Ontario

Discussion Paper

Registration-First Approach for Sewage Works servicing On-farm Worker Housing: Proposed Regulatory Rules for Registrants

Ministry of the Environment, Conservation and Parks

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Ce document fournit des renseignements sur les exigences réglementaires proposées, y compris les critères d'admissibilité et les exigences relatives à l'activité, aux évaluations techniques, à la production de rapports et à la tenue de dossiers pour les réseaux d'égout desservant les logements des ouvriers agricoles situés sur des terres agricoles.

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Introduction

The Ministry of the Environment, Conservation and Parks ("ministry") is proposing a new regulation under the *Environmental Protection Act* (EPA) that would expand Ontario's registration-first program to include certain sewage works servicing on-farm worker housing located on agricultural land. The proposed regulation would require proponents to self-register those sewage works on the Environmental Activity and Sector Registry (EASR) online, and follow associated rules in regulation, instead of applying for a ministry reviewed permission, such as an Environmental Compliance Approval (ECA). Once the sewage works are registered and all requirements met, registrants can construct and operate the works immediately. The ministry would periodically audit and inspect the sewage works that are registered to confirm compliance with the proposed regulation and ministry requirements.

This proposal would support the agricultural sector, particularly, fruit and vegetable growers in Ontario that provide on-farm housing for their labor force (including temporary foreign workers) to maintain, grow and harvest their crops.

Proponents would be required to retain qualified professionals to prepare certain technical assessments based on minimum design criteria, register these works online if they meet certain criteria (such as sewage design capacity) and follow a set of sector-specific requirements such as operation and maintenance requirements and effluent criteria. Certain technical assessments may require concurrence with the ministry prior to online registration.

These amendments are part of a multipronged approach by the government to support on-farm worker housing. Please see related Environmental Registry of Ontario (ERO) notices for other proposals to streamline permissions for sewage works that service on-farm worker housing.

EASR proposal

Prescribed activity

Ontario is proposing that the use, operation, establishment, alteration, extension, or replacement of new or existing sewage works that meet the following criteria be prescribed for registration on the EASR:

- The sewage works and the buildings or structures they service must be located on agricultural land.
- The sewage works must service only buildings or structures that are primarily used for a residential purpose, including any shared facilities.

- The sewage works must involve the collection, transmission, treatment, and disposal of sanitary sewage that is domestic in nature, and is not mixed with any other sewage (for example, no mixing with agricultural wash water)
- The total design capacity of all sewage works located on the lot or parcel of land must not exceed 50,000 litres per day, and the design capacity of any individual system must be 25,000 litres per day or less.
- The sewage works must discharge only to the subsurface and do not discharge directly to surface water.

Proponents would continue to require an ECA for sewage works that do not meet the above criteria unless the sewage works are exempt from requiring an ECA. Proponents would also not register if the sewage works were captured under the Building Code Act.

Proponents would not be able to register sewage works online that have been identified as a significant drinking water threat, where the relevant source protection plan prohibits the establishment of the works.

Pre-registration requirements

The owner of the sewage works would be required to meet the following requirements prior to registering the works on the EASR:

- The owner must retain qualified professionals such as a Licensed Engineering Practitioner (or LEP) or a Professional Geoscientist (or P.Geo.) to complete a site assessment and prepare a Water Resource Impact Assessment Report.
    - A Licensed Engineering Practitioner or LEP means a person who holds a licence, limited licence, or a temporary licence under the *Professional Engineers Act*.
    - A Professional Geoscientist or P.Geo. means a person who holds a certificate of registration under the *Professional Geoscientist Act*, and is a practising member, temporary member, or limited member of the Professional Geoscientists Ontario.
- The owner must retain an LEP to prepare the Design and Operations Report based on the results of the Water Resource Impact Assessment Report.
- The owner must confirm that certain permits and authorizations required prior to the establishment of the sewage works have been received, such as a development permit that may be required under the *Niagara Escarpment Planning and Development Act*.
- In certain circumstances, ministry concurrence with the results of the Water Resource Impact Assessment Report may be required prior to registering online.

Once the pre-registration requirements have been met, the owner can proceed with the registration of the works on EASR.

Technical requirements

We are proposing that the owner of the sewage works must retain qualified professionals to conduct and prepare technical assessments and reports to confirm that the sewage works will meet the requirements outlined in the proposed regulation and protect the environment.

