



# The Corporation of the TOWN OF MILTON

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Report To: Committee of the Whole

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From: Barbara Koopmans, Director of Planning and Development

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Date: March 30, 2015

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Report No: PD-009-15

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Subject: Sewage System Maintenance Inspection Program

**Recommendation: THAT staff report PD-009-15 dated March 30, 2015 be received;**

**AND THAT staff be directed to establish and undertake the work necessary to support the establishment of a Town of Milton Mandatory Sewage System Maintenance Inspection Program for implementation commencing no later than June 2015;**

**AND THAT the Building By-Law 123-2011, as amended, be amended to include the Sewage System Maintenance Inspection Program;**

**AND THAT the Town Clerk be authorized to bring forth the appropriate amending by-law to council for enactment.**

## **EXECUTIVE SUMMARY**

The Town of Milton is required under the Ontario Building Code (O. Reg 315/10) to establish regulations governing Sewage System Maintenance Inspection Programs (SSMIPs). This program applies to identified properties located in the Source Protection Plan vulnerable areas. The goal is to implement a program that is comprehensive, cost effective, provides minimal disruption to the impacted property owners and results in safe community for all.

## **REPORT**

### **Background**

Mandatory SSMIPs relate to vulnerable areas described in Source Water Protection Plans developed under the Clean Water Act. The Ontario Building Code (OBC) requires properties which are identified in these areas to be subject to a mandatory sewage system re-inspection program. The initial inspections must occur no later than January 1, 2016 for a sewage system constructed before January 1, 2011 and five (5) years after construction for a sewage system constructed after January 1, 2011.



Each sewage system within the defined areas must then be inspected every five (5) years thereafter.

The Town is an active participant on The Halton-Hamilton Source Protection Committee which is currently developing the Halton Region Source Protection Plan (HRSPP). The HRSPP, which has yet to be approved, identifies potential significant threats to municipal drinking water systems. Although septic systems are only one of the numerous possible threats identified to source water, this risk should be addressed in a comprehensive manner consistent with the HRSPP. Private septic systems that have been identified as a potential threat to municipal drinking water systems through the HRSPP are required to be inspected as part of a Mandatory Maintenance Inspection Program (MMIP) under the OBC.

The Town presently has approximately 90 properties which have been identified to be located within our vulnerable areas. These properties are located within four (4) general areas (Appendix 'D') including various properties in: a) Campbellville, b) Walkers Line, c) Kelso and d) Milton North

As part of the MMIP, there will be a requirement for reporting back to the source protection authority (Halton Region). While the reporting requirement has not yet been finalized, municipal programs need to be tracked with this future requirement in mind.

## **Discussion**

Steps have been prepared by the Chief Building Official for a MMIP. These steps are outlined below:

1. Establish Authority for Inspections and Inspector Qualifications by amendment to By-law 123-2011
2. Identify sewage systems located within the vulnerable areas.
3. Establish an inspection protocol
4. Establish fee and amend Building Rates, Fees and Charges By-law 121-2012 accordingly
5. Collect information and implementation
6. Implement a public awareness program

The following describes each step in detail:

### 1 – Establish Authority for Inspections and Inspector Qualifications

Sewage system maintenance inspections are generally intended to determine whether a sewage system is in substantial compliance with the operation and maintenance requirements outlined in Section 8.9. of Division B of the OBC. These inspections are undertaken by inspectors appointed by the Town in respect of maintenance inspection programs. Alternatively the Town of Milton may accept a Certificate as an alternative to the maintenance inspection:



An amendment to Town of Milton Building By-law 123-2011 is required to add the Sewage System Maintenance Inspection Program.

## 2 – Identify sewage systems located within the vulnerable areas

The Milton Building Division has identified areas that would be subject to the Mandatory Maintenance Inspection Program (these areas are set out in Division C Article 1.10.2.3. of the OBC). As a next step, Milton Building Division staff identified properties with an existing sewage system located within areas subject to MMIP. Sewage systems were identified by reviewing:

- a) Source protection authority mapping to identify properties
- b) Permit applications submitted under the Building Code Act, 1992.
- c) Orders issued under the Building Code Act, 1992.
- d) Records of problems and complaints.
- e) Maintenance inspection reports (for systems that require the existence of a service agreement as a condition of use)

## 3 – Establish Inspection Protocol

MMIP's require that identified systems be inspected every five years. In doing so, staff will prioritize areas for inspection based on:

1. Proximity to a municipal residential drinking water well or surface water intake as identified in the HRSP assessment;
2. Known groundwater or surface water contamination related to sewage;
3. Previous drinking water issues at a well or intake that may be related to sewage, as identified in the HRSP assessment;
4. Age of on-site sewage system; and
5. Systems without records.

## Mandatory Maintenance Inspection Program (MMIP) - Overview

The Ministry of Municipal Affairs and Housing has produced guidelines that set out a progressive audit approach to maintenance inspections for sewage systems. Initial inspections are designed to be visual, non-intrusive and will generally avoid significant disturbance to the system and to the surrounding areas. Where concerns are identified, more intensive tests may follow.

A Phase I MMIP would typically be sufficient to establish compliance with Section 8.9. of the Ontario Building Code. A follow-up Phase II inspection (described below) would be required where the Phase I inspection indicates a defect or potential failure of the system.

The Chief Building Official's opinion is that a MMIP which is the least disruptive to the property owner is the best course of action and recommends the implementation of a program which allows for a certificate to be issued by a consultant meeting the requirements of Division C Article 1.10.1.3.(3) as an alternative to the Town conducting an inspection. The certificate alternative will be a cost and time effective program for the



homeowner compared to having Town Building Officials conduct the re-inspection.

