

Codifying a Mandatory Septic Tank Pump-out Frequency?

OOWA brings you updates from the Minister's Office

The Ministry of Municipal Affairs (MMA) is currently reviewing a number of proposed changes to the Ontario Building Code (please see Anne Egan's article on page 14 that details this process). In 2014, OOWA submitted several code change proposals that the board of directors felt confident would support and improve the management, regulation and performance of onsite wastewater treatment systems if adopted. With two representatives currently on the Technical Advisory Committee (TAC), OOWA is providing input on all the code change proposals being considered by MMA for the next edition of the OBC. One of the proposed changes to the code that has generated much discussion is Code Change Proposal B-08-09-03, which proposed the rewording of article 8.9.3.4(1) of the OBC to require septic tanks and other treatment units to be cleaned whenever the sludge and scum occupy one-third of the working capacity of the tank or within five years of the last pump out, whichever occurs first. OOWA has taken the position that mandating pump outs based on timelines, as opposed to the actual measurements in the tank may be problematic. The need for a pump out should be determined based on actual measurements; an evidence-based approach is a more prudent approach, avoiding the cost of unnecessary pump outs that could also place more strain on the existing septage receiving facilities in the province. System owners who have invested in larger capacity septic tanks and some seasonal properties may go well over 5 years before the sludge and scum occupy one third of the working capacity of the tank when measured.

Many municipalities voiced concerns to MMA, that the proposed code amendment had the potential of becoming an additional administrative burden on their existing resources to monitor and enforce this requirement for mandatory pump outs. Some Council members questioned the need for any requirements for ongoing



maintenance and management of septic systems because they had not heard of cases of septic systems polluting the environment or endangering human health. Appeals were made directly to the Ministry and to the Minister, Bill Mauro, outlining their concerns. Subsequently, the Minister issued a statement to all Heads of Council stating that:

The Ministry will not be moving forward with the proposals requiring regular inspections, pumping out of septic tanks and keeping of the septic tanks and treatment units' maintenance records put forth in Phase One of the Building Code consultation.

The statement from the Minister's office relates to the specific code change proposal that was on the table (i.e. B-08-09-03), and does not specifically relate to other maintenance requirements that are already part of the OBC, including the existing requirements related to municipal re-inspection programs.

It is OOWA's position that septic systems are a critical piece of rural infrastructure and require ongoing maintenance and management with Regulatory support and oversight, but that mandating a pump out every five years is not necessarily the best way to achieve

this. Although MMA has indicated that this particular code change will not be carried forward to the next edition of the code, our industry must continue to advocate for proper management of onsite systems and appropriate Regulatory tools and resources for municipalities. Owners need to be vigilant to operate their systems with care, and regulators need to continue their efforts to enforce the existing maintenance provisions in the code. There are some gaps in the data we have in this province. Government does not have an accurate picture of the age, functionality or number of septic systems in Ontario but this can be improved over time. As industry professionals, we have the continued responsibility of educating the public with respect to the importance of proper maintenance and management of onsite systems. In order to protect our precious groundwater and surface water resources OOWA will continue to work with all levels of government to promote sound regulations to govern the safe installation, operation, and maintenance of onsite wastewater treatment systems.