

DATE: February 9, 2017

FILE: 5330-20/SSP

TO: Chair and directors
Electoral areas services committee

FROM: Debra Oakman, CPA, CMA
Chief Administrative Officer

RE: Onsite wastewater management program research

Purpose

To provide an overview of research completed on local government onsite wastewater management programs.

Policy analysis

Bylaw No. 2422, being the “Regional District of Comox-Strathcona Liquid Waste Management Planning Service Bylaw No. 2422, 2002” provides planning services to the rural areas with regard to liquid waste management.

The *Environmental Management Act* allows local governments to develop a liquid waste management plan (LWMP) for approval by the Minister of Environment. The LWMP process offers a foundation and authorizing mechanism to advance onsite wastewater management planning.

The British Columbia *Public Health Act, Sewerage System Regulation* (SSR) regulates wastewater systems that serve a single family residence or duplex, and sewerage systems with a domestic sewage flow of up to 22,700 liters per day that service a single lot or lots with a shared interest.

The *Local Government Act* (RSBC 2015 c. 1) section 306 states that a board may, by bylaw: (a) regulate and prohibit the design and installation of drainage and sewerage works provided by persons other than the regional district; and (b) require owners of real property to connect their buildings and structures to the appropriate sewer or drain connections in the manner specified in the bylaw.

Executive summary

Wastewater is primarily managed by private on-site sewage systems within the electoral areas. Study work has been completed for select core areas which indicates problems with the effectiveness of these systems, particularly in areas with relatively small lots and high lot density. Many older systems are undersized relative to current regulations, and many others are overdue for maintenance or repair.

All onsite sewage systems require periodic maintenance in order to function as intended and protect public health and the environment. Onsite system owners who have a thorough understanding of how their wastewater treatment system works and the benefits of proper maintenance and care have the best likelihood of following a recommended maintenance regime. Poorly maintained onsite systems can pose a risk to the environment and endanger public health.

Staff have completed research to better understand how other local governments manage private onsite sewage systems within their boundaries. As part of this research, staff reached out to all twenty-nine BC regional districts and some municipalities. Of those that responded, seven regional

districts indicated they have developed onsite sewage system education programs. Of these the Capital Regional District (CRD) and the Regional District of Nanaimo (RDN) offer the most comprehensive residential education programs. These ongoing programs are funded through septage tipping fees and offer a variety of resources including educational materials, workshops, newsletters, and rebates. The CRD is the only local government in BC that has implemented a mandatory maintenance program for private onsite sewage systems.

The Comox Valley Regional District (CVRD) could consider implementing an onsite wastewater program in order to achieve improved system maintenance within the electoral areas. A public education program, teaching proper system maintenance and care, could be a good first step towards this objective. If supported, engineering services staff will work together with corporate services staff to develop a public education program specific to the electoral areas of the CVRD. A comprehensive program framework and budget would then be presented to the electoral areas services committee (EASC) for further review and approval prior to implementation.

Further work should also be completed to evaluate the feasibility of establishing a mandatory maintenance program. A program which supports the proper function of onsite systems to prevent or correct system failure will help to protect public health and the environment, prolong the life of existing onsite systems and protect the value of properties with onsite systems within the electoral areas. Engineering services staff will work with consulting engineers to evaluate program options for further consideration by the EASC.

Recommendations from the chief administrative officer:

1. THAT an education program specific to the electoral areas in the Comox Valley Regional District be developed for further review and approval by the electoral areas services committee in spring 2017.
2. THAT the implementation of a mandatory maintenance program specific to the electoral areas in the Comox Valley Regional District be further investigated.

Respectfully:

D. Oakman

Debra Oakman, CPA, CMA
Chief Administrative Officer

Background/current situation

Wastewater is primarily managed by private on-site sewage systems within the electoral areas. Study work has been completed for select core areas which indicates problems with the effectiveness of these systems, particularly in areas with relatively small lots and high lot density. Many older systems are undersized relative to current regulations, and many others are overdue for maintenance or repair.

