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Public Health Act

SEWERAGE SYSTEM REGULATION

[includes amendments up to B.C. Reg. 209/2010, June 28, 2010]

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Part 1 – Definitions and General Rules

Definitions

1 In this regulation:

"Act" means the *Public Health Act*;

"authorized person" means a registered onsite wastewater practitioner or a professional;

"construct" includes

(a) to plan or conduct a site assessment in respect of a sewerage system,

(b) to install, repair or alter a sewerage system, and

(c) in the case of an authorized person, to supervise the doing of any matter listed in paragraphs (a) and (b);

"discharge area" means an area used to receive effluent discharged from a treatment method;

"domestic sewage" includes

(a) human excreta, and

(b) waterborne waste from the preparation and consumption of food and drink, dishwashing, bathing, showering, and general household cleaning and laundry, except waterborne waste from a self-service laundromat;

"effluent" means domestic sewage that has been

treated by a treatment method and discharged into a discharge area;

"holding tank" means a watertight container for holding domestic sewage until the domestic sewage is removed for treatment;

"maintenance", in the case of an authorized person, includes to supervise the maintenance of a sewerage system;

"maintenance plan" means a set of instructions for maintaining a sewerage system that, if followed, will ensure that the sewerage system does not cause, or contribute to, a health hazard;

"owner", in respect of land on which a sewerage system or holding tank is, or is required to be, constructed under this regulation, includes

(a) a person registered in the land title records as the owner of the land, whether entitled to the land in the person's own right, in a representative capacity or otherwise,

(b) a lessee or a person holding a licence to occupy the land, and

(c) if a sewerage system or holding tank serves more than one parcel, strata lot or shared interest, the strata corporation or other corporate entity that developed the parcels, strata lot or shared interest, as applicable;

"parcel" means any lot, block or other area in which land is held or into which it is subdivided, but does not include land covered by water;

"professional" means a person who meets the requirements of section 7 (3) [*authorized persons*];

"registered onsite wastewater practitioner" means a person who is qualified to act as a registered onsite wastewater practitioner under section 7 (1) or (2);

"registration certificate" means a registration certificate issued by the Applied Science Technologists and Technicians of British Columbia under the *Applied Science Technologists and Technicians Act* that certifies that the holder is competent to construct and maintain a sewerage system that uses a treatment method classified as Type 1 or Type 2;

"septic tank" means a watertight container for receiving, treating and settling domestic sewage;

"sewerage system" means a system for treating domestic sewage that uses one or more treatment methods and a discharge area, but does not include a holding tank or a privy;

"shared interest" means a shared interest in land as defined in the *Real Estate Development Marketing Act*;

"standard practice" means a method of constructing and maintaining a sewerage system that will ensure that the sewerage system does not cause, or contribute to, a health hazard;

"strata lot" means a strata lot as defined in the *Strata Property Act*;

"surface water" means a natural watercourse or source of fresh water, whether usually containing water or not, and includes

(a) a lake, river, creek, spring, ravine, stream, swamp, gulch and brook, and

(b) a ditch into which a natural watercourse or source of fresh water has been diverted,

but does not include ground water or water in a culvert that is constructed to prevent the contamination of a watercourse by domestic sewage or effluent;

"treatment method" means a treatment method for domestic sewage classified as Type 1, Type 2 or Type 3 where

- (a) Type 1 is treatment by septic tank only,
- (b) Type 2 is treatment that produces an effluent consistently containing less than 45 mg/L of total suspended solids and having a 5 day biochemical oxygen demand of less than 45 mg/L, and
- (c) Type 3 is treatment that produces an effluent consistently containing less than 10 mg/L of total suspended solids and having
 - (i) a 5 day biochemical oxygen demand of less than 10 mg/L, and
 - (ii) a median fecal coliform density of less than 400 Colony Forming Units per 100 mL.

[am. B.C. Reg. 209/2010, ss. 1 and 2.]