For instance if the Town of Milton building inspectors were conducting the inspection, the Town would be required (1) to establish a separate re-inspection fee payable by the property/homeowner, (2) require the homeowner at their cost arrange to have a septic tank pumped out, (3) a qualified person registered under the OBC inspect the condition of the septic tank and file a report to the Town's attention and (4) arrange for Town inspection staff to attend the site to evaluate the overall septic system. Logistically the coordination of these steps would pose a problem and staff resources during the peak building season (spring/summer) which is when this inspection should take place would be stretched.

It is far more efficient and effective to have the qualified person under the Division C Article 1.10.1.3.(3) of the OBC who is providing the services for completion of the septic tank condition report also complete the Septic System Re-Inspection Report (Appendix 'B') for the remaining components. This qualified person would also complete the approved Ministry of Municipal Affairs and Housing (MMAH) - Mandatory Sewage System Inspection Program Certificate (Appendix 'C') for staff's review, files and forwarding to Halton Region. All fees for services are entirely between the qualified person registered under the OBC and the property owner.

### **Phase I – Maintenance Re-Inspections - Maintenance Certificate Alternative (MCA)**

The Town of Milton as an alternative to conducting an inspection of a sewage system required under OBC Sentence C - 1.10.2.3.(1), may choose to accept a certificate described in Sentence C - 1.10.2.3.(2) from the owner of the property on which the sewage system is located. The certificate required satisfies the requirements of Sentence 1.10.1.3.(2) and for these purposes Sentences 1.10.1.3.(3) to (5) apply with necessary modifications. Any fees associated with the MCA between owner and the qualified individual providing the services (pump-out, reporting, completion of the Town approved report and the MMAH Mandatory Sewage System Inspection Program Certificate) remain the responsibility of the property owner. A person registered under Division C Article 3.2.4.2. in the class of registration set out in Column 1 of Item 10 of Table 3.5.2.1., (b) a person registered under Article 3.3.3.2., (c) an architect, or (d) a professional engineer, would complete the MMAH Mandatory Sewage System Inspection Program Certificate and submit it to the Town of Milton for review and filing within 5 business days of completion of inspection.

### **Phase II – Follow-Up Maintenance Inspections**

It may be appropriate to undertake more intensive follow-up maintenance inspections where:

- a) The Phase I MCA has identified that the septic system is at risk of future malfunction or failure, or
- b) The Phase I MCA detected a malfunction or failure, but did not reveal the reason (e.g., location or nature) of malfunction or failure.



Phase II inspections are familiar to Town in terms of typical Building Code enforcement activities (i.e., investigation of potentially failing sewage systems, inspections due to neighbour complaints), however phase II inspections shall be carried out by a person registered under Division C Article 3.2.4.2. in the class of registration set out in Column 1 of Item 10 of Table 3.5.2.1., (b) a person registered under Article 3.3.3.2., (c) an architect, or (d) a professional engineer.

The Phase II inspections will require examination of the following elements:

- a) The depth of the sludge layer and the distance from the top of the sludge layer and the outlet tee;
- b) The thickness of the scum layers;
- c) The distance between the bottom of the scum/grease layer and the bottom of the outlet tee;
- d) The distance between the top of the scum layer and the top of the outlet tee;
- e) The physical condition of the inlet and outlet; and
- f) The condition of the effluent filter, if utilized.

For sewage systems utilizing \*treatment units, Phase II inspections may also include a review of:

- a) The existence of a maintenance agreement and the date of latest servicing;
- b) The test results of a new round of effluent sampling (if otherwise required by the Building Code, or by an authorization issued by the Building Materials Evaluation Commission); and
- c) Operational problems or system malfunction before or, at the time of inspection.
- d) Where used in sewage systems, distribution boxes, dosing tanks and pumps will be inspected to determine their condition and functionality.

Phase II inspections of leaching beds will also consider:

- a) Clearance distances to environmental features, wells and surface water intakes;
- b) Soil type and its permeability;
- c) Additional sources of hydraulic loading (e.g. surface discharge, roof drains);
- d) Evidence of ponding;
- e) Encroachments into the leaching bed area (e.g. building additions, patios, driveways, pools); and
- f) Trees and deep rooting shrubs in the vicinity of the bed.

Phase II examination of blockages in the leaching bed and pollution sources may be identified by measures including:

- a) Evaluation of in-home plumbing and estimates of water usage;
- b) Conducting a leak diagnostics;
- c) Conducting a flow trial;



- d) Conducting a dye tracing test; or
- e) Excavating a cross section of the leaching bed.
- f) Inspection Reports

\*Treatment unit means a device that, when designed, installed and operated in accordance with its design specifications, provides a specific degree of sanitary sewage treatment to reduce the contaminant load from that of sanitary sewage to a given effluent quality.

#### 4 – Establish Fee

The Town of Milton must also consider how the Sewage System Maintenance Inspection Program (SSMIP) will fit into its strategic priorities, in terms of staffing and financial resources. Utilizing a MCA will not require any additional staffing or the need to establish a re-inspection fee. Upon approval and initiation of the (MCA) staff will monitor the performance of the program to evaluate if any future fees need to be established, as a result of non-compliance issues arising from the Phase I or Phase II inspection.

Mandatory maintenance inspection program utilizing a maintenance certificate alternative (MCA) would result in all cost being direct between the qualified person registered under the OBC and the property owner.

Phase II inspections if required would be a direct cost negotiated between the property owner and the person authorized under Division C Article 1.10.1.3.(3) of the OBC.

When, as a result of the Septic System Maintenance Inspection Program, it has been determined that repairs to a malfunctioning septic system are necessary, a building permit may be required. Building permits related to septic systems for the installation of new systems and repairs to malfunctioning systems are currently set out in the Town's Building By-law. Fees associated with a building permit for a septic system repair are presently in place. The same fee structure would be applicable for systems in need of repair as a result of the Septic System Maintenance Inspection Program. This fee is over and above the fee associated with operating the Septic System Maintenance Inspection Program. The process of permit review and site inspections for new systems and system repairs are already set out in the Building Code regulations. The same process would be followed when it comes to permits/inspections arising from the Septic System Maintenance Inspection Program.

