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Memorandum

To Provincial Planning Policy Branch
777 Bay Street, 13th floor, Toronto, ON, M5G 2E5, Canada

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Date August 6, 2019

Subject **ERO number: 019-0181**
Additional Residential Unit Requirements and Standards
Proposed new regulation and regulation changes under the Planning Act,
including transition matters, related to Schedule 12 of Bill 108 - the More Homes,
More Choice Act, 2019

The Rideau Valley Conservation Authority has been partnering with municipalities in Eastern Ontario for several decades to provide guidance about new privately serviced development (that will use water wells and septic systems). RVCA has been doing this given that small, and until recently, large municipalities did not have the resources to retain their own dedicated hydrogeologist. Local hydrogeological expertise was required, as of the mid 1990's, when it became a municipality's responsibility to undertake related technical review for development applications.

As a result of RVCA's extensive service, staff have a great deal of knowledge about Eastern Ontario hydrogeology and related regulatory and policy requirements and gaps, public health concerns, academic research and needed development considerations.

Given this valuable grass-roots experience, RVCA would provide the following significant discussion, to be considered by the provincial government, about Section 3, '*Additional Residential Unit Requirements and Standards*', within the '*Proposed new regulation and regulation changes under the Planning Act, including transition matters, related to Schedule 12 of Bill 108 - the More Homes, More Choice Act, 2019*'.

The proposed '*Additional Residential Unit Requirements and Standards*' would allow, without having to check **if it is safe** to proceed, more people to use (take from and dispose to) an aquifer in privately serviced areas. Where technical studies were completed to demonstrate the sustainability of the development (e.g. subdivision lot creation), the additional use will likely push the development beyond the point where it can service itself safely. To add complexity to the situation, many municipalities are permitting wide-spread development without checking at all if it is safe or sustainable to proceed, although this has clearly not been recommended by the province.

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It should be noted that each and every septic system (new and old) **does NOT** emit clean water, as many would believe. Although the systems emit better quality effluent into the ground than would otherwise occur, significant amounts of pathogens and most nitrate (and pharmaceuticals, cleaners, personal care product chemicals etc.) directly enter the shallow groundwater system.

In Eastern Ontario, that shallow groundwater system **provides water to almost all private wells**. (wells need only be sealed to 6 metres below ground). In most parts of our region, there are essentially **no protective layers of sediment or rock overlying the aquifers**. Even where wells are sealed deeper into the ground, the shallow groundwater is often directly connected to the deeper groundwater.

It should also be noted that the provisions of the Ontario Building Code (OBC), although extremely important, cannot in any way (and were not intended to) replace a scoped hydrogeological assessment to determine the suitability of locating a septic system at a site. There is widespread misunderstanding and confusion over a health units' approval of a septic system, as per Part 8 of the OBC, and the scoped hydrogeological assessment that should be undertaken to determine if a lot should be created or not **and how many people** it can service. In accordance with their obligations under the OBC, health units are only reviewing lot creation relative to the technical requirements of the code, not the suitability and safety of proposed lots to support development on individual private wells and sewage systems.

The requisite scoped hydrogeological studies should be predicated on Ministry of the Environment, Conservation and Parks' Procedures D-5-5 and D-5-4, which are the invaluable provincial guidelines that foster safe and sustainable rural (and some suburban) development. In most cases, when the guidelines are used, they have been used to create the highest density possible for sustainable septic disposal when **considering only one, four-bedroom house** on each lot. In almost all cases, the terrain cannot treat anymore septage. Creating additional residential units is typically not supported by hydrogeological consultants without further investigation. **Additional residential units in privately serviced areas should not be as of right**. The standards whereby an additional unit may be considered should be included in the regulation.

In some cases, the Ontario Municipal Board has approved privately serviced subdivision development at unsustainable densities, against municipal advice. In these areas, the terrain cannot support even the existing septic system sizes and density.



Further, and with respect to other **groundwater quality concerns**, the groundwater of Eastern Ontario exhibits high variability in quality. This quality is **only checked, if at all**, at the lot creation stage for development by subdivision and, in some municipalities, for numerous severances. Nonetheless, water quality should be checked for all related official plan and zoning bylaw amendments, development by condominium and even site plan, where zoning is old.

In addition, groundwater quality (and levels) under a development area will change over time for many reasons. However, generally, the groundwater quality and levels are never checked again. Thankfully, some newer information is now available from the Ontario Geological Survey's Ambient Groundwater Geochemistry program.

To add more complexity to the situation, groundwater in Eastern Ontario can exhibit everything from **naturally occurring** and very **problematic** uranium, iodide, methane gas, and salt (amongst other parameters) to long-lasting impacts from old and abandoned gas stations and landfills. Further, groundwater is extremely difficult to clean-up and it can impact surface water quality for very long periods of time. Given that few municipalities follow the province's related advice about approving development, it would be **even more problematic to permit additional dwelling units** in these areas. There are absolutely no provisions to look at any groundwater parameters beyond select bacteria to deem the water potable, if a municipality does not follow the intent of Procedures D-5-5 and D-5-4.

RVCA understands why the province wants to provide access to additional affordable housing, such as could be facilitated through additional residential units with little planning oversight. Nonetheless, it is strongly believed that this will be at too high of a risk to the public drinking the water from privately serviced areas. The process is not robust enough now let alone with unchecked additional aquifer use.

To move towards the policy to permit **Additional Residential Units**, RVCA recommends that the province and municipalities addresses the following items.

The Ministry of Municipal Affairs and Housing (MMAH) should ensure that all municipalities provide policies which clearly address the use of the most sustainable tier of water and wastewater servicing, and not just private servicing, as has been occurring for decades. Related decisions should be based on regional servicing studies, as recommended by MECP in the D-Series guidelines. When municipalities do not have the tax base to fund such studies or to implement such servicing, the province should provide related assistance.



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Further, Ontario should ensure that municipal policies and practices adhere to MECP Procedures D-5-4 and D-5-5, amongst other D-Series guidance. The groundwater and terrain should be evaluated for all lot creation, for all types of development (residential, commercial, industrial), and for all redevelopment when the sustainability has not previously been demonstrated.

The province should also require periodic checking of groundwater quality and levels within development clusters in municipalities; and require geoscience expertise/disclaimers from local health units, if they continue to provide private servicing development advice.

Memorandum ends.