

## On-site Sewage Disposal Systems Regulations

made under Sections 66 and 110 of the

Environment Act

S.N.S. 1994-95, c. 1

O.I.C. 2007-173 (March 27, 2007), N.S. Reg. 194/2007

### Interpretation

#### Citation

1 These regulations may be cited as the On-site Sewage Disposal Systems Regulations.

#### Definitions

2 In these regulations, the following definitions apply:

(a) “Act” mean the Environment Act;

(b) “approved central sewage collection and treatment system” means a system for central sewage collection and treatment that has been approved in writing by the Minister, and includes an approved extension or modification of a system;

(c) “cluster system” means a system intended to service more than 1 building, structure or dwelling;

(d) “development officer” means a development officer as defined in the Municipal Government Act and appointed by a municipality to approve subdivisions;

(e) “disposal field” means the part of a system that distributes treated sewage into the soil;

(f) “drilled well” means a drilled well as defined in the Well Construction Regulations made under the Act;

(g) “dug well” means a dug well as defined in the Well Construction Regulations made under the Act, and includes a drilled well with less than 6.1 m of well casing;

(h) “effluent pipe” means a non-perforated pipe used in a system to transfer effluent from a septic tank, pump or siphon chamber to a disposal field;

(i) “foundation drainage system” means the perforated piping and crushed rock or gravel laid around the exterior of the foundation of a dwelling or a structure and includes any part of the piping that extends to a point of discharge;

(j) “holding tank” means a system that consists of a closed watertight receptacle that does not discharge effluent, but is designed and used to receive and store sewage before it is collected by a septic- tank cleaner;

(k) “innovative sewage disposal system” means an experimental system or other type of system that has not been approved for use in the Province and that is being installed or constructed for evaluation purposes;

(l) “installer” means a person who holds a valid certificate of qualification issued in accordance with Section 31 to install or construct systems;

(m) “instrument of subdivision” means an instrument of subdivision under the Municipal Government Act;

(n) “level 1 qualified person” means a person who meets the requirements of Section 25;

(o) “level 2 qualified person” means a person who has a valid certificate of qualification in accordance with Section 26;

(p) “lot width” means the minimum width of a lot measured from the centre of the proposed or existing system to the boundaries of the lot;

(q) “malfunctioning system” means a system that the Department considers causes or may cause an adverse effect;

(r) “minor alteration” means a small modification or repair to a system that is required to reduce any possible impact or adverse effect on public health and the environment and includes any of the following:

(i) replacing a septic tank, pump or siphon chamber of the same size at the same location on the lot,

(ii) diverting sewage away from groundwater and a dwelling structure,

(iii) repairing any portion of a pipe between the septic tank and the pump or siphon chamber,

(iv) repairing any portion of an effluent pipe,

(v) replacing imported sand fill or final cover material in an eroded system;

(s) “municipal system” means a sewage collection system owned and operated by or on behalf of a municipality;

(t) “on-site sewage disposal system” means a system for disposing of sewage that is not directly connected to a central sewage collection and treatment system or a municipal system and includes all of the following:

(i) a septic tank, a disposal field and inter-connecting pipes,

(ii) a holding tank,

(iii) a pit privy,

(iv) a vault privy,

(v) a sewage disposal system, other than one described in subclauses (i) to (iv) or a wastewater treatment facility, that is approved or adopted by the Department as an on-site sewage disposal system and meets any specifications established by the Department;

(u) “On-site Sewage Disposal Systems Technical Guidelines” means the guidelines published by the Department that set specifications and standards for selecting, designing, installing and constructing on-site sewage disposal systems;

(v) “permeable soil” means a soil that is determined to be permeable in accordance with the On-site Sewage Disposal Systems Technical Guidelines;

(w) “pit privy” means a structure and the pit over which the structure sits, in which human waste is emitted from the pit into the soil;

(x) “portable rest room” means a mobile receptacle used for the temporary storage of sewage;

(y) “qualified person” means a level 1 qualified person or a level 2 qualified person;

