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JURISDICTION OF WATER AND WASTEWATER INFRASTRUCTURE PROPOSED REGIONAL POLICIES

The Transportation and Works Committee recommends the adoption of the recommendation contained in the following report, January 19, 2005, from the Commissioner of Transportation and Works:

1. RECOMMENDATION

It is recommended that:

1. The draft policies in *Attachments 1 and 2* entitled “Regional Jurisdiction – Water Infrastructure” and “Regional Jurisdiction – Wastewater Infrastructure” be sent to the nine local municipalities for their comments and that staff report back to Regional Council once comments have been received.

2. PURPOSE

Various local municipalities have requested clarification on the interpretation of the Region’s policies defining the jurisdiction of water and wastewater infrastructure. This report introduces two draft policies that more succinctly define the jurisdiction of water and wastewater infrastructure.

3. BACKGROUND

In York Region, water servicing is a responsibility that is shared between local municipalities and the Region. The responsibility for water servicing projects was first defined when York Region adopted the McLaren Report (December 1970) and was further defined on November 6, 2002 with Regional Council’s adoption of the “Regional Jurisdiction Water Facilities” (Transportation and Works Committee Report No. 2). The November 2002 report introduced an actual policy document for water infrastructure jurisdiction.

Similarly, sanitary sewage servicing is a responsibility that is shared between local municipalities and the Region. The responsibility for sewage servicing projects was first defined when York Region adopted the McLaren Report (December 1970) and was further defined on September 1, 1999 with Regional Council’s adoption of the “Regional Jurisdiction New Trunk Sanitary Sewer Facilities” (Transportation and Works Committee Report No. 13). Although the previous documents introduced principles for defining jurisdiction, there is no formal Regional policy document currently in place for wastewater infrastructure.

4. ANALYSIS AND OPTIONS

4.1 Basis for Determining Ownership

The spheres of jurisdiction set out under Section 11 of *The Municipal Act, 2001* indicate that York Region is given exclusive jurisdiction over water production, treatment and storage. However, York Region and the lower-tier municipalities must mutually agree before any transfer of water distribution, sewage treatment or sewage collection infrastructure occurs. *The Municipal Act* does not give guidance on what constitutes Regional water distribution or wastewater infrastructure. It is therefore important for the Region to have policies in place defining the jurisdiction of water distribution and wastewater infrastructure.

4.2 Input from Other Regional Municipalities

There has been little controversy over the jurisdiction of wastewater infrastructure in York Region, however there has been significant uncertainty over the jurisdiction of water distribution infrastructure. For this reason, staff conducted a survey of the other Regional municipalities in Ontario that share the responsibility of water supply with local municipalities to determine how they define Regional water distribution infrastructure. The only municipalities that fall into this category are the Regions of Waterloo and Niagara. Their policies are presented in *Attachments 3 and 4*.

The Region of Niagara's current policy states that a Regional watermain is one "whose prime purpose is to transmit water from production or treatment works under the jurisdiction of the Regional Municipality to storage facilities under the jurisdiction of the Regional Municipality or to the distribution system of an area municipality." In most cases the Region of Niagara also has a minimum diameter restriction of 400mm for Regional watermains.

The Regional Municipality of Waterloo's current policy states that a Regional watermain must do one of the following:

- Connect water sources, storage or pumping facilities.
- Cross pressure zone boundaries.
- Include controlling devices.
- Include bulk water meters.
- Complete future major loops.
- Include chlorine residual boosting facilities or provide a focal supplying node to development areas.

4.3 Proposed Draft Policies

The proposed draft policy in *Attachment 1* regarding water infrastructure incorporates all of the principles previously adopted by York Region in the MacLaren Report (December 1970) and in the November 6, 2002 report "Regional Jurisdiction Water Facilities," except it does not have a minimum diameter restriction of 400mm for watermains as in the MacLaren Report. Also the new draft policy has eliminated the phrase "integral part of the water supply system" that was a part of the November 6, 2002 report and has

instead replaced it with specific cases of when a watermain is integral to the Region's system. Integral watermains are defined as one of the following:

- A link between a supply source and an approved community plan boundary.
- A link between two Regional facilities.
- A link between a supply point at the Regional boundary to a Regional facility.
- A metered interconnection between local municipalities.
- An interconnection between the same pressure district across another pressure district.

Generally these watermains should not have service connections (to private property), or fire hydrants along their length and they should not primarily function as a component of the distribution system of a local area municipality. The new draft policy also covers water appurtenances such as valves and water meters which were never previously included.

The proposed draft policy in *Attachment 2* regarding wastewater infrastructure incorporates all of the principles previously adopted by York Region in the MacLaren Report (December 1970) and in the September 1, 1999 Report entitled "Regional Jurisdiction New Trunk Sanitary Sewer Facilities." The draft policy also clarifies the Region's principles of assumption for facilities within the YDSS service area. It is proposed that within the YDSS service area, Regional facilities should include forcemains, equalization tanks and pumping stations connected directly to the YDSS that are designed to service 10,000 people or more. Outside the YDSS service area, Regional facilities continue to be wastewater treatment plants and all forcemains, equalization tanks and pumping stations that connect directly to wastewater treatment plants. Wastewater flow meters used to determine flows from municipalities are also now included as Regional infrastructure.

The draft policy proposes no changes to the definition of Regional sewers. Sewers that provide service to more than one local municipality are always Regional. Within the YDSS service area, Regional sewers must have a minimum diameter of 450mm and have a minimum length of one kilometre and provide servicing to a minimum population of 10,000 and have a limited number of service connections to private property (preferably none) and discharge directly into the YDSS. Outside the YDSS service area that portion of sewer terminating at a treatment plant that is free of any further local municipal or private connections is defined as Regional.

4.3.1 Condition Assessment

The proposed policies also introduce the requirement for a condition assessment of facilities that are proposed to be transferred from a local municipality to the Region or vice versa. Any remedial works required to upgrade the facility would be borne by the transferor (see items 3 and 4 of *Attachments 1 and 2*).

4.4 Input from Local Municipalities and Stakeholders

It is proposed that the draft policies in *Attachments 1 and 2* be sent to the local municipalities for their comments. The municipalities will be requested to identify existing and proposed infrastructure that is currently municipal, which under the proposed draft policies would be considered Regional and vice versa. They will also be requested to indicate any modifications that they desire to the draft policies. An initial meeting has already been held with local municipal staff to discuss these issues. Once the municipalities have had a chance to provide input to the draft policies, Urban Development Institute (UDI) input will also be requested.

4.5 Relationship to Vision 2026

The benefits of these policy clarifications reflect the customer service initiatives as outlined in the Region's Vision 2026. These clarifications will ensure effective infrastructure and fiscal planning, will provide clarity and accountability to our customers, and will ensure that Regional design standards are consistently applied to Regionally owned water and wastewater infrastructure.

5. FINANCIAL IMPLICATIONS

The financial implications can only be determined once comments are received from the local municipalities.

6. LOCAL MUNICIPAL IMPACT

Local municipal impacts will be identified at the time of finalizing the proposed policies.

7. CONCLUSION

The responsibility for constructing and maintaining water and wastewater infrastructure is shared between the Region and the local municipalities. Various municipalities have questioned the interpretation of the Region's policies defining the jurisdiction of water and wastewater infrastructure. To address these questions, this report introduces two draft policies that better define the Regional jurisdiction of water and wastewater infrastructure. It is proposed that these draft policies be sent to the local municipalities for their comments. Once the local municipalities have commented, staff will prepare finalized versions of the policies and report back to Council.

The Senior Management Group has reviewed this report.

(The attachments referred to in this clause are attached to this report.)