Should the property owner not bring the septic system into voluntary compliance based on items identified during the Phase I or II inspection an order to 'REMEDY UNSAFE BUILDING' would be issued.

#### 5 – Collection of Information and Implementation

The Building Department has developed a standard Septic System Re-Inspection





Report (Appendix 'B') which includes the following information:

- a) Identification of the property;
- b) Identification of any information collected as part of the inspection;
- c) Deficiencies identified during the current visit;
- d) The legislative authority for the inspection program; and
- e) Enforcement action taken, if any.
- f) Property flagged for re-inspection every five (5) years

This information will later be utilized for meeting the required reporting to the Source Water Protection authority.

## 6 – Implement a Public Awareness Program

Compliance can be high in large part due to successful education and appreciation by property owners of the proper operation and maintenance of a healthy on-site sewage system. The education of property owners about their responsibilities and legal obligations is in large measure, the role of the Town or the Principal Authority. However, other community groups can provide valuable support in public education initiatives to their membership and others.

In order to achieve this public awareness, a letter to property owners regarding the mandatory re-inspection program will be necessary. The details of such a letter have been identified in the included sample letter to homeowner (Appendix 'A'). The intention of such a letter will be to inform and outline the scope of the mandatory re-inspection program. This letter will also describe the follow-up options that will be available to property owners whose system exhibit deficiencies found during the re-inspection.

Notification to property owner shall include:

1. A contact name within the Town;
2. The legislative authority for the inspection program;
3. Procedural information;
4. Any applicable fees to be charged

Other means of communications may include information posted on the Town web site and helpful links to other available resources along with the possible development of an information brochure.

The Ontario Building Code requires that implementation of a Sewage System Maintenance Inspection Program (SSMIP) and initial inspections be carried out prior to January 2016. At this time staff recommends to only enact a Mandatory Maintenance Inspection Program (MMIP) utilizing a Maintenance Certificate Alternative which applies to properties identified in the Source Protection Plan to be located in vulnerable areas. Staff is of the opinion that endorsement of this program utilizing a certificate as an alternative to a maintenance inspection should provide the best level of service and minimal inconvenience to the property owner. The attached draft by-law (Appendix 'E')



# The Corporation of the TOWN OF MILTON

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is to add a Sewage System Maintenance Inspection Program.

Legislated time restrictions for delivery of the initial inspections must be respected and the program should be in place for delivery no later than June of 2015 to ensure the Town complies with this requirement.

## Relationship to the Strategic Plan

Responsible, Cost Effective and Accountable Local Government  
A Safe, Livable and Healthy Community

## Financial Impact

This program can be implemented with existing staff resources. Any inspection costs are the responsibility of the property owner. Fees associated with a building permit for a septic system repair are presently in place.

Respectfully submitted,  
Barbara Koopmans, BES, MCIP, RPP, CMO  
Director, Planning and Development

For questions, please contact: Colin Brook, Phone Number :  
Chief Building Official 905-878-7252 ext. 2353

## Attachments

Appendix 'A' – Letter to property owner  
Appendix 'B' – Septic System Re-Inspection Report  
Appendix 'C' – MMAH approved certificate  
Appendix 'D' – Maps of vulnerable areas  
Appendix 'E' – Draft By-law

CAO Approval  
William Mann, MCIP, RPP, OALA, CSLA, MCIF, RPF  
Chief Administrative Officer





**Town of Milton**  
**Building Division**  
150 Mary Street  
Town of Milton, Ontario  
Phone 905.878.7252  
www.milton.ca

# BUILDING DIVISION

Appendix 'A' to Report PD-009-15

DATE –

Property Owner Name

Property Address

Please be advised that commencing June 2015, the Town of Milton will be initiating a Mandatory Maintenance Re-Inspection Program for sewage systems within identified areas of the Municipality. Your property has been identified through the Source Water Protection Plan to be located within the vulnerable area.

The responsibilities with respect to on-site private sewage systems were transferred from the Environmental Protection Act to the Building Code Act in 1998. As such a sewage system is now defined as a “building” under the Building Code Act. Regulations under the Clean Water Act required that Municipalities under the Ontario Building Code (OBC) develop a Sewage System Maintenance Inspection Program for properties which are identified to be in areas considered vulnerable to the Municipal Source Water.

The Town of Milton as an alternative to conducting an inspection of a sewage system required under OBC has selected to accept a Maintenance Certificate Alternative Program (Phase I). Any fees associated with completion of the Maintenance Certificate Alternative Program (Phase I) between the property owner and the person providing the services for completing the approved Town of Milton *'Septic System Re-Inspection Report'* and the Ministry of Municipal Affairs and Housing *'Certificate Mandatory Sewage System Maintenance Inspection Program'* remains the responsibility of the property owner.

The owner of the property must have a person with a Building Code Identification Number (BCIN) registered with the Ministry of Municipal Affairs and Housing for septic design (BCIN), Septic Supervisor (BCIN), an architect, or a professional engineer, complete the attached Septic System Re-Inspection Report and the approved Ministry of Municipal Affairs and Housing (MMAH) – Mandatory Sewage System Maintenance Inspection Program Certificate. The attached report form and MMAH certificate are required to be submitted on or before September 1, 2015 for staff review.

The property owner will be notified in writing if their system has been determined to be unsafe and that remedial measures or a Phase II inspection will be required. The owner must take the necessary steps to render the “building” (sewage system) safe. If as a result of the Septic System Maintenance Inspection Program, it has been determined that repairs to a malfunctioning septic system are necessary, a building permit may be required. Should the property owner not bring the septic system into voluntary compliance based on items identified during the Phase I or II inspection an order to *'REMEDY UNSAFE BUILDING'* may be issued.

The cooperation of property owners will ensure that this program is completed in a prompt and efficient manner and assist in providing continued enjoyment of a clean and healthy environment.

