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August 2017

For the latest of happenings at WWNS, read on....

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### **New Director joins WWNS Board**

WWNS is pleased to welcome **Mark Jodrey** to the Board as a representative for the Septic Pumpers and Portable Restroom Operators. Mark has offered to accept the position held by long time Board member Allan Baird.

**Allan Baird** has been a long serving Board member and we would like thank him for his effort and dedication to the on-site sewage program over the past many years.

### **NSE Policy Update and Clarifications**

#### **NSE Policy Update July 21, 2017**

The definition of a waterfront lot is not included in the latest version of the *On-site Sewage Disposal Systems Regulations*, dated May 1, 2016. To be consistent with previous regulatory requirements and the technical guidelines, NSE has adopted a policy to apply the previous definition of a waterfront lot for the purposes of the *On-site Sewage Disposal System Regulations*:

“waterfront lot” means a lot that contains or is proposed to contain a system in which a portion of the system is or will be located within 60 m of a surface water body.

### **NSE Clarification on Malfunction Replacements**

NSE has given the following clarification on the replacement of malfunctioning systems: A malfunctioning system may be replaced under Notification by a Professional Engineer even if it does not meet all horizontal separation distances, provided the system design includes complete subsurface distribution of effluent (see sections 58(1) and 60 in Standard). If the design includes a point discharge, then the engineer must submit an application for approval.

### **Certification and Septic System Inspections**

There continues to be concerns raised about septic system inspections for real estate transfers, the work being done and the certifications required. WWNS has requested some clarification from NSE and has received a written response which is included with this newsletter.

Anyone performing this work should check with their insurance provider to ensure they are covered for this activity. Typically, because you are offering an opinion, you would require Errors and Omissions insurance.

## **Concerns Raised by Engineers Nova Scotia**

Over the past couple of years, there have been concerns expressed by some Qualified Persons over a review undertaken by Engineers Nova Scotia of the QP program. ENS has written the province outlining their concerns and the province has issued a response which is included with this newsletter.

## **Bursary Application Deadline**

The Bursary program is being offered by WWNS again this year to support active members of WWNS and their family members with post-secondary education. Along with the University and College Bursaries, the program was expanded last year to include a third award for students attending a trades related course. Bursaries will have a value of \$1000 each. All applications will be accepted but preference will be given to students studying in a field related to the on-site sewage industry.

Applications are available through the WWNS office or online in the Members section of the WWNS website at [www.wwns.ca](http://www.wwns.ca) . **Applications must be received by August 15.**

## **MEMBERSHIP**

If you have purchased a **2017** membership in WWNS, your name and contact information will be displayed on the Members page of the Waste Water Nova Scotia website. **Please take a moment to ensure the information is correct.** If you did not yet renew your 2017 membership, the form can be printed from the website or is available from the office.

*(Please note – your membership in Waste Water Nova Scotia is not a license.)*

## **ON-SITE SEWAGE PROGRAM TIDBITS**

1. The latest **newsletter** can always be found on the WWNS website. Look for the next edition, including *upcoming meeting dates*, to be out by December 2017.
2. A list of certified (licensed) persons is available on the NSE webpage at: <http://www.gov.ns.ca/nse/cms/Search.asp>
3. On-site Sewage Disposal Systems Regulations: <https://www.novascotia.ca/just/regulations/regs/envsewage.htm>
4. Activities Designation Regulations: <https://www.novascotia.ca/just/regulations/regs/envactiv.htm>
5. On-site Sewage Disposal Systems Standard and Q&A: <https://www.novascotia.ca/nse/wastewater/on.site.sewage.disposal.asp>
6. The new fillable forms can be found at <http://novascotia.ca/nse/wastewater/regulations.tech.guidelines.asp>



Environment

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July 17, 2017

Waste Water Nova Scotia Society  
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Dear Mr. Cameron,

As your letter dated, June 7, 2017 has acknowledged, there is no direct regulatory requirement for septic system inspectors or assessors to be certified by Nova Scotia Environment but their work must be completed in accordance with of the *On-site Sewage Disposal Systems (OSSDS) Regulations*, or any other applicable legislation. Based on a review of the *OSSDS Regulations* and associated legislation, the following may impact the work being completed by septic system inspectors/assessors.

Section 18(1) in the *OSSDS Regulations* states:

- "18 (1) A person other than an installer must not do any of the following:
- (a) advertise or claim to be an installer;
  - (b) install or modify a system;
  - (c) cause a system to be installed or modified."

Section 7A of the *Activities Designation Regulations (ADR)* states:

- "7A (2) Each of the following is designated as an activity:
- (a) the installation of a system;
  - (b) the replacement of a system;
  - (c) the alteration of a system.
- (3) Unless it is exempt under subsection (5) or (6), an activity specified in subsection (2) is designated as requiring notification, except that any activity that cannot be done in compliance with the *On-site Sewage Disposal Systems Regulations* and the Standard requires an approval.
- .....
- (6) The following activities are exempt from the requirement to provide notification or obtain an approval:

- (a) replacement of a septic tank, pump or siphon chamber in the same location as the existing one, or in accordance with the Standard;
- (b) diversion of sewage away from a water resource or a structure as a temporary measure;
- (c) repair of any of the following:
  - (i) a pipe that connects a building to the rest of a disposal system,
  - (ii) a non-perforated pipe used in a system to transfer effluent from a septic tank, pump or siphon chamber to a disposal field;
- (d) replacement of imported sand fill or final cover material in an eroded system.”