(z) “septic tank” means a watertight, covered receptacle designed and constructed to treat sewage before it is discharged to a disposal field or discharged for further treatment;

(aa) “septic-tank cleaner” means a person who holds a valid certificate of qualification in accordance with Section 36 to empty and dispose of the contents of a septic tank, a pump or siphon chamber, a holding tank, a vault privy or a portable rest room;

(ab) “sewage” means any human waste or wastewater emitted from a building, dwelling or structure and includes wastewater from ablutions, culinary activities or laundering;

(ac) “sewage management program” means a program for an on-site sewage disposal system that is acceptable to the Department for maintaining and controlling the storage and disposal of sewage from a holding tank or septic tank;

(ad) “soil assessment” means a procedure that uses a test pit to evaluate any factors that affect the subsurface attenuation of sewage, including all of the following:

(i) the rate of movement or flow of water through soil in its natural state,

(ii) the depth of bedrock,

(iii) groundwater conditions;

(ae) “subdivider” means the registered owner of an area of land proposed to be subdivided and includes anyone acting with the owner’s consent;

(af) “subdivision” means a subdivision as defined in the Municipal Government Act;

(ag) “surface watercourse” means a watercourse, excluding groundwater;

(ah) “system” means, except where the context requires otherwise, an on-site sewage disposal system, or any part of an on-site sewage disposal system;

(ai) “vault privy” means a structure and the closed watertight receptacle over which the structure sits, the receptacle of which stores human waste and is required to be pumped out regularly;

(aj) “wastewater treatment facility” means a wastewater treatment facility as defined in the Water and Wastewater Facilities and Public Drinking Water Supplies Regulations made under the Act;

(ak) “waterfront lot” means a lot that contains or is proposed to contain a system in which a portion of the system is or will be located within 60 m of a surface watercourse or marine water body.

Departmental services in place of qualified person

3 The Minister may establish policies or criteria that set out when the Department may provide services in place of a qualified person.

#### Activities designated as requiring approval

4 Any of the following activities on or for a system, including a cluster system or an innovative sewage disposal system is designated as an activity under the Act that requires an approval in accordance with Section 50 of the Act:

(a) selecting;

(b) designing;

(c) installing;

(d) constructing;

[(e)](f) repairing;

[(f)](g) modifying [modifying];

[(g)](h) altering, other than a minor alteration;

[(h)](i) upgrading;

[(i)](j) replacing.

#### Systems on Lots Being Subdivided

Application of these regulations to lots being subdivided

5 These regulations apply to any lot shown on a plan or instrument of subdivision that must be submitted to a development officer for approval by a municipality and is proposed to be serviced by a system except for a lot that is larger than 9000 m<sup>2</sup> in area and 75 m or more in lot width and is identified on an application for subdivision as not intended for development purposes.

#### Subdivision review process

6 (1) A subdivider who proposes to put a system on their lot must prepare and submit documentation that includes all the following information to the Department and to a development officer as part of the application process under the Municipal Government Act:

(a) the name, address, including civic number, and telephone number of the owner of the lot to be subdivided;

(b) the name, address, including civic number, and telephone number of the subdivider;

(c) the name and address, including civic number, of all owners of land abutting the lot to be subdivided;

(d) for a subdivider who is not the owner of the lot, proof from the owner that the subdivider is appointed as the agent of the owner to make the application;

(e) a plan or sketch of the lot to be subdivided showing all of the following:

(i) the dimensions and area of the lot,

(ii) the lot layout, including all of the following, whether proposed or existing:

(A) buildings,

(B) systems,

(C) driveways,

(D) water wells,

(iii) the location on the lot and adjoining lots of all the following:

(A) surface watercourses,

(B) wetlands,

(C) marine water bodies,

(D) any features that may influence the selection or design of the system including any ditches, roads or easements,

(iv) the surface slopes and directions,

(v) the location of any test pits;

(f) an explanation of all of the following:

(i) the extent to which the system will be used,

(ii) the expected volume for the system,

(iii) what uses the system will be subjected to.

