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# Guidance Document for Municipalities

## Private Sewage System Variance Process

Version 3.0 – December 2019

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## Definitions

**Accredited municipality** means a municipality that is accredited under the *Safety Codes Act* to administer the Safety Codes Act and Regulations in their jurisdiction which includes management and/or provision of Building, Electrical, Plumbing, Gas and/or Private Sewage permits and inspections.

**Administrator** means an Administrator appointed pursuant to Section 14 of the *Safety Codes Act* and as appointed by the Minister of Municipal Affairs as lead for the private sewage discipline.

**“Approval Authority” for variances** means a certified and designated Safety Codes Officer.

**Owner** includes a lessee, a person in charge, a person who has care and control and a person who holds out that the person has the powers and authority of ownership or who for the time being exercises the powers and authority of ownership.

**Private sewage system variance** means a written document that allows an alternate solution to the prescribed requirements of the Alberta Private Sewage System Standard of Practice. The alternate solution must be able to provide an equivalent or greater amount of safety and performance to the original standard or code item.

**Unaccredited municipality** means a municipality that is not accredited in the Private Sewage discipline under the *Safety Codes Act* and does not administer the *Safety Codes Act* in their jurisdiction. Permits and inspections are provided by the Alberta Safety Codes Authority in unaccredited municipalities.

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## Scope

This guidance document describes new Safety Codes Officer (SCO) obligations for variances for private sewage systems which were previously the responsibility of Alberta Municipal Affairs Administrators. These new obligations will bring decisions on suitability and safety of private sewage systems that may not meet current legislated standards to a local level. These variances typically consider variations in prescribed distances and materials.

This guidance document is intended to:

- Describe how SCOs and their new obligations for considering variances at the local level will assist planning and development decisions.
- Encourage collaboration between SCOs and municipalities to facilitate subdivision and development processes.
- Assist municipalities and their residents in finding acceptable and safe solutions for private sewage systems.
- Provide information for Subdivision Authorities to make informed decisions.

This guidance document outlines how this new process fits into existing municipal subdivision and development processes and provides ways that municipalities may collaborate with SCOs to accommodate new subdivision and development applications that may impact existing or new private sewage systems.

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## Municipal Implications

Frequently, private sewage system variance applications are related to the subdivision of land parcels that have an existing private sewage system that may not comply with applicable codes and standards or the subdivision renders the private sewage system non-compliant. Variance applications may be made for existing parcels or proposed subdivisions if an equivalent level of safety can be achieved.

The most common private sewage system variance applications are for existing private sewage system components not meeting separation distances to:

- property lines
- buildings
- dwelling units
- water sources (wells, cisterns, etc.)
- water courses (lakes, rivers, streams, etc.)

When assessing variance applications for separation distances to property lines many factors must be considered. The intent of the separation distance is to minimize risks to health, the environment or nuisance to any neighbouring development. Plumbing Group B SCOs are certified and qualified to determine what information is necessary to satisfy both legislated and variance submission requirements.

SCO obligations to consider variance applications are the same in both accredited and unaccredited municipalities, although levels of municipal involvement and participation will vary.

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## Private Sewage System Variance

A private sewage system variance is a written document that allows an alternate solution to the prescribed requirements of the Alberta Private Sewage System Standard of Practice. The alternate solution must be able to provide an equivalent or greater amount of safety and performance to the original standard or code item. The following is important clarifying information related to variances:

- A variance may be site specific or for multiple locations within a jurisdiction.
- Variances are not a relaxation of codes and standards.
- A variance may be issued when a proposed installation provides an approximate equivalent or greater level of safety as meeting the requirements of the codes and standards.
- A “decision” or “interpretation” made in relation to a code, standard, or regulation is not deemed to be a variance.
- A variance may include terms and conditions.
- A variance is considered void/invalid if any terms, requirements or conditions of the variance are not complied with.
- A variance does not provide or imply any assurance or guarantee about the life expectancy, durability, operating performance, workmanship of equipment, materials or undertaking.

## Role of the Owner

The owner (or the owner's agent) is responsible to apply for the variance and provide the supporting documentation that is required to demonstrate that approximately equal or greater safety performance is achieved. The completed application is submitted to the authorized SCO or the municipality that the property is in depending on accreditation status and/or arrangements between the SCO and municipality.

A specific variance request shall be made in writing. The variance may be submitted based on a template available on the Safety Codes Council website. The variance must include no less than the following:

- a cover letter requesting the variance;
- the name and address of the owner;
- a description of the project to which the variance will apply;
- identification of the site/location to which the variance will apply;
- explanation of what the variance is for;
- the clause or section of the code, standard or regulation to which the variance will apply;
- the reason/rational for the variance;
- support documentation that demonstrates that the variance requested provides approximately equivalent or greater level of safety that is identified by the code, standard or regulation;\*
- the declaration of understanding by the owner;
- the date of application; and
- the signature of the owner or owner's agent.

