

May 14, 2026

Submitted online and via email to irpb-mmah@ontario.ca

Ministry of Municipal Affairs and Housing
Intergovernmental Relations and Partnerships Branch
13th Flr, 777 Bay St
Toronto, ON M7A 2J3

RE: Communal drinking water and wastewater system municipal consent requirements.

The City of Guelph (the "City" or "Guelph") appreciates the opportunity to provide feedback on the proposed amendments to the *Municipal Act, 2001* and *Safe Drinking Water Act, 2002*, to enable regulations to set out requirements for municipal consent of non-municipal communal drinking water and wastewater systems, and to require municipalities to consent if requirements are met. The City's comments and recommendations are provided below

General comments:

Non-municipal communal drinking and wastewater systems are not regulated the same as municipal systems under the Safe Drinking Water Act and the Clean Water Act, and therefore they can post direct and indirect risks to municipal drinking water supplies. This is especially true for the City of Guelph due to the reliance on groundwater for its drinking water. Public health is often responsible for the management of these systems, and where resources are not available or are passed to municipalities.

Under the Clean Water Act, Source Protection Plan policies exist to protect municipal drinking water supplies in vulnerable areas, including that from septic and sewage systems. These changes may limit the municipality's ability to manage risks from communal and private systems within highly vulnerable areas and tailor land use permissions. Further, these systems may trigger a transport pathway for contamination if not properly maintained or installed (i.e., cross connecting wells).

The City recommends that these systems should be treated with the same rigour as municipal drinking water systems, as they differ from private wells. This includes completion of environmental assessments, development of wellhead protection areas, vulnerable areas and policies to protect the users of the communal drinking water systems. It is unclear if these systems would fall under the municipal or private sector environmental assessment rules. Further, changes should be made to the Clean Water Act to allow for this protection for future users.

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Any Planning Act reforms under Bill 98, must preserve municipal authority to manage and limit the risks posed by non-municipal water and wastewater systems to municipal drinking water sources, in order to ensure continued conformity with approved Source Protection Plans and the Clean Water Act. If changes are required to existing source protection plan policies, funding and support should be provided to those affected municipalities and Source Protection Authorities to ensure conformity.

In looking to long term management of non-municipal systems, it is unclear through the proposal, if by providing consent for such systems, that the municipality would be later responsible for assuming operation/ownership of such systems should the owner/operator experience bankruptcy and/or default on their responsibilities. Should this be the intent, this comes to reinforce the need to align design and operational standards between municipal and non-municipal systems to limit financial/technical risks to municipalities in assuming operation/ownership of these systems where needed.

Additionally, the transfer of private systems to municipalities has previously been associated with significant unplanned financial burdens, as municipalities worked to achieve regulatory compliance. The City further recommends that the Province would provide financial assurances to municipalities ordered to undertake future assumption of failed private systems, or that the Province directly assume ownership and operation of private systems in such circumstances.

Finally, the City believes that non-municipal systems should not be permitted in areas with adequate and available municipal servicing.

Closure

The City appreciates this opportunity to provide input on this regulatory proposal. Should you have any questions about the feedback provided, or require additional details, please do not hesitate to contact the City of Guelph at intergovernmental.relations@guelph.ca.

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