Site assessment

General

- A site assessment must be completed by an LEP or P.Geo. to examine the suitability of the site and assess site-specific considerations that are relevant to the proper design and continued operation of the sewage works.

Site evaluation

- The LEP or P.Geo. must complete a site evaluation, including, at a minimum:
    - An identification of potential groundwater and surface water receptors.
    - An identification of any private or municipal sources of drinking water, such as surface water intakes and groundwater wells.
    - An identification of the property boundary, property occupancy, vegetative cover, and land use, etc.
    - An evaluation of the soil characteristics, soil properties and soil conditions.
    - An evaluation of the condition of existing sewage works or structures.
    - An evaluation of the horizontal and vertical separation distances, site topography, and susceptibility of the site to flooding.

Significant drinking water threat assessment

- The LEP or P.Geo. must complete an assessment of whether the establishment or operation of the sewage works is or is expected to be a significant drinking water threat, including an identification of any applicable source protection area, relevant drinking water sources, wellhead protection areas, surface water intake protection zones and vulnerability scores.

Special policy areas

- The LEP or P.Geo. must identify whether the sewage works are in or proposed to be in the Lake Simcoe watershed, the Niagara Escarpment Planning Area, the Oak Ridges Moraine Area, or a Protected Countryside in the Greenbelt Plan.

Water resource impact assessment report

A water resources impact assessment is required to assess the risk of undesirable effects of the sewage, from the point where it enters the subsurface, on surrounding water bodies, water resources, and other users, including all groundwater and surface water that may be significantly affected. The assessment must consider how the resulting effluent will impact the receiving soils, hydrogeology, down-gradient receptors and, if applicable, receiving surface water body. The assessment must describe how the proponent and qualified professional proposes to mitigate these impacts from subsurface sewage disposal on the environment, including through the design, operation, and maintenance of the works.

General

- A Water Resource Impact Assessment Report must be prepared by an LEP or P.Geo. to adequately characterize the site, determine the anticipated impacts and provide mitigation measures to protect the environment and public health. The basis for determining the "reasonable use" of groundwater is established in Guideline B-7 (formerly 15-08): Incorporation of the Reasonable Use Concept into MOEE Groundwater Management Activities.The report must provide a summary and discussion on any site-specific considerations and limitations.
- The LEP or P.Geo. must, for certain circumstances, discuss and obtain written concurrence from the ministry. For example, a discussion with the ministry may be needed in situations where:
    - the reasonable use criteria cannot be met at the property boundary,
    - the sewage works will utilize advanced treatment unit(s) that are not considered to be a "proven technology" in accordance with 3.9.2 of the ministry's Design Guidelines for Sewage Works, 2008,
    - the sewage works will utilize advanced treatment unit(s) that aims to treat the sewage effluent to lower than 10 mg/L Total Inorganic Nitrogen (TIN),
    - the sewage works will be in areas with high groundwater flow velocities, shallow bedrock, or fissured/fractured rock formations.

  Written confirmation from the ministry may be needed to confirm the reasonable use and adequacy of the technical assessments and establish monitoring and effluent criteria.
- The report must include a summary of the qualifications of the person who prepared the report.
- The report must include the name, licence number, signature, and seal of the LEP or P.Geo., that prepared the report, and the date of the report.

Assessment details

- The report must provide a summary and discussion on:

    - The methodology used to obtain site-specific information.
    - The geological and hydrogeological information across the site and site vicinity.
    - The surface topography, surface drainage conditions, and expected groundwater flow directions.
    - The results of the significant drinking water threat assessment.
    - The natural background levels and existing background levels of the critical contaminant(s).
    - The expected lateral, vertical and longitudinal configuration of the individual and any overlapping contaminant plumes.
    - The local land uses and servicing, the suitability of the site for the proposed activity, and any proposed mitigation measures.
    - The anticipated impact of the effluent after mitigation on the receiving soils, hydrogeology, down-gradient receptors, and surface water body, if applicable.
    - The effluent criteria and monitoring requirements established for the site.
- The report must include information to support the recommendations, analysis and conclusions presented in the report. This may include detailed calculations, plots, summary tables, and charts of analytical data and/or modeling results.