**\*Support documentation referred to above may include details such as:**

- details of what changes are being considered or proposed for the existing system to reduce any associated risks to achieve an equivalent level of safety. (i.e. modifications to the existing system).
- the installation date of existing system and any supporting evidence.
- depending on the type of system in place a detailed plan showing:
  - distances from the existing sewage system to existing property lines
  - distances from the existing sewage system to the proposed subdivision property lines
  - distances from the existing sewage system to the dwelling unit, garage, other out buildings, water wells, water cisterns and any water courses
  - distances from the septic tank (treatment plant, sand filter, holding tank etc.) to the dwelling unit, garage, other out buildings, water wells, water cisterns and any water courses

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- a copy of the tentative plan of survey if one has been prepared showing the detail as noted above.
  - a current Real Property Report (RPR) if the property is in an existing subdivision.
  - a non-current RPR if a property owner provides a statutory declaration indicating that no changes have been made to the system.
  - any other information deemed necessary by the SCO.

The owner must engage a certified designated SCO in an accredited municipality or a certified SCO in an unaccredited municipality within the Alberta Safety Codes Authority jurisdiction.



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## Role of the Municipality

The municipality, via the *Municipal Government Act's* (MGA) Subdivision and Development Regulation, has full responsibility for planning and development within their jurisdiction. The task of approving subdivisions may be done by the municipality itself or through a delegated municipal planning commission. In either case, the subdivision authority should consider the subdivision application in accordance with section 7(g) of the Subdivision and Development Regulation (see legislation, page 12). The private sewage system variance process will fit into most municipalities' existing subdivision and development processes (see flow charts in Appendix "E").

The SCO determines what supporting documentation is required to satisfy the variance review process. The owner is responsible to gather and submit the supporting documentation and complete the application. Either the SCO or the municipality may collect the application and supporting documentation depending on municipal accreditation status and/or any agreements made between the municipality and the safety codes service provider. In both accredited and unaccredited municipalities where a variance is proposed, it is extremely important that the owner communicate with the municipality and SCO to gather all relevant information to complete the application which may include historical and current planning information, such as air photos, municipal development plans, area structure plans, local area structure plans and/or any other information necessary to confirm existing conditions and long-term plans for the area.

In most cases, an SCO could not approve a private sewage system variance without input from the municipality. In those cases, the variance applications would likely be refused. As such, municipal involvement is critical to private sewage system variance approvals.

After review by the SCO, the SCO and/or municipality will advise the owner of the outcome and provide a decision to all parties involved as required by legislation and policy.

There is currently no appeal mechanism for a variance request that has been denied. If a variance is refused, an owner may make revisions to the variance application and re-apply.

Note: It has been observed that many subdivision approvals include a condition that the owners are to provide evidence that the existing sewage treatment system complies with the Alberta Private Sewage Systems Standard of Practice 2015. This statement is subject to argument as previous codes may have had different requirements for compliance. If the installation complied with the codes and standards in force when it was installed and the system is still operating in the manner it was designed, then that installation would comply today. Codes and standards are not retroactive. It would be more appropriate for the subdivision approval condition to read that private sewage systems must "comply with the requirements of the Private Sewage Disposal Systems Regulation (AR 229/97) in respect of lot size and

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distances between property lines, buildings, water sources and private sewage disposal systems as identified in section 4(4)(b) and (c)” as stated in the MGA Subdivision and Development Regulation section 7(g) as this takes into account compliance with codes and standards in force at the time of installation and does not hold owners or municipalities to the requirements of the current code or standard in force at the time of subdivision application.

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## **Role of the Safety Codes Officer**

The SCO is the Approval Authority for private sewage system variance applications. The determination of what information is required and whether to approve or refuse a variance is solely under the purview of the Safety Codes Officer. A municipality or planning commission may not interfere or unduly influence the decision of an SCO. However, it is extremely important that the municipality collaborates with the owner and SCO on specifics and history of the application so they can provide complete and accurate information and the SCO can make an informed decision.

The SCO will assess the variance application to determine whether the proposal provides an approximately equivalent level of safety and issue the variance or deny the application if an equivalency cannot be achieved. The SCO should conduct site inspections to verify accuracy of the documentation and site conditions as part of the application review.

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## Fees

The MGA provides a municipality the ability to establish and charge fees for matters under Part 17, Planning and Development. The *Safety Codes Act* provides an accredited municipality with the ability to establish a bylaw respecting fees for anything issued or any material or service provided for provision of safety codes services.

A municipality would be in a position to charge fees for the activity of processing a variance application. Existing bylaws for fees related to activities of subdivision and development and/or safety codes may include any additional cost related to the variance process or the bylaw can be amended if there is a need to apply additional cost for the variance process. Alternately a new bylaw can be established for the sole purpose of dealing with variances for subdivision and/or safety codes provisions.

Some municipalities require a non-refundable deposit for the review of variance applications, with an additional fee levied should the variance be issued. If the variance is denied, then there would not be any further fees assessed. Subdivision and development fees are at the discretion of a municipality. Safety codes fees are at the discretion of an accredited municipality while in unaccredited municipalities, safety codes fees are at the discretion of Alberta Safety Codes Authority.

## Permits and Inspections

A private sewage permit for any new work related to the variance may be required at the discretion of the SCO based on the scope of any related work and legislated requirements. In unaccredited municipalities, this discretion falls to the Alberta Safety Codes Authority and the contracted safety codes agency.

