



STATUS		
Council Approved	Y	N
CAO Approved:	Y	N

TITLE: Regional Jurisdiction – Wastewater Infrastructure	NO.: Effective Date: September 2006 Latest Revision Date:
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POLICY STATEMENT:

A policy to define Regional wastewater infrastructure.

APPLICATION:

To the Regional Municipality of York and its constituent local municipalities. This policy is not intended to apply to privately owned and operated wastewater systems including those systems operating under Municipal Responsibility Agreements.

PURPOSE:

The purpose of this policy is to outline a Regional framework and specific criteria for defining Regional wastewater infrastructure.

DEFINITIONS:**Regional Servicing Master Plan**

The master plan shall be based on the Regional Official Plan, which outlines Regional objectives for servicing and growth. The master plan is intended to provide a rational, integrated and long-range perspective on servicing needs while considering Regional population projections and jurisdictional criteria outlined in this policy.

Regional infrastructure shall be defined primarily through the master planning process and shall be based on supporting the functional system requirements necessary for servicing the area municipalities.

General Infrastructure Jurisdictional Criteria

Jurisdictional criteria as outlined in this policy are intended to provide guidance in identifying Regional infrastructure. Application of these criteria shall be governed by the following:

1. The spheres of jurisdiction set out under Section 11 of the Municipal Act, 2001.
2. Occur primarily through the master planning process which is updated on a five year cycle.

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3. Results in reducing fragmentation of the Regional system while not adversely affecting the local municipal wastewater system.
4. Applied with due consideration to the Regional context of the serviced area and overall servicing scheme as defined by the master plan. They are not to be applied independently of the master plan.

Regional Wastewater Jurisdictional Criteria

Regional wastewater infrastructure that is identified in the master plan shall meet the following functions necessary to provide:

1. **Treatment** of wastewater prior to discharge to the natural environment.
2. **Pumping** of wastewater either;
 - a. directly to a treatment facility; or
 - b. to a Regional system and which is of sufficient capacity to be considered regional in the context of the community profile and the master plan.
3. **Flow equalization** for the purpose of increasing pumping efficiency and security and typically located adjacent to Regional pumping facilities (not to include oversized sewers primarily intended for conveyance unless the sewer meets Regional criteria).
4. **Metering** to determine inter-municipal flow and other flow information in support of managing the Regional system.
5. **Conveyance** systems;
 - a. that do not have private service connections; or
 - b. are necessary to service more than one municipality; or
 - c. that terminate at a local treatment facility; and
 - d. in all cases of sufficient capacity to be considered regional in the context of the community profile and the master plan.
6. **Interconnectivity** between Regional facilities where appropriate and supported through the master plan.

Infrastructure that meets this criteria but that is not currently identified in the master plan will be reviewed during the periodic master plan updates to ensure appropriate Regional context is considered in the decision making process.

DESCRIPTION:

Decision Making Framework

1. Jurisdictional Issues

The wastewater servicing system is owned and operated by two levels of government, being the local and Regional levels. Jurisdictional understanding is important in determining ownership boundaries and areas of responsibility. An added consideration of this system is the variation in relative size and complexity of the system depending on municipality. For these reasons, this policy has been developed based on a hierarchy of decision making.

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From the Regional perspective, it is important to consider jurisdictional issues as to how they relate to the overall system and its operations. Some of the considerations include:

- a. Level of fragmentation and compliance with the master plan
- b. Inter-municipal services
- c. Community size
- d. Relative size of local system vs regional system

From the local municipal perspective, considerations can be much more varied depending on community size, and geographic location relative to other communities and regional service.

Regional jurisdiction as set out under Section 11 of *The Municipal Act, 2001* indicates that York Region and the lower-tier municipalities must mutually agree before any transfer of sewage treatment or sewage collection infrastructure occurs. *The Municipal Act* does not give guidance on what constitutes Regional wastewater infrastructure. It is therefore important for the Region to have criteria in place defining the jurisdiction of wastewater infrastructure.

2. Decision Making Process

The criteria established for this policy have considered these perspectives and the decision making process is based on the following guidelines:

- a. Regional servicing and jurisdictional issues shall be resolved through the master planning process
- b. Criteria shall be applied to each municipality on a consistent basis considering their local conditions and how these conditions are addressed in the master plan
- c. The criteria are to form the basis of the decision making process during the master planning process with specific conditions being addressed through sound master planning principles and within the appropriate Regional servicing context.
- d. Application of the criteria shall only occur in the context of the master plan and cannot be applied independently.
- e. Considerations for jurisdictional changes may occur outside the master planning process if necessary, but must consider the master plan approach. Decisions made outside the master plan process must be reviewed during the next update and may be adjusted if warranted.

In practicing the application of this policy, deviations to the criteria may be considered provided it is warranted and it is in alignment with the overriding servicing objectives of the master plan.

Condition Assessment Requirements

A condition assessment is required for assets being considered for transfer. This shall apply to assets being transferred either to the Region or to the local municipality. The intent of this assessment is to ascertain the condition of the infrastructure so that appropriate asset management practices can be continued to ensure the useful life of these assets is maximized.

The condition of any infrastructure that meets the criteria for transfer will be reviewed jointly by the engineering departments of the Region and local municipality. This review shall establish the

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status of the infrastructure to be transferred and will determine any necessary remedial work and the relevant financial implications required to ensure that the infrastructure meets a mutually acceptable standard. This review may also be completed by an independent third party Professional Engineer (P.Eng.) if so decided.

A complete set of record drawings shall be provided at the time of assumption. Prior to assumption, the Region shall determine the suitability of existing records and if deemed incomplete, the local municipality shall be responsible for preparing the necessary documents and records at their own cost. Reciprocal wording also applies to this clause for infrastructure to be transferred from the Region to a local municipality.

Any condition assessments and financial implication related to infrastructure transfers shall be included in reports to Council and corrected as mutually agreed.

RESPONSIBILITIES:

Transportation and Works Department:

- Design.
- Construction.
- Operation.
- Maintenance.
- Assets transfer process and updates.

Finance Department:

- Budgeting.
- Update of Development Charge By-law.

Corporate Services Department:

- Preparation of assumption by-laws.

Planning Department:

- Ensure compliance of servicing scheme within Official Plans and Amendments.

REFERENCE:

-Clause 10 of Report Number 2 of the Transportation and Works Committee adopted by the Council on 21st November 2002; re: Regional Jurisdiction - Water Facilities.

-Clause _____ of Report Number _____ of the Transportation and Works Committee adopted by the Council on 1st September 1999; re: Regional Jurisdiction New Trunk Sanitary Sewer Facilities

-*Municipal Act, 2001*, Section 11

CONTACT:

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APPROVAL INFORMATION

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