Application

- 2 This regulation applies to the construction and maintenance of
 - (a) a holding tank,
 - (b) a sewerage system that serves a single family residence or a duplex,
 - (c) a sewerage system or combination of sewerage systems with a combined design daily domestic sewage flow of less than 22 700 litres that serves structures on a single parcel, and

(d) a combination of sewerage systems with a combined design daily domestic sewage flow of less than 22 700 litres that serves structures on one or more parcels or strata lots or on a shared interest.

Prescribed health hazards and regulated activities

2.1 (1) The following are prescribed as health hazards:

(a) the discharge of domestic sewage or effluent into

(i) a source of drinking water, as defined by the *Drinking Water Protection Act*,

(ii) surface water, or

(iii) tidal waters;

(b) the discharge of domestic sewage or effluent onto land;

(c) the discharge of domestic sewage or effluent into a sewerage system that, in the opinion of a health officer, is not capable of containing or treating domestic sewage;

(d) the proposed construction or maintenance of a sewerage system that, if constructed or maintained in accordance with the plans and specifications filed under section 8 or the maintenance plan filed under section 9, may in the opinion of a health officer cause a health hazard.

(2) The construction and maintenance of a holding tank or sewerage system described in section 2 are prescribed as regulated activities.

[en. B.C. Reg. 209/2010, s. 3.]

Discharge of domestic sewage

- 3 (1) The owner of every parcel on which a structure is constructed or located must ensure that all domestic sewage originating from the structure
- (a) is discharged into
 - (i) a public sewer,
 - (ii) a holding tank that is constructed and maintained in accordance with Part 2 [*Holding tanks*], or
 - (iii) a sewerage system that is constructed and maintained in accordance with Part 3 [*Sewerage systems*], and
 - (b) does not cause a health hazard.
- (2) Despite subsection (1), a person may discharge domestic sewage or effluent into waters as described in section 2.1 (1) (a) if authorized under another enactment.
- (3) Despite subsection (1), a person may discharge domestic sewage or effluent into or on land if authorized under another enactment.

[am. B.C. Regs. 372/2007; 209/2010, s. 4.]

Setback from wells

- 3.1 (1) In this section:

"professional" means a professional competent in the area of hydrogeology;

"well" means a well used to supply a domestic water system.

- (2) Subject to subsections (3) and (4) (b), a person must not construct
- (a) a holding tank less than 15 metres from a

well, or

(b) a sewerage system less than 30 metres from a well.

(3) Subsection (2) does not apply if a person receives, before construction, written advice from a professional that it would not likely cause a health hazard to construct a holding tank or sewerage system at a distance less than the distance required under that subsection.

(4) If a person receives from a professional written advice respecting the distance from a well that a holding tank or sewerage system should be constructed to reasonably avoid causing a health hazard,

(a) the person must give to a health officer

(i) a copy of the advice, and

(ii) notice of whether the person intends to construct the holding tank or sewerage system and, if so, the distance from the well the person intends to construct the holding tank or sewerage system, and

(b) a person must not construct a holding tank or sewerage system at a distance less than that indicated by the professional.

[en. B.C. Reg. 209/2010, s. 5.]

Part 2 — Holding Tanks

Permit for holding tank

4 (1) A person must not construct a holding tank unless the person holds a permit issued under this section.

(2) A person may apply for a permit to construct a holding tank by submitting to a health officer a permit fee of \$400

and an application containing all of the following:

- (a) the person's name, address and telephone number;
 - (b) a description of
 - (i) the type of structure the holding tank will serve, and
 - (ii) the holding tank, or of alterations or repairs to the holding tank;
 - (c) the proposed maintenance plan for the holding tank.
- (3) On receiving an application under subsection (2), a health officer may
- (a) Repealed. [B.C. Reg. 209/2010, s. 6 (c).]
 - (b) issue a permit to construct a holding tank only if satisfied that
 - (i) a holding tank is adequate to deal with the domestic sewage originating from the structure, and
 - (ii) the use of the holding tank will not, if the maintenance plan is followed, cause a health hazard.

(4) and (5) Repealed. [B.C. Reg. 209/2010, s. 6 (c).]

[am. B.C. Reg. 209/2010, s. 6.]