Should a variance set out conditions for an undertaking that would require a private sewage permit, compliance monitoring will be provided by the SCO in accordance with an accredited municipality's quality management plan or in unaccredited municipalities, in accordance with ASCA Service Reference Manual.

## Legislation

The following excerpts from various provincial legislation and regulation relate to the sewage variance process.

### Safety Codes Act

#### Owners, care and control

5 The owner of any thing, process or activity to which this Act applies shall ensure that it meets the requirements of this Act, that the thing is maintained as required by the regulations and that when the process or activity is undertaken it is done in a safe manner.

1991 cS-0.5 s5

#### Variations

38(1) An Administrator or a safety codes officer may issue a written variance with respect to any thing, process or activity to which this Act applies if the Administrator or officer is of the opinion that the variance provides approximately equivalent or greater safety performance with respect to persons and property as that provided for by this Act.

(2) An Administrator or a safety codes officer may include terms and conditions in the variance.

(3) A safety codes officer on issuing a variance shall notify an Administrator.

(4) The *Regulations Act* does not apply to variances issued under this section.

1991 cS-0.5 s34

#### Offences

67(1) A person who interferes with or in any manner hinders an Administrator or a safety codes officer in the exercise of the Administrator's or officer's powers and performance of the Administrator's or officer's duties under this Act is guilty of an offence.

(2) A person who knowingly makes a false or misleading statement under section 34(4)(c) either orally or in writing is guilty of an offence.

(3) A person who fails to prepare, submit or retain any information that the person is required by this Act to prepare, submit or retain is guilty of an offence.

(4) A person who

(a) contravenes this Act,

(b) contravenes a condition in a permit, certificate or variance,

(c) contravenes an order, or

(d) fails to carry out any action required in an order to be taken within the time specified in it, is guilty of an offence.

(5) A person who is guilty of an offence under this Act is liable on conviction for each day or part of a day on which the offence occurs or continues.

#### Penalty

68(1) A person who is guilty of an offence is liable

(a) for a first offence,

- (i) to a fine of not more than \$100 000 and, in the case of a continuing offence, to a further fine of not more than \$1000 for each day during which the offence continues after the first day or part of a day, or
  - (ii) to imprisonment for a term not exceeding 6 months, or to both fines and imprisonment, and
- (b) for a 2nd or subsequent offence,
- (i) to a fine of not more than \$500 000 and, in the case of a continuing offence, to a further fine of not more than \$2000 for each day or part of a day during which the offence continues after the first day, or
  - (ii) to imprisonment for a term not exceeding 12 months, or to both fines and imprisonment.
- (2) If a person is guilty of an offence under this Act, the court may, in addition to any other penalty imposed or order made, order the person to comply with this Act or any order, permit, certificate or variance, or all or any one or more of them, as the case requires.

## Private Sewage Systems Disposal Regulation

### Rules

- 4(1) This Regulation applies to private sewage disposal systems.
- (2) The Alberta Private Sewage Systems Standard of Practice 2015, as amended or replaced from time to time, published by the Safety Codes Council is declared in force with respect to private sewage disposal systems that
- (a) serve a single property,
  - (b) are designed to receive not more than 25m<sup>3</sup> of sewage each day, and
  - (c) are located on the single property that they serve.
- (3) The Alberta Private Sewage Systems Standard of Practice in force does not apply to two or more systems that serve a single property and, in total, receive more than 25m<sup>3</sup> of sewage each day.
- (4) A private sewage disposal system described in subsection (2) that is designed to receive more than 5.7m<sup>3</sup> of sewage each day must be designed for its specific site and use by
- (a) a professional engineer, as defined in the *Engineering and Geoscience Professions Act*, or
  - (b) a person who has qualifications that are acceptable to the Administrator.
- (5) A private sewage disposal system that does not meet the requirements of subsection (2) must meet a standard acceptable to the Administrator.

## Safety Codes Act (Permit Regulation)

### Private sewage disposal permit

- 16(1) A permit in the private sewage discipline is required for a private sewage disposal system undertaking.
- (2) Despite subsection (1), a permit is not required for the replacement of any equipment of a private sewage disposal system with units of a similar type if the replacement is made for the purpose of maintaining the system and does not modify the design of the system.

(3) Despite subsection (1), a permit is not required for basic privies that are not connected to a holding tank.

**Private sewage system permit holder**

17(1) A permit issuer may issue a permit in the private sewage discipline to the following:

- (a) a private sewage installer for any private sewage system;
- (b) a restricted private sewage installer for the installation of holding tank;
- (c) an owner who resides or intends to reside in a single family residential dwelling for any private sewage system if the private sewage disposal system serves the dwelling;
- (d) an owner of a farm building\* for any private sewage system if the private sewage disposal system serves the farm building.

(2) Without limiting the generality of section 44(2) of the Act, for the purpose of achieving the level of safety intended by the Act and the regulations, a permit issuer may limit the type and scope of the undertaking for which a permit is issued under subsection (1)(c) or (d).

