

The background features abstract, overlapping geometric shapes in various shades of green, ranging from light lime to dark forest green. These shapes are primarily located on the left and right sides of the slide, framing the central text. The overall aesthetic is clean and modern.

PRIVATE SEWAGE VARIANCE TRANSITION

WHAT DOES THIS MEAN FOR MUNICIPALITIES?

Variance Transition Working Group

- ▶ Terms of Reference established April 2018

- ▶ Mandate:

To engage municipalities, Safety Codes Officers and the Government of Alberta in the transition of the variance process as required by the Safety Codes Act. The Variance Transition Working Group will specifically work with the respect to separation distances related to the Private Sewage Discipline. The intent of the group is to understand the applicable legislation, work through pertinent areas for improvement and communicate key information out to municipalities.

Variance Transition Working Group

- ▶ Working Group Matrix:
 - ▶ RMA Board of Directors co-chair: Kathy Rooyackers
 - ▶ Alberta Municipal Affairs co-chair: Dean Morin
 - ▶ Alberta Municipal Affairs Community and Technical Support: Joe Petryk
 - ▶ Alberta Health Services: Shane Hussey
 - ▶ Two rural municipalities: Cynthia Vizzutti (MD Willow Creek) and Dave Gervais (MD of Smoky River)
 - ▶ Summer Village rep: Pete Langelle (Alberta Summer Village Association)
 - ▶ Municipal Safety Codes Officer: Steve Neff (Leduc County)
 - ▶ Agency Safety Codes rep: Nicole Paggett (Park Enterprises Ltd.)
 - ▶ RMA administrative rep: Wyatt Skovron and Tasha Blumenthal
- ▶ Quarterly meetings:
 - ▶ May 24, Aug 15, Oct 19 and Dec 7 (2018)
 - ▶ Feb 20, May 23 and Sept 4 (2019)



VARIANCE – What does that mean?

- ▶ An approval granted that allows an activity or thing take place that provide approximately equivalent or greater safety performance

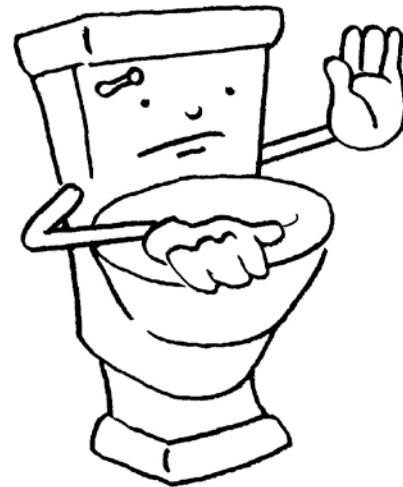


SAFETY CODES ACT - PART 3, SECTION 38

Variations

- ▶ An administrator or 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.

APPROVED



Safety Codes Council Policy 9.80

- ▶ This Policy and Information Manual gives direction with respect to Variances under the Safety Codes Act.
- ▶ The piece of the manual that matters:
 - Section 8. Only a Technical Administrator may issue a variance in respect to:
 - a. the Pressure Equipment Discipline;
 - b. a product, equipment, or distance measurement in the Gas discipline; or
 - c. a product, equipment, or distance measurement in the Plumbing discipline.
- ▶ The Private Sewage discipline falls under the Plumbing discipline within the Safety Codes Act.

WHY DOES ANY OF IT MATTER?

- ▶ MUNICIPALITIES OVERSEE AND GOVERN DEVELOPMENT AND THE USE OF LANDS WITHIN THEIR MUNICIPAL BOUNDARIES.
- ▶ MUNICIPALITIES NEED TO BE AWARE OF PRIVATE SEWAGE ONSITE MANAGEMENT IN THEIR DEVELOPMENT RESPONSIBILITY
- ▶ FUTURE DEVELOPMENT CAN BE IMPACTED BY ONSITE SYSTEMS CONSIDERATION
- ▶ MUNICIPAL GOVERNMENT ACT - MUNI RESPONSIBLE FOR SAFE & SUSTAINABLE COMMUNITIES
 - ▶ HOW?.....UNDERSTANDING OF SAFETY CODES SYSTEMS & ROLE WITHIN



So Where Does The Muni Fit In?

