

Water and Sewer Systems for New Rural and Resort Development

This document outlines servicing options for new multiple parcel rural acreage and resort residential development. Rural municipalities govern hamlets within their boundaries under *The Municipalities Act* and ensure there is a supply of potable water and a sewage disposal system for hamlet residents under Section 14 of *The Public Health Act, 1994*.

Under *The Municipalities Act* “hamlet” means:

- (i) *an unincorporated community with:*
 - (A) *five or more occupied dwellings individually situated on lots, blocks or parcels; and*
 - (B) *at least 10 subdivided lots, blocks or parcels, the majority of which are an average size of less than one acre; or*
- (ii) *any unincorporated area declared to be a hamlet by order of the minister.*

“Organized hamlet” means an area declared to be an organized hamlet by order of the minister.

Any rural acreage or resort subdivision may become an organized hamlet. Residents of an organized hamlet elect a three member board to advise the municipal council on hamlet matters. A council and hamlet board must have an agreement for revenues and expenditures. By agreement, a hamlet board may manage utility services.

A municipality may require a subdivision applicant to enter into an agreement for the installation of new services. Under a separate agreement a municipality may assign management responsibilities to a corporation set up by the applicant with the understanding those responsibilities will eventually transfer to a residents’ association or co-op, or a hamlet board. A municipality may set up a public utility board to manage services under Sections 23 to 37 of *The Municipalities Act*.

To reduce the risk of water contamination, the Ministry of Environment recommends all residential development have municipal or communal water and sewage systems in accord with the provincial Safe Drinking Water Strategy. Where communal systems do not exist, residents must install, operate and maintain their water supply and sewage disposal systems subject to provincial and municipal requirements.

People who intend to use a private well are responsible for having the well drilled. Private domestic wells are not licensed, monitored or regulated by any agency. Ground water supplies can be altered by the proximity of other wells, onsite sewage disposal systems, contamination and climate change. If ground or surface water sources are unsuitable or inadequate, residents must have water hauled to their residence from other sources such as a municipal well. Residents must have their water tested to ensure it is safe for consumption or domestic use.

The Saskatchewan Watershed Authority and Health Region offices have guides for the treatment and care of a water source. Guidelines are on-line at www.swa.ca and at www.saskh2o.ca.

Rural residents may install an onsite sewage disposal system subject to obtaining a permit from a health region office (modifications also require a permit). Owners are responsible for operating and maintaining their system subject to Ministry of Health regulations and the *Saskatchewan Onsite Wastewater Disposal Guide*. These are subject to change depending on studies on suitable soil conditions and densities.



The Shoreland Pollution Control Regulations, 1976, restrict the types of sewage systems allowed in **Shoreland Development Areas** (generally any area within 457 metres (1,500 feet) of a water body containing residential or recreational uses). In these areas, most residents must install sewage holding tanks and have the sewage hauled to a disposal site approved by the Ministry of Environment. To install or modify a holding tank, a permit must be obtained from a health region office.

The Municipal Refuse Management Regulations govern the collection, transportation and disposal of liquid domestic waste. Subsection 14(1) states “*No person shall carry on the business of transporting of liquid domestic sewage without a permit issued by the minister authorizing him to do so.*” Operating permits may be obtained from the Compliance and Field Services Branch of the Ministry of Environment. Changes to the regulations and permit system are being reviewed.

Ministry of Environment *Liquid Domestic Waste Disposal* guidelines state “*liquid domestic sewage collected by a liquid domestic sewage transporter must be disposed of in an approved sewage system subject to conditions required by the owner of the sewage system, including written permission to do so.*” Where an approved disposal site is not available, sewage haulers may spread effluent on land subject to conditions specified in operating permits and the guidelines. **No sewage may be spread on land that is wet or frozen.** Sewage spreading may be governed by a more stringent municipal bylaw.

The Public Health Act, 1994, allows municipalities to adopt a bylaw to control the collection, storage and disposal of sewage. A bylaw may ban spreading in all or parts of a municipality and require sewage from certain areas be transported to and disposed at sites approved by Ministry of Environment and the municipality. Model bylaws may be obtained from Public Health Inspectors. The bylaw must be approved by the health region and the Minister of Health.

A **servicing agreement** is a legal contract a municipality negotiates with a subdivision applicant. Servicing agreements may ensure a municipality does not incur all the costs for installing services in a subdivision and require the services be installed to municipal standards. An agreement may cover all municipal services such as roads, drainage works, and water and sewer systems in or near the land being subdivided. It may also require ‘servicing fees’ for related infrastructure serving the subdivision such as a well or lagoon in another part of a municipality.

The Planning and Development Act, 2007 and *The Subdivision Regulations* govern the subdivision of land and servicing requirements for new subdivisions (see page 4). The subdivision approving authority in rural municipalities and in the Northern Saskatchewan Administration District is the Director of Community Planning.

