Septic Systems

Ontario Building Code Updates - Septic Systems

Note: FOCA director Sally Gillis sat on an industry committee that prepared and advised the committee prior to releasing the revised regulations.

The Building Code also sets standards for the construction, expansion, alteration or repair of on-site sewage systems (e.g. septic 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.

Under the Building Code Act, 1992 and the 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, depending on location).

2008 Proposed changes (still under consideration)

Proposed amendments to the Code would authorize the establishment of programs to enforce Building Code's standards for the maintenance and operation of existing sewage systems, and require that these programs be enforced by principal authorities. In addition, principal authorities will be authorized to establish "discretionary" maintenance inspection programs for other areas as prescribed.

For further information please contact James Douglas, Manager, Code Development, Legislative and Appeals, Building and Development Branch, at 416-585-7174.
Backgrounder on 2008 proposed changes

Following are notes provided by FOCA Board Member (and OOWA member) Karl Fiander. From presentations given to the Ontario On-Site Wastewater Association (OOWA) Annual Conference and General Meeting Huntsville, March 26-27 2007.

David Brezer, Ministry of Municipal Affairs and Housing….New Ontario Building Code (OBC) regulations

The new Building Code Act was passed on Dec 31/06 and became effective March 31/07. The changes are to take the old "prescriptive" code to one that is "objective". In broad terms this means that the code will allow systems that

have demonstrated performance, designs and lot locations if it can be proven that the system is "no worse" than the current standards. The old code, as it relates to septic systems, is one of minimum standards. In other words the Ontario Building Code laid out the various minimum standards that were necessary to meet the code and thus receive a building permit from the municipal authorities. It did not really accommodate issues with problem sites, new technology or encourage more efficient systems. For example the setback from a water body to the leaching field is 15 meters and did not vary with the quality of the soil, the depth, or the vegetation present. The old system required new technology to be tested and approved by the Building Code Engineering Committee. The new code is supposed to encourage innovation, allow site-specific design standards and become more performance based.

The Act is divided into three sections:
A: Objectives and Compliance
B: Acceptable Solutions
C: Administrative Provisions

The key change as it relates to shoreline septic systems is under Part B. Riparian owners, contractors and designers have the option to follow the old prescriptive method but they now have the additional option of presenting a new performance-based solution. Imbedded in the Act is the power for inspectors to approve new technology, unique designs, and non-traditional locations of the septic units. Technically this opens the door for many new approaches to wastewater processing. As an example it could allow a contractor or developer to suggest that traditional setbacks can be relaxed if a technologically advanced unit is proven to pollute no more than a traditional system at the prescribed set back. Using this example, an applicant would deal directly with the municipal inspector, not necessarily with the BCEC as required under the old Act. It would also allow a beneficial new or unique proposal to gain some traction if the developer can convince the inspector and the unit has adequate documentation. This of course puts all sorts of new pressure on the municipal inspectors and opens the door for different approval standards and approval rates. Note that the approval of one inspector does not carry forward as a precedent for approval in another jurisdiction.

It was my observation that none of the inspectors present at the conference were comfortable with these new powers. All of them talked about liability issues and said they would rely on the old prescriptive standards or defer to the BCEC on any new technology. If true then nothing in the new code will change current practise or allow new technology to advance more quickly.

There are no new regulations about mandatory septic re-inspections. FOCA lobbied for mandatory re-inspection while Sally was on the committee and although all the members supported the efforts, MMAH backed away. It appears there was reluctance at the political level to add administrative cost to the rural municipalities. The new Building Code Act contains the framework for a municipal re-inspection program but the municipality is under no obligation to develop a program. The Clean Water Act 2006 triggered this section.

A few changes to Part 7 and 8 of the OBC:
1. Tank access risers will be required where the tank is more than 300 mm below the surface and in all cases where an effluent filter is fitted.
2. Outlet filters are required on all new installations and any retrofitted tanks.
3. Where old tanks are replaced they must comply with the new code, which means minimum 3600 litres, 2 compartments, with filter.
4. Stone under the distribution pipe must now be washed before installation.
5. Grey water and storm water is allowed to be used for flushing.

The new OBC regulations were due out in the summer of 2007.
The exam program for installers, inspectors, and designers is still intact and changes will be made to accommodate the OBC changes at an unspecified time in the future.