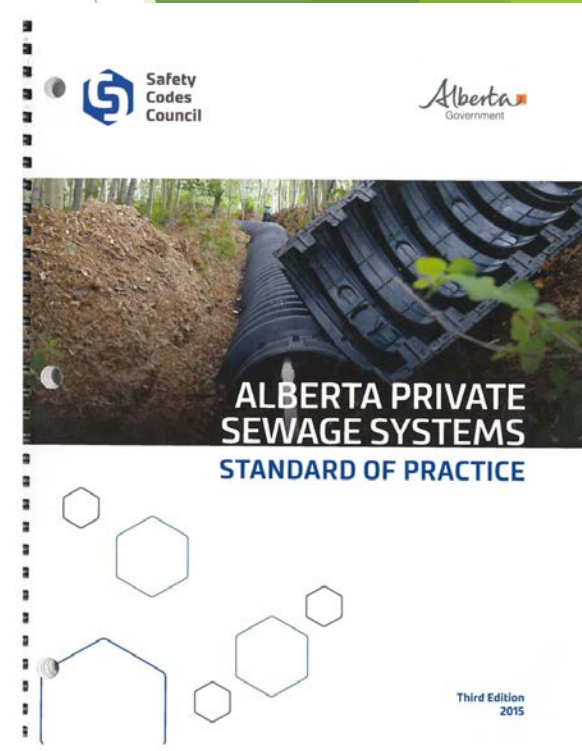
The Municipal Government Act (MGA)

- ▶ Pursuant to Section 654(1)(a) of the MGA, “a subdivision authority must not approve an application for subdivision approval unless the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended.”

Subdivision & Development Regulation AR 43/2002

The Subdivision Authority must:

- ▶ 7(f) the **availability and adequacy of water supply, sewage disposal system & solid waste disposal.**
- ▶ 7(g) in the case of land not served 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 (AR229/97)*** in respect of the **size and distance between property lines, buildings, water sources and private sewage disposal systems** as identified in section 4(4)(b) and (c) .

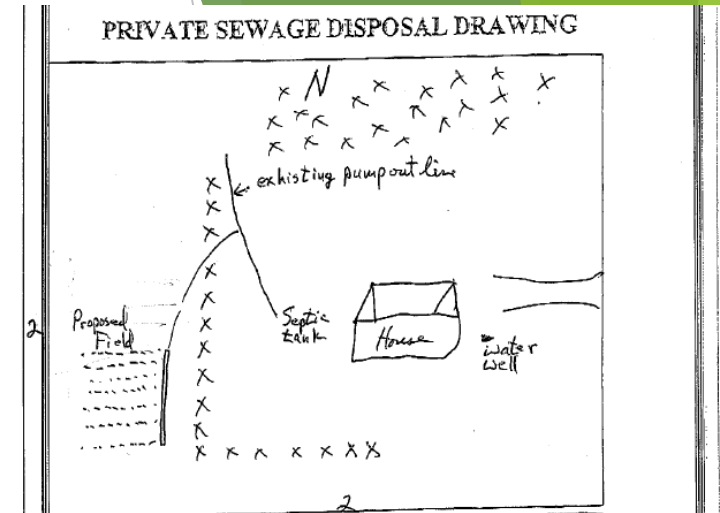


Subdivision & Development Regulation AR 43/2002

While reviewing a subdivision proposal, the Subdivision Authority can require the applicant to:

Submit plans

- 4(3)(d) showing the approximate location and boundaries of the bed and shore of any river, stream, watercourse, lake or other body of water that is contained within or bounds the proposed parcel of land,
- 4(3)(e) if the **proposed lots or the remainder of the titled area** are to be **served by** individual wells and **private sewage disposal systems**, showing
- the location of any existing or proposed wells, and
 - the **location and type** of any **existing** or proposed **private sewage disposal systems**, and the **distance** from these to **existing or proposed** buildings and **property lines**,