Statements

- The report must include statements by the LEP or P.Geo., confirming that:
    - The risks associated with the impacts of sewage discharge have been evaluated in accordance with the ministry's Design Guidelines for Sewage Works, 2008.
    - The information in the report is accurate as of the date it is signed/sealed.
    - Based on their professional opinion, the proposed works are unlikely to cause an unacceptable impact to the reasonable use of groundwater on the adjacent properties.

Design and operations report

General

- A Design and Operations Report must be prepared by a LEP.
- The report must include a summary of the qualifications of the person who prepared the report.
- The report must include the name, licence number, signature, and seal of the LEP that prepared the report, and the date of the report.

Design considerations and details

- The report must include the results of the site assessment and impact assessment, and provide a summary and discussion on:
    - Raw sewage characteristics, design daily flows and design loads.
    - Soil characterization and subsurface conditions at the site.
    - Assimilative capacity of the receiver (for example, lake, river, groundwater aquifer, soil, vegetation).
    - Anticipated contaminant concentrations and loadings, the proposed effluent criteria and monitoring requirements.
    - Location of the sewage works and their proximity to sources of drinking water, property boundary, buildings, and other structures.
    - Source protection considerations (for example, vulnerable areas, circumstances, significant risks) and the results of the significant drinking water threat assessment.
    - Any design considerations if the sewage works has been identified as a significant drinking water threat.
    - Any design considerations if the sewage works are in the Lake Simcoe watershed, Niagara Escarpment Planning Area, Oak Ridges Moraine Area, or a Protected Countryside (designated in the Greenbelt Plan).
- The report must include detailed description of the sewage works design and discussion on:
    - Anticipated residents, buildings, and area to be serviced, and the need for future expansion and/or improvements to the works to include additional service areas and/or residents.
    - Present and future average and peak domestic flows to the works.
    - Proposed sewage works, existing sewage works (if applicable), including a detailed description (type, number, and sizes) of all treatment units and equipment.
    - Adequacy of the existing and proposed sewage works for treating the anticipated raw sewage quantity and characteristics to meet the effluent criteria.
    - Proposed flow metering, sampling, and monitoring equipment, as applicable.
    - Need to provide standby power facilities for the works, if required.
- The report must include detailed design calculations and sizing for the sewage works, including all treatment units and equipment.

Effluent criteria and monitoring

- The report must include a summary and discussion on the effluent criteria and monitoring requirements that the LEP has established for the sewage works and the site, including, at a minimum, the following:
    - Parameters that must be monitored and their effluent limits.
    - Location and frequency of sampling, measuring, or monitoring.
    - Sampling and analysis methods.
    - Corrective actions that must be taken if there are any exceedances.

Operations and maintenance

- The report must include procedures, best practices, and a description of programs for the operation, maintenance, inspection, and repair of the sewage works, including, at a minimum, the following:
    - Description of an inspection program, including procedures for visually inspecting the general area where the sewage works are located and conducting a detailed inspection of the condition of the sewage works.
    - Description of the methods or tests to detect when maintenance is necessary, and the necessary maintenance actions, clean-out procedures and best practices that must be completed.
    - Description of best practices in respect of any treatment units, which must be consistent with the manufacturer's recommendations.
    - Description of additional procedures and best practices that are necessary to protect and prevent impacts to sources of drinking water, if the works have been identified as a significant drinking water threat.
    - Description of training requirements that must be completed for all persons assigned to operate the sewage works, and a description of tasks and circumstances when the owner shall engage qualified service providers.
    - Frequency at which the actions set out in the procedures, best practices and programs must occur.
- The report must include contingency plans and procedures to address abnormal situations, potential spills, or bypasses, including emergency shutdown of the works, equipment breakdowns, and the circumstances in which these plans and procedures will be implemented.

Engineering drawings

Engineering drawings typically include plan views, elevations, sections, and supplementary views of the sewage works and structures, which, together with the specifications and general layout plans, would provide the necessary information and technical details related to the project. These drawings should show plan scale,

geographic north, ground elevation, dimensions and relative elevations of structures, and the location, size, and outline of the sewage works.

- The report must include a detailed set of engineering drawings for all proposed sewage works and modifications/upgrades of existing sewage works. The engineering drawings must be prepared, dated, signed, and sealed by a LEP.