\*The *Safety Codes Act* (Permit Regulation) defines “farm building” as the following:

“farm building” means a building located on agricultural land as defined in the Agricultural Operation Practices Act that is occupied for an agricultural operation as defined in the Agricultural Operation Practices Act, including, but not limited to,

- (i) housing livestock,
- (ii) storing, sorting, grading or bulk packaging of agricultural products that have not undergone secondary processing, and
- (iii) (iii) housing, storing or maintaining machinery that is undertaken in the building;

## Other Related Legislation

### Municipal Government Act (Subdivision and Development Regulation)

#### Relevant considerations

7) In making a decision as to whether to approve an application for subdivision, the subdivision authority must consider, with respect to the land that is the subject of the application,

(g) in the case of land not serviced by a licensed water distribution and wastewater collection system, whether the proposed subdivision boundaries, lot sizes and building sites comply with the requirements of the Private Sewage Disposal Systems Regulation (AR 229/97) in respect of lot size and distances between property lines, buildings, water sources and private sewage disposal systems as identified in section 4(4) (b) and (c),

### Public Health Act (Nuisance and General Sanitation Regulation)

#### Wells

##### Location and maintenance of wells

15(1) A person shall not locate a water well that supplies water that is intended or used for human consumption within

- (a) 10 metres of any watertight septic tank, pump out tank or other watertight compartment of a sewage or waste water system,
- (b) 15 metres of a weeping tile field, an evaporative treatment mound or an outdoor toilet facility with a pit,
- (c) 30 metres of a leaching cesspool,
- (d) 50 metres of sewage effluent on the ground surface,
- (e) 100 metres of a sewage lagoon, or
- (f) 450 metres of any area where waste is or may be disposed of at a landfill within the meaning of the *Waste Control Regulation* (AR 192/96).

(1.1) A person shall not change the use of a water well to a water well that supplies water that is to be used for human consumption from any other use if the water well is located within any of the distances referred to in subsection (1)(a) to (f).

(2) A person shall not locate

- (a) a watertight septic tank, pump out tank or other watertight compartment of a sewage or waste water system within 10 metres,
- (b) a weeping tile field, an evaporative treatment mound or an outdoor toilet facility with a pit within 15 metres,
- (c) a sewage lagoon within 100 metres, or
- (d) a landfill so that an area where waste is or may be disposed of is located within 450 metres of a water well that supplies water that is intended or used for human consumption.



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**(3)** A person shall not deposit sewage effluent on the ground surface within 50 metres of a water well referred to in subsection (2).

## Appendix A: Alberta Health Services Waiver with Private Sewage System Variance

Situations where existing holding tanks are encroaching on water wells or water sources due to property size, (i.e. summer village lake-lots), an additional step of obtaining a Waiver of Public Health Regulation will be required to be in place prior to issuing a variance on the separation distance as set out in the Standard of Practice. Contact your local Environmental Public Health office to obtain more information on the waiver application process. More information and locations of Environmental Public Health offices are available here: <https://www.albertahealthservices.ca/findhealth/Service.aspx?id=1052203>.



Population and Public Health  
Environmental Public Health

### Application for Waiver of Public Health Regulation

Applicant Information	
Name of Applicant:	Date of Application:
Mailing Address of Applicant	
City:	Postal Code:
Telephone Number	Email Address
Street Address or Land Location of Property: Name of Business Subject to Application	Municipality
Regulation and Section Subject to Waiver	
Reason for Application	
Date:	Signature of Applicant:

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## Appendix B: Notice on Variance Policy

See following page

# Notice

## Restructuring of Safety Code Council variance Policy 9.8. Enabling Group B – Plumbing Safety Codes Officers and Local Authorities to consider separation distance variances in the Private Sewage Discipline

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**Discipline** Private Sewage

**Date Effective** October 1, 2019

### **BACKGROUND**

Group B Plumbing Safety Codes Officers are granted authoritative powers via the Safety Codes Act to issue variances. Where there are existing private sewage systems within a proposed subdivision, property owners have the option to apply for a variance to have the existing sewage system assessed for acceptance typically where there may be a non-compliance issue related to separation distances to property lines. The person requesting the variance is responsible for submitting any evidence requested by the local authority. The local authorities' referred to above are Accredited Municipalities and the Alberta Safety Codes Authority (ASCA). ASCA is the authority providing safety codes services within unaccredited municipalities. Municipalities, accredited or unaccredited, are solely responsible for administering the Subdivision and Development Regulation within their jurisdiction which includes consideration to the suitability of private sewage systems as part of the approval process.

### **MOVING FORWARD**

A Variance Transition Working Group comprised of partners from the Rural Municipalities of Alberta (RMA); Municipality Officials; Safety Codes Officers; Safety Codes Council; Health; ASCA and Municipal Affairs have developed a guidance document to assist in the transition of administering private sewage variance activity from Municipal Affairs to the local authority. The Working Group will be presenting information regarding the transition to the Alberta Development Offices Association conference on September 27, 2019. Municipal Affairs will be presenting information to Safety Codes Officers at the Alberta Mechanical Officials Society conference on October 5, 2019. Municipal Affairs will provide mentoring and assistance to Municipalities and Safety Codes Officers upon request. Inquires can be made to the Communication Inquiry Centre at 1-866-421-6929.