Subdivision & Development Regulation AR 43/2002

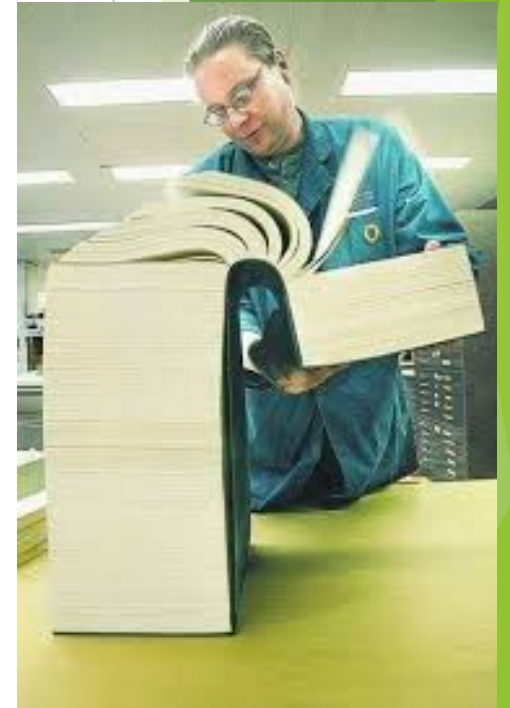
While reviewing a subdivision proposal, the Subdivision Authority can require the applicant to:

Section 4(4)(b):

[submit] an assessment of sub-surface characteristics including suitability for proposed onsite sewage systems

Sections 4(4) (c) and 4(5) (c):

[submit] a report by a qualified person respecting the intended method of sewage treatment for each lot including the suitability and viability of that method.



How Does the SCA and MGA Come Together?

- ▶ Where the rubber meets the road
- ▶ Safety Codes Officer provides issuance
- ▶ Municipality plays key role as source of information - historical and future



VARIANCE APPROVAL: KEY ITEMS

- ▶ SAFETY CODES OFFICER (SCO) REVIEWS A VARIANCE APPLICATION
- ▶ SAFETY CODES OFFICER OR ADMINISTRATOR ISSUES / DENIES A VARIANCE
 - ▶ ACHIEVING APPROXIMATELY EQUIVILANT OR GREATER SAFETY
 - ▶ THOROUGHLY RESEARCH THE MATTER
 - ▶ Real Property Report (RPR) - surveyor identifying exact distances of sewage system to other development considerations
 - ▶ Development constraints - are there phases to development or restrictions of what sewage systems are acceptable for the development use.



ACCREDITED OR UNACCREDITED?

- ▶ WHAT IS THE DIFFERENCE?
- ▶ EITHER WAY - VARIANCES CAN BE REQUIRED / REQUESTED AND THE MUNI IS A SOURCE OF VALUABLE INFORMATION
- ▶ MUNI ACTS AS SUPPORT ROLE TO SCO, ASSISTING TO MAKE INFORMED DECISIONS FOR VARIANCE APPLICATION REVIEW

Alberta Safety Codes Authority (ASCA)

- ▶ What the.... ASCA?
- ▶ Roles & Responsibilities
- ▶ Variance approval involvement



A Division of the Safety Codes Council

UNIFORM QUALITY MANAGEMENT PLAN

A SCO may review an alternative solution proposal and issue a site or instance specific variance from a code or referenced standard if the SCO is of the opinion that the alternative solution proposal / variance provides approximately equivalent or greater safety performance with respect to persons and property as that provided for by the Act. An alternative solution proposal / variance will not remove or relax an existing rule, nor be intended to provide product approval.

An alternative solution proposal / variance will be issued in accordance with the Act and Council policy. An alternative solution proposal / variance will be in the format prescribed by the Council.

A request for a variance must:

be made in writing,

be signed by the owner or the owner's representative, and

include support documentation that demonstrates that the variance requested provides equivalent or greater level of safety that is identified by the code, standard or regulation.

A SCO may only make a decision respecting an alternative solution proposal / variance after having thoroughly researched the subject matter.

