MOU represents a commitment by the Parties to work in partnership to address local government implementation concerns, including issues on the UBCM action plan. This partnership is taken in the interests of improving the management of onsite wastewater in British Columbia.

**PRINCIPLES:**

In fulfilling the terms of this MOU the parties will be governed by the following guiding principles:

1. *Mutual respect for the parties* – the Parties recognize and respect each others mandates, policies and areas of jurisdiction and that nothing in this MOU should be construed as hindering the individual mandates of the parties;
2. *Mutual respect for consultation processes* – the Parties recognize and respect each others requirements to consult broadly with other interested stakeholders to address concerns that are common to all parties;
3. *Partnership* – the Parties recognize each others' strengths and capabilities. To maximize efficiency and effectiveness, the parties are committed to cooperate in the spirit of partnership, with the acknowledgement that no single agency or organization can effectively accomplish change without engaging with its partners;
4. *Coordinated information* – the Parties recognize the value of a coordinated approach to the development, exchange and distribution of information between the Province, the UBCM and Local Governments;

**COMMITMENTS:**

The parties have the following commitments:

1. The parties agree to ensure dedicated resources and staff to carry out the work under this MOU;

2. Update the UBCM action plan;
3. Develop a work plan for the updated action plan including clear timelines and commitment to deliver on the action plan at UBCM Convention in September 2009;
4. Identify and provide relevant and practical solutions for on-site wastewater administration and guideline, policy, and legislation development;
5. Ensure effective and efficient joint communication on progress and deliverables;
6. Establish an Executive Oversight which will be at the Deputy Ministers (provincial) and Executive Director (UBCM) level.

In Witness of this Agreement the parties have executed this Memorandum of Understanding on Sewerage System Regulation Implementation Challenges For Local Governments.

Signed on behalf of the **UNION OF BRITISH COLUMBIA MUNICIPALITIES**

\_\_\_\_\_ Date \_\_\_\_\_  
**Susan Gimse**  
President

Signed on behalf of the **BRITISH COLUMBIA MINISTRY OF HEALTHY LIVING AND SPORT**

\_\_\_\_\_ Date \_\_\_\_\_  
**Honourable Mary Polak**  
Ministry of Healthy Living and Sport

Signed on behalf of the **BRITISH COLUMBIA MINISTRY OF COMMUNITY DEVELOPMENT**

\_\_\_\_\_ Date \_\_\_\_\_  
**Honourable Blair Lekstrom**  
Ministry of Community Development