

TO: UBCM Members

FROM: ENVIRONMENT COMMITTEE AND
UBCM SEWERAGE SYSTEM REGULATION
WORKING GROUP

DATE: September 23, 2007

RE: 2007 ENVIRONMENT ACTION PLAN

POLICY PAPER

#1

Addendum

2007 CONVENTION

The following is an addendum to the 2007 Environment Action Plan.

Sewerage System Regulation

Issue:

The provincial Sewerage System Regulation that governs onsite sewage disposal systems has caused implementation challenges for local governments.

Local governments have raised the following issues in regards to the Sewerage System Regulation:

- 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.

Status:

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.

UBCM has been actively working with the Regulation's implementing agencies over the past year and a half 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 districts 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 has met four times in June, July and September. The first meeting focused on approval of the scope and mandate of the group via approval of the terms of reference, as well as local government implementation experiences. It also reviewed the UBCM SSR survey results, identified the key issues of local government, and identified potential solutions for addressing local government concerns. The second meeting of the working group focused on reviewing and agreeing on a draft action plan, which outlines a series of deliverables that stakeholders will attempt to secure prior to the September UBCM Convention. The third meeting reviewed progress on securing the action plan deliverables, while the fourth meeting considered a status update and discussed the future direction of the working group in light of the UBCM Convention.

Action:

That UBCM proceed with the UBCM Sewerage System Regulation working group action plan as presented.

**UBCM SEWERAGE SYSTEM REGULATION WORKING GROUP:
ACTION PLAN**

	Action	Issue	Agency	Delivery Date	Status
1.	Homeowner Warranty Protection Program – examine warranty protection for homeowners on installed systems similar to the Homeowner Warranty	Liability	MoH UBCM	Sept.30/07	MoH examining options following meetings with Home Warranty Protection Office and insurance underwriters
2.	Industry Liability – identify where professional liability for sewerage systems lies, and the extent of industry coverage for system failures	Liability	MoH BCOSSA	Sept.17/07	BCOSSA developed liability summary document following MoH meeting

3.	Paper Audit – initiate paper audit of filings	Industry Accountability	BCOSSA	Sept.30/07	Paper audit underway and preliminary results scheduled for end of Sept.
4.	Onsite Audits – initiate onsite audits following completion of the paper audit	Industry Accountability	MoH APEG ASTBC	Dependent on the completion of the paper audit	MoH considering the option of conducting onsite audits in 2008
5.	Issue Life Cycle Analysis – develop a life cycle analysis identifying where each local government issue arises in the design, construction, and installation process	All (Liability)	MOH UBCM	Sept.21/07	Draft framework developed by MoH
6.	Subdivision Regulation Amendments - draft consequential amendments to update sections of the Subdivision Regulation to meet the intent and outcomes of the Sewerage System Regulation	Liability	MCS	August 18/07	Draft amendments circulated to UBCM SSR working group and ready for consideration by Leg. Counsel
7.	Subdivision Regulation Model Bylaw – develop model maintenance and operation bylaw for Type 2 and 3 systems for local governments	Liability	MCS	Sept. 17/07	MCS has developed the components of a draft model bylaw and is committed to working with LGs on adapting the bylaw to meet LG and provincial needs
8.	Governance Options – explore options for local government to assume authority for septic systems under Section 8 of the Health Act, as well as non-Section 8 options for those that do not want to assume authority Develop an inspection and audit framework for conducting inspections every five years under each of the governance options	Liability	MOH MCS	Oct.15/07	MoH/MCS have acknowledged that the governance options are feasible and are working on implementation scenarios MCS is willing to provide assistance to LGs for scoping studies on governance options

9.	Rollout of Revised Standard Practice Manual (SPM) – revised SPM to reduce system costs by 10 -15% in some instances	Cost	BCOSSA	Sept. 10/07	SPM completed and BCOSSA has developed a SPM/cost backgrounder
10.	Communication of Flexibility Provisions – communicate that homeowners can construct and install systems as long as it is done under the supervision of a professional	Flexibility Cost	UBCM APEG	July 10/07	Completed - UBCM posted and distributed APEG memo
11.	Regulatory Amendment – explore potential SSR amendment that allows homeowners to contribute more forms of “sweat equity” under the supervision of an ROWP (practitioner)	Flexibility Cost	MOH	Oct.31/07	Legislative Counsel exploring option as part of review of other proposed SSR amendments
12.	Service Provision - examine options for better servicing for system installations in those rural areas lacking authorized persons (region specific and context dependent) BCOSSA/ APEG to provide a list of all authorized persons	Flexibility Cost	MOH HA ASTTBC BCOSSA	August 21/07	ASTTBC is developing a mentorship program and a program backgrounder MoH has worked with BCOSSA on funding individuals to install systems in remote areas lacking any authorized persons
13.	Increase Education and Training of Authorized Persons – increase the number of trained practitioners and professionals through a training partnership with Thompson University, links with the Ministry of Advanced Education, and exploration of online learning options Local governments work to encourage local colleges and institutes to add septic system courses to their curriculum	Lack of Authorized Persons Cost	BCOSSA Local Governments	Ongoing BCOSSA revising course syllabus by Sept.30/07	Ongoing BCOSSA posted additional course training times
14.	Practitioner Brochures – develop brochures outlining the SSR requirements which target practitioners, local governments, homeowners, inspectors	Lack of Communication	ASTTBC	Sept.17/07	Final draft (pending board approval) distributed at Convention

15.	BCOSSA Outreach – BCOSSA to use the UBCM survey results to help target outreach efforts to those regional districts that have encountered complaints with the SSR or have questions about the Regulation	Lack of Communication	BCOSSA MOH UBCM	Ongoing	BCOSSA and UBCM are developing a map of areas encountering problems with the SSR
16.	Public Confidence Document – develop a public confidence document that addresses the specific concerns of each stakeholder (HA, UBCM, authorized persons, and the public); document will include a piece on the cost rationale for systems and identify existing checks and balances and gaps	Lack of Communication	MOH	Sept.21/07	Draft document developed as part of the life cycle analysis
17.	Co-ordinated Communications Campaign – develop and execute a co-ordinated communications campaign which identifies policy and regulatory changes taken to address local government concerns Communication campaign to include onsite visits by implementing agencies, SSLC newsletter, use of stakeholder websites	Lack of Communication	MOH BCOSSA UBCM	Pending completion of all action items	Information package distributed at Convention on completed action items

Glossary

APEG - Association of Professional Engineers and Geoscientists of British Columbia

ASTTBC - Applied Science Technologists and Technicians of British Columbia

BCOSSA – British Columbia Onsite Sewage Association

LG – Local Government

MCS – Ministry of Community Services

MoH – Ministry of Community Services