



May 28, 2010

Stephanie Costantino
Policy Advisor, Building and Development Branch
Ministry of Municipal Affairs and Housing
777 Bay Street
Toronto, Ontario M5G 2E5

RE: Proposed amendments to the Building Code (O. Reg. 350/06) respecting on-site sewage maintenance inspection programs (EBR #010-9557)

Dear Ms. Constantino,

Thank you for the opportunity to provide comments regarding proposed amendments to the Building Code (O. Reg. 350/06) respecting on-site sewage maintenance inspection programs.

The following comments are submitted on behalf of Ontario's 36 conservation authorities. These comments are not intended to limit your review of comments that may have been submitted individually by conservation authorities.

The Ministry of Municipal Affairs and Housing is commended for initiating requirements for septic system maintenance inspections or re-inspections. Such an initiative is considered to be very important for protecting the environment and long overdue.

The scope of the regulatory objectives for amending the Building Code as they relate to this policy proposal (April 2010 - EBR #010-9557) provides for the implementation of policy 4.13 under the Lake Simcoe Protection Plan (LSPP). Policy 4.13-SA of the LSPP states:

Within one year of the date the Plan comes into effect, the MMAH and the MOE will develop a proposal for a regulation under the Ontario Building Code Act, 1992, to designate the lands within 100 metres of the Lake Simcoe shoreline, other lakes, and any permanent stream of Lake Simcoe, as a prescribed area for required on-site sewage system maintenance re-inspections.

The related policy proposal (March 2008 - EBR #010-3036) that is referenced provides for inspection programs in vulnerable drinking water supply areas identified in Source Water Assessment Reports. It is believed that while this regulation proposal is well intended it is too narrow in its scope. The current (April 2010) posting is broader in terms of environmental protection but only applicable to the Lake Simcoe watershed. This approach seems piecemeal. The Ministries of Municipal Affairs and Housing and the Environment are encouraged to develop a regulation proposal that enables inspection programming as part of protecting water quality to ensure the health of communities and ecosystems. This regulation should provide for mandatory inspection programming throughout the province, which may be triggered by a number of

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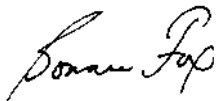
mechanisms including municipal priorities/interests in protecting the environment, existing watershed conditions studies and plans, source water assessment reports, etc.

The posting states that "*The proposed regulation would address matters such as the scope of application of required programs, qualifications of inspectors, the frequency of inspections, type of inspection and the acceptance of "third party" certificates.*" No supporting information was included to provide further information on the above details. Understanding how these aspects of the program will be funded and implemented is crucial for the success of inspection programs. Therefore, it is recommended that, once drafted, the content of the regulation be posted on the Environmental Registry to provide the opportunity to comment on the details of creating and implementing a Septic System Inspection program before it is written into legislation.

Following the recommendation above, the Province is requested to defer the date the proposed regulations would come into force, which is currently scheduled to be as early as January 1, 2011, to enable additional review and planning for the proposed regulation and enable public consultation on the content of the draft regulation.

Thank you again for the opportunity to provide input regarding the proposed amendments to the Building Code (O. Reg. 350/06) respecting on-site sewage maintenance inspection programs (EBR #010-9557). If you have any questions regarding these comments please contact me at (905) 895-0716 ext. 223 or Natasha Leahy at ext. 228.

Sincerely,



Bonnie Fox
Manager, Policy and Planning

c.c. All Conservation Authority GMs/CAOs
CA Section 28 Regulations Contacts
CO/MNR Section 28 Regulations Committee