

NEW BRUNSWICK
REGULATION 2009-137
under the
Public Health Act
(O.C. 2009-456)

Filed November 20, 2009

Under section 68 of the *Public Health Act*, the Lieutenant-Governor in Council makes the following Regulation:

Citation

1 This Regulation may be cited as the *On-site Sewage Disposal System Regulation - Public Health Act*.

Definitions

2 The following definitions apply in this Regulation.

“Act” means the *Public Health Act*. (*Loi*)

“approval” means an approval under section 24 of the *Act*. (*approbation*)

“certificate of compliance” means the certificate provided to the owner of an on-site sewage disposal system under section 24.1 of the *Act*. (*certificat de conformité*)

“contour system” means an on-site sewage disposal system with a septic tank and subsurface disposal field consisting of one end-fed or centre-fed line of distribution pipe and crushed rock installed in a trench along a contour slope between 3% and 30% gradient. (*système en déclivité*)

“conventional sewage disposal system” means an on-site sewage disposal system with a septic tank and subsurface disposal field system with sewage flows not exceeding 5460 litres per day, and includes a sewage holding tank and a pit privy, but not a contour system. (*système conventionnel*)

“engineer” means a person who (*ingénieur*)

(a) is registered as a member of the Association of Professional Engineers and Geoscientists of New Brunswick as entitled to engage in the practice of engineering,

(b) has received a licence from the Executive Council of the Association of Professional Engineers and Geoscientists of New Brunswick to engage in engineering, or

(c) is practising as a professional engineer in New Brunswick under subsection 10(7) of the *Engineering and Geoscience Professions Act*.

“licence” means a licence issued by the Minister authorizing a person to install, construct, repair or replace an on-site sewage disposal system or to carry on the business of installing, constructing, repairing or replacing an on-site sewage disposal system. (*licence*)

“licensee” means a person holding a valid and subsisting licence. (*titulaire*)

“non-conventional sewage disposal system” means an on-site sewage disposal system other than a conventional sewage disposal system. (*système non conventionnel*)

Conventional sewage disposal system licence

3A person who wishes to install, construct, repair or replace a conventional sewage disposal system or carry on the business of installing, constructing, repairing or replacing conventional sewage disposal systems shall apply to the Minister for a conventional sewage disposal system licence on a form provided by the Minister.

Non-conventional sewage disposal system licence

4(1)A person who wishes to install, construct, repair or replace a non-conventional sewage disposal system or carry on the business of installing, constructing, repairing or replacing non-conventional sewage disposal systems on or after April 1, 2012, shall apply to the Minister for a non-conventional sewage disposal system licence on a form provided by the Minister.

4(2)An applicant shall supply the Minister with a complete description of the type of non-conventional sewage disposal system in respect of which the application is made.

4(3)A person shall not be issued and shall not hold a licence under this section unless the person also holds a valid licence issued under [section 3](#).

Fees for licences

5(1)Subject to subsection (2), an applicant shall pay the following fees at the time an application is made under [section 3](#) or [4](#):

- (a) \$400 in respect of an application for a licence to install, construct, repair or replace a conventional sewage disposal system; and
- (b) \$350 in respect of an application for a licence to install, construct, repair or replace a non-conventional sewage disposal system.

5(2)The fee to renew a licence is \$50.

Issuance of licence

6The Minister shall issue a licence if the applicant has

- (a) successfully completed the New Brunswick On-site Sewage Disposal Systems Installers Course provided through the Department of Health for conventional sewage disposal systems or, if applicable, the type of non-conventional sewage disposal system in respect of which the application is made, and
- (b) successfully passed the New Brunswick On-site Sewage Disposal Systems Installers' exam prepared by the Department of Health on the [regulations](#) and practices relating to the installation, construction, repair or replacement of conventional sewage disposal systems or, if applicable, the type of non-conventional sewage disposal system in respect of which the application is made.

Terms and conditions of licence

7(1) Subject to [section 8](#), it is a term and condition of a conventional sewage disposal system licence that the licensee shall not install, construct, repair or replace a non-conventional sewage disposal system.

7(2) It is a term and condition of a non-conventional sewage disposal licence that the licensee may install, construct, repair or replace only

(a) those types of non-conventional sewage disposal systems that are specified on the licence, and

(b) those types of non-conventional sewage disposal systems designed by an engineer.

7(3) It is a term and condition of each licence that the licensee shall install, construct, repair and replace an on-site sewage disposal system in accordance with the “New Brunswick Technical Guidelines for On-Site Sewage Disposal Systems”, prepared under the authority of the Minister of Health.

7(4) Where there is a conflict between an approval given by the Minister and the guidelines referred to in subsection (3), the requirements of the approval prevail.

Transitional provision - non-conventional sewage disposal systems

8(1) Between November 15, 2009, and March 31, 2012, inclusive, a person who holds a conventional sewage disposal licence may install or construct a non-conventional sewage disposal system, but only if the system has been designed by an engineer.

8(2) Between November 15, 2009, and March 31, 2012, inclusive, a person who holds a conventional sewage disposal system licence may

(a) repair a non-conventional sewage disposal system, but only if the repairs have been approved or designed by an engineer, and

(b) replace an on-site sewage disposal system with a non-conventional sewage disposal system, but only if the replacement system has been approved or designed by an engineer.