Statements

- The report must include statements by the LEP, confirming that:
    - Proposed activity is an activity eligible for an EASR registration.
    - Information in the report is accurate as of the date it is signed and sealed.
    - Information in the report considers the results of the site assessment and water resource impact assessment.
    - Based on their professional opinion, the proposed activity is unlikely to cause an adverse effect.

Activity requirements

The Owner must comply with the following requirements:

General

Construction

- The owner must confirm that the sewage works are constructed and established in accordance with the Design and Operations Report and implement temporary erosion and sediment control measures during construction activities at the site, if applicable.
- The owner must retain a Licenced Sewage System Installer to construct and install the sewage works and confirm that individuals constructing and installing the works have reviewed the Design and Operations Report and are familiar with the design and recommendations of the LEP.
    - A Licenced Sewage System Installer means a firm who is qualified and registered with the Ministry of Municipal Affairs and Housing (MMAH) as an “On-Site Sewage System Installer” and holds a valid Building Code Identification Number (BCIN).
- The owner must retain a LEP to supervise the construction and installation of the sewage works and provide a certification upon completion of construction.
- The owner must prepare and submit a written statement to the district manager of the applicable district office, certified by a LEP, that the proposed works are constructed in accordance with the Design and Operations Report.
- Within six (6) months of the completion of the construction, the owner must retain a LEP to prepare, date, sign, and seal a set of as-built drawings.

Operation

- The owner must operate the sewage works in accordance with the procedures, best practices, measures, and plans set out in the Design and Operations Report.
- The owner must confirm that all persons assigned to work on the sewage works possess the level of training and experience required, as set out in the Design and Operations Report.
- The owner must have a valid written maintenance contract is in place with the manufacturer, for sewage works that include advanced treatment unit(s).
- The owner must have a valid written agreement is in place with a licensed sewage hauler, if applicable.

Monitoring

- The owner must implement the sampling and monitoring procedures in accordance with the monitoring plan set out in the Design and Operations Report.
- The owner must notify the district manager of the applicable district office immediately, and in writing within seven days, of any exceedance of any effluent limit.

Spills

- The owner must notify the ministry immediately of occurrence of a spill within the meaning of Part X of the EPA, and within fifteen days, submit a full written report of the occurrence describing the cause and discovery of the spill, clean-up and recovery measures taken, preventative measures to be taken and schedule of implementation, in addition to fulfilling the requirements under the EPA and O. Reg. 675/98: Classification and Exemption of Spills and Reporting of Discharges.
- The owner must visually inspect the general area where sewage works are located for break-out once every month during the operating season. In the event a break-out is observed from a subsurface disposal bed, the Owner must:
    - discontinue sewage discharge to the subsurface disposal bed and the environment,
    - report the incident verbally to the Spills Action Centre (SAC) at (416) 325-3000 or 1-800-268-6060,
    - submit a written report to the District Manager of the applicable district office within seven (7) days of the break-out,
    - restrict access to the break-out area until remedial actions are complete, and

    - retain a licensed sewage hauler to safely collect and dispose the sewage generated at the site to an approved sewage disposal site.
- The owner must confirm that spill response training is provided, at least once a year, to all employees assigned to operate the sewage works.

Contingency measures

- The owner must notify the district manager of the applicable district office immediately, and in writing within seven days, of implementation of any contingency measures set out in the Design and Operations Report.

Annual report

- The owner must compile and prepare an Annual Report that documents all performance and monitoring data, and inspection and maintenance activities during the reporting period. The Annual Report must include, at a minimum, the following information:
    - A summary and interpretation of all flow data and results achieved, in not exceeding the maximum daily flow discharged into the registered works.
    - A summary and interpretation of all influent monitoring data, and a review of the historical trend of the sewage characteristics and flow rates.
    - A summary and interpretation of all effluent monitoring data, including concentration, flow rates and a comparison to the design objectives and effluent limits, including an overview of the success and adequacy of the registered works.
    - A summary of any deviations from the monitoring schedule and reasons for the current reporting year and a schedule for the next reporting year.
    - A summary of the calibration and maintenance carried out on all monitoring equipment to confirm that the accuracy is within the tolerance of that equipment as required by the manufacturer.
    - A summary of all normal and emergency inspections, repairs and maintenance activities carried out in relation to the registered works.
    - A summary of all operating issues encountered, any by-passes, spills, or abnormal discharge events, and corrective actions taken.
    - A summary of all incidents that triggered the contingency plan and associated actions taken in accordance with the contingency plan.
    - A summary of any complaints received during the reporting period and any steps taken to address the complaints.
- The owner must retain the Annual Report and, upon request, submit to the district manager of the applicable district office, the report prepared for the previous calendar year.