Statutory authority for onsite sewage systems in BC rests with the provincial government. The BC SSR, enacted in 2005, regulates small private onsite sewage systems with a domestic sewage flow of up to 22,700 liters per day. The SSR requires onsite systems to be designed, installed and maintained by an authorized person, defined as a professional or registered practitioner. Authorized persons refer to the sewerage system standard practice manual (SPM), version 3, as a guide to standard

practice and must submit filings with the regional health authority when constructing or altering a system.

The SPM recommends a minimum long term maintenance frequency of two years for Type 2 and Type 3 (package treatment) systems and five years for Type 1 (septic tank) systems. For systems installed under the SSR, it is the homeowners' responsibility to ensure appropriate maintenance and monitoring is conducted, however, there is no supporting provincial education and enforcement program which actively informs homeowners of minimum maintenance requirements or ensures maintenance is carried out.

Inadequate maintenance and care can contribute to system failures. Failing onsite wastewater systems release untreated or partially treated wastewater into the environment which can act cumulatively to endanger public health and negatively impact surface waters, groundwater and the marine environment.

Staff have completed qualitative research to better understand how other jurisdictions manage private onsite sewage systems within their boundaries. As part of this research, staff reached out to all twenty-nine BC regional districts and some municipalities. Of those that responded, seven regional districts indicated they have developed onsite sewage system education programs. The CRD is the only local government in BC that has implemented a mandatory maintenance program for private onsite sewage systems, however other local governments are currently considering similar regulations.

Private Onsite Sewage System Education Programs

Of those jurisdictions surveyed, the CRD and the RDN offer the most comprehensive residential education programs. These ongoing programs are funded through septage tipping fees and offer a variety of resources to homeowners to encourage regular care and maintenance of their onsite systems. Staff focused their research on these programs in order to gain a more in depth understanding of specific program details.

The CRD's septic savvy education program, initiated in 2002, has become the model program for other regional districts in BC. The program includes a brochure, a household information kit, workshops, and an online resource page. The online component of the program includes educational materials and links as well as three short maintenance videos illustrating how onsite sewage systems work, how to identify problems, and how to properly maintain onsite systems. The CRD's septic savvy program materials have been re-used by other regional districts, including the RDN, and tailored to their specific requirements.

Public workshops are a key component of both the CRD and RDN public education programs. These free workshops teach homeowners how to properly care for their onsite sewage systems. The RDN offers approximately four workshops per year with an annual cost of approximately \$3,000 plus advertising. The first workshop offered by the RDN's septic smart program in 2008, saw record attendance of approximately 170 people. Since 2010, attendance at RDN workshops averages 20-30 people per event. Workshops are advertised through traditional media, on the RDN's septic smart webpage and through their septic smart newsletter, mailed to approximately 12,000 homes in the region. The CRD offers a minimum of two public workshops annually as well as industry focused workshops and training. Attendance at CRD public workshops averages approximately 20 people per event.

In addition to providing educational resources, workshops and newsletters, the RDN is the only regional district surveyed to offer onsite sewage system maintenance rebates. Over the past three

years, the RDN has provided over \$80,000 in rebates to assist homeowners in maintaining their systems. The rebate program for 2016 offered up to 75 per cent of eligible costs for the following items:

- Up to \$500 for a maintenance assessment
- Up to \$200 for installing risers
- Up to \$200 for installing an effluent filter

RDN staff estimate that for every one dollar spent through the rebate program, homeowners spend an additional five to six dollars on system maintenance and upgrades. The RDN offers a temporary reduction in septage fees if a resident is switching to pump and haul while they are having their onsite sewage system repaired.

Table no. 1 below summarizes education program components for both the CRD and RDN.