(2) In addition to the information provided under subsection (1), a subdivider must provide the Department with an assessment report prepared by a level 1 qualified person or a level 2 qualified person that assesses the lot's suitability to support a system and includes all of the following:

- (a) an evaluation of the results of a soil assessment;
- (b) the proposed system selected or designed for the lot;
- (c) any information required by the Department.

(3) The Department may review and audit the information provided under subsections (1) and (2) and may conduct any inspections considered necessary to verify the information, including inspecting any test pit on the proposed lot, and may request additional test pits.

(4) If requested by a development officer, the Department must send a written response to the development officer, and copy it to the subdivider, respecting the assessment report on the suitability of the lot being subdivided to support a system that indicates one of the following:

(a) that the information provided by the subdivider is insufficient to allow the Department to determine whether the lot is suitable for the proposed system and that the subdivider must provide additional information;

(b) that the lot is suitable for the proposed system and specifying any terms and conditions that must be met;

(c) that the lot is not suitable for the proposed system and specifying the reasons for this determination.

(5) A written response made by the Department under subsection (4) is deemed to be based on the physical conditions of the lot being subdivided and the abutting properties at the time of the assessment report, and any change in the conditions since the time of the assessment report may nullify any determination by the Department that the lot is suitable.

#### Minimum lot requirements for lots being subdivided

7 (1) Except as provided for in subsections (3) and (5), a lot being that is [being] subdivided on which a subdivider proposes to install or construct a system that has a maximum daily flow of up to 1500 L per day must meet the minimum lot size requirements set out in the following table:

## Minimum Lot Size Requirements

Depth of Permeable Soil (mm)

Lot Area

(m<sup>2</sup>)

Lot Width

(m)

0 - 149

9000

76

150 - 299

6800

60

300 - 600

4500

53

601 - 899

3150

37

900 and deeper

2700

37

(2) Except as provided for in subsections (3) and (5), a lot that is being subdivided that is a waterfront lot with permeable soil deeper than 600 mm and on which a subdivider proposes to install or construct a system that has a maximum daily flow of up to 1500 L per day must be a minimum of 3700 m<sup>2</sup> in area and have a lot width of a minimum of 45 m.

(3) To prevent an adverse effect, the Department may require a lot that is being subdivided on which a subdivider proposes to install or construct a system that has a maximum daily flow of greater than 1500 L per day to meet lot areas and widths larger than the minimum size requirements set in this Section.

(4) For a lot that is being subdivided on which a subdivider proposes to install or construct a system, the following minimum requirements must be met:

(a) the lot must have enough soils of the type, permeability, depth and area to support the proposed system on the lot;

(b) the system must meet the clearance distances required by Section 13.

(5) The minimum lot size requirements in subsections (1) and (2) do not apply to a lot that a subdivider plans to create by consolidating 2 or more parcels of land in accordance with the Municipal Government Act, if a system can be selected or designed for the proposed lot that complies with the clearance distances in Section 13.

## System Application and Approval

### System approval requirements

8 (1) A person responsible for releasing sewage into the environment, other than through a system for which an approval has been issued, must apply to the Minister for an approval to install or construct a system or to replace an existing system no later than 15 days after the date they become aware of the discharge.

(2) A person who installs or constructs a system or causes a system to be installed or constructed without first obtaining an approval as required by Section 50 of the Act may be required by the Department to do any of the following at the person's expense:

(a) uncover the system for inspection;

(b) remove the system;

(c) modify the system.

(3) A person must not construct, install, use or operate a system or cause a system to be constructed, installed, used or operated if an adverse effect may result.

### Selection and design of system

9 (1) A level 2 qualified person or inspector who selects a system or a level 1 qualified person or departmental engineer who selects or designs a system for a lot must include all of the following in their selection or design:

- (a) the location of any well or other source of water supply on the lot and adjoining lots;
- (b) the topography of the lot;
- (c) the maximum elevation of the groundwater table of the lot;
- (d) the elevation of bedrock on the lot;
- (e) the soil characteristics of the lot;
- (f) the area available for the system on the lot;
- (g) the expected occupancy and intended use of any existing or proposed dwelling, building or structure to be serviced by the system;
- (h) the capacity of the system.