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<https://www.alberta.ca/private-sewage-codes-and-standards.aspx>

## QUESTIONS

### AND ANSWERS:

#### **Who is responsible to prepare and submit a variance request?**

The owner of the thing or process is responsible for preparing the variance application and supporting documentation; and submitting their request to the local authority. An Agent acting on behalf of the owner may apply.

#### **What information and documentation should be submitted in support of the variance application?**

The criteria for the variance application will be set out by the Municipality and the Safety Codes Officer. Some basic information has been outlined in the Guidance Document, but it is not exhaustive, and may not reflect the needed information and rational the local authority needs to make a determination.

#### **Will there be any fees associated with the variance application and review process?**

Fees will be set by the local authority. Fee schedules may be developed for various stages of the variance process reflecting approval or denial of the request.

#### **Is there an appeal process for a denied variance?**

No, a denied variance cannot be appealed. There is the option to amend the variance application to address the concerns that resulted in the denial and reapply for variance consideration.

#### **To who is a variance request made in an unaccredited area?**

Contact should be made with Alberta Safety Codes Authority for instructions regarding the application process in their jurisdiction.

For further information, contact Municipal Affairs, Public Safety Division toll-free at 1-866-421-6

## Appendix C: Potential Sewage Variance Scenarios

### Scenario 1 - Existing Private Sewage Open Discharge Systems

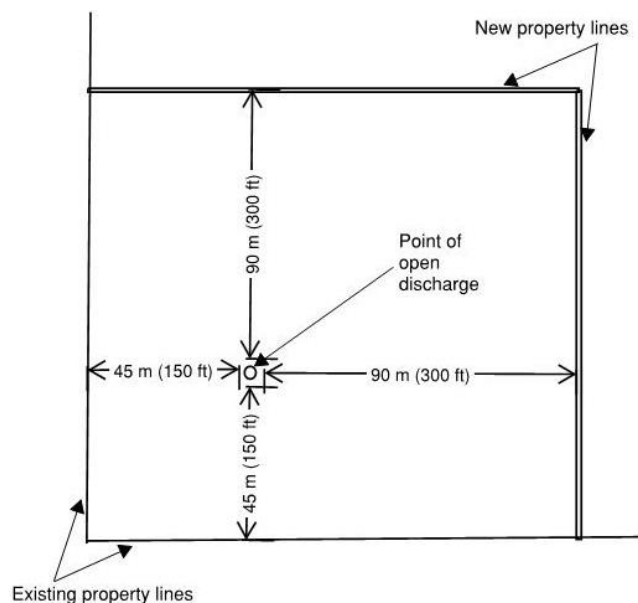
#### Minimum Clearance to property lines from existing when subdivision occurs

The Alberta Private Sewage Systems Standard of Practice 2015 was adopted and declared in force under the Private Sewage Regulation (AR 229/97) in 2015. The Standard of Practice under Article 8.7.2.1 requires a clearance of 90m (300ft.) to property lines from an open discharge. Previous regulations in force since August 1990 also required 90m (300ft.) clearance from property lines. The clearance requirement in effect from December 1977 to August 1990 was 45m (150ft.) to property lines.

When the subdivision of a parcel that has an existing open discharge system occurs, it may be necessary to refer to different standards to determine if it is a compliant system. One being the standard that was in force at the time the existing system was installed, and the other being the current standard which is applied to the distance required to the new property lines being created.

If the open discharge was installed prior to August of 1990 the minimum distance of 45m (150ft.) from the existing property lines required when it was installed, is still acceptable when subdivision occurs. Current requirements are not applied retroactively to the clearances to existing property lines.

New property lines established to form the new subdivided property must meet the minimum separation requirement of 90m (300ft.) between the point of open sewage effluent discharge and the property line as required under the current regulations and standards for private sewage systems.



### Scenario 2 - Existing Non-Compliant Private Sewage Systems

There are instances where existing sewage treatment systems do not comply with the code in force at time of installation. If compliance is being pursued via a variance the onus is on the owner to achieve an equivalency with the existing system. This would be done through supporting documentation or design considerations that establishes an equivalency to the applicable code and is acceptable to SCO assessing the application.

### Scenario 3 - Size of Proposed Subdivision Limited by Bylaw or Policy

Depending on individual municipality subdivision bylaws or policy, there may be limitations to the size of the proposed subdivision, which can impact the compliance of the existing open discharge point of discharge, or in some cases other types of soil-based treatment systems. When the planned subdivision is limited to the controls set out by the subdivision authority there may be instances where the separation distances of the sewage system do not comply with past and/or current code requirements.

In most subdivision applications that are conditionally approved, there is a condition requiring verification of a compliant sewage treatment system. It is at this point many applicants come to realize that the septic system serving their development may not be compliant. They are now faced with several options: not subdividing; installing an alternate sewage system that meets current standards; or pursuing the possibility of obtaining a variance.

