

Water and Wastewater Infrastructure, Regional Jurisdiction Policy

Approved By: Council

Approved On:

Last Reviewed:

Policy Statement

A policy to establish jurisdiction over Regional water and wastewater infrastructure.

Application

This policy applies to York Region and its Local Municipalities. This policy does not apply to privately owned and operated water and wastewater systems including those systems operating under Municipal Responsibility Agreements.

Purpose

This policy establishes criteria to define the extent of Regional water and wastewater infrastructure in the areas of non-exclusive jurisdiction as defined under Section 11 of the *Municipal Act, 2001* and as summarized below. This enables York Region to efficiently manage, operate, maintain, monitor, plan and construct Regional water and wastewater infrastructure to meet legislative and regulatory requirements including:

- *Safe Drinking Water Act, 2002*
- *Ontario Water Resources Act*
- *Clean Water Act, 2006*
- *Environmental Protection Act*
- *Environmental Assessment Act*
- *Water Opportunities Act, 2010*
- *Public Sector Accounting Board standards, as amended from time to time*

Definitions

Local Municipality: Refers to one of the nine lower-tier municipalities within York Region, the upper-tier municipality. Specifically, Town of Aurora, Town of East Gwillimbury, Town of Georgina, Township of King, City of Markham, Town of Newmarket, City of Richmond Hill, City of Vaughan and Town of Whitchurch-Stouffville.

Municipal Responsibility Agreements: Refers to legal agreements between York Region and the owner of private communal sewage and/or water services, which stipulate how the communal services are constructed, operated and maintained, the action to be taken in the event of default, as well as provisions to ensure a reserve fund is available in the event the Region is required to operate or assume ownership of the communal services.

Regional Water Infrastructure: Infrastructure for the purposes of delivering drinking water services to the nine Local Municipalities as defined by the criteria in this policy.

Regional Wastewater Infrastructure: Infrastructure for the purposes of delivering wastewater services to the nine Local Municipalities as defined by the criteria in this policy.

Water and Wastewater Asset Ownership Agreements: Signed legal agreements with each Local Municipality that:

- Delineates the ownership boundary of Regional water and wastewater infrastructure
- Establishes requirements for the transfer of asset ownership
- Establishes access rights over Regional Water and Wastewater Infrastructure and local water and wastewater infrastructure

Description

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.

- York Region has exclusive jurisdiction over water production, treatment and storage
- York Region has non-exclusive jurisdiction over:
 - Sewage treatment
 - Collection of sanitary sewage
 - Water distribution

This policy provides criteria to define Regional water and wastewater infrastructure in the areas of non-exclusive jurisdiction.

Water Distribution Criteria

Section 89 of the *Municipal Act, 2001* provides that York Region shall only distribute drinking water to Local Municipalities who in turn distribute to residents and businesses.

Regional water infrastructure provides at least one of the following essential functions:

1. Metering to determine inter-municipal flow information
2. Distribution in the form of watermains and pumping stations whose purpose is to transmit bulk water supply to Local Municipalities

Sanitary Sewage Collection and Treatment Criteria

Regional wastewater infrastructure provides at least one of the following essential functions:

1. Metering to determine inter-municipal flow information
2. Collection in the form of sanitary sewers, forcemains and pumping stations whose purpose is to transmit wastewater from Local Municipalities to a treatment facility. York Region shall only collect wastewater from the Local Municipalities who in turn collect from residents and businesses
3. Treatment of wastewater prior to discharge to the natural environment

Delineation of Water and Wastewater Infrastructure

York Region and Local Municipalities delineate ownership boundaries through Water and Wastewater Asset Ownership Agreements.

Responsibilities

Environmental Services Department:

- Oversee and ensure that the Water and Wastewater Infrastructure, Regional Jurisdiction Policy is implemented.
- Implement, manage and amend Water and Wastewater Asset Ownership Agreements with Local Municipalities as required. The Commissioner of Environmental Services has authority to execute and amend Water and Wastewater Asset Ownership Agreements as approved in Council Report No. 9 of Environmental Services Committee November 15, 2012.
- Recommend to Council water and wastewater infrastructure jurisdictional transfer(s) based on the criteria outlined in this policy.

- Develop and implement water and wastewater infrastructure jurisdictional transfer processes and procedures with Local Municipalities.
- Ensure newly constructed water and wastewater infrastructure jurisdiction is delineated and defined.
- Engage Local Municipalities to build consensus on water and wastewater infrastructure delineation.

Corporate Services Department:

- Make reasonable efforts to own or purchase land and/or easements, in accordance with the [Corporate Land Acquisition Policy](#), on which Regional Water and Wastewater Infrastructure is located or will be located.
- Ensure the Regional Official Plan, its amendments and other Corporate Strategies comply with the policy as required.

Legal and Court Services Department:

- Prepare legal documents required to support policy implementation including:
 - Water and Wastewater Asset Ownership Agreements with Local Municipalities
 - Bylaws to support water and wastewater infrastructure jurisdictional transfers
 - Land Transfer Agreements

Compliance

Existing water and wastewater infrastructure that does not comply with this policy shall be identified and transfer(s) recommended through the Water and Wastewater Asset Ownership Agreement.

Reference

Legislative and other authorities

- [Municipal Act, 2001](#)
- [Corporate Land Acquisition Policy](#)

Contact

Director, Infrastructure Asset Management, Environmental Services Department

Approval

Council Date: [REDACTED]	Committee Date: [REDACTED]
Council Minute Item: [REDACTED]	Committee Minute Item: [REDACTED]

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