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April 10, 2026

Hon. Todd McCarthy MPP  
Minister of the Environment, Conservation and Parks  
777 Bay Street, 5<sup>th</sup> Floor  
Toronto, ON M7A 2J3

Minister McCarthy:

**Re. Communal drinking water and wastewater system municipal consent requirements ERO # 026-0302.**

On behalf of the Township of Mulmur, I am writing this letter to voice our concerns regarding potential changes to the Municipal Act 2001 and Safe Drinking Water Act, 2022 to require municipal consent of non-municipal communal drinking water and wastewater treatment systems if requirements are met.

As a municipality that owns and operates a small, public drinking water system, we recognize the intent behind these amendments: to provide clarity, support responsible growth, and ensure that communal systems, where permitted, are subject to consistent oversight. Communal systems could support growth in areas where municipal servicing is not immediately feasible provided long-term risks are addressed. The proposed framework could potentially reduce ad hoc decision making as there would be a more formalized process for evaluating communal system proposals. While we acknowledge the potential benefits of a more structured framework, our primary responsibility is to safeguard public health, protect the environment, and ensure the long-term financial sustainability of municipal infrastructure.

Municipalities are the owners of public water and wastewater systems and are ultimately accountable to residents for service quality, environmental protection, and long-term asset management. Based on this rationale, municipal consent must remain discretionary, even if certain provincial requirements or pre-determine Township criteria can be met. Municipalities must retain the ability to refuse consent based on local planning objectives, servicing strategies, financial considerations, or risk assessments. A “requirement to consent” risks undermining municipal authority and could force municipalities to assume future liabilities they did not choose. Local councils are best positioned to evaluate whether a non-municipal communal system aligns with long-term servicing plans, growth management strategies, and community expectations.

Experience across Ontario has shown that non-municipal communal systems often become municipal responsibilities when private owners fail, dissolve, or cannot afford required upgrades. This has the potential to create unfunded liabilities for municipalities, unexpected operational burdens and could potentially impact existing municipal system users. For example, the Fetherston Park Sewage system, managed by a private trailer park operator in Eastern Ontario in 2008 went into bankruptcy just as sewage outbreaks from failing septic tanks occurred. The local municipality was forced to take ownership and manage the failed infrastructure until a solution could be implemented<sup>1</sup>.

Municipal systems are designed, operated, and maintained to rigorous standards. Introducing non-municipal communal systems within municipal boundaries raises concerns such as compatibility with municipal servicing plans, and potential impacts on groundwater, surface water, and source protection areas. Municipalities could experience operational challenges if systems are later assumed by the municipality. Like many small rural municipalities, our risk tolerance for supporting failed private water and wastewater systems is extremely low. Our provincially mandated maximum borrowing capacity could potentially limit our ability to financially support any failed private entity managing communal water or wastewater systems.

While we recognize the potential benefits of a more structured approach to non-municipal communal systems, the proposed amendments must not diminish municipal authority or expose municipalities to long-term risks. Municipalities are stewards of critical public infrastructure, and any regulatory changes must reinforce—not weaken—their ability to protect residents, the environment, and the financial sustainability of public systems. We

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<sup>1</sup> Morin, J (2015) [Featherston park saga comes to an End](#). Kemptville Advance accessed April 9, 2026.

encourage the province to continue engaging with municipalities to ensure that the final regulatory framework is practical, protective, aligned with long-term public interests and tailored to the risk tolerances of smaller municipalities. Consideration should also be given for the province to take over non-municipal communal water and wastewater systems should they fail.

Thank you for considering our comments. We request to be notified of all updates to ERO #026-0302. We look forward to your feedback on our submission.

Sincerely,

A handwritten signature in black ink, appearing to be 'Tracey Atkinson', written over a horizontal line.

Tracey Atkinson  
Chief Administrative Officer  
Township of Mulmur