Caution Required!

► Safety Codes Act, Section 37 Officer hindered

37(1) If a person refuses to allow a safety codes officer to exercise that officer's powers under this Act or interferes or attempts to interfere with a safety codes officer in the exercise of that officer's powers under this Act, an Administrator, an accredited municipality, an accredited regional services commission, the Authority or the Council may apply to the Court of Queen's Bench for an order

- (a) restraining that person from preventing or in any manner interfering with a safety codes officer in the exercise of that officer's powers under this Act, and
- (b) for the purposes of providing protection, authorizing a police officer to accompany the safety codes officer on an inspection, review, examination or evaluation under this Act.

► QMP under Accreditation

- The Municipality recognizes that should the required services be provided by an accredited agency, the Municipality will ensure that a formal contract for services is in place. The **Municipality** understands that they are **responsible** to effectively manage the contract with the accredited agency **to ensure** that the **accredited agency is adhering to the service delivery standards** of the approved QMP of the Municipality. *Contracts with accredited agencies will include a statement that ensures that **all SCOs** will have the **right to work** in atmosphere **free of undue influence** and hold the discretionary authority to perform their duties as outlined in the Act.*
- *The **Municipality** will maintain an atmosphere that **supports objective and unbiased decisions**. All **Safety Codes Officers (SCOs)** working for the Municipality will have the ability and opportunity to **independently make decisions** relative to compliance monitoring, **without undue influence of management, appointed or elected officials, or any other party**.*



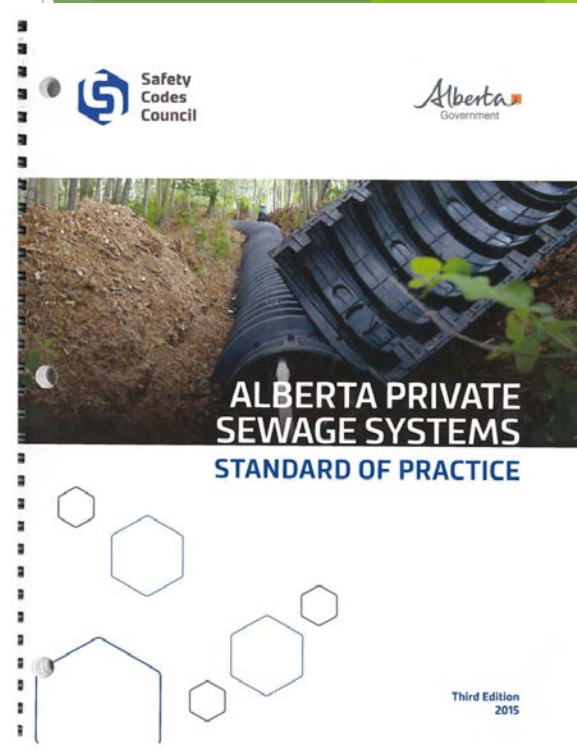
WHY DO WE NEED VARIANCES?

- ▶ A Province Wide Standard of Practice Cannot Predict Every Site Scenario!
- ▶ Site Specific vs Administrator Issued Under SCC Policy 9.8
 - ▶ What is the difference?
- ▶ Site Specific Examples
 - ▶ At-Grade Dispersal Systems - adopted in 2015.
 - ▶ Projected Flow Volumes - seeing unique development scenarios.
 - ▶ Phased development - initial phases may not meet full SOP requirements.
 - ▶ Accommodate innovative design scenarios.



VARIANCE ISSUED BY ADMINISTRATOR - WHEN & WHY?

- ▶ Historically issued under Policy 9.8 - back to July 2003.
- ▶ Review approximately 150 variance applications a year.
 - ▶ Challenge: Staff of 4 and not locally situated to verify site details
- ▶ Majority of the setback distance measurement concerns involve the 300ft setback for an open discharge system from property line in the Private Sewage Systems Standard of Practice.
 - ▶ Typically triggered by subdivision or sale of property.
 - ▶ Cannot relax law to newly proposed property lines - comply to 300ft or new system install
- ▶ Product or Equipment Variances
 - ▶ Likely to be managed differently - via Certifying Bodies & Inspection Bodies



WHAT IS THE GAP

- ▶ WHAT ISN'T WORKING?
- ▶ WHY AN ADJUSTMENT IS NEEDED / BENEFICIAL TO ADDRESS SHORTCOMINGS?
 - ▶ Inclusion of future development considerations.
 - ▶ Ability to fulfill development conditions.