Maintenance of holding tank

5 (1) An owner must ensure that a holding tank on the owner's land is maintained in accordance with the maintenance plan provided under section 4 (2) (c) [*permit for holding tank*], as modified by any conditions attached to the holding tank permit.

(2) An owner must keep records of maintenance carried out

under subsection (1).

Part 3 — Sewerage Systems

Restriction on construction and maintenance

- 6** (1) A person must not construct or maintain a sewerage system that uses a treatment method classified as Type 1 or Type 2 unless the person is
- (a) qualified as an authorized person, or
 - (b) an owner constructing or maintaining a sewerage system on his or her own land under the supervision of an authorized person.
- (2) If the registration certificate of a registered onsite wastewater practitioner contains any restrictions or conditions, a registered onsite wastewater practitioner who constructs or maintains a sewerage system must comply with those restrictions or conditions.
- (3) Unless supervised by a professional, a person must not construct or maintain a sewerage system
- (a) that uses a treatment method classified as Type 3, or
 - (b) designed for an estimated minimum daily domestic sewage flow of more than 9 100 litres.

[am. B.C. Reg. 209/2010, ss. 2 and 7.]

Authorized persons

- 7** (1) A person is qualified to act as a registered onsite wastewater practitioner if the person
- (a) has successfully completed a post-secondary training program through
 - (i) an organization recognized by the

Applied Science Technologists and Technicians of British Columbia as offering sewerage system training programs that provide an applicant with the qualifications required for registration under the *Applied Science Technologists and Technicians Act*, or

(ii) an institution that

- (A) is designated, registered or accredited under an enactment of Canada or any province, except British Columbia, to offer post-secondary education, and
- (B) includes, as part of its curriculum, training in soil analysis and sewerage system construction and maintenance, and

(b) holds a registration certificate.

(2) Despite subsection (1), a person who does not meet the educational requirements of that subsection is qualified to act as a registered onsite wastewater practitioner if the person

(a) demonstrates to the Applied Science Technologists and Technicians of British Columbia that the person is competent to construct and maintain a sewerage system that uses a treatment method classified as Type 1 or Type 2, and

(b) holds a registration certificate.

(3) A person is qualified to act as a professional if the person

(a) has, through education or experience, training in soil analysis and sewerage system construction and maintenance, and

(b) is registered as a fully trained and practising member of a professional association that

(i) is statutorily recognized in British Columbia, and

(ii) has, as its mandate, the regulation of persons engaging in matters such as supervision of sewerage system construction and maintenance.

[am. B.C. Regs. 231/2009; 209/2010, ss. 2 and 8.]

Filing

8 (1) This section does not apply to the construction of a sewerage system in respect of which information and documents have been filed under subsection (2) on a previous occasion, unless

(a) a significant alteration or repair is being made on the sewerage system, or

(b) the construction of the sewerage system is in response to an order made under section 11 (b) or (c)[*orders*] of this regulation or section 31 (1) (b) [*general powers respecting health hazards and contraventions*] of the Act.

(2) Before construction of a sewerage system, an authorized person must file with the health authority, in a form acceptable to the health authority,

(a) information respecting

(i) the name, address and telephone number of the owner for whom the sewerage system is being constructed,

(ii) the type of structure the sewerage system will serve, and

(iii) the type, depth and porosity of the soil

at the site of the sewerage system,

(b) plans and specifications of the sewerage system, or of alterations or repairs to the sewerage system, prepared by an authorized person and with the seal of the authorized person affixed,

(c) written assurance that the plans and specifications filed under paragraph (b) are consistent with standard practice, and

(d) if construction of the sewerage system is in response to an order made under section 11 (b) or (c) of this regulation or section 31 (1) (b) of the Act, a copy of the order.

- (3) To determine whether the plans and specifications filed under subsection (2) (b) are consistent with standard practice, an authorized person may have regard to the Ministry of Health Services' publication "Sewerage System Standard Practice Manual", as amended from time to time.
- (4) If there is a material change in the information filed under subsection (2) before the authorized person provides a letter of certification under section 9 (1) (b) [*letter of certification*], the authorized person must promptly file an amendment with the health authority.

[am. B.C. Reg. 209/2010, s. 9.]

