



May 8, 2026

Ministry of Municipal Affairs and Housing
Local Government Policy Branch
777 Bay St., 13th Flr.
Toronto, ON
M7A 2J3
Canada

Re: Conservation Ontario's comments on "Communal drinking water and wastewater system municipal consent requirements" (ERO#026-0302)

Conservation Ontario (CO) represents Ontario's 36 Conservation Authorities (CAs), whose mandatory programs and services include drinking water source protection. CAs operate as Source Protection Authorities (SPAs) under the *Clean Water Act*, 2006. These comments are not intended to limit comments submitted individually by CAs on this proposal.

The Ministry of Municipal Affairs and Housing (MMAH) and the Ministry of Environment, Conservation and Parks (MECP) are proposing amendments to the *Municipal Act, 2001* and *Safe Drinking Water Act, 2002*, to **enable** the creation of non-municipal water and sewage public utilities through municipal consent and creating regulation-making authority that would **require** municipalities to grant consent to non-municipal water and sewage public utilities where prescribed criteria and conditions are met.

Conservation Ontario offers the following commentary on the proposed communal drinking water and wastewater system consent requirements. Non-municipal systems provide water in a variety of circumstances including year-round residential systems (e.g., apartments), systems serving designated facilities (e.g., schools or camps), seasonal residential systems (e.g., trailer parks), or systems serving public facilities (e.g., resorts). The 2025 Performance Audit of the Safety of Non-Municipal Drinking Water, a special report by the Office of the Auditor General of Ontario, identified several concerns related to: communal systems, including systems that were not properly identified, assessed, or

inspected as required; insufficient or incomplete water quality sampling; and gaps in oversight related to well construction and associated requirements.

While we acknowledge the province's objective to support development and provide servicing flexibility through communal systems, it is our position that **strong, explicit integration of source water protection planning must be a foundational requirement** within any regulatory framework that enables the establishment and operation of communal drinking water systems.

- Source protection planning under the *Clean Water Act* provides the primary mechanism for identifying and managing risks to municipal drinking water sources. Conservation Authorities, operating as Source Protection Authorities, possess specialized technical knowledge of the water resources within their watersheds.
- Conservation Ontario recommends that requirements under the *Clean Water Act* (i.e. following the s. 34 – Amendments Initiated by a Source Protection Authority process) be built into any conditions and criteria for the approval of communal systems, and particularly those systems which will be providing year-round drinking water. Early engagement with the Source Protection Authorities can help to expedite future approvals and assist municipalities with their requirement to protect all municipal drinking water supplies as per the Provincial Planning Statement. Providing Source Protection Authorities with a built-in opportunity to initiate amendments to source protection plans will further help ensure the long-term safety and protection of communal drinking water systems.
- Conservation Ontario does not support the proposal to obligate municipalities to provide consent to non-municipal water and sewage utilities, particularly in municipalities where significant investment has been made to provide these through municipal services.
- Under the *Safe Drinking Water Act* (s. 114) municipalities may be ordered to provide service in areas previously serviced by non-municipal drinking water systems when provincial requirements are not met. Municipal ownership of these systems will trigger a requirement to undertake source protection planning work after the system is in use and at the cost to the municipality. Potential challenges may arise if non-municipal systems are later transferred to municipal or public ownership, particularly where systems were approved under reduced or inconsistent protection standards.
- Conservation Ontario supports integrated water and wastewater planning to appropriately manage resources. Early involvement of source protection planning helps to protect existing and future sources of drinking water, which Ontarians rely

upon. When a communal drinking water system is proposed, it is often accompanied by a communal sewage system. As such, a planning approach similar to that used for municipal systems should be applied. This would include first identifying vulnerable areas and assessing vulnerability scores for the drinking water system and then ensuring that the associated sewage system is located in a location that avoids impacts to drinking water sources. Most source protection plans include policies that discourage sewage treatment facilities within the most vulnerable areas; therefore, a comparable precautionary approach should be strongly recommended for communal systems.

- The siting of proposed systems should explicitly account for existing and potential threats to drinking water sources, to avoid locating systems in areas where multiple or significant risks are present.
- Water budget and water quantity considerations should be required as part of the approval process, particularly in areas experiencing growth or existing supply pressures.

Conservation Ontario recognizes the province's efforts to expedite critical infrastructure approvals. The success of this framework will depend upon its ability to protect Ontario's drinking water sources over the long term and to ensure that variability in oversight and protection standards are not created or exacerbated.

Thank you for the opportunity to review and provide comments on "Communal drinking water and wastewater system municipal consent requirements" (ERO# 026-0302). We would be pleased to discuss these comments at your convenience.

Conservation Ontario

c.c: Conservation Authority CAOs/GMs