

5/5/2026

Infrastructure and Environment Committee
Toronto City Hall
100 Queen St. West
Toronto, ON M5H 2N2

Attention: Matthew Green

Dear Members of Committee:

RE: 2026.IE29.6 - Amending the Foundation Drainage Policy and Storm Sewer Quality Limit for Manganese

We appreciate the City's efforts to review and update the Foundation Drainage Policy ("FDP") while balancing the need to support new housing development and maintaining wastewater treatment plant capacity. The proposed amendments represent a step in the right direction but fall short of the level of change needed to meaningfully address the challenges created by the current policy.

Since its implementation on January 1, 2022, the FDP has strictly limited groundwater from entering any of the City's sewer systems on a long-term discharge basis. The core objective of the FDP is preserving wastewater treatment plant capacity. While this objective is important, the policy's current structure creates significant practical challenges for development.

The Staff Report mentions multiple pathways to compliance with the FDP, including building foundations above the water table, constructing infiltration galleries, and the use of greywater systems. However, in practice, the most viable solution in dense urban conditions is to construct a fully watertight foundation. However, this approach comes at a significant environmental cost. Watertight foundations require substantial additional concrete, reinforcement, and waterproofing materials. This results in materially higher embodied carbon.

For example, on a site with two levels of underground, a watertight foundation can result in approximately 1,580,000 kg of additional CO₂ equivalent emissions compared to a conventional drained foundation. This is roughly equivalent to adding 528 cars to the road.

The proposed amendments to the FDP represent a positive step in allowing limited discharge to the City's *storm* sewer system where specific criteria are met. However, much of the former City of Toronto (where development activity is most concentrated) is serviced by *combined* sewers. As a result, most projects in these areas will be required to construct a watertight foundation, leaving the core issue unaddressed. This persists despite the fact that in certain cases, groundwater volumes are minimal, water quality meets applicable standards, and the impact results in a net reduction in discharge to the system.

From our experience, there has been no ability to have direct discussions with Toronto Water on potential compliance pathways. Proposed technical solutions that demonstrate compliance with the FDP's underlying objectives are not consistently advanced for consideration, even where supporting analysis indicates no adverse impact on wastewater treatment capacity. This results in a constrained review process that effectively defaults to prohibition, rather than enabling an outcomes-based assessment consistent with the intent of the policy.

The current approach applies a uniform standard across sites with different hydrogeological conditions and focuses on eliminating discharge altogether, rather than evaluating the net impact on system capacity and the environment. In doing so, it can impose significant environmental impacts without delivering meaningful benefits to wastewater treatment capacity.

We recommend that the City introduce a more flexible, performance-based approach that also allows for controlled, site-specific discharge to the **combined** sewer system where appropriate. This should include circumstances where:

- The impact on treatment plant capacity is negligible, neutral, or net-negative;
- Groundwater inflows are low and meet quality requirements; and,
- In order to combat discharge during large storm events, flows can be effectively managed in combination with on-site stormwater management infrastructure.

Currently, exemptions remain technically available in cases of technological infeasibility or extenuating circumstances. In July 2025, City Council explicitly directed staff to report back with potential amendments to the Foundation Drainage Policy, including clear and specific criteria for exemptions. However, the proposed amendments do not establish any new or clear criteria for how these exemptions are assessed. As a result, the report falls short of fulfilling this direction, and clear, objective exemption criteria should be introduced.

A more balanced, performance-based framework would better align with the City's objectives of protecting wastewater treatment capacity while also enabling sustainable and feasible housing delivery in the context of the ongoing housing crisis and a dense urban environment. We therefore recommend that the City permit controlled discharge to the combined sewer system where site-specific conditions are met, as per the above. Further, the City should clearly establish objective criteria for assessing exemptions from the FDP, consistent with Council's July 2025 direction. These criteria should be measurable and grounded in system capacity impacts, and direct discussions with Toronto Water should be permitted to advance exemption feasibility.

Sincerely,

Charles Arbez, Senior Director, Development
Graham Frank, Manager, Development
Edmund Un, Senior Development Planner