### Scenario 4 - Road Widening Easements

Road widening easements/caveats often become a condition of subdivision. As the municipality makes the decision to develop the road right-of-way, they should have a position or policy to address the impacts on septic discharges to help guide a SCO in addressing setback compliance. Where there is an existing open discharge point adjacent to the current road right-of-way property line, the question comes up on whether the separation distance should be assessed or measured from the current right-of-way property line or from the future property line of the right-of-way. At this time the distance is being established from the current property line. The property owner will have to address the situation if or when road widening occurs. An official policy has not been established on this at this time.

### Scenario 5 - Development Adjacent to Conservation Land and Environmental Reserve

In some instances, development can occur adjacent to conservation land and environmental reserves. Existing or proposed parcels adjacent to the latter can be assessed on the basis of risk. As it is quite probable that no development would occur on these lands, consideration could be made for reduced separation distances through a variance.

## Scenario 6 - Variance Applications for Uncertified Tanks

Sewage septic tanks and holding tanks are considered equipment within the current scope of the Permit Regulation. Variances associated with sewage tanks will remain the responsibility of the Administrator until further notice. Request for these variances should be directed to Municipal Affairs. For an uncertified tank the application must include an assessment for equivalency against the material requirements of the standard of practice which references the CAN/CSA-B66 Design, Material, and Material Requirements for Prefabricated Septic Tanks and Sewage Holding Tanks. The assessment must be done by a professional engineer.

## Scenario 7 - Municipality Does Not Agree

There may be cases when a municipality does not agree with a variance decision made by an SCO.

Example 1: An SCO refuses a variance application.

While a municipality may not unduly influence an SCO's decision, a municipality may provide additional documentation and/or rationale to support the owner on why a variance should be issued. Ultimately, the decision of whether to issue a variance or not is solely at the discretion of the SCO.

Example 2: A municipality disagrees with an SCO's decision to issue a variance.

While a municipality may not unduly influence an SCO's decision, the municipality may still refuse an application for subdivision and/or development for other valid reasons even if the variance has been approved.

Example 3: An SCO issues a variance and the municipality or neighbours do not agree.

Neighbouring properties should be considered by the SCO when reviewing a variance application. If a variance is issued, the SCO has determined that an equivalent level of safety will be provided and the installation is deemed to "meet the intent" of the applicable codes and standards including minimizing risk to health, the environment or creating a nuisance to any neighbouring development. Again, even if an SCO issues a variance, the municipality may still refuse an application for subdivision and/or development for other valid reasons.

## Scenario 8 - Variance Not Required

An owner is required by regulation to ensure the system is maintained, operated within the design parameters, and effectively treats wastewater. As described in Scenario 1, the codes and standards are not retroactive. The regulation also states that "a permit is not required for the replacement of any equipment of a private sewage disposal system with units of a similar type if the replacement is made for the purpose of maintaining the system and does not modify the design of the system". When replacing *units* such as tanks, pumps, floats, filters, discharge lines, etc. for the purpose of maintaining an existing compliant system, neither a permit nor variance is required.



## Appendix D: Site considerations

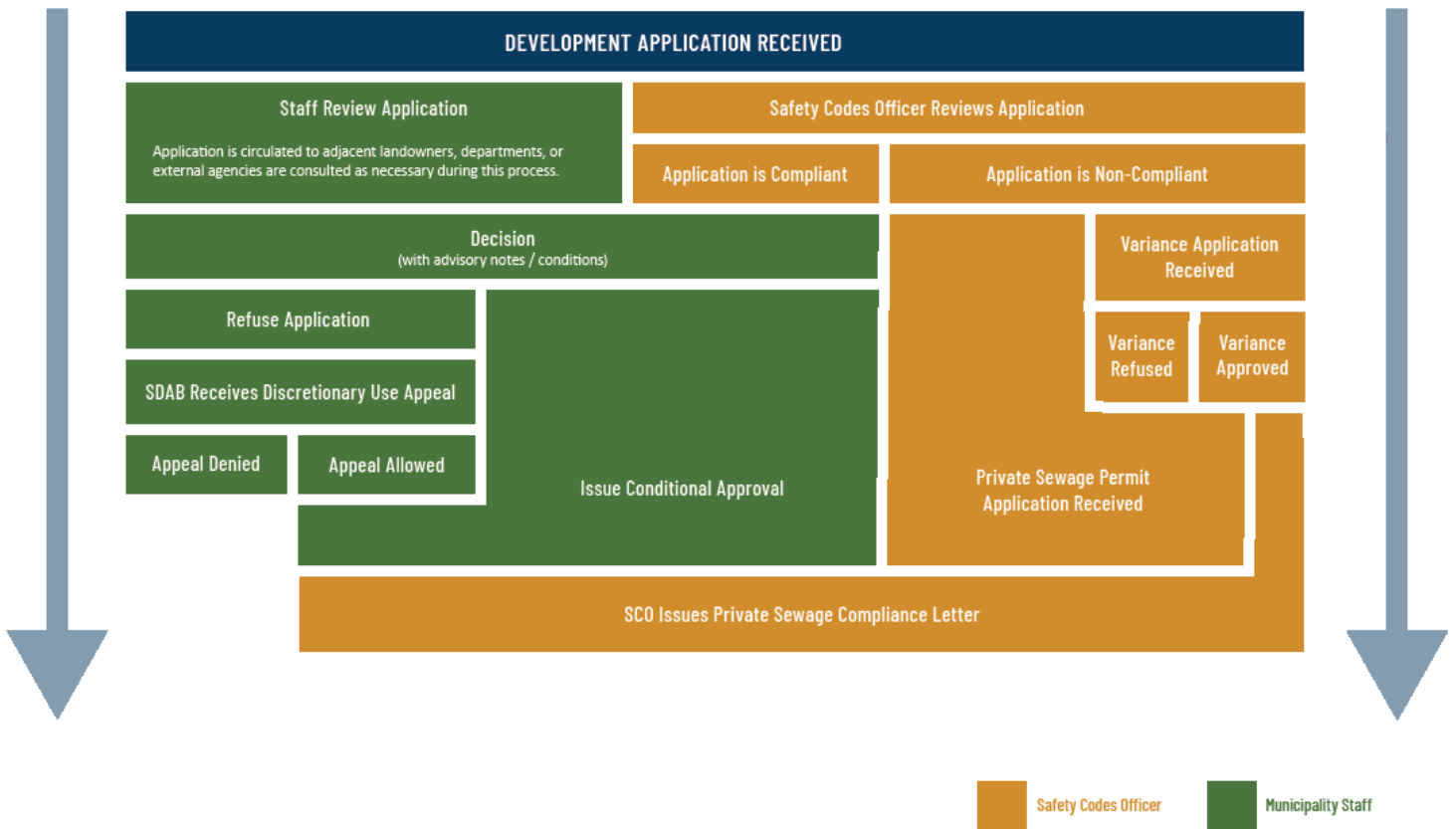
While the variance review process is the responsibility of the SCO, the municipality may be able to provide certain information related to the site that will assist the SCO in making an informed decision on the variance. Examples include the following:

