

Municipality of Shuniah

# Green Star Program

for Residences Located in the High-Density Areas

*Per June 11, 2019 Council Resolution No. 210-19:*

*THAT Council hereby receives a copy of the Draft Green Star Program and further agrees that the implementation date be January 1, 2020*



# 1 INTRODUCTION

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Council is committed to protecting the health and safety of Shuniah landowners; and through the Official Plan policy update process, commissioned the completion of a Master Wastewater and Water Servicing Plan (MWWSP), formerly known as the Servicing Option Study “SOS,” by the KGS Group.

The MWWSP identified shoreline areas that are considered high-density development. Many of these areas have either unidentified water and wastewater/septic servicing or are non-compliant with current standards e.g., drinking water source too close to sewage as defined by the Ontario Building Code (OBC). These historically developed areas are at risk for contamination; and are the focus of the Green Star Program. There has been only one report of drinking water contamination from E.coli in the high-density area; however no formal water monitoring program has taken place.

# 2 OUTCOME

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The key outcome of the proposed green star program is to avoid costly installation of user-pay communal systems identified in the MWWSP while reducing health and safety risk to residents and visitors in high-density areas.

In summary, property owners receive a “green star” or a “limited green star” certificate when wastewater systems are compliant with the OBC and a well-water test meets Ministry of Health and Long-Term Care (MOHLTC) standards. As of January 1, 2020, anyone with “green star status” is eligible to apply for a building permit. Until then, no building permits will be issued. Transition rules are in place for those with building permit applications submitted to the Municipality prior to January 1, 2020.



# 3

## COMPLIANCE

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The Ontario Planning Act requires that development is adequately serviced with water and sewage. The Ontario Building Code (OBC) defines the standards for individual on-site servicing.

The definition of compliance in the green star program is the actual OBC standards. However, how compliance is achieved will vary with circumstances on each property due to the variation of setbacks associated with types of wells, types of sewage systems (Class I, IV, V) and/or presence of Class II grey water systems.

Please note that while the Municipality is responsible for implementing the Planning Act and Building Code Act, it does not have jurisdiction over water and wastewater/sewage approvals or standards.

The TBDHU and MECP have useful resources:

### THUNDER BAY DISTRICT HEALTH UNIT

999 Balmoral St.  
Thunder Bay ON P7B 6E7

p. (807) 625-5900

f. (807) 623-2369

[www.tbdhu.com](http://www.tbdhu.com)

### THUNDER BAY MECP OFFICE

435 James Street  
Thunder Bay ON P7E 6S7

p. (807) 475-1205

f. (807) 475-1754

[www.ontario.ca/page/environmental-permissions](http://www.ontario.ca/page/environmental-permissions)

The following is a quick reference for determining your compliance with this policy.

## Water Supply for Existing Development

1. Identify your water supply on a site plan sketch with the distance to closest septic or grey-water pit areas. This may involve knowledge of your neighbour's septic and grey water pits. Separation distances must meet OBC.
2. Buildings without year-round private onsite water service are not compliant. The use of bottled water is also not compliant.
3. If your year-round private onsite water service is piped from the Lake you are considered compliant and no water testing is required. However, water must be treated in accordance with MECP Guidelines.
4. Your well water sample must meet MOHLTC standards. Well water is targeted due to risk of contamination from sewage and wastewater and because it is accessible. **Monitoring can be done independently** by picking up your sample bottle **free of charge** from the MOHLTC Laboratory on Syndicate Avenue in the City of Thunder Bay. **Be sure to save a copy of the results** when you submit it with your documents to the Municipality.

## Wastewater/Septic for Existing Development

1. Identify your septic system(s) by type, location and boundaries on an accurate site plan of your property with respective distances to wells.

The OBC systems include:

- a. Class I – all forms of privies, composting toilets, chemical toilets, incinerating toilets, re-circulating toilets and self-contained portable toilets
- b. Class II – greywater system
- c. Class IV – leaching bed systems
- d. Class V – holding tank

**All systems must comply with Building Code required separation distances.**

Class I type systems are permitted under the OBC but for safety reasons identified in the MWWSP Shuniah will only allow vaulted toilets and other self-contained systems that are installed to improve existing systems. These systems will only qualify for “limited” Green Star. *The Building Inspector will require a site visit to verify presence of a self-contained Class I; but will not assess functionality.*

Class IV type systems are permitted systems for Green Star certification and come in a variety of sizes and styles that can reduce area requirements. For options and information, contact the MECP at 807-475-1205 or TBDHU at [www.tbdhu.com](http://www.tbdhu.com) or 807-625-5900

Class V system is permitted for Green Star certification but is only approved by TBDHU and MECP on a limited and restricted basis.

