



CANADIAN ENVIRONMENTAL LAW ASSOCIATION  
L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT

April 3, 2008

Sabina Filipescu  
Policy Advisor  
Ministry of Municipal Affairs and Housing  
Municipal Services Division  
Building and Development Branch  
777 Bay Street, 2nd Floor  
Toronto, Ontario M5G 2E5

Dear Ms Filipescu,

**RE: EBR Registry Number 010-3036**  
**Proposed amendments to the Building Code respecting on-site sewage systems**

The Canadian Environmental Law Association (CELA) is a non-profit, public-interest group established in 1970 to use existing laws to protect the environment and advocate environmental law reform. Funded as a community legal clinic specializing in environmental law, CELA represents individuals and citizens' groups before trial and appellate courts and administrative tribunals on a wide variety of environmental protection and resource management matters.

CELA has also worked for decades as an advocate of strong Ontario water resource policies and regulations, represented the Concerned Walkerton Citizens at the Walkerton Inquiry, and was instrumental in formulating the *Clean Water Act, 2006*.

CELA supports the amendments to the Building Code respecting on-site sewage systems. We believe these amendments will help protect source water through a systematic approach to the enforcement of standards for the maintenance and operation of existing sewage systems. Several points in the proposed amendments are particularly deserving of commendation:

- The proposal to hire qualified inspectors who meet standardized requirements.
- The acknowledgement of the importance of protecting the province's most vulnerable sources of drinking water from contamination through systematic inspection, and mandating the requirement of such inspections by principal authorities.

- Allowing for inspections by third parties, so that principal authorities such as municipalities, boards of health or conservation authorities do not necessarily have to rely on their own staff.

There are several comments and recommendations that we wish to make:

- Consideration should be given to establishing a provincial financial assistance program, particularly for deficient or malfunctioning septic systems in vulnerable areas. Such a program could be administered locally by municipalities in accordance with certain eligibility criteria. One option would be low-interest (or no-interest) loans to eligible landowners to ensure the remedial work is completed in a timely way. This would be similar to situations where some municipalities have provided financial assistance to rural residents to enable them to connect to new or existing water systems.
- In 2007 the Ontario Rural Wastewater Centre and the Ministry of the Environment produced a pamphlet, "Your Septic System: Protecting Your Investment and the Environment". The pamphlet provides guidelines for proper maintenance, operation and inspection of septic systems. We would encourage the dissemination of this pamphlet, or similar pieces of information produced by the Ministry of Municipal Affairs and Housing, to owners of sewage systems at the time of re-inspection, and that the pamphlet or similar information piece be made publicly available on the Ministry's website.

The pamphlet can be viewed at <http://www.ene.gov.on.ca/publications/6369e.pdf>

- A significant number of Ontario municipalities already have sewage system re-inspection programs in place. We believe that an inspector undertaking a re-inspection where a program is already in place should draw on the municipality's re-inspection experiences whenever possible, particularly in vulnerable areas.

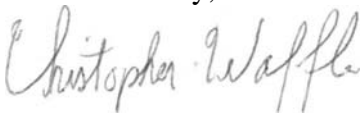
Furthermore, re-inspection programs ought to continue to be tools municipalities can use, whether in vulnerable areas or areas not designated as such.

Information on some existing municipal re-inspection programs can be found at the Centre for Sustainable Watersheds' website:

<http://www.wixnet.ca/watersheds/test/resources/success.html>

CELA appreciates the opportunity of providing comments on the proposed amendments to the Building Code.

Yours sincerely,



Christopher Waffle  
Source Protection Campaigner CELA Publication #608

cc: Ian Smith, Director, Source Protection Programs Branch, Ministry of the Environment.