

The County of Brant ERO #026-0302 Response

As a municipality who holds the responsibility for the ownership and long-term management of municipal water and wastewater infrastructure, and the protection of drinking water sources, the County of Brant offers the following comments to support a proposed framework that advances provincial growth objectives while ensuring infrastructure sustainability, protection of public health, and alignment with existing water resource and source protection planning frameworks.

1. Operational Risks and Municipal Liability: Non-municipal communal drinking water systems present long-term operational, financial, and compliance risks that extend beyond initial development approvals. History has shown that it is possible, and common, that private communal systems may be improperly designed, inadequately operated and maintained, and financially unsustainable over time.

The proposed municipal consent approach increases the risk to municipalities if they are required to assume responsibility for failed systems that were not anticipated in long-term infrastructure planning. The County recommends that the municipal consent process require robust financial assurances, adequately funded reserve accounts and clear accountability frameworks to ensure long-term financial and operational viability of the system. These items are critically important to ensure that long-term risks and costs do not transfer to municipalities.

2. Maintaining Municipal Authority to Address Local Conditions: The municipal consent proposal does not allow municipalities to withhold consent where a proposed communal system meets predetermined criteria.

Communal systems can have broad public health implications and a greater potential to affect groundwater and surface water resources than individual private wells due to higher and more sustained water takings. Without appropriate assessment prior to approval, these systems may adversely affect water quality and quantity both on and beyond the development site, particularly where multiple users rely on the same aquifer. Requiring hydrogeological studies for all communal systems is therefore essential to evaluate long-term system sustainability and to ensure that development proceeds at a density and scale that will not result in the degradation of water resources.

Large areas of the County rely on private servicing in areas that are characterized by shallow overburden, highly vulnerable aquifers and significant groundwater recharge areas. If future standardized provincial consent criteria does not account for site-specific risks,

such as water quantity limitations, water quality concerns, or legacy contamination, the result could be increased risks to these groundwater resources.

Municipalities must retain clear and enforceable authority to assess proposed communal drinking water system based on local conditions, cumulative environmental and watershed impacts, and long-term risk. Without these risks under consideration, the consequences could be inadequate drinking water supply and unacceptable source water quality for large areas of the community. The County recommends that the Province preserve municipal discretion to withhold consent where risks cannot be adequately mitigated.

3. Adequate Source Water Protection: Municipal drinking water systems are subject to rigorous requirements under the *Clean Water Act, 2006*, established in response to the Walkerton Inquiry and is part of Ontario's multi-barrier approach to drinking water protection. By contrast, non-municipal communal drinking water systems, despite supplying water to the public, are not subject to equivalent source water protection requirements or oversight. This creates an uneven regulatory framework and undermines the intent of the *Clean Water Act, 2006*, with potential risks to municipal groundwater resources and public health.

Clarity is required on how the Province intends to ensure that the public is afforded the same level of protection regardless of whether drinking water is supplied through a municipal or non-municipal communal system. The County recommends early integration of source protection planning to safeguarding current and future drinking water sources. Proposals for communal drinking water systems are typically paired with communal sewage systems, and should therefore follow a planning approach similar to that applied to municipal systems. This includes identifying vulnerable areas, evaluating vulnerability scores for the drinking water system, and ensuring that associated sewage infrastructure is located to avoid impacts on drinking water sources. Given that most source protection plans discourage sewage treatment facilities in highly vulnerable areas, a similarly precautionary approach should be strongly encouraged for communal systems.

The County recommends that regulations explicitly align communal drinking water systems with existing municipal source water processes, including source protection screening, environmental impact studies, and Risk Management Official review, to ensure consistent protection of public drinking water and groundwater resources.

4. Alignment with Long-Term Servicing and Growth Management Strategy: Allowing growth through non-municipal communal drinking water systems can undermine long-term municipal servicing strategies and integrated growth planning, especially in rural, groundwater-dependent areas. It may increase reliance on groundwater, bypass planned

infrastructure, and enable incremental growth without fully assessing cumulative impacts. This approach risks weakening established drinking water protection framework established following the Walkerton Inquiry, particularly where approval timelines are accelerated, and technical reviews are compressed. Municipalities must retain the authority to evaluate cumulative impacts, future servicing needs, and source protection objectives when reviewing such proposals.

The County will be required to re-examine where growth could now be directed, not reliant on servicing as a criterion for directing growth. The County, although will be looking to update the County's Growth Management Strategy shortly, encourages the Province to consider a voluntary approach to communal systems whereby municipalities who are not equipped to handle the associated influx of growth can opt out for the time being.

5. Implementation Timelines and Stakeholder Consultation: The proposal under consideration does not provide clarity on the timing of implementation or the development of supporting regulations. Given the potential implications for municipal governance, source water protection, long-term infrastructure, public health and financial risks the County wants to emphasize the importance of allowing adequate time to establish clear, technically sound criteria and the need to undertake meaningful consultation with municipalities and source protection authorities as regulations are developed. The County also requests that the Province provide clarity on timelines and transitional provisions to support effective and coordinated implementation.

Concluding Remarks

Maintaining clear municipal authority is critical to protecting drinking water and managing long-term risks in the public interest. Decisions regarding communal drinking water systems carry lasting implications for groundwater sustainability, source water protection, infrastructure planning, public health, and municipal financial responsibility. Municipalities must retain the ability to assess proposals in the context of local conditions, cumulative impacts, future servicing strategies, and source protection objectives, and to decline proposals where risks cannot be effectively or responsibly managed.

Safe, reliable drinking water is both a public expectation and a long-standing municipal responsibility with long-term consequences. Provincial regulations should continue to strengthen and support the municipal role in protecting drinking water sources and managing risk, ensuring equitable protection for all residents and preventing the creation of long-term environmental, financial, or public health liabilities.