Table No. 1 – Education Program Summary

Regional district	Year initiated	No. of onsite sewage systems	Funding source	Approx. Annual Budget	Program Components
Capital	2002	27,000	Septage tipping fee, \$0.01/gal.	\$40,000	Educational resources & workshops
Nanaimo	2008	12,000	Septage tipping fee, \$0.02/gal	\$44,000	Educational resources, workshops, newsletters, rebates

Mandatory Onsite Sewage System Maintenance Program

The CRD is the only local government in BC that has implemented a mandatory maintenance program for private onsite sewage systems. The program is supported through the CRD's core area liquid waste management plan. In 2008, the CRD adopted Bylaws No. 3478 and No. 3479 (appendix A) to establish a service area for cost recovery and implement regulatory and reporting mechanisms for onsite system maintenance in the four participating municipalities of the City of Colwood, City of Langford, District of Saanich and the Town of View Royal. An enforcement policy and procedure was added to the bylaw in 2010, establishing procedures for enforcement and outlining alternative pump-out frequencies (appendix B).

CRD Bylaws No. 3478 and No. 3479 require the owner of an onsite system within the service area to maintain their system as follows:

- Pump-out a Type 1 system on or before December 31, 2010 and every five years thereafter.
- Maintain a Type 2 or Type 3 system according to the maintenance plan and ensure continued maintenance by an authorized person at least once per year.
- Retain records of all maintenance carried out on the onsite sewage system by the authorized person and provide copies of the maintenance records within three days of a request by the CRD.

In order to track program compliance, the CRD maintains a database which notifies staff of upcoming and overdue maintenance requirements. The CRD has an information sharing agreement with Island Health to allow CRD staff to maintain data on private systems. Enforcement is administered through reminder letters, warning letters and finally through a violation ticket and associated maximum fine of \$2,000. Thus far, the CRD has not issued any fines for non-compliance.

The mandatory maintenance program has an annual budget of approximately \$200,000. There are approximately 9,000 properties with onsite sewage systems within the service area which benefit

from the program. The program is administered by one part time coordinator and one part time administrator.

In the first five years of implementation the CRD was able to achieve 85 per cent reporting compliance. A review of the program is completed every five years to ensure program milestones continue to be met and identify opportunities for improvement.

While regular pump-outs are an important part of proper system maintenance, each component of an onsite system should be regularly inspected to determine if it is structurally sound and functioning correctly. Other local governments considering mandatory maintenance programs have evaluated inspection based models alongside the CRD's pump-out based program. Each approach should be further examined by the CVRD with consideration given to regional needs and objectives and available resources.

Next Steps

All onsite sewage systems require periodic maintenance in order to function as intended and protect public health and the environment. It is the homeowners responsibility to ensure regular maintenance and monitoring of their system, however many homeowners are unaware of system maintenance requirements.

The CVRD could consider implementing an onsite wastewater program which promotes responsible and sustainable management of onsite sewage systems within the electoral areas. A public education program, teaching proper system maintenance and care, could be a good first step towards this objective. If supported, engineering services staff will work together with corporate services staff to develop a public education program specific to the electoral areas of the CVRD. A comprehensive program framework and budget would then be presented to the EASC for further review and approval prior to implementation.

A mandatory maintenance program may be an effective way to ensure that appropriate maintenance and monitoring is carried out for onsite systems. Such a program could follow a mandatory pump-out model, as in the CRD, an inspection based approach, or a custom maintenance approach tailored to specific regional needs. Further work should be completed to evaluate the feasibility of establishing a program that is financially viable and will produce measurable results to ensure protection of public health and the environment. Engineering services staff will work with consulting engineers to evaluate program options for further consideration by the EASC.

Options

There are three options available to the CVRD.

1. Develop a public education program specific to the electoral areas in the CVRD for review and approval by the EASC in spring 2017.
2. Further investigate the implementation of a mandatory maintenance program specific to the electoral areas in the CVRD.
3. Do nothing.

Staff are recommending both option one and option two. Developing an onsite wastewater program which supports the proper function of onsite systems to prevent or correct system failure will help to protect public health and the environment, prolong the life of existing onsite systems and protect the value of properties with onsite systems within the electoral areas.

Financial factors

If supported, a detailed program framework and budget will be developed for an onsite sewage system public education program. Budgetary allowance for this program has been made in the 2017 financial plan for the liquid waste management planning service, function 340.

Further study work is required before a mandatory maintenance program can be developed. Program costs and resourcing requirements will be considered alongside other criteria when evaluating potential options.

