

## Introduction

The Ontario Onsite Wastewater Association (OOWA) would like to offer comments on the Proposed Provincial Planning Statement, 2024 (ERO Posting #019-8462). OOWA has commented on previous versions of the Provincial Policy Statement (PPS), and we are very interested in the direct and indirect impacts of the PPS as it relates to onsite and communal wastewater servicing in the Province.

OOWA is an industry association representing over 700 members in the onsite and decentralized wastewater industry across Ontario. Our members represent all aspects of our industry in a true community of practice, including academia, municipal government (approximately one-third of our members), suppliers and manufacturers, environmental consultants and the onsite design, construction, and maintenance industry. The goal of our Association is to raise awareness and promote that onsite and decentralized wastewater management is a permanent and sustainable form of servicing.

OOWA has reviewed the April 2024 Proposed Provincial Planning Statement, and generally supports a planning framework that will encourage solutions to tackle the current housing crisis. We offer the following comments specific to the documentation that has been issued for public consultation which are summarized into the following three items:

1. Clarifications are needed for Partial Services and Decentralized Systems terminology.
2. General Support for Servicing Options and flexibility that has been incorporated.
3. Opportunities for Changes to Other Planning Policies (D-5 Guidelines) that are Barriers to Building Housing Supply.

## Clarifications Needed – Partial Services & Decentralized Terminology

There is a discrepancy between the definition of Partial Services, and the information in Section 3.6 that needs to be clarified.

According to the definitions, there are two possible ways to implement partial services, whereby one or the other of the water and sewage servicing is an individual private service, and the other is municipal or communal, i.e.:

Partial Services means

- a) Municipal sewage services or private communal sewage services combined with individual on-site water services; or
- b) Municipal water services or private communal water services combined with individual on-site sewage services.

Section 3.6.5 discusses the use of *Partial Services*. Specifically, it states that:

5. Partial services shall only be permitted in the following circumstances:
  - a) where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development; or
  - b) within settlement areas, to allow for infilling and minor rounding out of existing development on partial services provided that site conditions are suitable for the long-term provision of such services with no negative impacts.
  - c) within rural settlement areas where new development will be serviced by individual on-site water services in combination with municipal sewage services or private communal sewage services.

This section, specifically item c), only addresses one of the combinations that is defined by the term Partial Services. This section of the planning statement needs to be updated to encompass both ways to achieve partial services. OOWA therefore recommends the following additional clause be added to Section 3.6.5:

- d) Within rural settlement areas where new development will be serviced by municipal water services or private communal water services, in combination with individual on-site sewage services.

The planning statement uses the term “decentralized” when referring to municipal servicing options in Section 3.6.2. OOWA recommends that consideration be given to providing a definition of the term “decentralized” so that it is clearly understood and applied consistently. OOWA recommends consideration be given to defining “decentralized sewage services” as follows:

*Decentralized sewage services* are one or more systems that treat sewage at or near the source where it is generated, may be owned and operated by a municipality, a private corporation, or an individual, and may service one individual building or property, or a group of buildings/properties.

*Centralized sewage services* involve the treatment of sewage from multiple properties in a single sewage treatment system, are typically owned and operated by a municipality, and may include gravity and pumped sewer systems to collect and convey the sewage to the treatment location.

We also recommend the Province consider adding definitions for centralized and decentralized water services.

### **General Support for Servicing Options**

The planning statement has removed all references to a servicing “hierarchy”, and we support the shift in language to remove any previous interpretations that onsite or communal servicing options may have been perceived as inferior to fully centralized municipal services. The planning statement now uses more appropriate terminology and discusses “options” for servicing. While the preference may be toward a municipal ownership/management

structure where feasible, in order to address the province's housing needs, we must have a range of servicing options available, from individual onsite sewage systems, private communal sewage systems, municipally owned decentralized/communal systems, and centralized municipally owned and operated sewage systems. This will enable the servicing to be tailored to the needs of the specific housing initiatives in different areas of the province, including urban, peri-urban, rural villages, and rural settings. The technology exists in our province to support this range of servicing options, and with a robust and flexible planning framework in place, the best servicing solution for a particular area may be achieved.

### **Opportunities for Further Changes – Policies That Are Barriers to Housing Development**

While not specifically part of the provincial policy statement, OOWA has found that some of the most significant development constraints on private communal or individual onsite sewage services are related to the owner/management framework of the infrastructure. The province's D-5 Guidelines from the 1990s are a significant obstacle to be overcome when identifying available and feasible servicing options for new developments. These guidelines are outdated, and place significant constraints on the ability to develop housing in many areas of the province.

Specifically, ***Procedure D-5-2: Application of Municipal Responsibility for Communal Sewage and Water Services***, creates a significant barrier to private communal services. This policy requires that the Owner of a private communal sewage works and the local Municipality enter into a Municipal Responsibility Agreement (MRA) to ensure the continued operations of the sewage works in the event the Owner defaults. An MRA typically includes some form of financial assurance or letter of credit. Municipalities are often reluctant to enter into these agreements as the level of risk and/or responsibility is not well understood or defined. Updates to this procedure are needed to better describe the requirements and risks associated with MRA's, and to give municipalities the tools to mitigate these risks. This will better support the ability to implement private communal servicing where appropriate and will better align with current provincial housing initiatives.

***Procedure D-5-4: Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment*** also poses challenges to development with private sewage systems. The intent of Procedure D-5-4 is to protect groundwater quality from potential impacts of individual onsite sewage systems. This is critical, and any updates to this procedure would need to maintain the underlying intent of groundwater protection and responsible development. However, the methodology of the Procedure is outdated and promotes the use of very large lots (up to 1 ha in area) to mitigate risk, which is not conducive with the type of development required to address the housing crisis.

The Procedure relies on conventional septic system technology which further increases the footprint and lot size required to accommodate private servicing. The consideration for new technology is not sufficiently addressed in this procedure. Technologies now exist which have been demonstrated to provide significant removal of

nitrogen species prior to discharge to the leaching bed. The Ontario Building Code requires advanced onsite sewage treatment units to be certified to the CAN/BNQ 3680-600 standard, which is the most robust and stringent testing standard in North America, and certification to this standard proves that a technology can perform in our cold Canadian climate. The CAN/BNQ 3680-600 standard includes effluent criteria for nitrogen removal, and several technologies have been certified however their achievements are not always recognized. Our province has some of the most robust and innovative individual residential sewage treatment systems on the market today. Procedure D-5-4 needs to be updated to allow flexibility to meet the intent of the guideline, and also reflect the current regulatory framework and technology options available to support building houses with individual sewage services as a viable and sustainable servicing option.

We strongly encourage the province to move forward with modernization of the D-5 Guidelines as a critical element to support the housing supply action plan in Ontario.

### **Closing**

We thank the Ontario government for providing us the opportunity to comment on the Proposed Provincial Planning Statement. OOWA and our members in the onsite and decentralized wastewater industry are committed to finding solutions and supporting the province's housing supply initiatives. We would welcome an opportunity to discuss our comments further at any time.

Respectfully submitted,  
The Ontario Onsite Wastewater Association