Kindest regards,

Colin Brook  
Chief Building Official  
Town of Milton

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FOR FURTHER INFORMATION, PLEASE VISIT [WWW.MILTON.CA](http://WWW.MILTON.CA) or CONTACT:

Brian Yundt, Coordinator of Building Inspections  
Phone: 905-878-7252 ext. 2337 e-mail: [brian.yundt@milton.ca](mailto:brian.yundt@milton.ca)



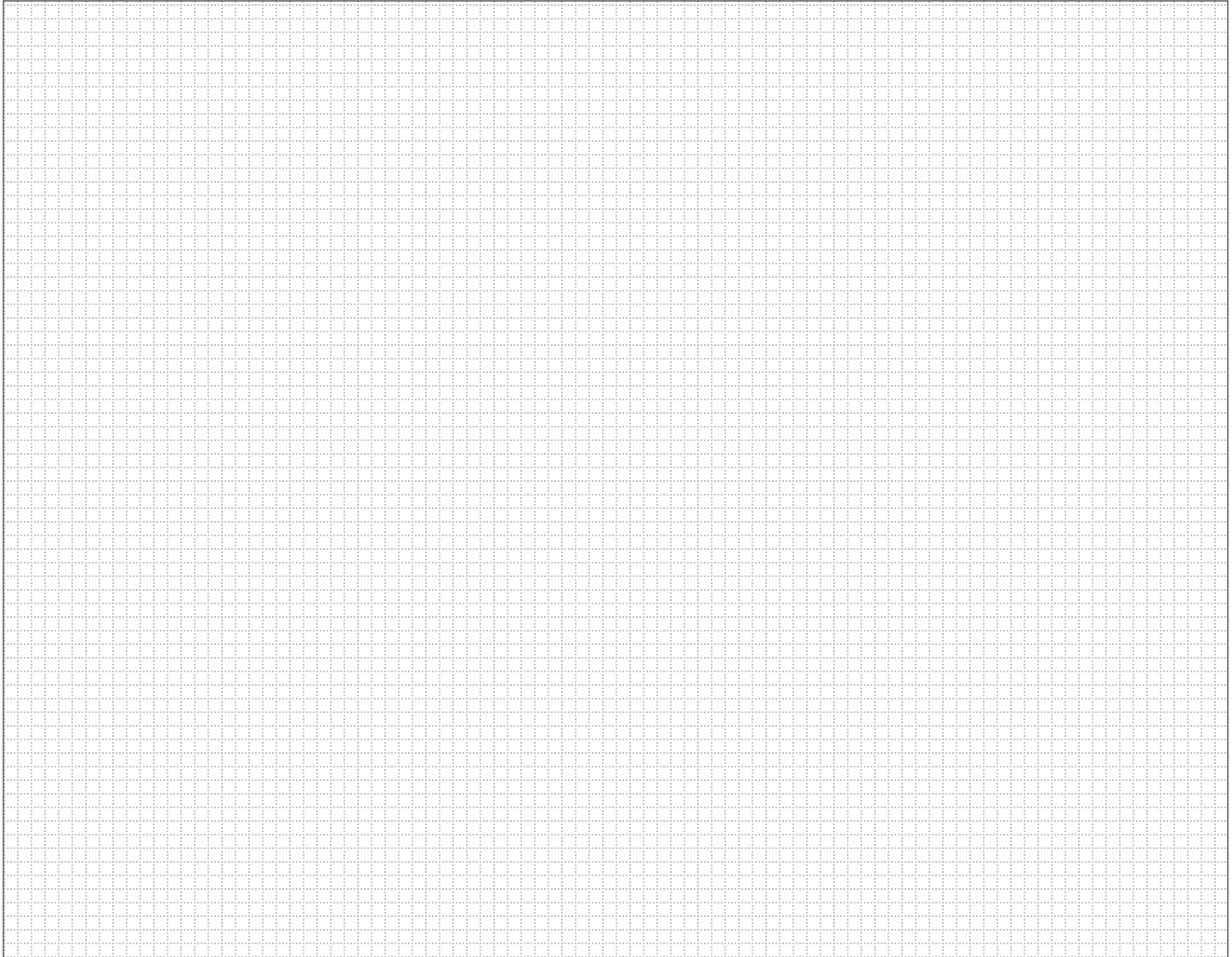


**Town of Milton**  
**Building Division**  
150 Mary Street  
Town of Milton, Ontario  
Phone 905.878.7252  
www.milton.ca

# BUILDING DIVISION

## Septic System Layout

Address: \_\_\_\_\_



Notes

Legend:

- - - pl – Property Line
- ☐ – Structure
- ☒ – Septic Tank
- ⊕ – Pump Chamber
- ⚡ – Tile Bed
- ⊕w – Well
- ⊗T – Significant Tree
- ~ – Stream or Creek
- Ⓟ – Pond

Appendix 'C' to Report PD-009-15

Name of Consultant: \_\_\_\_\_ BCIN# (if applicable): \_\_\_\_\_  
Business Name: \_\_\_\_\_  
Business Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

**Certificate**  
**Mandatory Sewage System Maintenance Inspection Program**  
(pursuant to Article 1.10.2.5 of Division C of the Building Code)

**Certificate Number:** \_\_\_\_\_ **Date Certificate Issued:** \_\_\_\_\_

**Address of Property on which Sewage System is Located:** (hereinafter called the "Property")

**Owner of Property on which Sewage System is Located:**

**Certificate issued to** (name and address of Principal Authority):

**Certification**

I certify that:

- (a) I am a person described in Sentence 1.10.1.3.(3) of Division C of the Building Code.
- (b) I have conducted an inspection of the sewage system located at the Property.
- (c) I am satisfied on reasonable grounds that the sewage system located on the Property is in compliance with the requirements of Section 8.9 of Division B of the *Building Code*.

