

## CORPORATION OF THE TOWNSHIP OF CENTRAL FRONTENAC

### Subject: Septic System Maintenance Program

The intention behind the introduction of a comprehensive septic system maintenance program (including re-inspection as required) within the municipality is to prevent and or remedy faulty system which may contribute to ground and surface water contamination, include the pollution of adjacent water bodies. It should be noted that even new system will quickly deteriorate if not maintained correctly. The program outlined below is therefore intended to not only address faulty system but to ensure that existing and new systems continue to operate with maximum efficiency and effectiveness for as long as possible.

There are a number of examples where municipalities have embarked on voluntary septic system re-inspection programs with varied success.

The staff of Central Frontenac believe the most effective results in this area of concern will be achieved through the implementation of

- (1) a progressive education campaign, whereby the location, construction and regular maintenance requirements associated with a septic system are stressed.
- (2) a mandatory maintenance/inspection regime, implemented and sustained by the municipality (with or without the involvement of appropriately designated agencies; i.e., local Conservation Authority or Health Unit; i.e. to be determined)

### **Current Mechanisms under the OBC:** (Additions, Alterations, Renovations, Change of Use).

The Ontario Building Code (OBC) currently states that all installed septic systems must be properly maintained. This basic regulatory requirement underscores the need for establishing a level of compliance. Introduction of a Septic System Maintenance Program will help achieve this basic requirement.

Whenever changes involving additional bedrooms, plumbing fixtures or an increase in floor area of any sort are made to an existing property, (i.e. Changes that reduce the performance level of the building as defined in the Code) the septic system must be re-evaluated to ensure that it meets the Code requirements for the finished size of the building. If this is not the case, “compensating construction” (i.e. upgrading to current Code levels) **must** be carried out. The septic system must also be upgraded to address reductions in performance level of the building caused by any construction, including renovation, increase in occupant load, increase in the total daily design sanitary sewage flow or change in the amount or type of sanitary sewage produced. Unlike the regulations previously in effect, this upgrading to current Code level is required by the Building Code Act, and is mandatory. Failure to comply is an offence. A person convicted of an offence under the B.C.A. is liable to a fine of not more than \$50,000 for a first offence, and \$100,000 for a subsequent offence. Fines for convicted corporations are double these amounts.

The Building Code Act clearly addresses new additions etc. and compliance regarding new systems can therefore be achieved quite readily.

Also established under the code, is the defined term “unsafe building”. This now applies to septic systems. If a septic system meets this definition the municipality must initiate action to address the deficiency, which may include installation of a new system.

## Proposed Approach

(A) **Education Component:**

Encourage further distribution of existing septic system maintenance literature (available through Health Units/Conservation Authorities etc. Promote links on our website and engage Lake and Property Owner Associations encouraging good stewardship initiative, including septic system maintenance and operation.

It may be appropriate to sponsor a seminar or workshop in conjunction with these groups to both advance education but also to explain the regulatory aspects of the program as outlined below.

(B) **Regulatory Component:**

To address “older” or non-existing” systems (which undoubtedly will be the source of the contamination we wish to address), an approach may be established under the Municipal Act whereby the municipal corporation may pass “by-laws” which are deemed by Council to be in the best interest of its ratepayers.

Utilizing Section 8 of the Municipal Act, it is proposed that the Township of Central Frontenac implement a septic system re-inspection program which would involve the following:

- The Township will develop a “property file” for each property within the municipality and these files will include all documents, agreements, plans, surveys, permits and work orders related to the property. (This will consolidate all known property information and will greatly facilitate the delivery of a comprehensive septic system maintenance program and be a valuable asset to many other municipal departments).
- The Township will endeavour to review all of septic systems in the municipality.  
This will be accomplished by staging the process over a period of approximately five (5) years. Areas in the municipality where the consequences of defective systems are most severe shall be targeted first. (Lake and Property Associations will be encouraged to participate in assisting with this part of the process).
- Township staff shall issue a letter to each property owner who is included in the pre-defined area.
- Letters shall explain the program and advise owners they have 365 days to provide a certificate/confirmation, issued by an accredited septic system company, confirming their septic system is in good working order and has been pumped out within the last five years, or proof that their system is less than ten years old and has been pumped out within the last five years.
- If a certificate/confirmation showing the system has been pumped out within the last five years is produced and if a certificate/ confirmation of good condition or proof the system is less than 10 years old is produced for the septic system on a property which received a letter, the process ends.

- If no certificate/confirmation is produced for a property, which received a letter, the septic system on the property shall be inspected and may be ordered pumped out by the Township and the fee for the inspection and pump out shall be payable by the owner of the property.
- If the certificate/confirmation from the accredited septic system company or the Township's inspection shows a problem or problems with the septic system, the owner shall be advised of the required work which needs to be done on the septic system. Work could include, but is not restricted to, pump out, repairs, replacement, installation of filters etc. (as required).
- If the accredited septic system company does not make recommendations on what needs to be done on the septic system, the Township, shall inspect the property and order the remediation required. The fee for this inspection shall be paid by the owner of the property,
- If the owner of the property carries out the work required on the septic system and produces a certificate/confirmation, from an accredited septic system company, confirming the required work has been completed, the process ends.
- If the owner refuses to carry out the work required on the septic system, the Township, in order to insure the safety of its residents, shall carry out the required work and invoice the owner of the property for the total cost of the work done plus a 10% administration fee.
- All unpaid fees charged under this program shall be collected in the same manner as taxes.

Further information will be provided by staff regarding costs; i.e., administration costs, owner costs and methods of funding.

**This draft report was approved “in principle” by Council on June 23, 2009 subject to staff obtaining public input (including circulation to local property owner and lake associations.**

**It is the intention of Council that a final report will be submitted to Council in time for implementation starting January 1, 2010.**