



Infrastructure and Environmental Services
Public Works
Halton Region
1151 Bronte Road
Oakville, ON, L6M 3L1

May 13, 2026

Intergovernmental Relations and Partnership Branch

Ministry of Municipal Affairs and Housing

13th Floor, 777 Bay Street

Toronto, ON, M7A 2J3

Via Email: irpb-mmah@ontario.ca

RE: Environmental Registry of Ontario: ERO #026-0302 – Communal drinking water and wastewater system municipal consent requirements (updated April 17, 2026).

Intergovernmental Relations and Partnership team,

Halton Region appreciates the opportunity to comment on ERO #026-0302, which proposes amendments to the *Municipal Act, 2001* and *Safe Drinking Water Act, 2002*, to enable a more consistent and efficient framework for municipal consent of non-municipal communal drinking water and wastewater systems. The Region supports the Province's objective of improving consistency and efficiency in support of housing, economic and infrastructure development across Ontario.

The proposed amendments include facilitating greater adoption of non-municipal communal water and wastewater systems by enabling 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.

As an upper-tier municipality responsible for the ownership and long-term management of municipal water and wastewater infrastructure and the protection of drinking water sources, Halton Region offers the following comments to help ensure that the proposed framework supports provincial growth objectives while maintaining infrastructure sustainability, public health protection, and alignment with existing water resource and source protection planning frameworks.

Operational Risks and Municipal Liability:

1. Private communal systems can present long-term operational, financial, and compliance risks if not properly designed, operated, and maintained. Based on experience in Halton Region and neighbouring municipalities, non-municipal

Regional Municipality of Halton

HEAD OFFICE: 1151 Bronte Rd, Oakville, ON L6M 3L1

905-825-6000 | Toll free: 1-866-442-5866

communal systems have a demonstrated history of failure and/or abandonment due to improper design, inadequate management and insufficient financial resources, often requiring municipalities to assume ownership, operation, and costly upgrades to achieve regulatory compliance. Halton Region recommends that regulations require robust financial assurances, adequately funded reserve accounts and clear accountability frameworks to ensure long-term financial and operational viability, in conjunction with protection of groundwater and surface water resources over the full lifecycle of the system.

Roles and Responsibilities of Two-Tiered Municipal Governments:

2. Clarity on the roles and responsibilities of two-tiered municipal governments is required. Regulations should clearly define which level(s) of municipal government is responsible for the following:
 - establishing approval criteria,
 - completing the review, providing comments and granting approval,
 - providing oversight once the system is constructed, and
 - entering into a Responsibility Agreement and assuming ownership of the non-municipal communal system should failure or abandonment occur.

If Halton Region is required to assume ownership of these systems should failure or abandonment occur, the Region requests to be afforded a formal role in the application review process to ensure water/wastewater infrastructure, operational, financial, and public health risks are adequately considered and addressed.

Retaining Municipal Discretion to Address Local Conditions:

3. The Region emphasizes the importance of retaining meaningful municipal discretion to review and approve private communal systems on a site-specific basis and recommends that regulations explicitly allow municipalities to withhold consent where risks cannot be adequately mitigated. This approach would be consistent with the precautionary and risk-based principles reflected in provincial water protection frameworks.

Although standardized criteria are important for consistency across Ontario, there may be circumstances where a communal system satisfies the technical criteria but does not align with municipal growth management objectives, long-term infrastructure planning, or source water protection plans. Local hydrogeological conditions, cumulative impacts, and climate-related vulnerabilities vary significantly across the province and must be evaluated on a case-by-case basis rather than through a “catch-all” approach.

Public Health Implications – Ensuring Consistent Source Water Protection Measures:

4. Communal systems can have broad public health implications. Communal drinking water systems have 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.
5. Demonstrating a potable water supply in accordance with Ontario Regulation 169/03 (Drinking Water Quality Standards) at the assessment stage for a communal drinking water system will allow for the identification of groundwater contaminants, including those that may be costly to treat or difficult to remove. This would support the identification of appropriate protective measures including effective system design, operation, sampling and maintenance schedules, which are essential to safeguard public health and ensure the ongoing provision of safe drinking water for users of communal systems.
6. Municipal groundwater 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. Halton Region recommends that regulations explicitly align communal drinking water systems with existing municipal source water protection processes, including source protection screening, environmental impact studies, and Risk Management Official review, to ensure consistent protection of public drinking water and groundwater resources.

7. Any proposed communal systems located within wellhead protection areas or intake protection zones must be thoroughly assessed against applicable source protection policies, including existing prohibitions and risk management requirements. Halton Region recommends that this obligation is clearly prescribed in the regulation, to ensure consistency with approved Source Protection Plans under the *Clean Water Act, 2006* and to ensure that established source water protection safeguards are not inadvertently circumvented.

Clarification on Provincial Policy Objectives for Communal Systems

8. Halton Region continues to invest significantly in municipal water and wastewater infrastructure to support planned growth and provincial housing commitments, ensuring the continued long-term sustainability and reliability of services for the community. In this context, it is unclear what specific policy objectives the Province intends to achieve through the expanded use of non-municipal communal systems.

If the intent is to provide interim servicing until planned municipal systems are available, this may represent an inefficient use of financial resources that could otherwise be directed toward the expansion of permanent municipal infrastructure. If the intent is to facilitate development in areas where municipal growth strategies have not anticipated or planned for growth, there is a risk of undermining established municipal growth management and infrastructure planning frameworks.

Alternatively, if communal systems are intended primarily as a tool for very remote or small municipalities seeking to accommodate limited forms of development where municipal servicing is not feasible due to scale, cost, or infrastructure constraints, this purpose should be clearly articulated in policy and regulation.

Alignment with Municipal Servicing Plans:

9. While supporting the goal of new housing and development, increased reliance on non-municipal communal servicing risks undermining long-term municipal water and wastewater servicing strategies and planning-based source water protection. Municipal servicing plans and Source Protection Plans are designed to optimize growth, manage infrastructure investment, and mitigate cumulative risk to drinking water sources over time. Regulations should therefore require that communal system proposals demonstrate consistency with approved municipal servicing plans and explicitly consider cumulative impacts on source water protection objectives, rather than being evaluated in isolation.

Adequate Implementation Timelines and Stakeholder Consultation:

10. The proposal under ERO-026-0302 does not provide clarity on the timing of implementation or the development of supporting regulations. Halton Region emphasizes the importance of allowing adequate time to establish clear, technically sound criteria and to undertake meaningful consultation with municipalities and source protection authorities as regulations are developed. Given the potential


implications for municipal governance, source water protection, long-term infrastructure, public health and financial risks, early and ongoing engagement will be essential to ensure that the regulatory framework is practical, aligns with existing municipal and source protection planning objectives, and does not result in unintended consequences. Halton Region encourages the Province to provide clarity on timelines and transitional provisions to support effective and coordinated implementation.

Conclusion

Halton Region remains committed to supporting the Province's objective of improving consistency, efficiency, and certainty in municipal consent processes to help advance housing, economic, and infrastructure development. At the same time, the Region emphasizes that non-municipal communal drinking water and wastewater systems can pose significant long-term operational, financial, public health, and source water protection risks if not carefully regulated and aligned with municipal planning frameworks.

Halton Region looks forward to continued collaboration with the Province as regulations are developed to ensure the resulting framework is practical, coordinated, and protective of Ontario's drinking water and municipal infrastructure systems.

Sincerely,



Carolina Daza Ortiz, M.Eng., P.Eng.
Director, Infrastructure and Environmental Services
Public Works