- Topography, landscape position of the system, vegetation, and surface drainage characteristics, such as:
  - The slope gradient and aspect of each landscape element shall be determined for each potential treatment site investigated
  - Any vegetation type that favours wet or saturated *soils* shall be identified using its popular name, if known, and have its location identified in relation to the proposed system
  - Any vegetation that will impact the selection of the location of the treatment system, or will require removal prior to construction of the treatment system, shall be noted
  - Swales, depressions, and other drainage features that may impact system selection and design shall be located and described
- Surface waters and other natural features:
  - Surface waters, including permanent or intermittent streams, lakes, wetlands, and other surface water within 100 m (330 ft.) of the proposed system, shall be located and described
  - Any other natural features that could impact the application and/or design of a treatment system shall be located and described
- An available area for construction of the on-site wastewater treatment system shall be determined considering relevant horizontal separation distances from features on the property or adjacent properties that may be required by this document and include:
  - Private water sources, water wells, or municipal-licensed water supply wells
  - Buildings or other property improvements including temporary buildings or dwellings
  - Property boundaries
  - Surface waters and floodplains
  - Rights-of-way and easements

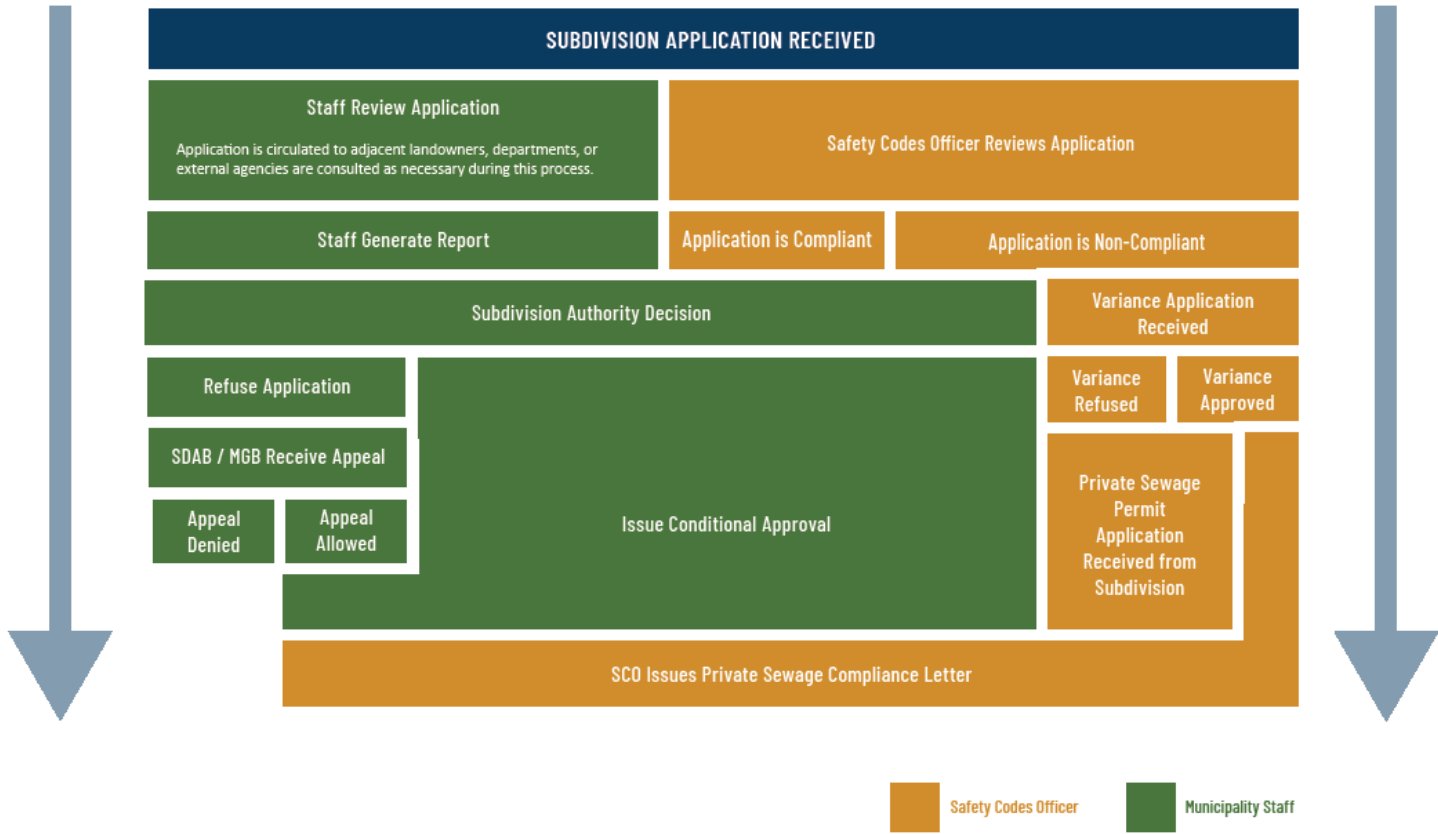
A soil investigation shall be completed for compliance monitoring consideration.

