



BUILDER BULLETIN 33 (Revision 3)

CERTIFICATION OF PRIVATE SEWAGE DISPOSAL SYSTEMS

Effective: December 1, 1999

This bulletin replaces Builder Bulletin 33 (Revised) and its attachments that were in effect beginning September 15, 1996

Here's What This Bulletin Is About

Builders/vendors who enrol homes with private sewage disposal systems on or after September 15, 1996 must submit proof that the design and installation have been certified by a qualified professional if:

- the builder/vendor is building on a lot under two acres and has had an ONHWP claim on a private sewage disposal system within the past three years
- the builder/vendor is building on a lot under two acres in Halton, Ottawa-Carleton, Peel or Wellington (counties or regions where ONHWP has had an above average claim record over the past five years)

Certification will include but may not be limited to completion of:

- the Certificate of Professional Design and Commitment, Forms A-1 and A-2, prior to issue of a building permit
- the Certificate of Professional Field Review and Compliance, Forms B-1 and B-2, completed before occupancy

If certification is required then:

- security required is a minimum of \$5,000 per unit
- security will be released as soon as satisfactory proof of certification on ONHWP forms has been received

These requirements do not limit the Registrar's authority to evaluate and decide on individual situations.

Here's What Has Changed

- Bodies to approve and inspect private sewage disposal systems have changed under Ontario provincial legislation. The attached forms (A1, A2, B1, B2) have been amended to reflect the changes in reporting requirements by quoting the proper legislation.

This is a capsule version of the bulletin's requirements for convenience only. Read the details on the following pages for full information to meet the bulletin's requirements.

Background

The Ontario New Home Warranty Program (ONHWP) has been monitoring the claims history of private sewage disposal systems for several years. Based on a review of claims from 1990 to 1995, Builder Bulletin 33 was revised to require Private Sewage Disposal System Certification, prepared and certified by a qualified professional depending on the following factors:

- builder/vendor performance
- lot size
- claims record in the geographic location

Since Private Sewage Disposal System Certification was implemented in 1994 there has been an improvement in the design and installation of these systems in many parts of Ontario, based on ONHWP's claims data. Where problems continue to occur their causes could be prevented. In some cases the systems were designed and installed improperly; in others, inaccurate soils information was responsible. Overall, however, claims frequency and costs have declined since the bulletin's implementation.

The bulletin was revised to target the problematic conditions and factors that continue to lead to claims. In revising Builder Bulletin 33 ONHWP continues to take the necessary steps to protect the guarantee fund while balancing the entrepreneurial needs of the home building industry with consumer protection rights and the need for environmental protection.

Private Sewage Disposal System Certification

From September 15, 1996, homes or projects enrolled which incorporate a private sewage disposal system may be required to have Private Sewage Disposal System Certification, prepared and certified by a qualified professional according to the criteria outlined on page 3 of this bulletin.

Builder/vendors shall provide proof of certification of the design and installation of private sewage disposal systems and post security for homes enrolled with private sewage disposal systems under the following conditions:

1. Any builder/vendor who has had a claim on a private sewage disposal system during the previous three-year period is required to provide proof of certification and security equal to a minimum of \$5,000 per unit when building on lots under two acres anywhere in the province. The security will be released once ONHWP receives duly completed Private Sewage Disposal System Certification.
2. Any builder/vendor who is building a home on a lot under two acres in counties where ONHWP has had claims above the average failure rate during the previous five-year period is required to provide proof of certification and security equal to a minimum of \$5,000 per unit. The security will be released once ONHWP receives duly completed Private Sewage Disposal System Certification. Currently, this affects only homes on lots under two acres enrolled in the regions of Ottawa-Carleton, Peel, Halton and Wellington.

Private Sewage Disposal System Certification is not required for homes enrolled on lots two acres or larger because current ONHWP data indicate failures leading to claims are rare.

These criteria are guidelines and do not limit the authority of the Registrar to evaluate and decide on individual situations.

Certification Process

Certification will include but may not be limited to the Certificate of Professional Design and Commitment for Field Review of Private Sewage Disposal Systems (Forms A-1, A-2) and the Certificate of Professional Field Review and Compliance of Private Sewage Disposal Systems (Forms B-1, B-2). These forms are attached for your reference. Additional copies are available from the ONHWP Office in your area. A list of ONHWP Offices is included on the back of this bulletin.

Criteria Considerations

The design and installation of the private sewage disposal system will take into consideration the following criteria:

- conditions of all native and imported soils (including backfill) to be used for the private sewage bed

- characteristics of the subgrade of the proposed system
- size and number of units to be serviced by the system
- all other burdens on the system that may result from or are caused by ancillary services
- local hydrogeological and ground water conditions

Design and installation of the private sewage disposal system must be consistent with the expected waste requirements of all units serviced by the system, as set out in the Building Code Act, 1992 and its Regulations (O. Reg. 403/97, as amended by O. Reg. 102/98, 122/98, 152/99, 278/99), any amendments*, and all other applicable standards.

* It is the policy of ONHWP to recognize the standard in place at the time of approval by the appropriate jurisdiction although actual construction may take place at a later date when standards may have changed.

The Certificate of Professional Design and Commitment for Field Review of Private Sewage Disposal Systems (Forms A-1, A-2) must be completed prior to the issue of a building permit and submitted with the enrolment of the home to the Licensing and Underwriting Department at ONHWP's head office.

The Certificate of Professional Field Review and Compliance of Private Sewage Disposal Systems (Forms B-1, B-2) must be completed before occupancy of the dwelling and issue of the Certificate of Completion and Possession (CCP) and submitted immediately to the ONHWP Regional Office.

Description of Qualified Professional

ONHWP will accept Private Sewage Disposal System Certification completed and certified by:

- a. an Ontario-licensed Professional Engineer with professional liability insurance in accordance with the requirements of the Professional Engineers Act (a minimum of \$250,000);

or

- b. only in remote areas where it can be proven that a Professional Engineer cannot be readily or economically contracted by the builder/vendor:
- c. the local or regional health department or the conservation authority; or the regional office of the Ministry of the Environment and Energy (only where the local or regional health department or the conservation authority has not assumed the authority of design and installation approval of private sewage disposal systems).

The regional managers for ONHWP's Northeast and Northwest Regions shall have discretion to accept certification for Northern Ontario.

Upon receipt of a properly completed Certification, ONHWP will release any security being held for potential claim exposure related to the Project.

For More Information

If you have any questions about Private Sewage Disposal System Certification please contact the ONHWP Office in your area.