MOVING FORWARD

- ▶ WHAT WILL THE PROCESS LOOK LIKE?
- ▶ WHERE DOES THE MUNI COME INTO PLAY?
- ▶ WHAT DO YOU NEED TO KNOW?
- ▶ WHY IS IT AN IMPROVEMENT AT A LOCAL LEVEL?



Variances - Transition to Municipalities

- ▶ The SCC policy (Policy 9.8) on variances in P&G and PSDS disciplines will be amended October 1, 2019
 - ▶ applied to setback distances and equipment
 - ▶ allowed only Administrators to issue variances
 - ▶ contravened the requirements of the SCA (Section 38)
 - ▶ setbacks to be transitioned, equipment to be managed differently
- ▶ In most cases this relates to the subdivision of first parcels out of a quarter section (farm yards).
- ▶ Municipalities best suited to help guide decisions in concert with the SCO on the suitability to allow a separation distance variance for a proposed subdivision.
 - ▶ It is the SCO who only has the authority to issue the variance
- ▶ Municipal Affairs will provide support and guidance during the transition.

What Resources are Available?

- ▶ Your partners in safety...the front line:
 - ▶ Safety Codes Officers (SCOs)
 - ▶ Accredited Agencies Staff
- ▶ Rural Municipalities of Alberta (RMA)
 - ▶ Guidance Document for Municipalities - Private Sewage System Variance Process
- ▶ Municipal Affairs
 - ▶ Two safety Notices (Standata)
 - ▶ Jurisdictional wide and general variance consideration
 - ▶ Separation distances variance in private sewage discipline
 - ▶ Duty officers with experience in variance consideration
- ▶ Safety Codes Council (SCC)
 - ▶ Variances registered with them
 - ▶ Variance application template

