February 23, 2022

Mr. Matt Coffey
Planning Coordinator, Approvals
Prince Edward County
280 Picton Main Street
Picton, ON

Dear Mr. Coffey:

FLATT POINT SUBDIVISION - WATER SERVICING APPROACH
MUNICIPAL FILE NOS. 13-T-21-505, 13-T-506, OPA-06-21, D37-21
IBI FILE NO. 122263

This letter is provided with respect to the above-noted applications and the contemplated options for water servicing of the proposed residential subdivision. As per the Hydrogeological Assessment submitted in support of the applications (Malroz, June 2, 2021), the proponent has pursued a traditional approach to providing water service to each of the lots, being individual drilled wells. The results of the well tests conducted as part of the initial investigation have been mixed. While the proponent is prepared to continue with the next investigative steps towards confirming the adequacy of this approach, we have also been investigating other possible approaches, specifically private communal water services and shore wells.

Below is a brief description of the three possible water servicing methods, as prepared by John Pyke, P.Geo (Malroz) and Bryon Keene, P.Eng. (Jewell Engineering).

As per the 2020 Provincial Policy Statement, the preferred hierarchy of water servicing in Ontario is:

1. Municipal,
2. Communal; and
3. Private.

At the proposed Flatt Point Subdivision, municipal services are not available, nor foreseeable, and therefore the site development is dependent on private (communal or individual) services. As noted above, the typical approach for rural residential development of using private individual wells has been explored in support of the subject applications. Based on the mixed results to date for this traditional method of servicing, the proponent is also exploring the option of a communal water system and shore or dug wells.

Communal Water System

Communal water servicing requires an adequate source of water, water treatment facility, distribution system and a site operator licenced by the province. Since the site is bordered by Lake Ontario, a readily available supply may be gained from the surface water. A surface water source may be treated using commercially available packaged plants that include several processes such as GAC filters, sediment filtration, UV disinfection, and chlorine treatment.

Communal servicing has become increasingly common as a viable approach to servicing rural development and rural settlement areas without traditional municipal water and sanitary services. The shift to this servicing method is supported by Provincial policy and also by a number of upper and lower-tier municipal governments. For example, the 2020 Provincial Policy Statement (PPS)

included significant changes in Section 1.6.6 that support the use of communal services as a preferred method where municipal services are not available. This is a notable shift from the 2014 PPS, which was much restrictive where communal services were concerned. Even prior to these changes in the 2020 PPS, upper and lower-tier municipalities were already pursuing the use of private and public communal servicing systems because of their many benefits over private individual systems. A nearby example of this is the Communal Servicing project undertaken by Frontenac County, which assessed the viability of this servicing approach for development in both settlement areas and rural areas. Other Ontario municipalities, such as Oro-Medonte, have seen significant rural development occurring on the basis of communal servicing systems for years. From a planning policy perspective, traditional servicing methods such as private individual well and septic systems are well-supported, but there is also policy support for communal servicing that should be considered by Prince Edward County in assessing rural development proposals such as the subject applications.

Communal drinking water systems operate within a robust regulatory framework to provide potable quality water. The communal water system option would be subject to provincial regulation O.Reg. 170 under the Safe Drinking Water Act that specifies the minimum treatment, testing, operation and reporting requirements. Such a system would provide high quality, safe drinking water using either surface water or groundwater as a source. O.Reg. 170 sets out the testing and sampling requirements, including the parameters to be tested and the frequency of tests. Reporting frequency and the qualifications of operators, inspectors and sampling staff are also specified.

In the case of a communal drinking water system operated by the municipality, we understand that such systems often operate under the umbrella of a municipal utility corporation, which is ultimately controlled by the municipality. Where a communal drinking water system is operated by a private party, it would typically be a condominium corporation, particularly in the case of subdivision development (residential or otherwise).

For the subject subdivision, a communal drinking water system would be operated by the condominium corporation, much like with other common elements within a condominium such as roads, stormwater infrastructure, park spaces, share docking facilities, etc. Under the umbrella of the condominium corporation, fees are collected from the residents to maintain the common elements, which would include inspections, maintenance, and eventual replacement or rehabilitation of condominium infrastructure. These fees contribute to the maintenance of reserve funds which are prepared based on “reserve fund studies” which identify the lifecycle of, for example, communal water treatment and distribution systems, and the funds needed to replace or rehabilitate that infrastructure. Condominium fees, reserve funds and reserve fund studies are required under the Condominium Act and provides assurances that the condominium corporation fulfills its obligations. The Ministry of the Environment (MECP) requires that the municipality enter into an undertaking through a responsibility agreement to assume responsibility of the communal drinking water system in the event the condominium corporation fails to fulfill their obligations. In addition to the requirements already in place under the Condominium Act to inspect, maintain and fund replacement/rehabilitation of the drinking water system, municipalities can require regular inspections and reporting through legal agreements between the condominium corporation and the municipality. These mechanisms provide the approval authority with an additional level of confidence that a communal drinking water system can be maintained over the long-term without the need for municipal intervention.

Shore or Dug Wells

Since confirmation of an adequate groundwater source is still under investigation, private servicing may also be considered using dug and/or shore wells that would obtain supply mostly from Lake

Ontario. Under this option, treatment would be provided within each dwelling, similar to a traditional drilled well. Though a shore or dug well near to shore can provide a potentially significant volume of water from Lake Ontario, these type of wells are typically more susceptible to bacteria and other contaminants as they are influenced and supplied by surface water and therefore do not inherently offer the same level of protection as a drilled well and would therefore require treatment, which is not always the case for drilled wells. Considering the increased risks to the quality of the drinking water associated with dug and shore wells, this alternative to drilled wells would typically include regular maintenance of the individual treatment systems in each home. In a private service scenario, responsibility for supply, treatment, operation and maintenance would fall to the individual homeowner, consistent with typical approaches for rural development. Through the condominium corporation and the associated agreement with the municipality, a requirement could be included to ensure that recommendations of the hydrogeological study are implemented and that any individual treatment systems are maintained.

To assist in moving the subject applications forward, and to help guide our approach to water services, we would like the opportunity to discuss these possible approaches with Staff. We will be contacting you shortly to set-up a time to meet, and we look forward to speaking with you soon.

Sincerely,

Mark Touw MCIP, RPP
Associate Director
IBI Group

John Pyke, P.Geo
Environmental Geoscientist
Malroz Engineering

Bryon Keene, P.Eng.
Senior Water Resources Engineer
Jewell Engineering

Cc. 712223 N.B. Ltd. c/o Michael Kerford