(2) A system must be suitable for the lot it is located on and must be selected or designed from the options and in accordance with the specifications in the On-site Sewage Disposal Systems Technical Guidelines.

(3) Except for a cluster system, a system must be located on the lot on which the building or dwelling the system serves is located.

(4) If there is a change in the selection or design of a system, a person must obtain an amendment to the approval issued for the system before installing or constructing the system or causing the system to be installed or constructed.

(5) A person must not select or design more than 1 system on a lot unless all of the following conditions are met:

(a) the minimum lot size requirements in Section 7 are met for each system proposed on the lot;

(b) the total of the minimum lot size requirements in Section 7 for each system do not exceed the actual size of the lot;

(c) each system meets the clearance distances prescribed in Section 13; and

(d) a separate lot may be created containing the dwelling, building or structure and the system.

Persons who may select or design systems

10 (1) A system for a single unit detached dwelling or structure must be selected by one of the following:

(a) a level 1 qualified person;

(b) a level 2 qualified person;

(c) an inspector;

(d) a departmental engineer.

(2) A system for a single unit detached dwelling or structure must be designed by one of the following:

(a) a level 1 qualified person;

(b) a departmental engineer.

(3) A system for a commercial, institutional, industrial or residential structure, other than one described in subsection (1) must be designed by one of the following:

(a) a level 1 qualified person;

(b) a departmental engineer.

#### Review of application for approval

11 (1) During a review of an application for approval, the Minister may require additional test pits to be dug to obtain additional information in accordance with subsection 53(2) of the Act.

(2) During a review of an application for approval, the Minister may require a change in the selection or design of the system, if the selection or design is not as required by these regulations.

#### Reason for refusal of approval

12 Without restricting the generality of subsection 56(1) of the Act, an approval of a system may be refused by the Minister under subsection 56(1) of the Act for any of the following reasons:

(a) the selection or design of the system is not as required by these regulations;

(b) an adverse effect may result from the selection, design, installation or construction of the system;

(c) an existing municipal system or an approved central sewage collection and treatment system is located within 30 m from the boundary of the lot for the system.

#### Clearance distances

13 (1) A person must not install or construct a system or cause a system to be installed or constructed unless the minimum clearance distances are as follows:

(a) from any part of the system other than a part specified in clause (b), the minimum clearance distances must be greater than or equal to all of the following:

(i) 3 m from all boundaries,

(ii) 9 m from any downslope boundary,

(iii) 15.2 m from any drilled well, if the casing of the well extends 6.1 m or deeper below the surface,

(iv) 30.5 m from any dug well or other domestic water supply,

(v) 8 m from any cistern or contained water system,

(vi) 30.5 m from any surface watercourse, wetland or marine water body,

(vii) 15 m from any down slope drain or ditch that flows intermittently or any artificially created water body, other than an interceptor ditch,

(viii) 6 m from any municipal or private water distribution system,

(ix) 6 m from any foundation drainage system;

(b) from the septic tank, pump or siphon chamber and the effluent pipe, the minimum clearance distances must be greater than or equal to all of the following:

(i) 3 m from all boundaries,

- (ii) 9 m from any downslope boundary,
- (iii) 15.2 m from any drilled well, if the casing of the well extends 6.1 m or deeper below the surface,
- (iv) 30.5 m from a dug well or other domestic water supply,
- (v) 5 m from a cistern or contained water system,
- (vi) 15.2 m from any surface watercourse or marine water body,
- (vii) 30.5 m from any wetland,
- (viii) 3 m from any municipal or private water distribution system,
- (ix) 1.5 m from any foundation drainage system.

(2) A person must not install or construct a system or cause a system to be installed or constructed if there is not a minimum vertical separation distance of 1 m between the bottom of the distribution trench of the disposal field and any of the following:

- (a) the bedrock;
- (b) the maximum groundwater table;
- (c) soil with permeability greater than  $500 \times 10^{-6}$  metres per second.