**Certificate issued by:**

Name: \_\_\_\_\_

Complete as applicable:

- BCIN \_\_\_\_\_
- I am the holder of a licence, a certificate of practice or a temporary licence under the *Architects Act*.
- I am a person who holds a licence or a temporary licence under the *Professional Engineers Act*.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

This certificate is approved by the Minister of Municipal Affairs and Housing under the *Building Code Act, 1992*

[Personal information contained in this form and schedules is collected under the authority of clause 34(2.2)(d) of the *Building Code Act, 1992*, and will be used in the administration and enforcement of the *Building Code Act, 1992*. Questions about the collection of personal information may be addressed to: a) the Chief Building Official of the municipality or upper-tier municipality to which this application is being made, or, b) the inspector having the powers and duties of a chief building official in relation to sewage systems or plumbing for an upper-tier municipality, board of health or conservation authority to whom this application is made, or, c) Director, Building and Development Branch, Ministry of Municipal Affairs and Housing 777 Bay St., 2nd Floor. Toronto, M5G 2E5 (416) 585-6666.]



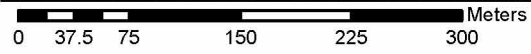
# Highly Vulnerable Wellhead Protection Areas - Campbellville



**Legend**

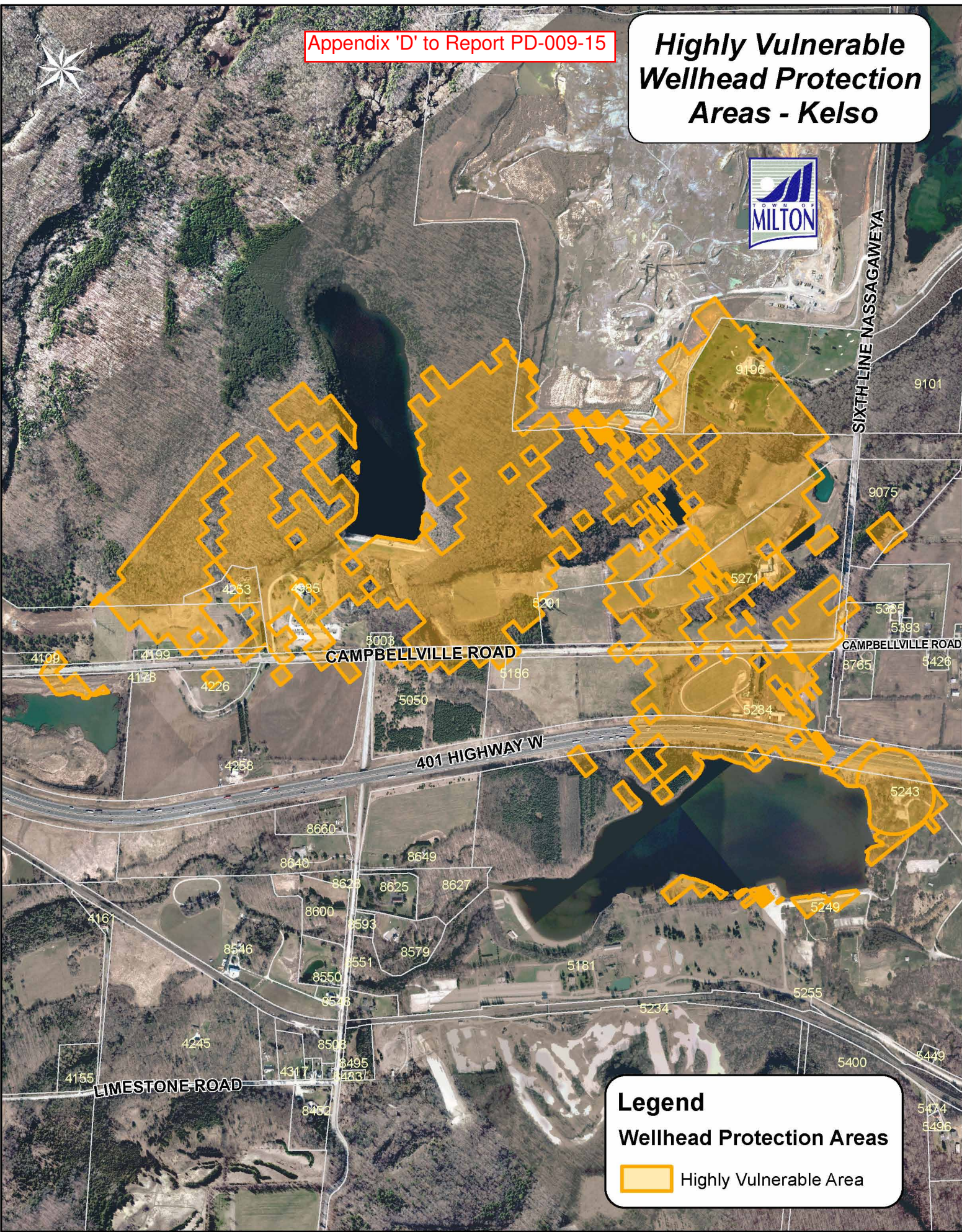
**Wellhead Protection Areas**

-  Highly Vulnerable Area





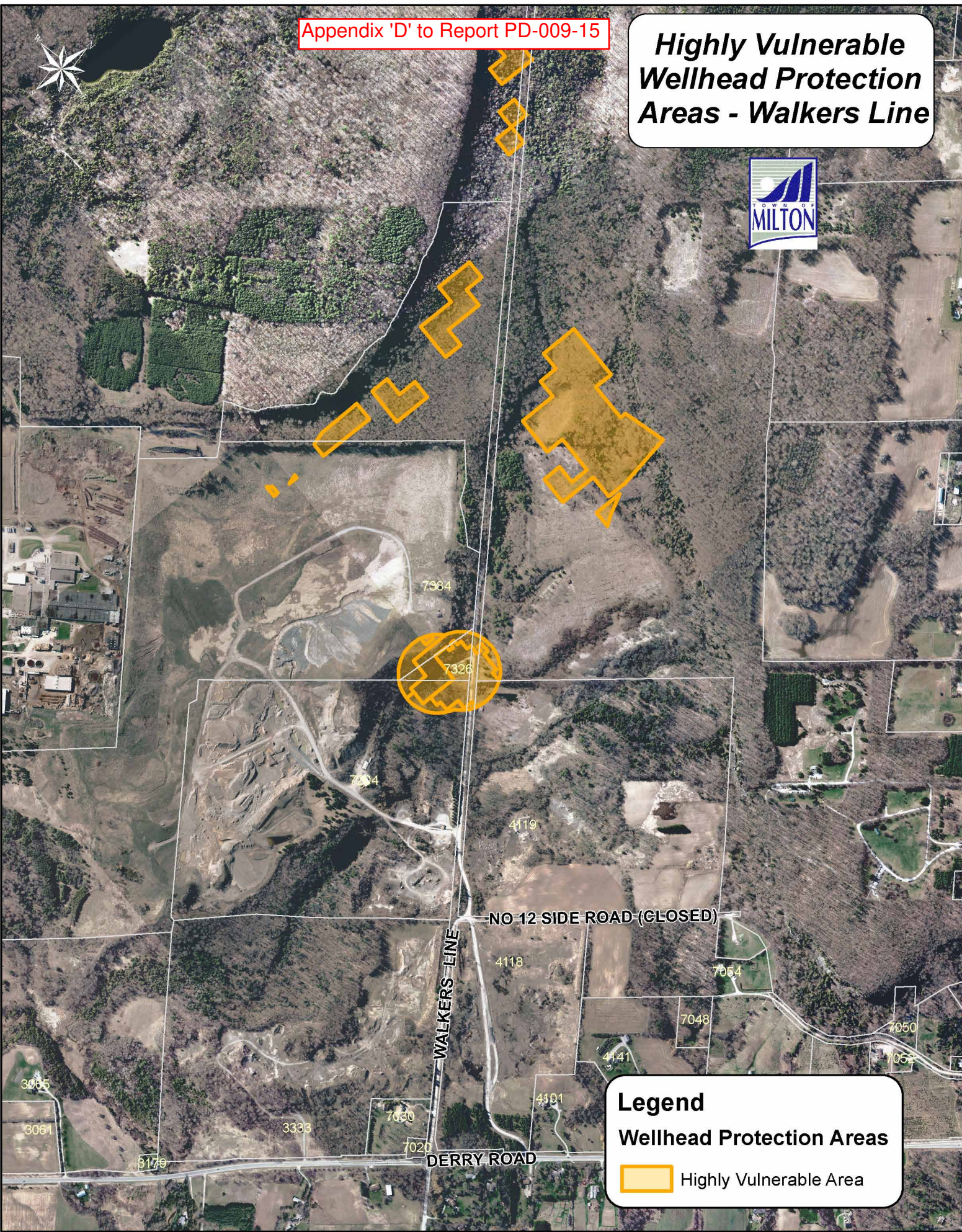
# Highly Vulnerable Wellhead Protection Areas - Kelso



