Purpose and Intent:
In order to maintain the provision of wastewater conveyance and treatment capacity in the AEGD drainage catchment, policies and guidelines are necessary to provide a consistent, fair, equitable and financially sustainable process in which wastewater capacity can be managed and aligned with the City of Hamilton’s growth strategy and priorities. The purpose of the AEGD Drainage Area Wastewater Capacity Allocation Policy (“the Policy”) is to enhance wastewater service delivery essential to protect public health, safety, the environment and quality of life.

Article 1 – The City’s Role in Determining Wastewater Capacity Allocation:
This section of the Policy outlines the City of Hamilton’s role in the wastewater capacity allocation process:

1. The City of Hamilton (the “City”) as the provider and operator of the wastewater treatment and conveyance system is the owner of the system capacity. As such, the City approves the best planning estimates for wastewater conveyance and treatment capacity (wastewater capacity) using a per capita value for wastewater volumes plus an infiltration index.

2. The City, as the approval authority, grants wastewater capacity allocation to lands through approval of development applications regulated by the Planning Act or a change of use through a building permit application as well as specific public interest projects.

3. In consultation with the development community, the City administers a Staging of Development Program in accordance with the Urban Hamilton Official Plan (Chapter F, Section 3.6) for development proposals including those within the AEGD Wastewater Capacity Allocation Area (the “Area”) (see attached Appendix A).

4. The City determines the overall wastewater capacity on an on-going basis and grants available capacity to development projects, in consultation with applicants / developers based on a set of sustainability criteria and priorities which guide decisions on allocation.

Article 2 - Sustainability Criteria:
1. The Sustainability Criteria, as defined below, is to be used as a guide in determining the distribution of wastewater capacity allocation in the Area by establishing if the development proposal:
   a) Maintains and optimizes the use of existing City infrastructure;
   b) Minimizes the cost for provision of new City infrastructure;
   c) Facilitates the development of complete communities;
d) Supports other City of Hamilton policies including the Corporate Strategic Plan to promote Economic Prosperity and Growth, implement Official Plans, the AEGD Secondary Plan, the Zoning By-laws, the Economic Development Strategy and all relevant Master Plans; and,

e) Demonstrates an ability to readily develop/proceed.

2. The Policy applies to the Area, as shown in Appendix A, and is administered through the City’s Staging of Development Program.

**Article 3 - Wastewater Capacity Allocation Requirements:**

1. Priority – Where a conflict occurs between different forms of development, approvals for Wastewater Capacity Allocation will be focused and prioritized on projects generally as follows:

   a) Non-residential development, specifically industrial, commercial and institutional growth;

   b) Mixed use forms of development with predominant uses that are considered Employment; and

   c) Residential development.

In each case above, consideration will be given to developments which facilitate completion / enhancement of communities in a coordinated / orderly manner (i.e. missing road connections, watermain looping or reinforcement to support existing development).

2. Considerations –

   a) The following activities are subject to the Policy:

      i. development projects submitted as part of a *Planning Act* application

      ii. a sewer permit request if not part of a *Planning Act* submission

      iii. a change of use through a building permit application that results in an increase in wastewater demand.

   

   The Policy will generally apply to any applications that result in approval to physically develop or service land and/or increased wastewater demand. Applications such as Formal Consultations, Re-zoning and Official Plan Amendment applications would not be subject to the Policy because they don’t result in approval to physically develop or service land.

   b) Adequate downstream conveyance capacity availability has been verified to the satisfaction of the City.
3. Sanitary capacity evaluations shall be based on engineering parameters and methodologies specified in the City’s Development Guidelines and Standards, Adequate Services By-law and Ministry of the Environment, Conservation and Parks (MECP) Regulations.

4. Capacity allocation must be granted by the City upon request by an applicant. Approval of development proposals described under Subsection 2(a) above by the City is not a promise or guarantee or reservation of wastewater capacity allocation.

5. Additional wastewater capacity allocation required for redevelopment / infill or public interest projects cannot be reserved until an applicant has complied with Subsection 2(c) above.

6. Wastewater capacity will only be allocated on a Phase or Site-Specific Plan basis, subject to wastewater capacity availability. Wastewater capacity may not be allocated “up front” for an entire development project, either non-residential or residential. In the context of this policy, ‘Phase’ refers to registration of a subdivision plan or final approval of a site plan application.

Article 4: Wastewater Capacity Allocation Confirmation Letter from City

1. In order for a development or redevelopment project to be granted wastewater capacity allocation, the applicant/developer must submit a request in writing (insert request form / letter link online) with supporting documentation to the City and receive a letter of Confirmation of Wastewater Allocation.

2. Where a Planning Act application to develop or subdivide land has received approval and wastewater allocation has been granted by the City, allocation will be reserved for that application up to the expiration date of the City’s approval of the application as follows:
   i) one (1) year for site plan and consent applications; and,
   ii) three (3) years for subdivision applications.

3. Where the City has granted an extension to approval of a development application, the City may consider extension of wastewater allocation for the length of the extension period, subject to Subsection 2 of Article 6, below.

Article 5 - Public Interest Projects:

1. The City reserves the right to allocate wastewater conveyance and treatment capacity for those projects deemed to be in the best interests of the public including, but not limited to: facilities affecting public health and safety, educational facilities, and economic development initiatives. An allocation amount of wastewater conveyance and treatment capacity in the form of a per capita value for wastewater volumes plus an infiltration index shall be reserved for such purpose.
2. As part of an annual review and in conjunction with the Staging of Development Program, the City staff will recommend any changes regarding the retention of capacity of wastewater allocation for public interest projects. Further, the City will in circumstances where there has been a reversion or removal of wastewater capacity allocation (refer to Article 6), review the need to transfer capacity allocation to public interest projects.

**Article 6 – Revocation of Wastewater Capacity Allocation:**

The City reserves the right to revoke wastewater capacity for those projects as follows:

1. A property's wastewater allocation will be revoked by the City where approval of an application lapses or permit expires before development or subdivision of the land occurs.

2. The City may consider revoking wastewater capacity allocation where active development of the land has not commenced within six (6) months of the date an extension to approval of an application has been granted by the City. Active development refers to preparation of an agreement and/or submission of an engineering/servicing design for the lands.

3. The City will re-allocate any revoked wastewater capacity subject to any Public Interest Projects within the City requiring all or a portion of re-allocation.

**Article 7 – Municipal Control:**

1. Wastewater capacity allocated to a project by the City runs with the land and is non-transferable.

2. The City will actively track the status of wastewater capacity allocation and development projects/applications and provide updates to the development community.

3. As part of the Staging of Development Program, the City will report on the status of proposed development and public interest projects having received wastewater capacity allocation and advise on the amount of wastewater capacity allocation being utilized using best planning estimates.

4. This policy shall be reviewed from time to time and amended when deemed necessary by City staff.

5. In the event of a conflict between this policy and any Provincial or Federal policy or Regulation having a more restrictive standard or standards, the most restrictive Provincial or Federal policy or Regulation shall prevail.
Appendix A: AEGD Wastewater Capacity Allocation Area