(3) If the Minister considers that a system that conforms with the minimum clearance distances in this Section may cause an adverse effect, the Minister may require greater clearance distances and must provide the reasons in writing to the applicant.

#### Installing a system

14 (1) A person who installs or constructs a system or causes a system to be installed or constructed must ensure that the system is installed or constructed in accordance with all of the following:

- (a) the Act;
- (b) these regulations;
- (c) the On-site Sewage Disposal Systems Technical Guidelines;
- (d) any approval issued for the system.

(2) Before a system is constructed or installed, the installer must notify the qualified person, inspector or departmental engineer who selected or designed the system of the proposed date of the installation or construction.

(3) A qualified person must notify the Department before a system is installed or constructed no later than as required by the Department.

(4) Immediately after a system is installed or constructed, the installer must notify the qualified person, inspector or departmental engineer who selected or designed the system that the installation or construction is completed.

(5) If a change in conditions occurs before or during the installation or construction of a system that may have an impact on the suitability of the selection or design that is approved for the system, the installer must immediately

(a) notify the qualified person, inspector or departmental engineer who selected or designed the system of the change; and

(b) cease the installation or construction of the system until an amendment of the approval is obtained.

(6) A qualified person, inspector or departmental engineer who is notified of a change in conditions must review the changed conditions and submit a revised application for an approval of the selection or design of the system to the Minister.

#### Covering a system

15 (1) Before covering a system or causing a system to be covered, an installer must obtain permission to cover the system from the qualified person, inspector or departmental engineer who selected or designed the system.

(2) An inspector, departmental engineer or qualified person must give an installer permission to cover a system only if the system has an approval issued for it and has been installed as required by these regulations.

#### Completion of work form

16 (1) An installer must complete a completion of work form for each system they install or construct immediately after completing the installation or construction of the system.

(2) An installer must send a copy of the completion of work form for a system to the qualified person, inspector or departmental engineer who is required to issue the certificate of installation for the system under subsection 17(1).

(3) A qualified person who receives a completion of work form from an installer must, no later than as required by the Department, send a copy of the completion of work form to the Department.

#### Certificate of installation

17 (1) After the installation of a system is complete and the installer has covered the system, the qualified person, inspector or departmental engineer who selected or designed the system must complete a certificate of installation certifying that the system has been installed or constructed as required by these regulations.

(2) Except as provided in subsection (3), only the qualified person, inspector or departmental engineer who selected or designed a system may issue a certificate of installation for the system.

(3) If the qualified person who selected or designed a system has not maintained their qualifications or is dead, ill or otherwise unavailable to issue a certificate of installation for the system, another qualified person may issue the certificate of installation if they make a written request to the Department and written permission is granted.

(4) A qualified person who issues a certificate of installation must, no later than as required by the Department, send a copy of the certificate of installation to all of the following:

- (a) the Department;
- (b) the building inspector;
- (c) the approval holder;
- (d) the installer.

#### Refusal to issue certificate of installation

18 (1) A qualified person, inspector or departmental engineer may refuse to issue a certificate of installation for a system that is not installed or constructed as required by these regulations.

(2) A qualified person, inspector or departmental engineer who refuses to issue a certificate of installation must send a written report explaining why the system is not as required by these regulations to the owner of the lot and the Department no later than 15 days after the date they are notified that the system is installed or constructed.

(3) A written report prepared by the qualified person must be reviewed by the Department to assess whether the system is as required by these regulations.

(4) An installer, an owner or a qualified person may be required by the Department, at their own expense, to uncover a system that is not as required by these regulations for inspection and to repair or replace the system within a set period of time.

### Auditing and inspecting systems

19 (1) The Department may review any assessment report, plan, certificate of installation or any other information or document prepared by a qualified person.

(2) The Department may audit and inspect any test pits for, or the installation of, a system selected or designed by a qualified person.