Records

Record creation

- The owner must create and retain records related to inspection, maintenance, and repair activities, which must include, at a minimum, records of the following:
    - Date and results of each activity.
    - Name of the person who carried out the activity.
    - Summary of the observations resulting from the activity.
    - Summary of the corrective actions taken, if any.
- The owner must create and retain records related to complaints with respect to the sewage works, which must include, at a minimum, records of the following:
    - Date and time when the complaint was received.
    - Copy of the complaint if it is a written complaint.
    - Summary of the complaint if it is not a written complaint.
    - Summary of any measures taken, if any, to address the complaint.
    - Record of all communication regarding the complaint.

Record retention

- The owner must retain the most recent versions of the following records for the lifetime of the sewage works:
    - Water Resource Impact Assessment Report
    - Design and Operations Report
    - As-built drawings
    - Other permits and authorizations (if applicable)
    - Treatment unit manufacturer contract/agreement (if applicable)
    - Licensed sewage hauler contract/agreement (if applicable)
- The owner must retain any other records created for a minimum of five years from the day they were required to be created, or, if they have been updated, then five years from the last day they were updated.

Transition provisions for existing ECAs

We are proposing that owners of existing sewage works that have been approved through an ECA but are now eligible to self-register on the EASR must register when modifications are made to the works that would require an amendment to the ECA.

For future alterations to registered sewage works, the Design and Operation Report as well as the Water Resource Impact Assessment Report must be updated, as needed and the information in the registry must be kept up to date.

Discussion questions

Let us know your thoughts on the discussion questions below:

Discussion Question 1: What other sectors can benefit from a “registration-first” approach for subsurface disposal systems? Can the proposed criteria and rules be easily applied to these other sectors? What advantages or challenges may be present?

Discussion Question 2: For certain sewage works, we are considering requiring ministry concurrence prior to self-registration. This approach would serve to validate the adequacy of technical assessments proposed by qualified professionals. The concurrence may be delivered through a time-bound process, which could necessitate revisions to the proposed works before registrants are permitted to proceed for self registration under EASR. We invite your input on appropriate service standards and desired outcomes for this concurrence process. What outcomes should define a successful concurrence process? How can we make the process transparent and predictable for the registrants?

Discussion Question 3: There may be sites that have other types of sewage works, including holding tanks. The ministry is considering allowing the registration of holding tanks located on the same lot or parcel of agricultural land as the other prescribed sewage works. This would be limited to holding tanks that are permitted to be established under the ministry’s Guideline F-9, The Use of Holding Tanks in Sewage Systems with conditions. The ministry is also considering imposing additional conditions if the registration includes a new holding tank or an increase in the design capacity of an existing holding tank. For example, discussion and concurrence from the ministry, minimum inspection requirements, and clean-out requirements. What are some of the site-specific or sector-specific constraints, if any, that would necessitate the need for a holding tank?

Discussion Question 4: The ministry is considering standardizing minimum effluent criteria and monitoring requirements that must be achieved. The LEP may still propose additional requirements, in addition to the minimum, based on their professional judgement and site-specific considerations. For example, there may be performance-based criteria for carbonaceous 5-day biochemical oxygen demand ($cBOD_5$) and total suspended solids (TSS) and health/environmental-based criteria for nutrients and pathogens that must be met for the proper operation of the works and protection of water resources and human health. What are some of the advantages and are there any challenges of meeting standardized criteria for all sites? Are there concerns with the ability of systems to meet such limits consistently? Are there limitations such as cost or staffing in terms of the ability to sample and monitor on an ongoing basis?