Licence not transferable

9 A licence is not transferable.

Expiry date of licence

10 A licence expires on March 31 of each year.

Renewal of licence

11(1) A licensee may renew a licence by applying to the Minister on a form provided by the Minister and paying the required application fee at the time the application is made.

11(2) Notwithstanding subsection (1), the Minister shall not renew a conventional sewage disposal system licence on or after April 1, 2010, unless the applicant satisfies the Minister that the applicant has met the requirements under [section 6](#).

Revocation of licence

12The Minister may revoke a licence if the licensee

- (a) violates or fails to comply with a term or condition of his or her licence,
- (b) violates or fails to comply with [section 24](#) or [24.1](#) of the [Act](#) or any provision of this [Regulation](#), or
- (c) makes a false statement in an application for a licence or an approval or in any report, return or certificate required to be provided under the Act or this [Regulation](#).

Application for approval

13(1)A licensee who wishes to install or construct an on-site sewage disposal system at a specific site shall

- (a) apply to the Minister on a form provided by the Minister for the approval of the design and location of the system, and
- (b) pay an application fee of \$150 at the time the application is made.

13(2)A licensee who wishes to repair or replace an on-site sewage disposal system at a specific site shall

- (a) apply to the Minister for the approval of the design, location and plan for the repair or replacement of the system, and
- (b) pay an application fee of \$150 at the time the application is made.

13(3)An application for an approval shall contain the following:

- (a) detailed plans showing
 - (i) the property location by civic address,
 - (ii) the property identification number assigned to the property by Service New Brunswick,
 - (iii) the dimensions of the property, including location of easements or right-of-ways,
 - (iv) the slope of the property, and
 - (v) the dimensions and layout of the on-site sewage disposal system, including separation distances between the system and building locations, the property lines, the property well, location of adjacent wells and bodies of water within 100 metres of any part of the proposed system, and
 - (vi) the type of system and design details;
- (b) the estimated wastewater flow to be treated by the system;
- (c) the identification of any limiting factors, such as bedrock, ground water table or impermeable soil;
- (d) a description of the soil and its character, as determined by a test pit inspection;
- (e) an assessment of the suitability of the soil for the installation of an on-site sewage disposal system as determined by one of the following methods:
 - (i) percolation test;

- (ii) hydraulic conductivity test;
- (iii) soil sieve analysis;
- (iv) visual examination of a test pit which is recorded; and
- (v) another method acceptable to the Minister;
- (f) the finished ground elevation of the area where the system is or is to be located in reference to the original ground elevation;
- (g) the system materials specifications or, if one is used, the system-manufactured materials specifications;
- (h) any additional information as requested by the Minister that relates to the work to be done under the approval; and
- (i) the name of the owner of the property, and the owner's signature, indicating that the owner authorizes the application.

13(4) If the site is 2000 square metres or less, the plans referred to in paragraph (3)(a) are to be drawn to scale.

Revocation of approval

14 The Minister may revoke an approval if the Minister has reasonable grounds to believe

- (a) that false or misleading information has been supplied in the application for the approval,
- (b) that the work being conducted by the licensee with respect to the on-site sewage disposal system violates a provision of the Act or this **Regulation** or is not being done in accordance with the approval, or
- (c) that a health hazard may be created by permitting the installation, construction, repair or replacement of the on-site sewage disposal system to proceed.

Standards for septic tanks and sewage holding tanks

15(1) A licensee who installs a septic tank shall ensure that the septic tank

(a) conforms to the requirements of Canadian Standards Association CAN/CSA Standard B66-05, "Design, material, and manufacturing requirements for prefabricated septic tanks and sewage holding tanks", as amended up to and including March 31, 2008,

(b) if installed on or after April 1, 2011, has a minimum working capacity of 3410 litres,

(c) if installed on or after April 1, 2011, is comprised of two compartments with 2/3 and 1/3 volumes for primary and secondary chambers respectively,

(d) is constructed of non-corrodible material, and

(e) is equipped with an effluent filter conforming to the requirements of NSF/ANSI Standard 46-207, "Evaluation of components and devices used in wastewater treatment systems", dated January 5, 2007.

15(2)A licensee who installs a sewage holding tank shall ensure that the holding tank conforms to the requirements of Canadian Standards Association CAN/CSA Standard B66-05, “Design, material, and manufacturing requirements for prefabricated septic tanks and sewage holding tanks”, as amended up to and including March 31, 2008.

Covering of on-site sewage disposal system

Repealed: 2018-8
2018-8

16Repealed: 2018-8
2018-8

Fee prescribed

2018-8

17The fee prescribed for the purposes of [subsection 24.02\(5\)](#) of the [Act](#) is \$150.
2018-8

Documents to be provided to owner

18A licensee shall provide to the owner of an on-site sewage disposal system the following documents within 10 days after the system has been covered:

- (a) a copy of the plan of the installation, construction, repair or replacement of the on-site sewage disposal system; and
- (b) the operating instructions for the system.

Records

19A licensee or former licensee shall keep the following records for a minimum of 7 years:

- (a) a copy of each application for approval under [section 6](#), with the supporting information required to obtain the approval;
- (b) a copy of each approval issued by the Minister;
- (c) a copy of each certificate of compliance issued by the licensee; and
- (d) a copy of each inspection report by a public health officer relating to the installation, construction, repair or replacement of an on-site sewage disposal system.

Commencement

20*This Regulation comes into force on November 20, 2009.*

N.B. This Regulation is consolidated to February 1, 2018.