## Appendix E: Variance Process Flow Charts

### Development Process for Private Sewage With & Without Variance Applications



## Subdivision Process for Private Sewage With & Without Variance Applications



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## Appendix F: Glossary of Terms

**Building** - any structure used or intended for supporting or sheltering any use or occupancy that is subject to the Alberta Building Code requirements.

**Dwelling or Dwelling Unit** - a suite operated as a housekeeping unit that is used or intended to be used as a domicile by one or more persons and usually contains cooking, eating, living, sleeping, and sanitary facilities.

**Effluent** - the liquid discharged from any wastewater treatment system component.

**Holding Tank** - is designed to retain wastewater or effluent until transferred into mobile equipment for treatment offsite. Holding tanks need to meet or exceed CSA B66 standards.

**Lift Station** – a tank and pump assembly used for the prime purpose of lifting sewage to higher elevation and discharging it into other parts of the temporary onsite wastewater treatment system. A lift station is used to gather and transfer sewage to a larger containment tank or treatment system.

**Open Discharge System** - a system designed to discharge treated effluent to a single point location. The effluent will be discharged to the ground surface to accomplish evaporation and absorption of the effluent into the soil as a method of treatment. An open discharge system shall be designed to minimize the pooling of effluent and minimize erosion on the ground surface.

**Permit** – A private sewage permit is required from an accredited municipality or a contracted service provider in an unaccredited municipality for a private sewage disposal system undertaking.

**Private Sewage Installer** - a person who holds a valid private sewage installer certificate of competency issued pursuant to the Safety Codes Act.

**Professional Engineer** – a professional engineer registered in Alberta, as defined in the Engineering and Geoscience Professions Act.

**Quality Management Plan (QMP)** - A Quality Management Plan is a document in which an organization commits to the components and details outlined in the plan. The QMP shall also outline the safety policies, standards and the process for ensuring compliance.

**Sewage** - the composite of liquid and water carried wastes associated with the use of water for drinking, food preparation, washing, hygiene, sanitation or other domestic purposes, but does not include wastewater from industrial processes.

**Soil** - a naturally occurring, unconsolidated mineral or organic material at the earth's surface that is capable of supporting plant growth. Its properties usually vary with depth and are determined by climatic factors and organisms, as conditioned by relief and hence water regime, acting on geologic materials and producing genetic horizons that differ from the parent material.

**Soil-based Treatment System** - is the physical location where the dispersal of effluent to the soil and final treatment of the effluent occurs in the soil.

**Undertaking** – means the construction of a thing or the control or operation of a thing, process or activity to which the Act applies.

**Variance** – is a written document that allows an alternate solution to the prescribed requirements of the Alberta Private Sewage System Standard of Practice. The alternate solution must be able to provide an equivalent or greater amount of safety and performance to the original standard or code item.

**Wastewater** - the composite of liquid and water-carried wastes associated with the use of water for drinking, cooking, cleaning, washing, hygiene, sanitation, or other domestic purposes; includes greywater but does not include liquid waste from industrial processes.

**Water Course** (may be any of the following):

- a river, stream, creek, or lake,
- swamp, marsh, or other natural body of water,
- a canal, reservoir, or other man-made surface feature intended to contain water for a specified use, whether it contains or conveys water continuously or intermittently, but does not include surface water run-off drainage ditches, such as those found at the side of roads, or
- an area that water flows through or stands in long enough to establish a definable change in or absence of vegetation
- water source - a man-made or natural source of potable water