Legal factors

Legal factors will be explored in detail if a mandatory maintenance program is pursued. Engineering services staff will work closely with corporate services staff to determine if such a program could be implemented under the existing liquid waste management planning service. Other options which may be explored include development of a LWMP for the electoral areas. The CRD's mandatory maintenance program is authorized through their core area LWMP.

Regional growth strategy implications

Any onsite wastewater management initiative will be developed to align with the goals and objectives of the Comox Valley regional growth strategy to “provide affordable, effective and efficient services and infrastructure that conserves land, water and energy resources.”

Intergovernmental factors

If a mandatory maintenance program or public education program is pursued staff will consult with Island Health to ensure their support of these initiatives.

Interdepartmental involvement

The engineering services branch has taken the lead in preparing this report.

Citizen/public relations

Public education is key to any onsite system maintenance program. Onsite system owners who have a thorough understanding of how their wastewater treatment system works and the benefits of proper maintenance and care have the best likelihood of following a recommended maintenance regime. Poorly maintained onsite systems can pose a risk to the environment and endanger public health.

Prepared by:

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Concurrence:

M. Rutten

Marc Rutten, P.Eng
General Manager of Engineering
Services Branch

Attachments: Appendix A – Capital Regional District's Bylaw 3478 and 3479
Appendix B – Capital Regional District Bylaw 3479, enforcement policy
and procedure

Appendix A

CAPITAL REGIONAL DISTRICT BYLAW NO. 3478

A BYLAW TO ESTABLISH A SERVICE TO DEVELOP AND IMPLEMENT A MANAGEMENT PROGRAM FOR ONSITE SEWAGE SYSTEMS

WHEREAS:

- A. The Capital Regional District may establish a service the Board considers necessary or desirable for all or part of the Regional District;
- B. The Capital Regional District Core Area Liquid Waste Management Plan approved by the Minister of Environment contains a commitment by the Capital Regional District to develop and implement a management program for onsite sewage systems;
- C. By Section 14 of the Capital Regional District Regulation BC Reg. 65/90, the Capital Regional District has been granted the authority of a municipality for public health under Section 8(3)(i) of the *Community Charter* to regulate, prohibit and impose requirements in relation to public health and has the authority to regulate for the maintenance of sanitary conditions under Section 523 of the *Local Government Act*;
- D. The Capital Regional District wishes to establish a service to prevent the environmental degradation and public health risks associated with poorly maintained onsite sewage systems;
- E. The consent of the participants within the Core Area is not required under Section 24(7) of the *Environmental Management Act*; and
- F. Under the Saanich Peninsula Liquid Waste Management Plan, the Capital Regional District is committed to work with North Saanich on education programs with respect to onsite sewage treatment and disposal;

NOW THEREFORE, the Board of the Capital Regional District in open meeting assembled enacts as follows:

1. **Service**

The service established by this Bylaw is the Onsite Sewage System Service (the "**Service**") for the purpose of developing and implementing a management program for the onsite sewage systems in the Service Area.

2. **Boundaries**

The boundaries of the Service Area are coterminous with the boundaries of the District of Saanich, the Town of View Royal, the City of Colwood and the City of Langford (the "**Service Area**").

3. **Participating Areas**

The "Participating Areas" are the District of Saanich, the Town of View Royal, the City of Colwood and the City of Langford.

4. Cost Recovery

As provided in Section 803 of the *Local Government Act*, the annual cost of providing the Service shall be recovered by one or more of the following:

- (a) property value taxes imposed in accordance with Division 4.3 of Part 24 of the *Local Government Act*;
- (b) parcel tax imposed in accordance with Division 4.3 of Part 24 of the *Local Government Act*;
- (c) fees and charges imposed under Section 363 of the *Local Government Act*;
- (d) revenues raised by other means authorized by the *Local Government Act* or another Act;
- (e) revenues received by way of agreement, enterprises, gift, grant or otherwise.

