

## **Authorized Persons under the Sewerage System Regulation**

### **Background**

On May 31, 2005 the regulations governing onsite sewage disposal became the Sewerage System Regulation (SSR). The SSR represents a significant shift from the former, health authority-driven permit process to an industry-reliant filing system. This paper discusses the Ministry of Health's position in relation to the definition of an "authorized person" under the SSR.

### **Summary**

There are two types of authorized persons under the SSR—registered practitioners and professionals. Registered practitioners are limited to construction and maintenance of Type 1 and 2 systems, whereas professionals are authorized to construct and maintain, and to supervise the construction or maintenance of, all types of sewerage systems. As a result, it is important to be able to determine if a person meets the definition of a "professional" in section 7(3) of the SSR. To be considered a professional, a person must have *certain individual training and must be a member of a particular type of professional association.*

### **Detail**

#### **What is the applicable legislation?**

The relevant section of the SSR is as follows:

#### **Authorized persons**

- 7 (1) A person is qualified to act as a registered practitioner if the person*
- (a) has successfully completed a post-secondary training program through
    - (i) the West Coast Onsite Wastewater Training Centre, administered by the British Columbia Onsite Sewage Association, or*
    - (ii) through an institution that
      - (A) is designated, registered or accredited under an enactment of Canada or any province, except British Columbia, to offer post secondary education, and*
      - (B) includes, as part of its curriculum, training in soil analysis and sewerage system construction and maintenance, and***
  - (b) holds a registration certificate.*

(2) *Despite subsection (1), a person who does not meet the educational requirements of that subsection is qualified to act as a registered practitioner if the person*

*(a) demonstrates to the British Columbia Onsite Sewage Association that the person is competent to construct and maintain a sewerage system that uses a treatment method classified as Type 1 or Type 2, and*

*(b) holds a registration certificate.*

(3) *A person is qualified to act as a professional if the person*

*(a) has, through education or experience, training in soil analysis and sewerage system construction and maintenance, and*

*(b) is registered as a fully trained and practising member of a professional association that*

*(i) is statutorily recognized in British Columbia, and*

*(ii) has, as its mandate, the regulation of persons engaging in matters such as supervision of sewerage system construction and maintenance.*

### **What is the role of an “authorized person”?**

Under the SSR, only an authorized person may construct or maintain a sewerage system. The authorized person must file certain documents with the health authorities both before beginning to construct and after completing a sewerage system. The SSR makes the authorized person accountable for ensuring and attesting to the safety and proper construction and maintenance of a sewerage system.

### **Who is an “authorized person”?**

The SSR defines an authorized person as “a registered practitioner or a professional”.

### **What can a registered practitioner do? What can a professional do?**

Both registered practitioners and professionals can construct or maintain a Type 1 or Type 2 sewerage system. *Only* a professional can construct or maintain a Type 3 system (see section 6(3)), and *only* a professional can *supervise* the construction or maintenance of a sewerage system. Where a professional acts in a supervisory capacity, the actual work does not need to be carried out by an authorized person. In other words, it is not necessary for a professional to employ registered practitioners to do the work on the system. The professional’s supervision is sufficient since a professional is considered to be constructing or maintaining a system when supervising (see the definitions of “construct” and “maintenance”).

### **Who is a “professional”?**

A professional is a person who meets the *two* requirements of section 7(3) of the SSR:

1. Section 7(3)(a) specifies the kind of training an individual must have to be a professional; and
2. Section 7(3)(b) establishes the type of professional association to which the person must belong as a fully trained and practicing member to be a professional.

To determine if a person meets the definition of a “professional”, the person’s individual qualifications must be assessed on a case-by-case basis. The person must meet *both* the individual training requirements and the requirement to be a fully trained and practicing member of a particular type of professional association.

### **Do either the College of Applied Biology BC or the BC Institute of Agrologists meet the requirements of section 7(3)(b) of the SSR?**

Only certain professional associations will meet the criteria set out in section 7(3)(b)(i) and (ii) of the SSR. Specifically, the association must:

1. be recognized by statute in BC;
2. have, as one of its purposes, to regulate its members; and
3. have some of the members, whom it regulates, engaged in activities such as the supervision of sewerage system construction and maintenance.

The College of Applied Biology BC and the BC Institute of Agrologists do not meet the above criteria, specified in section 7(3)(b)(ii), therefore members of those associations with the requisite training are not professionals under the SSR.

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