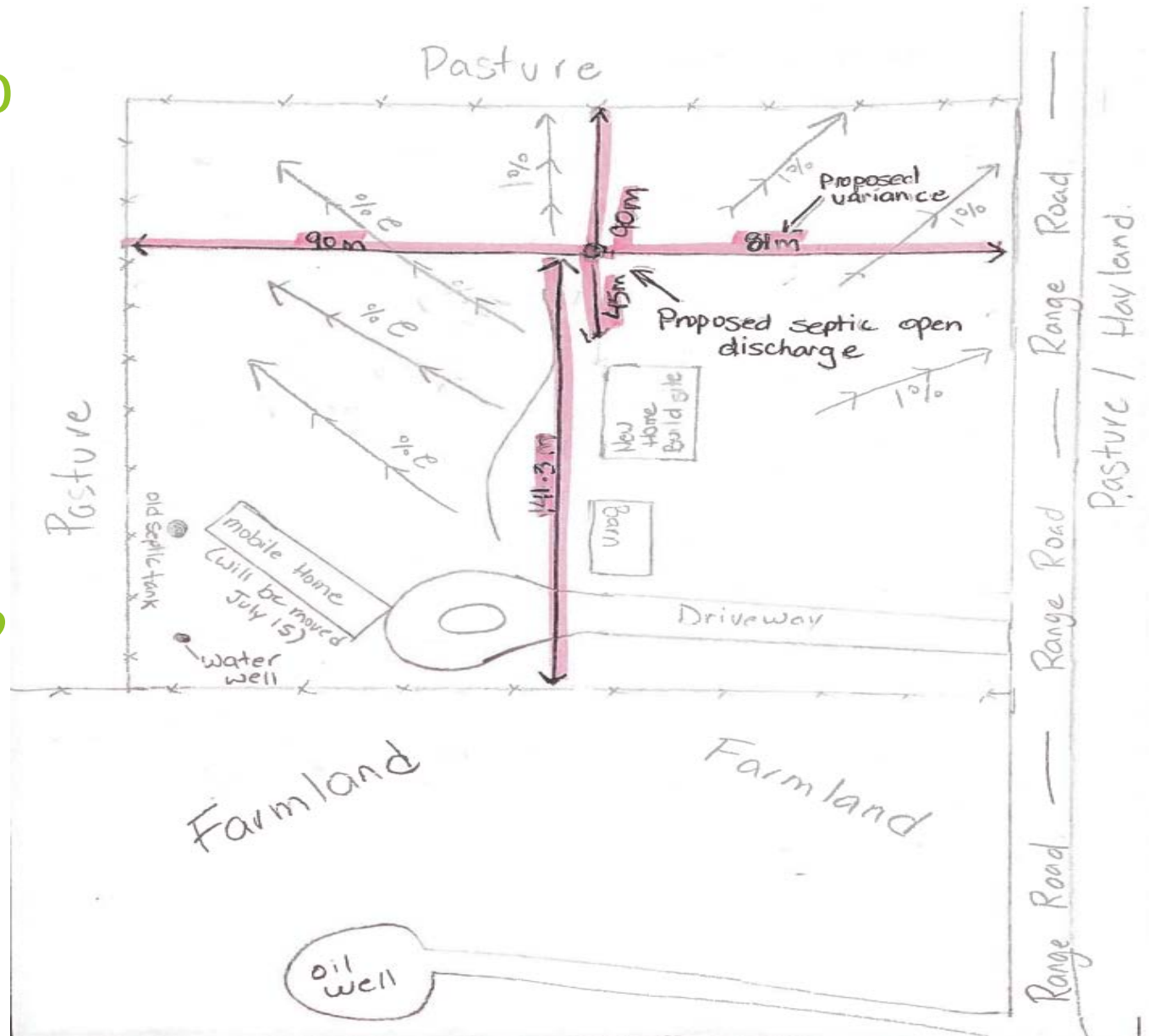
Okay Time
For Some
Practice!

So Where Do
Start??

Request for Specific Variance	
Explanation of Variance	A Variance is written permission issued to build, install, process, or otherwise act in a manner not consistent with the provision of an applicable code but which provides, in the opinion of the issuing Administrator or Safety Codes Officer, an equivalent or greater level of safety to persons and property. A Variance issued by a Safety Codes Officer is specific. A Variance sets no precedent.
Date of request	Feb 10, 2019
Name and address of owner and/or owner's agent requesting variance	
Code or Standard to be varied	8.7.2.1.1D open discharge to a property line.
Details of proposed variance	We are requesting a 9m variance from open discharge to <u>one</u> of the boundaries.
Reason for variance	Due to property measurements, we are short 5m East to West.
Supporting documentation must be provided (proof of equal or better safety performance - list attachments)	Included: Survey plan, detailed drawing including distances, buildings, slope & water well, vegetation, soil profiles & photo of property.
Address and/or legal description of the property upon which the thing, process or activity which is the subject-matter of the variance is located	NE 19- lot / block / plan
Authority under which a Variance may be issued	Safety Codes Act & Private Sewage discipline
Declaration of understanding	By signing below, the owner or owner's agent expressly acknowledges that the owner is aware of and agrees with this request for variance, which is intended to provide an alternative to the strict provisions of the Code / standard / regulation, and that it is the responsibility of the owner to provide and maintain safety in accordance with the variance.
Advisement of Offence	Non-compliance with the requirements of a Variance is an offence under the Safety Codes Act.
Identification of owner or owner's agent	Signature Print