5. Maximum Requisition

In accordance with Section 800.1(1)(e) of the *Local Government Act*, the maximum amount that may be requisitioned for the cost of the Service is the greater of:

- (a) Two Hundred Eleven Thousand and Seventy dollars (\$211,070.00) dollars; or
- (b) an amount equal to the amount that could be raised by a property value tax rate of \$0.008 per One Thousand dollars (\$1,000.00) which, when applied to the net taxable value of the land and improvements within the Service Area, will yield the maximum amount that may be requisitioned under Section 806.1 of the *Local Government Act* for the Service.

6. Apportionment of Costs

Costs of the Service shall be apportioned among the Participating Areas as follows:

- (a) the cost of the Service apportioned to a Participating Area shall be equal to the number of parcels having onsite sewage systems within that Participating Area as a percentage of the total number of parcels having onsite sewage systems within the Service Area.
- (b) within a Participating Area, costs shall be apportioned among all properties, other than those parcels that are not connected to an onsite sewage system.

7. Citation

This Bylaw may be cited for all purposes as "Management of Onsite Sewage Systems Service Establishment Bylaw, 2007".

READ A FIRST TIME THIS	14 th	day of	November	2007
READ A SECOND TIME THIS	14 th	day of	November	2007
READ A THIRD TIME THIS	13 th	day of	February	2008
APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS	12 th	day of	March	2008
ADOPTED THIS	19 th	day of	March	2008

Original signed by Christopher Clement
Chair

Original signed by Carmen Thiel
Secretary

FILED WITH THE INSPECTOR OF MUNICIPALITIES THIS 26th day of March 2008

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 3479**

**A BYLAW TO REGULATE THE MAINTENANCE OF ONSITE SEWAGE SYSTEMS
IN THE CAPITAL REGIONAL DISTRICT**

WHEREAS:

- A. The Board has established a service to develop and implement a management program for onsite sewage systems under Bylaw 3478, cited as "Management of Onsite Sewage Systems Service Establishment Bylaw, 2007", for the purposes of maintaining, promoting or preserving public health or maintaining sanitary conditions;
- B. The Capital Regional District Core Area Liquid Waste Management Plan approved by the Minister of Environment contains a commitment by the Capital Regional District to develop and implement a regulatory management program for onsite sewage systems;
- C. By Section 14 of the Capital Regional District Regulation BC Reg. 65/90, the Capital Regional District has been granted the authority of a municipality under Section 8(3)(i) of the *Community Charter* to regulate, prohibit and impose requirements in relation to public health and has authority to regulate for the maintenance of sanitary conditions under Section 523 of the *Local Government Act*;
- D. The Capital Regional District wishes to regulate and impose requirements in relation to the use of onsite sewage systems within a portion of the Capital Regional District, for the purpose of preserving public health and maintaining sanitary conditions;

NOW THEREFORE, the Board of the Capital Regional District in open meeting assembled enacts as follows:

1. Application

This regulation applies to the maintenance of onsite sewage systems.

2. Definitions

A word or phrase defined in the Sewerage System Regulation, BC Reg. 326/2004 has the same meaning where used in this Bylaw.

- (a) **"Authorized person"** means a person who qualifies as a registered practitioner or professional under the Regulation.
- (b) **"Maintenance"** includes an onsite review of an Onsite Sewage System to determine that the system continues to function properly in a manner that does not cause or contribute to a health hazard.
- (c) **"Maintenance plan"** has the same meaning as in the regulation.
- (d) **"Maintenance records"** means a written record kept by the owner of all maintenance activities under Section 3.

- (e) **"Regulation"** means the Sewerage System Regulation, BC Reg. 326/2004.
- (f) **"Onsite Sewage System"** means a system for treating domestic sewage that is a Type 1 System, a Type 2 System or a Type 3 System.
- (g) **"Type 1 System"** means an onsite sewage system classified as Type 1 under the definition of 'treatment method' in the Regulation.
- (h) **"Type 2 System"** means an onsite sewage system classified as Type 2 under the definition of 'treatment method' in the Regulation.
- (i) **"Type 3 System"** means an onsite sewage system classified as Type 3 under the definition of 'treatment method' in the Regulation.