(3) When the Department becomes aware of deficiencies in the selection, design, installation or construction of a system, that reveal that it has not been done as required by these regulations, the Department

(a) must notify all of the following in writing of the deficiencies:

(i) the qualified person who selected or designed the system,

(ii) the installer who installed or constructed the system,

(iii) the owner of the lot for the system; and

(b) may require any of the persons notified to remedy the deficiencies at their own expense within a set period of time.

### Maintaining a system

20 (1) The owner of a lot must maintain a system installed or constructed on their lot.

(2) The Department may request that a municipality, community or town adopt a sewage maintenance program.

### Malfunctioning system

21 (1) The owner of a lot must ensure proper functioning of a system on their lot and must replace, alter, or repair a malfunctioning system.

(2) An approval may be issued for a selection or design of a replacement system for a malfunctioning system or to alter or repair a malfunctioning system that is not as required by these regulations if the Minister considers that the replacement, alteration or repair will immediately reduce any adverse effects.

#### Minor alterations to system

22 (1) In an emergency situation, an installer may make a minor alteration to a system to reduce the potential for an adverse effect, if the alteration is in accordance with the Act, these regulations and the On-site Sewage Disposal Systems Technical Guidelines.

(2) No later than 3 working days after the date that a minor alteration to a system is made, the installer must notify the Department of what was done to the system and must send the Department a written report in a form acceptable to the Department.

(3) The Department may audit and inspect any minor alteration made to a system.

(4) The Department may require an installer to uncover, remove or modify a minor alteration made to a system in an emergency situation within a set period of time if the Department considers that the minor alteration

(a) is not as required by these regulations; or

(b) may create an adverse effect.

#### Holding tanks

23 (1) Only an installer may install or construct a holding tank or cause a holding tank to be installed or constructed.

(2) A person may install or construct a holding tank pursuant to an approval under any of the following conditions:

(a) there is an existing malfunctioning system that cannot be corrected by installing another system, other than a pit or vault privy, or by upgrading the existing system;

(b) the lot does not have a system and all of the following criteria are met:

(i) the lot was created before August 6, 1984,

(ii) the lot is unsuitable for installing another system, other than a pit or vault privy,

(iii) the owner has prepared a sewage management program;

(c) the holding tank is for commercial, industrial or institutional use and meets one of the following conditions:

(i) it will be used for no longer than 1 year,

(ii) it will be used for no more than 3 consecutive months of a year,

(iii) it will be receiving sewage at a volume of less than 500 L per week.

(3) An owner of a lot must immediately discontinue using a holding tank and connect the dwelling, building or structure to a municipal system or approved central sewage collection and treatment system if one becomes available within 30 m from the boundary of the lot.

#### Cluster systems

24 (1) A cluster system must be designed by a level 1 qualified person.

(2) An approval to install or construct a cluster system may be issued if clearance distances and design requirements set out in policies and guidelines adopted by the Department are met.

## Certificates of Qualification

### Level 1 qualified person

25 (1) When requested by a person, the Department must include the name of the person on the list of level 1 qualified persons kept by the department if the person

(a) provides the Department with proof that they are a professional engineer who is registered to practise in the Province;

(b) has either

(i) taken a course of instruction recognized by the Department, or

(ii) obtained an approval for the design of at least 1 system.

(2) A level 1 qualified person must comply with the requirements of all of the following:

(a) the Act;

(b) these regulations;

(c) any guidelines, standards, and policies established or adopted by the Department.

(3) The Department must keep a list of level 1 qualified persons and make the list available to the public.

### Level 2 qualified person

26 (1) A person must hold a certificate of qualification for a level 2 qualified person to do any of the following:

(a) hold themselves out to be a level 2 qualified person;

(b) perform any service required by these regulations to be performed by a level 2 qualified person.

(2) A level 2 qualified person may perform any of the following services:

(a) select a system;

(b) inspect a system;

(c) submit an application for an approval of a system and supporting documentation;

(d) issue a certificate of installation;

(e) submit a completion of work form;

(f) conduct lot evaluation and soil assessment.

(3) A certificate of qualification is not required for a person who is assisting a level 2 qualified person.