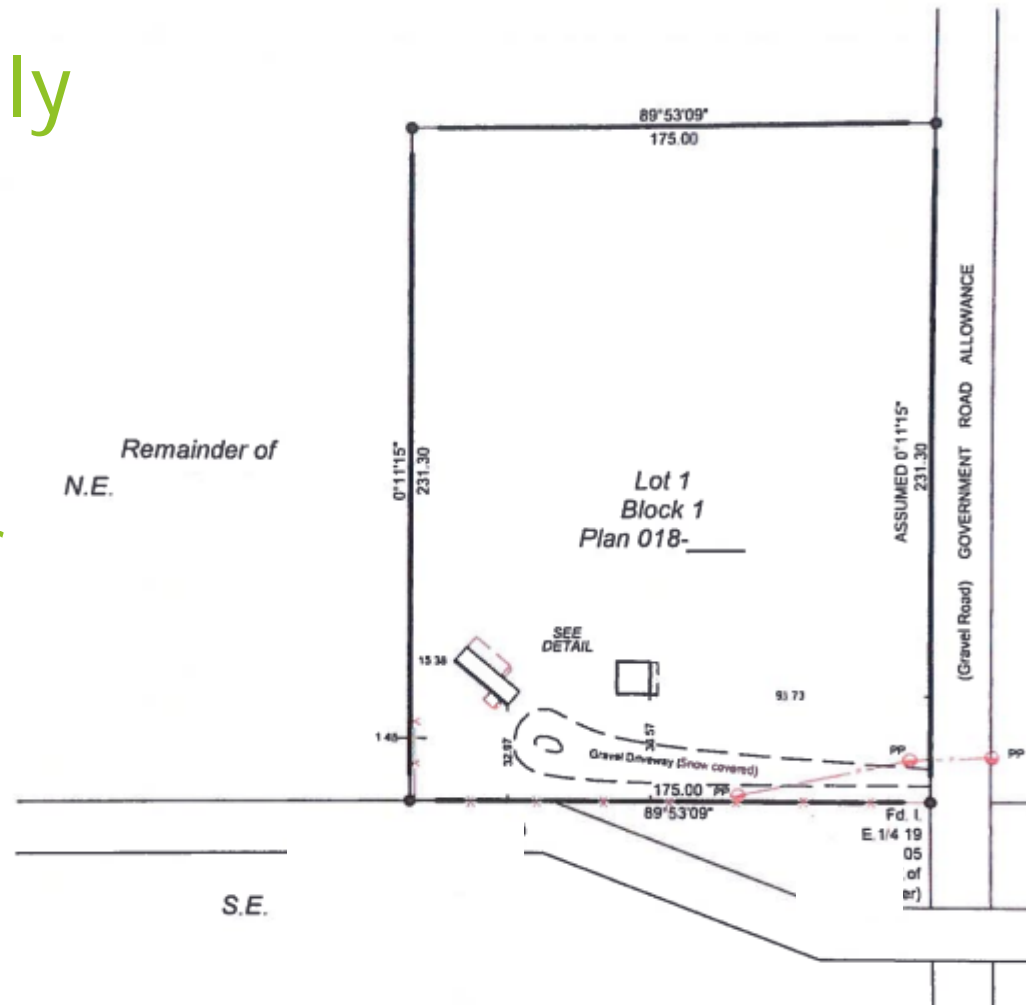
What Else Do We Need?

Maybe Some Site Details Would Help??



What We Really
Could Use!

Real Property
Report - clear
dimensions!



Would have been great to have had the surveyor measure in all separation distances - could have been required at time of subdivision inquiry.

Other Considerations?

Is the system suitable for the site??

Alberta Private Sewage Treatment System Soil Profile Log Form

Owner Name or Job ID:															
Legal Land Location						Lot		Block		Plan		GPS Coordinates			
T.S.D. #		Sec.	Top	Rg.	Mer.							Easting		Northing	
Aerial Photos: N/A												Topography:			
Vegetation notes: Pasture						Overall site slope %: 7 to 8%				Slope position of system: Upslope					
Test hole No.		Soil Subgroup			Parent Material		Drainage		Depth of sample #1		Depth of sample #2				
Horizon	Depth (cm) (in)	Texture	Lab or IIT	Colour	Gleying	Mottling	Structure	Grade	Consistence	Moisture	% Coarse Fragments				
A	4"	Loam	Loam	Dark Rich Brown	NO	NO	B Blaky	3	3		1%				
B	4"-21"	Silt Loam - Sandy clay loam	Sandy clay Loam	Light Brown	NO	NO	B Blaky	3	3		1%				
C	21"-68"	Sand clay loam	Sandy clay Loam	Light Brown	NO	NO	B Blaky	2	2		1%				