3. **Maintenance of Onsite Sewage Systems**

3.1 An owner must:

- (a) cause a Type 1 System on the owner's land to be pumped out on or before December 31, 2010; and
- (b) thereafter cause the Type 1 System to be pumped out every five years.

3.2 An owner must:

- (a) maintain a Type 2 System or Type 3 System according to the maintenance plan for the onsite sewage system; and
- (b) where a Type 2 System or Type 3 System is located on an owner's land, cause the onsite sewage system to be maintained by an authorized person at least once per calendar year.

3.3 An owner must:

- (a) retain records of all maintenance carried out on the onsite sewage system by the authorized person; and
- (b) provide copies of the maintenance records within three (3) days of a request by the Capital Regional District.

4. **Enforcement**

A bylaw enforcement officer is authorized at all reasonable times to enter onto any property for the purposes established by sections 268 and 314.1 of the *Local Government Act* and any other authority to enter property granted in the *Local Government Act*, the *Community Charter* or another Act in accordance with subsections 16(1) to (5) of the *Community Charter* or other conditions of entry if any, set out in the *Local Government Act*, the *Community Charter* or another Act.

5. Offence

A person who contravenes a provision of this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding Two Thousand (\$2,000.00) Dollars.

6. Citation

This Bylaw may be cited for all purposes as "Onsite Sewage System Maintenance Bylaw, 2007".

READ A FIRST TIME THIS 14th day of November 2007

READ A SECOND TIME THIS 14th day of November 2007

READ A THIRD TIME THIS 14th day of November 2007

DEPOSITED WITH THE MINISTER OF HEALTH SERVICES THIS 18th day of March 2008

ADOPTED THIS 9th day of April 2008

Original signed by Denise Blackwell
Chair

Original signed by Carmen Thiel
Secretary

**CAPITAL REGIONAL DISTRICT ONSITE SEWAGE SYSTEM MAINTENANCE REGULATION
BYLAW NO. 3479****ENFORCEMENT POLICY AND PROCEDURE**

1. INTRODUCTION

The Capital Regional District (CRD) Core Area Liquid Waste Management Plan contains a commitment to develop and implement a regulatory management program for onsite sewage disposal systems. Consequently, the CRD has established a service to develop and implement a management program for onsite sewage systems under Bylaw No. 3478 to reduce the risk of public health or environmental issues related to maintenance of onsite sewage systems. Furthermore, under Bylaw No. 3479, the CRD has adopted a regulatory role to impose requirements in relation to the use of onsite sewage systems within a portion of the CRD.

The purpose of this policy is to:

- 1) encourage compliance with Bylaw No. 3479;
- 2) accommodate special circumstances that will not compromise the goals of the bylaw; and
- 3) acknowledge the factors that will limit the CRD's ability to respond to individual instances of non-compliance.

Every effort will be made to encourage timely, voluntary compliance with the bylaw. It is expected that there will be good communication between CRD staff and persons with onsite sewage systems. Personnel and financial resource limitations will have an impact on the CRD's ability to deal with non-compliant property owners.

The responses specified in this policy are scaled to the severity and frequency of non-compliance events. Staff will make reasonable efforts to resolve issues of non-compliance through cooperative measures, such as increased communication, education and monitoring, and to apply enforcement action in a manner that is commensurate with the infraction and is reasonable, fair, consistent and impartial. This policy identifies the enforcement issues and the tools available to address those issues.

2. ENFORCEMENT ISSUES

2.1 An enforcement issue will arise when an owner has been found to be in violation of Bylaw No. 3479. These incidents of non-compliance will arise in the following circumstances:

- failure to pump out Type 1 onsite systems (septic tanks) on a regular basis
- failure to maintain Type 2 and 3 onsite systems (package treatment plants) on a regular basis
- failure to provide maintenance records

2.2 The bylaw requires that all owners of Type 1 onsite systems pump out those systems on or before December 31, 2010, and at least once every five (5) years thereafter. Since the bylaw cannot apply retroactively, technically pump outs before the date of adoption would not constitute compliance with the bylaw. However, because of the logistical problems that could result were all Type 1 system owners in the service area to try to arrange for pump outs between the date of adoption and December 31, 2010, and in order to accommodate those owners who have been doing regular maintenance on their Type 1 onsite sewage system, the following policy will apply:

- Those owners who can show proof of having their system pumped out after January 1, 2006, but before the date of adoption of the bylaw, will generally not be considered for enforcement action under section 3.1(a) of the bylaw provided they continue to have their system pumped out at intervals not longer than five years.