(4) A person must meet all of the following qualifications to be issued a certificate of qualification as a level 2 qualified person:

(a) they must demonstrate the minimum academic, practical and technical criteria as adopted by the Department;

(b) they must successfully complete a written and verbal test of competence in system selection and inspection and demonstrate a working knowledge of the Act, these regulations and the On-site Sewage Disposal Systems Technical Guidelines;

(c) they must successfully complete a relevant course of instruction established or adopted by the Department;

(d) they must successfully complete any field test required by the Department to demonstrate practical knowledge of system selection and inspection.

(5) An application for a certificate of qualification for a level 2 qualified person must be

(a) on a form prescribed by the Department; and

(b) accompanied by proof of valid professional liability insurance.

(6) A level 2 qualified person must comply with the requirements of all of the following:

(a) the Act;

(b) these regulations;

(c) any guidelines, standards, and policies established or adopted by the Department;

(d) any certificate of qualification issued to them.

List of level 2 qualified persons

27 The Department must keep a list of level 2 qualified persons and make the list available to the public.

#### Written notice of changes to level 2 qualified person's identifying information

28 A level 2 qualified person must notify the Department in writing of any change to their address or to any other identifying information provided with their application no later than 14 days after the date of the change.

#### Level 2 qualified person certificate of qualification in possession

29 (1) A level 2 qualified person must carry their valid certificate of qualification at all times while performing the services of a level 2 qualified person.

(2) When requested by an inspector, a level 2 qualified person must present their valid certificate of qualification while performing the services of a level 2 qualified person.

#### Level 2 qualified person certificate of qualification expiry and renewal

30 (1) A certificate of qualification issued for a level 2 qualified person expires on May 31 of the calendar year immediately after the year it is issued unless a shorter period is specified on the certificate of qualification.

(2) An application for renewal of a certificate of qualification for a level 2 qualified person must be

(a) on a form established by the Department; and

(b) accompanied by proof of valid professional liability insurance.

(3) A certificate of qualification issued to a level 2 qualified person may be renewed if the level 2 qualified person provides proof that they meet one of the following qualifications:

(a) they have participated and successfully completed a continuing education program established or approved by the Department;

(b) they have successfully completed, on a frequency established by the Department, a course of instruction established or adopted by the Department.

## Installers

31 (1) A person must hold a certificate of qualification for an installer to do any of the following:

(a) hold themselves out to be an installer;

(b) perform any of the following services, other than as listed for a septic-tank cleaner in clause 36(1)(a) or a service excluded in [clause] (2)(b):

(i) install, construct, repair, modify or alter a system,

(ii) cause a system to be installed, constructed, repaired, modified or altered.

(2) A certificate of qualification is not required for any of the following persons:

(a) a person who is assisting an installer while the person is under the direct supervision of the installer during any installation, construction, repair or modification of a system that they assist with;

(b) a person who installs or constructs a pit privy.

(3) A person must meet all of the following qualifications to be issued a certificate of qualification as an installer:

(a) they must demonstrate the minimum entry criteria as adopted by the Department;

(b) they must successfully complete a written and verbal test of competence in system installation and construction and demonstrate a working knowledge of the Act, these regulations and the On-site Sewage Disposal Systems Technical Guidelines;

(c) they must successfully complete a relevant course of instruction established or adopted by the Department;

(d) they must successfully complete any field test required by the Department to demonstrate practical knowledge of system installation and construction.

(4) An application for a certificate of qualification for an installer must be

(a) on a form prescribed by the Department; and

(b) accompanied by proof of valid general contractors liability insurance.

(5) An installer must comply with the requirements of all of the following:

(a) the Act;

(b) these regulations;

(c) any guidelines, standards, and policies established or adopted by the Department;

(d) CSA Standard CSA C22.1SB-06, Canadian Electrical Code, as adopted for use in the Province;

(e) the National Plumbing Code, 2005, issued by the Canadian Commission of Building and Fire Codes of the National Research Council, as adopted for use in the Province;

(f) any certificate of qualification issued to them.