**Legend**  
**Wellhead Protection Areas**  
[Yellow Box] Highly Vulnerable Area



# Highly Vulnerable Wellhead Protection Areas - Walkers Line



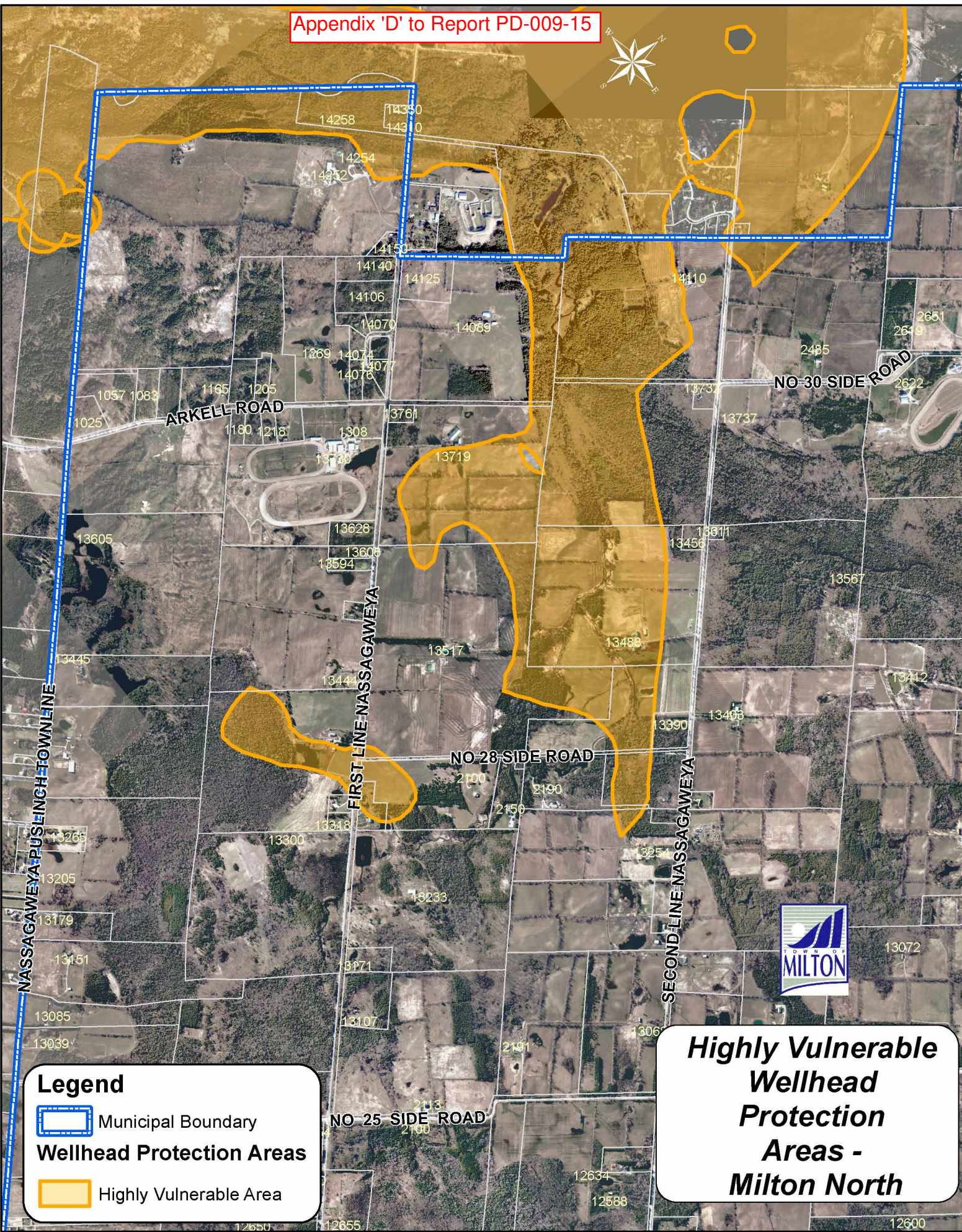
**Legend**

**Wellhead Protection Areas**

-  Highly Vulnerable Area

0 87.5 175 350 525 700 Meters

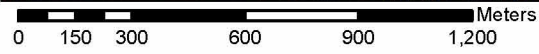




**Legend**

- Municipal Boundary
- Wellhead Protection Areas**
- Highly Vulnerable Area

**Highly Vulnerable Wellhead Protection Areas - Milton North**





**THE CORPORATION OF THE TOWN OF MILTON**

**BY-LAW NO. XXX-2015**

BEING A BY-LAW TO AMEND BY-LAW NO. 123-2011, AS AMENDED, BEING A BY-LAW RESPECTING PERMITS FOR CONSTRUCTION, DEMOLITION, CHANGE OF USE AND OCCUPANCY; TRANSFER OF PERMITS, INSPECTIONS AND RELATED MATTERS

**WHEREAS** section 7 of the *Building Code Act*, S.O. 1992 c.23, as amended, authorizes a municipal Council to pass by-laws concerning the issuance of permits and related matters;

**AND WHEREAS** Council approved By-law No. 123-2011 on December 5, 2011, being a by-law respecting permits for construction, demolition, change of use and occupancy; transfer of permits, inspections and related matters;

**AND WHEREAS** it is necessary to amend Sections 2 and 11 and to add Schedule "D" to By-law No. 123-2011, as amended;

**NOW THEREFORE** the Council of the Corporation of the Town of Milton hereby enact as follows:

1. **THAT** Section 2.1 clause (32) of By-law 123-2011, as amended, be renumbered to (33) which reads "**Work**" means construction or demolition of a building or part thereof, as the case may be.
2. **THAT** Section 2.1 clause (32) of By-law 123-2011, as amended, be added to read:  
(32) "**Sewage System Maintenance Inspection Program**" means an inspection conducted under a maintenance program as per Division C, Part 1, Article 1.10.2 of the Building Code
3. **THAT** Section 11 of By-law 123-2011, as amended, be amended by adding clause 11.4 as follows:  
11.4 Sewage System Maintenance Program  
Where a property owner receives notice that a mandatory maintenance sewage system inspection is to be conducted as required under Division C, Article 1.10.2.3 of the OBC the property owner shall provide all applicable documentation as deemed necessary and as set out in Schedule 'D' to this By-Law.
4. **THAT** By-law 123-2011, as amended, be further amended by adding Schedule "D" Sewage System Maintenance Program (Mandatory Maintenance Inspection Program) to read:.

**SCHEDULE “D” TO BY-LAW NO. 123-2011  
SEWAGE SYSTEM MAINTENANCE PROGRAM  
(Mandatory Maintenance Inspection Program)**

**Authority for Inspections**

Sewage system maintenance inspections are generally intended to determine whether a sewage system is in substantial compliance with the operation and maintenance requirements outlined in Section 8.9. of Division B of the OBC. Inspections are undertaken by inspectors appointed by the Town in respect of maintenance inspection programs required under Division C, Article 1.10.2.3. of the OBC (“Mandatory Maintenance Inspection Program”. The Town of Milton has selected to accept a Certificate as an alternative to conducting an inspection of a sewage system required under Division C, Article 1.10.2.3.(1).

Section 15.10.1. of the Act sets out the authority for an Inspector to enter upon land and into buildings at any reasonable time without a warrant for the purpose of conducting a maintenance inspection.

Despite the provision of Section 15.10.1., an Inspector shall not enter or remain in any room or place actually being used as a dwelling unless:

- a) the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and entry made only under the authority of a warrant issued under this Act;
- b) a warrant issued under this Act is obtained;
- c) the delay necessary to obtain a warrant or the consent of the occupier would result in an immediate danger to the health or safety of any person;  
or
- d) the entry is necessary to terminate an immediate danger.

**Inspection Notification**

The OBC requires that all systems within the mandatory inspection areas be inspected every five (5) years from date of construction or from date of the most recent maintenance inspection.

Owners will be contacted by letter. Notification to property owner shall include:

- 1. A contact name within the Town;
- 2. The legislative authority for the inspection program;
- 3. Procedural information of the Maintenance Certificate as an alternative;
- 4. Any applicable fees to be charged.

**Mandatory Maintenance Inspections**

These guidelines provided in this document set out a progressive audit approach to maintenance inspections for sewage systems, as with most inspections under the Building Code Act, 1992. Under this approach, initial inspections are designed to be

non-intrusive tests and will generally avoid significant disturbance to the system and to the surrounding soil area. Where concerns are identified, more tests may follow.

A Phase I maintenance inspection may be sufficient to establish compliance with Section 8.9. of the Building Code or with the standards enforced under a Discretionary program. A follow-up Phase II Inspection (described below) is required where the Phase I inspection indicates a defect or failure of the system.

