

The Regional Municipality of York

Committee of the Whole
Environmental Services
November 7, 2019

Report of the Commissioner of Environmental Services

Water and Wastewater Infrastructure, Regional Jurisdiction Policy Update

1. Recommendations

1. Council approve the updated Water and Wastewater Infrastructure, Regional Jurisdiction Policy (Attachment 1).
2. Regional Clerk circulate this report to the Clerks of the local municipalities.

2. Summary

Both York Region and its local municipalities provide water and wastewater services across the Region. The Water and Wastewater Infrastructure, Regional Jurisdiction Policy establishes criteria to define the extent of Regional water and wastewater infrastructure in areas of non-exclusive jurisdiction as defined under Section 11 of the *Municipal Act, 2001*.

Key Points:

- This update does not alter York Region's jurisdiction of water and wastewater infrastructure from that provided under previous policies
- The policy defines criteria to clearly establish York Region jurisdiction of water and wastewater infrastructure to support Asset Ownership Agreements with each local municipality that delineate asset ownership boundaries
- York Region is in the process of executing water and wastewater Asset Ownership Agreements. The benefit of the policy update is to remove detail from the Policy covered in Asset Ownership Agreements, combine two Council approved policies into one concise policy, and use language consistent with the *Municipal Act, 2001*

3. Background

Jurisdiction over water and wastewater infrastructure in York Region is governed by Section 11 of the *Municipal Act, 2001*

Ownership and responsibility of water and wastewater services are shared between local municipalities and York Region.

The *Municipal Act, 2001* states York Region has exclusive jurisdiction over:

- Water production, treatment and storage

Non-exclusive jurisdiction means both, or either, the upper and lower tier municipality can provide the service. The Water and Wastewater Infrastructure, Regional Jurisdiction Policy provides criteria to define the extent of Regional water and wastewater infrastructure in the areas of non-exclusive jurisdiction.

The *Municipal Act, 2001* states York Region has non-exclusive jurisdiction over:

- Sewage treatment
- Collection of sanitary sewage
- Water distribution

Historically, the Region has exclusively provided sewage treatment services for the Region, along with collection of sanitary sewage from local municipalities and distribution of water to local municipalities. This policy updates and combines two Council approved policies created in 2002 and last updated in 2006, [Water Infrastructure, Regional Jurisdiction Policy](#) and [Wastewater Infrastructure, Regional Jurisdiction Policy](#). The updated policy simplifies language to form one concise Water and Wastewater Infrastructure, Regional Jurisdiction Policy (Attachment 1).

4. Analysis

Policy update provides language that is more concise and consistent with the *Municipal Act, 2001*

The updated policy defines York Region's jurisdiction for water distribution infrastructure to specifically include the following criteria:

- Distribution systems (watermains and pumping stations) that transmit bulk water supply to the local municipalities
- Metering to determine flow from York Region to local municipalities

The updated policy defines York Region's jurisdiction for sanitary sewage collection and treatment infrastructure to specifically include the following criteria:

- Collection systems (sanitary sewers, forcemains and pumping stations) to transmit wastewater from local municipalities to a treatment facility
- Treatment facilities that treat wastewater prior to discharge to the natural environment
- Metering to determine flow from local municipalities to Regional systems

The *Municipal Act, 2001* uses the term sanitary sewage where York Region uses the term wastewater. To be consistent with the *Municipal Act, 2001* the policy update uses the term sewage when using text from the *Act* and the term wastewater when describing the Region's services.

The update aligns with terminology of the *Municipal Act, 2001* but does not change the infrastructure the Region owns and operates. For example, infrastructure such as a watermain or pumping station that meets criteria for Regional ownership under existing policies would continue to do so under the updated policy, and vice versa.

The policy update removes details regarding decision making frameworks, which are covered under water and wastewater Asset Ownership Agreements between York Region and each local municipality. The Commissioner of Environmental Services has delegated authority from Council to execute and amend Asset Ownership Agreements. Attachment 2 provides a status update on the progress being made to execute water and wastewater Asset Ownership Agreements with each local municipality.

Through the Region's Asset Management Program, the Region continually evaluates, in consultation with the local municipalities, where legacy ownership may exist that is not in accordance with the Water and Wastewater Infrastructure Regional Jurisdiction Policy. Future recommendations will be brought forward to Council as required to transfer asset ownership from the Region to a local municipality or vice versa.

5. Financial

The policy update does not alter the amount of water and wastewater infrastructure within York Region's jurisdiction. The policy update does not have further financial impact on York Region.

6. Local Impact

The policy update does not delineate ownership boundaries, York Region and local municipalities delineate ownership boundaries through water and wastewater Asset Ownership Agreements. The update offers a more concise policy that better supports Asset Ownership Agreements. Comments were solicited from the local municipalities on this policy update and no concerns were communicated.

7. Conclusion

The Water and Wastewater Infrastructure, Regional Jurisdiction Policy update combines two Council approved policies into one concise policy. The policy update continues to provide criteria to define York Region's water and wastewater infrastructure and is consistent with the language used in the *Municipal Act, 2001*.

For more information on this report, please contact David Szeptycki, Director Strategy & Innovation at 1-877-464-9675 ext. 75723. Accessible formats or communication supports are available upon request.

Recommended by: **Erin Mahoney, M. Eng.**
Commissioner of Environmental Services

Approved for Submission: **Bruce Macgregor**
Chief Administrative Officer

October 24, 2019
Attachments (2)
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