2. Provide septic system permit and/or Class II grey-water documentation/permit or Environmental Compliance Approval (ECA). If permit shows that the system is less than five years old and site plan confirms OBC separation distances, then property will receive Green Star certification. If permit is older than five years, or documentation is lost, applicant must provide confirmation that the system is in working order. Any conditions contained in the permit/ECA must be satisfied.
3. Vault toilets, self-contained composting toilets and self-contained electric toilets are permitted under certain circumstances in existing development; but will only ever qualify for a “limited green star” (see Limited Green Star Compliance).

4. Documentation provided to the Municipality for a green star needs to show that any greywater pit/septic has been approved (i.e., installed and/or serviced and/or inspected to show no issues) by a licensed operator; including their registration number(s), description of the service they provided and the location at which they provided it (e.g., your address/detailed site description). This would also include fulfillment of permit/ECA conditions.
5. Green star information submitted to this office will become part of the public record and may be disclosed upon request. Water testing results will not be disclosed to the public but are publicly available through MECP.



# 4

## Limited Green Star Compliance Certificate

If a property, including sites located on Associations Lands are unable to attain compliance, the Municipality may issue a “limited green star” certificate in certain circumstances. For example, if you have an upgraded system (with documentation) that does not meet OBC setbacks or an existing Class 1 self-contained system because you cannot meet OBC setbacks plus a well that is compliant or you draw from the lake, then you may be eligible.

### What is a Limited Green Star Certificate?

A limited green star certificate will allow homeowners to apply for a building permit provided that any development does not add to water or wastewater discharge. For example, decks, sheds, gazebos, and in some circumstances small additions to the main dwelling. Any new construction must not hinder or affect in any way the ability for the lot or site or an abutting lot or site to accommodate an approved septic field and or a well.

Examples of construction *not eligible* with a “limited green star” certificate include (but are not limited to): Any construction or conversion creating bedrooms, bathrooms, sinks, toilets, any fixture disposing of water or wastewater that would require a building permit for a septic approval.

### What if I Can't Achieve Limited Green Star Compliance?

- Any property that is unable to achieve “limited green star” status will not be eligible for a building permit.
- A dwelling in this category will only be allowed repairs.
- In the case of a fire or other natural disaster a building permit may be obtained to replace only what was there provided other necessary approvals are received, e.g., MECP, TBDHU, Lakehead Region Conservation Authority.

# 5

## DRINKING WATER CONSIDERATIONS

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As mentioned in the Introduction, development has occurred throughout the past without the benefit of health and safety land use planning tools such as hydrogeological testing. Since aquifer functions are unknown, the Municipality recommends continued water monitoring, even with a green star status.

Please note that due to OBC setback requirements, compliance may not be possible in certain areas without a communal system. The Municipality is reviewing potential remedies to the lack of space.

### 5.1

#### Water Contamination

If a water sample test is deemed to be contaminated by MOHLTC standards, the Municipality recommends you work with the MECP or TBDHU to determine the source; and treat your well according to MECP guidelines.

You may also need to consider legal abandonment in accordance with MECP regulations; and draw from the lake instead. Be sure to consult with them first in order to make an informed decision.

# 6

## HAVING YOUR GREEN STAR



Those who have a “green star” certificate will be eligible to move forward with any development applications as usual. They are also free to advertise a “Green Star Rating” when marketing their property.

Those with a “limited green star” certificate will allow property owners to apply for a building permit provided that any development does not add to water or wastewater discharge. See full explanation under # 4.



# 7

## ASSOCIATIONS

Associations will continue to be treated as one singular parcel of land and will be considered compliant when ALL sites within the Association Lands are compliant. This is consistent with how properties outside of Associations have been developed.

In order to successfully implement the program, Associations need to continue to be treated as the single entity they are. Once **all** sites are compliant (including a Reference Plan) development can resume.

Some sites will meet all criteria for a “green star” certificate with a mix of sites with a “limited green star” status”. Only those Associations that have received a green star certificate (all sites meet the criteria) will be allowed to develop as usual. For an Association with a mix of compliance a “limited green star” certificate may be issued.

Association members may find that the most efficient means to achieving compliance and to optimize real estate value is to become freehold with common-element condominium roads, parklands, etc.

### **What if Limited Green Star Compliance is not achieved?**

- A dwelling in this category will be allowed maintenance, strengthening and repairs.
- In the case of a fire or other natural disaster the site may be eligible for a building permit to restore and/or strengthen to a safe condition or reconstruct, provided:
  - that the height, size and/or volume are not increased;
  - that the reconstruction is completed within twenty-four months of the date on which the damage took place; and
  - that other necessary approvals are received, e.g., MECP, TBDHU, Lakehead Region Conservation Authority.
- If a site is installing a class IV septic system and approved water, they may be eligible for a building permit for the installation of a bathroom and kitchen where they did not previously exist, this will not include additional bedrooms.
- Any addition for the installation of a bathroom and kitchen must not hinder or affect in any way the ability for the abutting sites to accommodate an approved septic field and/or well.