**Phase I – Mandatory Maintenance Inspection - Maintenance Certificate Alternative (MCA)**

The Town of Milton as an alternative to conducting an inspection of a sewage system required under OBC Sentence C - 1.10.2.3.(1), has selected to accept a certificate described in Sentence C - 1.10.2.3.(2) from the owner of the property on which the sewage system is located. The certificate required satisfies the requirements of Sentence 1.10.1.3.(2) and for these purposes Sentences 1.10.1.3.(3) to (5) apply with necessary modifications. Any fees associated with the MCA between owner and the qualified individual providing the services (pump-out, reporting, completion of the Town approved *Sewage System Re-Inspection Report* and the Ministry of Municipal Affairs and Housing (MMAH) – *Certificate Mandatory Sewage System Inspection Program*) remain the responsibility of the property owner. A person registered under Division C Article 3.2.4.2. in the class of registration set out in Column 1 of Item 10 of Table 3.5.2.1., (b) a person registered under Article 3.3.3.2., (c) an architect, or (d) a professional engineer, shall complete the MMAH Mandatory Sewage System Inspection Program Certificate and submit it to the Town of Milton for review and filing within 5 business days of completing the inspection.

**Phase II – Follow-Up Maintenance Inspections**

It may be appropriate to undertake more intensive follow-up maintenance inspections where:

- a) The Phase I MCA has identified that the septic system is at risk of future malfunction or failure, or
- b) The Phase I MCA detected a malfunction or failure, but did not reveal the reason (e.g., location or nature) of malfunction or failure.

Phase II inspections shall be carried out by a qualified person registered under Article C-3.2.4.2. in the class of registration set out in Column 1 of Item 10 of Table 3.5.2.1. and at the property owner's expense.

The Phase II inspections will require examination of the following elements:

- a) The depth of the sludge layer and the distance from the top of the sludge layer and the outlet tee;
- b) The thickness of the scum layers;

- c) The distance between the bottom of the scum/grease layer and the bottom of the outlet tee;
- d) The distance between the top of the scum layer and the top of the outlet tee;
- e) The physical condition of the inlet and outlet; and
- f) The condition of the effluent filter, if utilized.

For sewage systems utilizing \*treatment units, Phase II inspections may also include a review of:

- a) The existence of a maintenance agreement and the date of latest servicing;
- b) The test results of a new round of effluent sampling (if otherwise required by the Building Code, or by an authorization issued by the Building Materials Evaluation Commission);
- c) Operational problems or system malfunction before or, at the time of inspection; and
- d) Where used in sewage systems, distribution boxes, dosing tanks and pumps will be inspected to determine their condition and functionality.

Phase II inspections of leaching beds will also consider:

- a) Clearance distances to environmental features, wells and surface water intakes;
- b) Soil type and its permeability;
- c) Additional sources of hydraulic loading (e.g. surface discharge, roof drains);
- d) Evidence of ponding;
- e) Encroachments into the leaching bed area (e.g. building additions, patios, driveways, pools); and
- f) Trees and deep rooting shrubs in the vicinity of the bed.

Phase II examination of blockages in the leaching bed and pollution sources may be identified by measures including:

- a) Evaluation of in-home plumbing and estimates of water usage;
- b) Conducting a leak diagnostics;
- c) Conducting a flow trial;
- d) Conducting a dye tracing test; or
- e) Excavating a cross section of the leaching bed.
- f) Inspection Reports

\*Treatment unit means a device that, when designed, installed and operated in accordance with its design specifications, provides a specific degree of sanitary sewage treatment to reduce the contaminant load from that of sanitary sewage to a given effluent quality.

### **Inspection Report & MMAH Certificate**

The Building Department has developed a standard Septic System Re-Inspection Report which includes the following information:

- a) Identification of the property;
- b) Identification of any information collected as part of the inspection;
- c) Deficiencies identified during the current visit;
- d) The legislative authority for the inspection program; and
- e) Enforcement action taken, if any.
- f) Property flagged for re-inspection every five (5) years

The MMAH *Certificate Mandatory Sewage System Inspection Program* will accompany the Septic Re-Inspection Report.

Copies of the *Septic Re-Inspection Report* are available at the Town of Milton Planning and Development office or online [www.milton.ca](http://www.milton.ca) under the Building Division section.

Copies of the MMAH *Certificate Mandatory Sewage System Inspection Program* are available at the Town of Milton Planning and Development office or online at [www.mah.gov.on.ca](http://www.mah.gov.on.ca) search Third Party Inspection Certificate – Mandatory Programs.

All information will later be utilized for meeting the required reporting to the Source Water Protection authority.

### **Enforcement**

When, as a result of the Septic System Maintenance Inspection Program, it has been determined that repairs to a malfunctioning septic system are necessary, a building permit may be required. Building permits related to septic systems for the installation of new systems and repairs to malfunctioning systems are currently set out in the Town's Building Rates, Fees and Charges By-law. Fees associated with a building permit for a septic system repair are presently in place. The same fee structure would be applicable for systems in need of repair as a result of the Septic System Maintenance Inspection Program. This fee is over and above the fee associated with operating the Septic System Maintenance Inspection Program. The process of permit review and site inspections for new systems and system repairs are already set out in the Building Code regulations. The same process would be followed when it comes to permits/inspections arising from the Septic System Maintenance Inspection Program.

Should the property owner not bring the septic system into voluntary compliance based on items identified during the Phase I or II inspection an order to 'REMEDY UNSAFE BUILDING' in respect of the septic re-inspection shall be issued.

5. **THAT** all other provisions of By-law No. 123-2011 remain in full force and effect.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED** this XX<sup>th</sup> day of XXXX, 2015.

\_\_\_\_\_ Mayor  
Gordon A. Krantz

\_\_\_\_\_ Town Clerk  
Troy McHarg