Depth to Groundwater	8' +	Limiting Soil Layer Characteristic describe:	Structure change to less consistent Blaky	Use soil names, descriptions and particle size limits found in the Canadian System of Soil Classification (CSCC).
Depth to Seasonally Saturated Soil	8' +	Depth to Limiting Soil Layer	8' +	
Limiting Topography	large slope Area	Depth to Highly Permeable Layer	None found	
Key Limiting System Design Characteristic	keeping open discharge from moving laterally			
Weather Condition notes:	Raining			
Comments:				

Client Company :

Client Contact:

Address :

Phone:

Report By:

Sample Date: May 26, 2013

Date Received: May 27, 2013

Date Analyzed: May 28, 2013

Chain of Custody: COC 111616

PO#: —

Sample ID: -

Soil - Horizon C

Test Parameter	Analytical Test Results		
Result ID:	Sample Type: Soil Typing - Hydrometer		
Description of Sample: 26.8 °C Light brown soil in a small ziploc bag	Measured Results	Units	Literature Reference Test Method Used
Density	2027.0838	kg/m ³	Carter & Gregorich, 2007
Soil Moisture	21.18	% water (w/w)	Carter & Gregorich, 2007
Soil Classification			
- Clay (<53 microns)	32.99	%	
- Silt (53-75 microns)	12.69	%	Hydrometer
- Sand (>75 microns)	54.33	%	
Sand Details			
- Coarse (>425 microns)	N/A	%	
- Medium (250-425 microns)	N/A	%	Sieve Analysis
- Fine (75-250 microns)	N/A	%	
Class	Coarse Sandy Clay Loam		

NOTE:

Reviewed By:

Mitchell C. Gray B.Sc., B.Ed., Business Development Manager

Confirming the Details!

Insert the
analytical
results -
please do not
copy the
commercial
labs details,
just the
results.

They Say A Picture Is Worth A Thousand Words!!



But there is more needed to support a variance application.

So What Can We Conclude?

Here is what we know:

- ▶ The tentative plan provided for a parcel with dimensions of 175 m by 231 m.
- ▶ The east-west dimension would not allow for prescribed separation distances in the SOP.

The following points need to be considered in this review:

- ▶ What percentage of the prescribed separation distance is being asked for
 - ▶ 9 m of 90 m is approx. 10%
- ▶ All other separation distances comply
- ▶ What potential risks if any would be associated to the reduced distance
 - ▶ Reduction is to the road R/W - Low risk
- ▶ Site appears to be well drained farmland
- ▶ Soil profile does not encounter any limiting conditions within the required vertical separation

The Decision:

- ▶ the risk and reduction is minimal so a variance was considered in this case.

What Other Aspects Impact Consideration?

- ▶ When the site was developed.
 - ▶ Compliant to the code of the day
 - ▶ Dec 1997 to Aug 1990 - property line setback was 45m (150ft)
 - ▶ Quarter sectional property lines never change
- ▶ Is there a water well involved.
 - ▶ Health may need to issue a Waiver
- ▶ Easements registered on title
 - ▶ Road widening - can take 30 to 60 m from properties
 - ▶ Utilities - some have restrictions within their right-of-way
- ▶ Conservation Land and Environmental Reserves.
- ▶ Surface Waters and Other Natural Features.

What Other Aspects Impact Consideration?

▶ Adjacent Land Use.

- ▶ Nearest neighbor 2 miles away
- ▶ School right next door

▶ Land Use Restrictions.

- ▶ One parcel out per quarter
- ▶ Bylaws- first parcel out restriction to 5 acres

▶ Is a variance even necessary?

- ▶ Maybe a compliance letter issued to clarify met code of the day
- ▶ Attach in support of subdivision application

Questions???