Section 14 of *The Subdivision Regulations* requires the Director to consider “*the availability and adequacy*” of water and waste systems for new subdivisions.

The Director considers recommendations from the municipality, the Ministry of Environment, the Ministry of Health, Health Regions, SaskWater, and the Saskatchewan Watershed Authority (SWA) – Ground Water Management and the SWA regional offices. These agencies are consulted during the review of a subdivision application and together decide whether additional information is needed to assess water and sewer services proposed by subdivision applicants.

Subdivision applications for multiple residential parcels where the applicant proposes that the new residences will be served by:

- **Water haulers (from wells or pipe lines):** the developer must provide a letter from the owner of the water source stating the owner does not object to new users and that sufficient capacity exists for new and existing users. Depending on the source, verification may be needed from the Ministry of Environment, the SWA-Ground Water Management or SaskWater.
- **New communal water system:** the developer must provide a letter from the Ministry of Environment or Health accepting the proposed engineering design and make provision for future responsibility for maintaining the system.
- **Existing municipal water or sewer systems:** the developer must arrange for connection, provide a consent letter from the owner, and submit documentation, verified by the Ministry of Environment, that the system(s) have sufficient capacity for new and existing users.
- **Sewage holding tanks:** the developer must arrange access to an approved disposal site; provide a consent letter from the owner; and provide documentation, verified by the Ministry of Environment, that the system has sufficient capacity for new and existing users. Developers unable to access an existing disposal site may have to construct a facility that the municipality will agree to own and manage.
- **Individual wells:** the developer must supply evidence, verified by the SWA Ground Water Management, that an adequate ground water supply exists for new residents and that existing residents will not be adversely impacted.
- **Onsite sewage disposal:** the developer must supply a hydrogeological report acceptable to the health region specifying the types of sewage disposal system suitable for subsoil conditions on each parcel.

A complete **hydrogeological report** may be required that includes:

- a project description and location maps;
- water well locations and logs;
- sufficient data and analysis to predict effects on the aquifer;
- analysis of water quantity and quality;
- treatment options if required to make the source water suitable for domestic consumption (along with estimated installation and maintenance costs for treatment facilities);
- evidence the supply will be adequate for new users and will not adversely affect existing users;
- confirmation subsoil conditions will allow onsite wells and sewage systems with no unacceptable cumulative impacts;
- a monitoring strategy to track long term effects on the aquifer and water quality; and
- other matters relevant to site circumstances to ensure adequate water and sewer services will exist for residents locating on to new parcels.

The report should also provide cost-benefit analysis of options including connections to nearby public utilities or communities with existing communal systems.

Community Planning requires six printed copies of the report for distribution. Adobe PDF versions (on compact disc or that can be e-mailed, i.e. < 1 MB), may be substituted.

Applicable Planning Provisions

The Planning and Development Act, 2007

125(1) *The minister may make regulations:*

- (h) prescribing the location, size, or number of parcels for which connection to a specified type of approved water supply system is required as a condition of subdivision approval;*
- (i) prescribing the type of information required to verify that a proposed subdivision is suitable for the development, using a specified type of approved water supply or sanitary sewage disposal system;*

The Subdivision Regulations

9 (2.1) *An approving authority may require an applicant to provide the following information identifying a sufficient source of potable water for any subdivision containing parcels intended for residential use or identifying a source of suitable quality water for a use requiring significant supplies of water:*

- (a) in the case of a ground water supply located within the subdivision or to be developed for the parcels in the subdivision, an engineering report of sufficient tests to prove the adequacy and quality of the source;*
- (b) in the case of water to be supplied by another person, an agreement to supply the water;*
- (c) in cases other than those mentioned in clauses (a) and (b), an engineering report providing an adequate design for the supply of water from the stated source.*

(2.2) *An approving authority may require an applicant to provide information identifying an appropriate domestic sewage system and any agreement for the disposal of domestic sewage for any subdivision containing parcels intended for residential use.*

Considerations to be taken into account by approving authority

14 *In making a decision as to whether or not to approve an application for subdivision approval, the approving authority shall:*

- (a) consider the comments and resolutions submitted to it pursuant to section 12 but is not bound by them; and*
- (b) consider the suitability of the land for the proposed subdivision having regard to:*
 - (iii) its surface and sub-surface drainage;*
 - (v) the availability and adequacy of a water supply, a sewage disposal system and solid waste disposal;*
 - (vi) the economical provision of services;*
 - (xiii) the need to minimize the likelihood of air, water or soil pollution by the subdivision or the need to protect the subdivision from such pollution by outside influences;*

This document is based on legislation and regulations in effect at the time of writing. Users may consult any office mentioned herein for current requirements.

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