Letter of certification

- 9** (1) Within 30 days of completing the construction of a sewerage system to which section 8 [*filing*] applies, an authorized person must
- (a) provide the owner with
- (i) a copy of the sewerage system plans

and specifications as provided to the health authority under section 8 (2) (b),

(ii) a maintenance plan for the sewerage system that is consistent with standard practice, and

(iii) a copy of the letter of certification provided to the health authority under paragraph (b),

(b) file with the health authority a signed letter certifying that

(i) the authorized person has complied with the requirements of paragraph (a),

(ii) the sewerage system has been constructed in accordance with standard practice,

(iii) the sewerage system has been constructed substantially in accordance with the plans and specifications filed under section 8 (2) (b),

(iv) for a sewerage system described in section 2 (c) or (d) [*application*], the estimated daily domestic sewage flow through the sewerage system will be less than 22 700 litres, and

(v) if operated and maintained as set out in the maintenance plan, the sewerage system will not cause a health hazard, and

(c) append to the letter required under paragraph (b)

(i) a plan of the sewerage system as it was built, and

(ii) a copy of the maintenance plan for the sewerage system.

- (2) To determine whether sewerage system construction and a maintenance plan in respect of the sewerage system are consistent with standard practice, an authorized person may have regard to the Ministry of Health Services' publication "Sewerage System Standard Practice Manual", as amended from time to time.
- (3) If an authorized person does not file a letter of certification under subsection (1) (b) within 2 years from filing information about the sewerage system under section 8, the authorized person must not begin or continue construction of the sewerage system until the authorized person files new information under section 8.

[am. B.C. Regs. 371/2007; 209/2010, s. 10.]

Maintenance of sewerage system

- 10** (1) An owner must ensure that a sewerage system on the owner's land is maintained in accordance with the maintenance plan provided in respect of the sewerage system.
- (2) An owner must keep records of maintenance carried out under subsection (1).
- (3) An authorized person who makes a repair or alteration to a sewerage system must provide the owner with an amendment to the maintenance plan if
- (a) section 8 [*filing*] does not apply to the repair or alteration, and
 - (b) the maintenance plan previously provided under section 9 (1) (a) (ii) [*letter of certification*] is, if followed, no longer sufficient to ensure that the sewerage system does not cause, or contribute to, a health hazard.

Part 4 — Enforcement

Orders

11 In addition to any other order that may be made under the Act, a health officer may make an order to do one or more of the following:

- (a) connect a structure to a public sewer;
- (b) connect a structure to, in the health officer's discretion, a holding tank or sewerage system;
- (c) alter or repair a holding tank or sewerage system.

[en. B.C. Reg. 209/2010, s. 11.]

Offences

12 A person commits an offence if the person does any of the following:

- (a) knowingly makes a false or misleading statement
 - (i) in the information submitted or filed under section 4 [*permit for holding tank*] or 8 [*filing*],
 - (ii) in providing the information required under section 9 [*letter of certification*], or
 - (iii) during an inspection for the purposes of this regulation;
- (b) constructs or maintains a sewerage system without proper qualifications, as set out in section 6 [*restriction on construction and maintenance*],
- (c) constructs a holding tank or sewerage system, or fails to repair or maintain a holding tank or sewerage system, in a manner that causes a health hazard;

(d) fails to comply with

- (i) a requirement to file any of the matters described in section 8,
- (ii) a requirement to provide information or a letter of certification under section 9, or
- (iii) an order under section 11 of this regulation or section 31 (1) (b) of the Act, made in relation to a holding tank or sewerage system;

(e) operates

- (i) a holding tank for which no permit has been issued under section 4, or
- (ii) a sewerage system for which no letter of certification has been filed under section 9;

(f) contravenes either of sections 3 (1) [*discharge of domestic sewage*] or 10 (1) [*maintenance of sewerage system*].

[am. B.C. Reg. 209/2010, s. 12.]

Note: *this regulation replaces B.C. Reg. 411/85.*

[Provisions relevant to the enactment of this regulation: *Public Health Act*, S.B.C. 2008, c. 28, sections 111 and 115]