

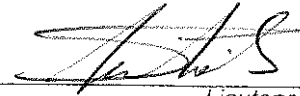
PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No.

476

, Approved and Ordered

JUN 25 2010




Lieutenant Governor

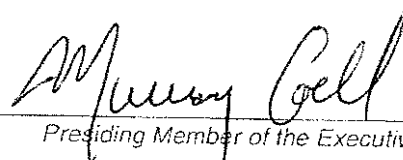
Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders as follows:

- 1 *The Sewerage System Regulation, B.C. Reg. 326, 2004, is amended as set out in the attached Schedule.*
- 2 *Section 12 of the Public Health Act Transitional Regulation, B.C. Reg. 51/2009, is repealed.*
- 3 *Column 2 of Schedule 2 of the Violation Ticket Administration and Fines Regulation, B.C. Reg. 89/97, under the heading "Sewerage System Regulation, B.C. Reg. 326/2004" and opposite "section 12 (c)" in Column 1, is amended by striking out "contributes to" and substituting "causes".*



Minister of Health Living and Sport



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- *Public Health Act, S.B.C. 2008, c. 28, ss. 111 and 115; Offence Act, R.S.B.C. 1996, c. 338, s. 132*

Other (specify):- *OIC 701/2004*

June 2, 2010

SCHEDULE

- 1 *Section 1 of the Sewerage System Regulation, B.C. Reg. 326, 2004, is amended*
 - (a) *in paragraph (c) of the definition of "construct" and in the definition of "maintenance" by striking out "a professional." and substituting "an authorized person,"*
 - (b) *by repealing the definitions of "health authority", "health hazard" and "inspector",*
 - (c) *the definition of "registered practitioner" is repealed and the following substituted:*

"registered onsite wastewater practitioner" means a person who is qualified to act as a registered onsite wastewater practitioner under section 7 (1) or (2); , and
 - (d) *the definition of "registration certificate" by adding "under the Applied Science Technologists and Technicians Act" after "Applied Science Technologists and Technicians of British Columbia".*
- 2 *The definition of "authorized person" in section 1, and sections 6 (2) and 7 (1) and (2), are amended by striking out "registered practitioner" and substituting "registered onsite wastewater practitioner".*
- 3 *The following section is added:*

Prescribed health hazards and regulated activities

- 2.1 (1) The following are prescribed as health hazards:
 - (a) the discharge of domestic sewage or effluent into
 - (i) a source of drinking water, as defined by the *Drinking Water Protection Act*,
 - (ii) surface water, or
 - (iii) tidal waters;
 - (b) the discharge of domestic sewage or effluent onto land;
 - (c) the discharge of domestic sewage or effluent into a sewerage system that, in the opinion of a health officer, is not capable of containing or treating domestic sewage;
 - (d) the proposed construction or maintenance of a sewerage system that, if constructed or maintained in accordance with the plans and specifications filed under section 8 or the maintenance plan filed under section 9, may in the opinion of a health officer cause a health hazard.
- (2) The construction and maintenance of a holding tank or sewerage system described in section 2 are prescribed as regulated activities.

- 4 *Section 3 is amended*
 - (a) *in subsection (1) (b) by striking out " , or contribute to," and*

(b) *in subsection (2) by striking out “paragraph (a) (i), (ii) and (iii) of the definition of a “health hazard”” and substituting “section 2.1 (1) (a)”.*

5 *The following section is added to Part 1:*

Setback from wells

3.1 (1) In this section:

“professional” means a professional competent in the area of hydrogeology;

“well” means a well used to supply a domestic water system.

(2) Subject to subsections (3) and (4) (b), a person must not construct

(a) a holding tank less than 15 metres from a well, or

(b) a sewerage system less than 30 metres from a well.

(3) Subsection (2) does not apply if a person receives, before construction, written advice from a professional that it would not likely cause a health hazard to construct a holding tank or sewerage system at a distance less than the distance required under that subsection.

(4) If a person receives from a professional written advice respecting the distance from a well that a holding tank or sewerage system should be constructed to reasonably avoid causing a health hazard,

(a) the person must give to a health officer

(i) a copy of the advice, and

(ii) notice of whether the person intends to construct the holding tank or sewerage system and, if so, the distance from the well the person intends to construct the holding tank or sewerage system, and

(b) a person must not construct a holding tank or sewerage system at a distance less than that indicated by the professional.

6 *Section 4 is amended*

(a) *by repealing subsection (2) and substituting the following:*

(2) A person may apply for a permit to construct a holding tank by submitting to a health officer a permit fee of \$400 and an application containing all of the following:

(a) the person’s name, address and telephone number;

(b) a description of

(i) the type of structure the holding tank will serve, and

(ii) the holding tank, or of alterations or repairs to the holding tank;

(c) the proposed maintenance plan for the holding tank. ,

(b) *in subsection (3) by striking out “an inspector may” and substituting “a health officer may”,*

(c) *by repealing subsections (3) (a), (4) and (5), and*

(d) *in subsection (3) (b) by striking out “. or contribute to.”.*

7 *Section 6 (1) is repealed and the following substituted:*

- (1) A person must not construct or maintain a sewerage system that uses a treatment method classified as Type 1 or Type 2 unless the person is
 - (a) qualified as an authorized person, or
 - (b) an owner constructing or maintaining a sewerage system on his or her own land under the supervision of an authorized person.

8 *Section 7 (1) (a) is repealed and the following substituted:*

- (a) has successfully completed a post-secondary training program through
 - (i) an organization recognized by the Applied Science Technologists and Technicians of British Columbia as offering sewerage system training programs that provide an applicant with the qualifications required for registration under the *Applied Science Technologists and Technicians Act*, or
 - (ii) an institution that
 - (A) is designated, registered or accredited under an enactment of Canada or any province, except British Columbia, to offer post secondary education, and
 - (B) includes, as part of its curriculum, training in soil analysis and sewerage system construction and maintenance, and .

9 *Section 8 is amended*

(a) *in subsection (1) (b) by striking out "section 11 (1) (b) (ii), (iii) or (iv) [inspections and orders]." and substituting "section 11 (b) or (c) [orders] of this regulation or section 31 (1) (b) [general powers respecting health hazards and contraventions] of the Act.", and*

(b) *in subsection (2) (d) by striking out "section 11 (1) (b) (ii), (iii) or (iv)," and substituting "section 11 (b) or (c) of this regulation or section 31 (1) (b) of the Act."*

10 *Section 9 (1) (b) (v) is amended by striking out "or contribute to".*

11 *Section 11 is repealed and the following substituted:*

Orders

- 11 In addition to any other order that may be made under the Act, a health officer may make an order to do one or more of the following:
 - (a) connect a structure to a public sewer;
 - (b) connect a structure to, in the health officer's discretion, a holding tank or sewerage system;
 - (c) alter or repair a holding tank or sewerage system.

12 *Section 12 is amended*

- (a) *by striking out "A person commits an offence if the person" and substituting "A person commits an offence if the person does any of the following:"*

- (b) *in paragraph (a) (iii) by striking out “under section 11 (a) [inspections and orders],” and substituting “for the purposes of this regulation;”,*
- (c) *in paragraph (c) by striking out “or contributes to”,*
- (d) *in paragraph (d) (iii) by striking out “section 11 (b). or” and substituting “section 11 of this regulation or section 31 (1) (b) of the Act, made in relation to a holding tank or sewerage system.”, and*
- (e) *by adding the following paragraph:*
 - (f) *contravenes either of sections 3 (1) [discharge of domestic sewage] or 10 (1) [maintenance of sewerage system].*