#### List of installers

32 The Department must keep a list of installers and make the list available to the public.

#### Written notice of changes to installer's identifying information

33 An installer must notify the Department in writing of any change to their address or to any other identifying information provided with their application no later than 14 days after the date of the change.

#### Installer certificate of qualification in possession

34 (1) An installer must carry their valid certificate of qualification at all times while performing the services of an installer.

(2) When requested by an inspector, an installer must present their valid certificate of qualification while performing the services of an installer.

#### Installer certificate of qualification expiry and renewal

35 (1) A certificate of qualification issued for an installer expires on May 31 of the calendar year after the year it is issued unless a shorter period is specified on the certificate of qualification.

(2) An application for renewal of a certificate of qualification for an installer must be

(a) on a form established by the Department; and

(b) accompanied by proof of valid general contractors liability insurance.

(3) A certificate of qualification issued to an installer may be renewed if the installer provides proof that they meet one of the following qualifications:

(a) they have participated and successfully completed a continuing education program established or approved by the Department;

(b) they have successfully completed, on a frequency established by the Department, a course of instruction established or adopted by the Department.

## Septic-tank cleaners

36 (1) A person must hold a certificate of qualification for a septic-tank cleaner to do any of the following:

(a) hold themselves out to be a septic-tank cleaner;

(b) pump, repair or modify a septic tank, holding tank or vault privy or cause a septic tank, holding tank or vault privy to be pumped, repaired or modified;

(c) pump portable rest rooms or causes portable rest rooms to be pumped;

(d) clean a system using pressurized water or air.

(2) A certificate of qualification is not required for a person who is assisting a septic-tank cleaner.

(3) A person must meet all of the following qualifications to be issued a certificate of qualification as a septic-tank cleaner:

(a) they must demonstrate the minimum entry criteria as adopted by the Department;

(b) they must successfully complete a written and verbal test of competence in pumping, repairing or modifying septic tanks or holding tanks or portable rest rooms and demonstrate a working knowledge of the Act, these regulations and the On-site Sewage Disposal Systems Technical Guidelines;

(c) they must successfully complete a relevant course of instruction established or adopted by the Department;

(d) they must successfully complete any field test required by the Department to demonstrate practical knowledge of pumping, repairing or modifying septic tanks or holding tanks or portable rest rooms.

- (4) An application for a certificate of qualification for a septic-tank cleaner must be
  - (a) on a form prescribed by the Department; and
  - (b) accompanied by proof of valid general contractors liability insurance.
  
- (5) A septic-tank cleaner must comply with the requirements of all of the following:
  - (a) the Act;
  - (b) these regulations;
  - (c) any guidelines, standards, and policies established or adopted by the Department;
  - (d) any certificate of qualification issued to them.

#### List of septic-tank cleaners

37 The Department must keep a list of septic-tank cleaners and make the list available to the public.

#### Written notice of changes to septic-tank cleaner's identifying information

38 A septic-tank cleaner must notify the Department in writing of any change to their address or to any other identifying information provided with their application no later than 14 days after the date of the change.

#### Septic-tank cleaner certificate of qualification in possession

39 (1) A septic-tank cleaner must carry their valid certificate of qualification at all times while performing the services of a septic-tank cleaner.

(2) When requested by an inspector, a septic-tank cleaner must present their valid certificate of qualification while performing the services of a septic-tank cleaner.

#### Septic-tank cleaner certificate of qualification expiry and renewal

40 (1) A certificate of qualification issued for a septic-tank cleaner expires on May 31 of the calendar year after the year it is issued unless a shorter period is specified on the certificate of qualification.

(2) An application for renewal of a certificate of qualification for a septic-tank cleaner must be

(a) on a form established by the Department; and

(b) accompanied by proof of valid general contractors liability insurance.

(3) A certificate of qualification issued to a septic-tank cleaner may be renewed if the septic-tank cleaner provides proof that they meet one of the following qualifications:

(a) they have participated and successfully completed a continuing education program established or approved by the Department;

(b) they have successfully completed, on a frequency established by the Department, a course of instruction established or adopted by the Department.

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