

Region of Durham Submission for 026-0302

Summary and Comments on 026-032 (Communal drinking water and wastewater system municipal consent requirements).

ERO/RR Posting and Comment Period	Durham Region Staff Comments
<p>026-0302 March 30, 2026 – May 14, 2026 (45 days)</p> <p>Communal drinking water and wastewater system municipal consent requirements.</p>	<p>Staff Comments:</p> <ul style="list-style-type: none">• Regional staff support the province’s objective of providing greater certainty and efficiency for housing development. At the same time, the importance of maintaining appropriate municipal discretion to address local hydrogeological conditions, cumulative impacts, and climate-related vulnerabilities should be paramount. In areas characterized by shallow groundwater, highly vulnerable aquifers, significant recharge areas, or known drinking water threat areas, communal systems may require a more cautious, site-specific evaluation. Regulations would benefit from explicitly recognizing municipal authority to withhold consent where source water protection risks cannot be appropriately mitigated, consistent with the precautionary and risk-based approach underpinning provincial policy.• Any framework requiring municipal consent for non-municipal communal drinking water systems must explicitly require consistency with approved Source Protection Plans under the <i>Clean Water Act, 2006</i>. Proposed systems within wellhead protection areas or intake protection zones must be fully evaluated against existing source protection policies, including prohibitions and risk management measures. This requirement should be clearly embedded in regulation, not left to discretionary municipal interpretation, to avoid effectively bypassing established source water protection safeguards.• The proposed consent framework should be formally integrated with existing municipal processes, including source protection screening, environmental impact studies, and Risk Management Official review where applicable. Clear guidance is needed on roles, responsibilities, and evaluation criteria to avoid duplication, gaps, or inconsistencies between provincial and municipal requirements. Durham Region strongly encourages further provincial consultation with municipalities and source protection authorities as regulations are developed.

- Non-municipal communal drinking water systems present long-term operational, monitoring, and compliance risks, with a high likelihood that responsibility may revert to municipalities if systems are not operated properly, fail, or are abandoned. This has already occurred in Durham Region with The Sun Valley Heights Homeowners Cooperative water supply system in North Oshawa. Regulations should require robust financial assurances, reserve funds, and clear accountability frameworks to protect groundwater and surface water sources over the full lifecycle of the system. Clarity is also needed on the level of municipal approval required; Durham Region’s position is that the local area municipality, as the planning authority, should enter into responsibility agreements with proponents, and that liability should not default to the Region as the municipal water and wastewater service provider.
- Allowing growth to proceed through non-municipal communal systems risks undermining long-term municipal servicing strategies and planning-based source water protection. In groundwater-dependent growth areas—such as North Durham—communal systems may be used to avoid planned municipal infrastructure, potentially compounding groundwater stress and allowing cumulative impacts to go unassessed at a watershed scale. This incremental shift weakens the prevention-based approach Ontario has relied on since Walkerton, particularly when approvals are accelerated and assessment timelines are compressed. Regulations should allow municipalities to consider future municipal servicing plans and cumulative source protection objectives when evaluating communal system proposals.