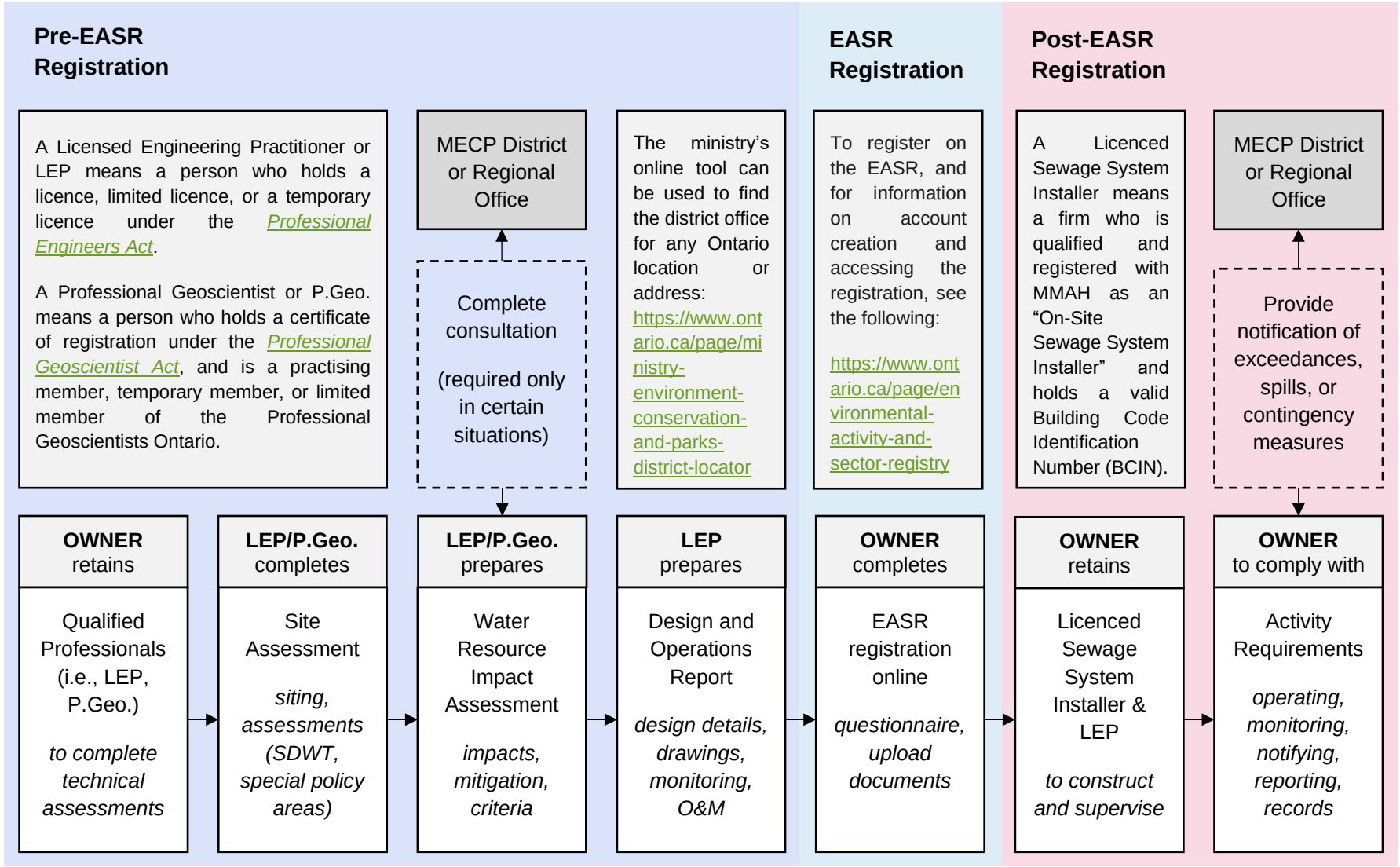
Discussion Question 5: The ministry is considering requiring the use of treatment technology for nitrogen removal and disinfection in specific circumstances for example, it there are siting issues or space limitations or there is an existing drinking water well within 100 m. What are some of the challenges if the ministry requires systems include nitrogen removal and disinfection, especially related to the continued operation and maintenance of such systems as compared to passive, conventional systems? What are some of the cost implications, capital and ongoing, of requiring this type of system, for example, the cost related to UV disinfection?

We want to hear from you

You are invited to submit your comments on this proposal online through the Environmental Registry website. Search by registry number: **025-0872**.

Comments can also be submitted via email at permissions.modernization@ontario.ca.

We will review and consider all comments received on the discussion paper prior to deciding on this proposal.

EASR registration: process overview

The illustration below provides an overview of the EASR Registration process, and the steps to be taken.