2.3 In order to accommodate those owners of Type 1 onsite systems having exceptionally low annual flows, the following policy shall apply:

- An owner who can show proof that his or her system does not require pumping and can demonstrate when it will next require pumping will not be considered high enforcement priority for failure to comply with the regular schedule, subject to compliance with the newly established date. Such proof will require written notice and confirmation that a maintenance plan has been prepared for the system by an authorized person where no maintenance plan previously existed.

3. ENFORCEMENT TOOLS

3.1 Database

A database will be implemented and maintained by the CRD. This database will record dates of compliance with the terms of the bylaw and will advise staff of instances of non-compliance. In the event of non-compliance, which are generally those entailing non-pumpout or non-maintenance by a specific time, the CRD will follow up with notification to owners and will assess the appropriate enforcement action.

3.2 Written Reminder

A written reminder will be sent by the CRD to the owner of a facility who has failed to comply with the bylaw. This notice will request the owner to comply with the regulation or risk legal action. It also will provide the owner and the CRD with official documentation of the offence.

3.3 Written Warning

A written warning will be sent by the CRD to an owner indicating that the owner has contravened the regulation. The notice will advise the owner to comply with the regulation or risk legal action. The notice also provides the owner and the CRD with official documentation of the offence.

3.4 Violation Tickets (MTI – Municipal Ticket Information)

An MTI violation ticket will impose an immediate monetary penalty for contravening the bylaw. Ticketable offence provisions are specified in the Violation Ticket Administration and Fine Regulation of the *Offence Act*. This regulation designates specific offences, maximum fines of up to \$150 and the enforcement officials who can issue tickets. A violation ticket is a legal notice that invokes the power of the court.

3.5 Prosecution

Prosecution through the courts is the final enforcement tool. It is considered when the available evidence indicates a substantial likelihood of conviction and when other compliance options are inappropriate or ineffective.

A separate offence shall be deemed to be committed upon each day during and in which a contravention of this bylaw occurs or continues.

In addition to seeking a fine upon conviction, the CRD may also seek a court order, under the *Community Charter*, directing the owner to take action to remedy any harm resulting from the commission of the offence, including an order that the owner comply with the bylaw's requirements.

3.6 Injunctions

The CRD can seek to enforce the bylaw by way of application to the court for injunctive relief pursuant to its authority under the *Local Government Act* by applying to the court to restrain a breach of its bylaws.

4. FORMS

The Certificate of Maintenance form (Appendix A) will be completed by the authorized person performing the maintenance on Type 2 and 3 onsite systems.

5. ENFORCEMENT POLICY – IMPLEMENTATION

The CRD's role under Bylaw No. 3479 will be to monitor that pumping out will be done in accordance with the schedule established by the bylaw and that a record of maintenance is provided. CRD enforcement will not include a review of the specifics or sufficiency of the enforcement.

It is not the intent of the CRD to inspect malfunctioning systems because of limitations of personnel and financial resources. Complaints of malfunctioning systems will be referred to VIHA which has jurisdiction in relation to the enforcement of provincial regulations under the Public Health Act. Personnel and budgetary resource limitations will make it unlikely that the CRD enforcement will proceed beyond the reminder and warning stages. Reminders and warnings will be dependent on actual CRD enforcement personnel availability. Certainly in the first few years of implementation CRD staff will consult with local municipal officials to determine whether there are any areas known to be experiencing more acute problems with onsite sewage systems and the CRD will endeavour to target its enforcement resources to areas known to be of concern.

Approved by CRD Board on June 9, 2010