**Section 1(2) of the On-site Sewage Disposal System Standard states:**

- (2) This Standard describes the minimum requirements for selection, design, installation, repair and alteration of an on-site sewage disposal system, or its parts.

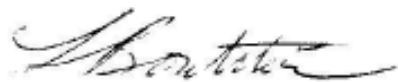
Although the *ADR* exempts certain activities from requiring an approval or notification (noted above), the *OSSDS Regulations* require a person to hold an installer’s certificate of qualification to install or modify a system, or cause a system to be installed or modified. According to the *OSSDS Standard*, any repair or alteration of an on-site system must follow the Standard.

Septic system inspectors/assessors are also responsible to comply with the *Environment Act* and any other applicable legislation. Specifically, sections 67 (Release of Substance: Prohibition) and 69 (Duty to report release) of the *Environment Act* may apply to a system inspector’s work.

In summary, septic system inspectors or assessors for property transactions are not required to be certified by NS Environment provided their work does not include modification or repair of an on-site system. If a septic system inspection or assessment requires modifications to the system, a certified installer is required to complete the work in accordance with the applicable regulations and standard.

NS Environment appreciates WWNS’s efforts involving industry and public education related to on-site sewage systems, and encourages on-going training efforts involving system inspections.

Sincerely,



Leah Boutilier  
On-site Services Program Coordinator  
Nova Scotia Environment

JUL 27 2017

Kris Dove, MBA, P.Eng.  
Director of Professional Practice and Development  
Engineers Nova Scotia  
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Via email: [kdove@engineersnovascotia.ca](mailto:kdove@engineersnovascotia.ca)

Dear Mr. Dove:

It was a pleasure to meet with you and Len White on July 19, 2017. I am writing to follow up on our meeting and your letters dated October 12, 2016 and May 31, 2017 to Leah Boutilier, On-site Services Program Coordinator. We would like to take this opportunity to clarify the regulatory process related to the concerns raised about recent changes to the On-site Sewage Disposal Systems (OSSDS) Regulations and the QP authorized activities.

NS Environment (NSE) continues to provide effective oversight of the OSSDS program. The recent changes to the on-site sewage regulations to implement a notification-based regulatory process facilitate the better alignment of NSE's resources with risk. The notification-based process reduces inspector time spent processing paperwork associated with approvals and increases time available to perform audits and confirm compliance, in the field. In addition, notifications are governed by a detailed technical OSSDS Standard (Standard), established by the department. The Standard provides more clear expectations.

The Standard contains system design specifications and selection requirements that are considered a "pre-approval" for various site specific scenarios. A QP does not have the ability to design a system and is required by regulation to select a system from the Standard. QP's must select a system from a prescribed table in the Standard which is based on system design calculations pre-established by the department. The selection tables have been developed conservatively which ensures that a system is protective of the environment and human health.

In situations where the Standard requirements cannot be achieved, or a selection is unavailable, an engineered design system is required to be completed by a professional engineer. The recent regulatory changes and Standard development has clarified the role of the QP and restrictions associated with malfunction replacement systems where clearance distance requirements cannot be maintained.

Regarding the subdivision portion of the OSSDS Regulations, the QP role is to perform a site assessment as outlined in the Standard to determine the minimum lot area and width requirements to accommodate an on-site sewage system. The QP role under the OSSDS Regulations is not intended to be the sole means of development planning. NSE continues to review and provide comments to Municipalities on any subdivision proposal including on-site services.

To become certified, and maintain certification, QPs must;

- have documented experience (1000 hours of work experience in the on-site sewage industry, including the installation of at least 6 systems under the supervision of a certified person)
- pass a course of instruction to illustrate sufficient technical competence in site and soil assessment to select a system from the Standard (70% minimum required for passing grade)
- demonstrate an understanding of on-site sewage regulatory requirements, and;
- undertake professional development throughout the certification cycle to maintain certification

In addition to the certification program and continuing education requirements for QP's certificates of qualification, the Minister has the ability under the *Environment Act* to place terms and conditions on, and revoke or suspend a certificate of qualification. The department has procedures in place to guide inspectors on when action with respect to an individual's certification is advised, and NSE has suspended a certificate of qualification in the past due to repeated issues of non-compliance.

In summary, changes to the program were well informed through years of capacity building within the industry and an historically high rate of environmental compliance. NSE continues to perform audits to confirm compliance with the regulations and Standard requirements. We look forward to working with you and appreciate input from all stakeholders including Engineers Nova Scotia. Please contact us if you have any additional issues or concerns.

Sincerely,



Andrew Murphy  
Executive Director  
Sustainability & Applied Science Division

- c. Leah Boutilier, On-site Services Program Coordinator, NS Environment  
Diane Zwicker, Senior Solicitor, Justice  
Adrian Fuller, Executive Director, ICE Division, NS Environment  
Lorrie Roberts, Executive Director, Policy Division, NS Environment  
Gary Cameron, Executive Director, WWNS