

FREQUENTLY ASKED QUESTIONS (REVISED JUNE 2023)

Foundation Drainage Policy & Guidelines

GENERAL

1. Can the City improve or upgrade its sanitary infrastructure to accommodate foundation drainage?

Consistent with the Ministry of the Environment, Conservation and Parks' (MECP) [Design Guidelines for Sewage Works](#), and the upcoming *Design Criteria for Sanitary Sewers, Storm Sewers and Forcemains for Alterations Authorized under Environmental Compliance Approval*, the design and approvals of sanitary sewer systems and wastewater treatment plants are based on conveying and treating population-based sewage flows, not foundation drainage.

The connection of foundation drains to sanitary sewer systems are strongly discouraged by the MECP. Foundation drainage represents a significant and highly variable source of Inflow & Infiltration (I&I), particularly during wet weather flow events, that can lead to sewer surcharging and back-ups and impacts to sewage treatment plant operations. The City has several on-going programs to mitigate the impacts of high I&I, including its [Basement Flooding Protection Program](#) (BFPP) and I&I reduction investigations to meet objectives of the [Wet Weather Flow Master Plan](#).

Therefore, based on sound engineering principles and design practice, the City cannot reasonably upgrade its sanitary infrastructure to convey and treat foundation drainage, while sustaining capacity for future population growth.

2. INTERNAL ONLY

APPLICABILITY

3. What is the effective date of the Policy?

The [Foundation Drainage Policy](#) and [Guidelines](#) (Policy & Guidelines) is effective for all new applications as of January 1, 2022.

This applies to all new Official Plan Amendment (OPA), Zoning By-Law Amendment (ZBA), or Plan of Subdivision applications, as well as new Site Plan (SPA) applications.

All new applications submitted after January 1, 2022 are subject to the conditions of the Policy & Guidelines. Submissions of revisions under the same Community Planning Application number are not considered “new applications”.

4. How does the Policy apply to applications prior to or after January 1, 2022?

- a) The Foundation Drainage Policy & Guidelines do not apply to applications that were submitted prior to January 1, 2022 and have been deemed as “complete application” submissions.
- For applications not subject to the Policy & Guidelines that propose the discharge of foundation drainage to the City's sewers, the existing process and requirements for obtaining [Discharge Agreement Permits & Agreements](#) will apply.
- b) All new applications, including all new Site Plan applications, submitted on or after January 1, 2022, are subject to the Policy & Guidelines:
- Where an OPA, ZBA, or Plan of Subdivision was submitted prior to January 1, 2022, new SPA applications for the same project submitted on or after January 1, 2022 will still be subject to the Policy & Guidelines.
 - Applications submitted on or after January 2022 may seek an exemption to the Policy based on technical infeasibility or extenuating circumstances, such as, cases where zoning is well advanced (e.g., Servicing Report in connection with a ZBA was approved and included foundation drainage discharge flows in the capacity analysis). The City will consider applications for exemption on a case-specific basis for a phase-in period between January 1, 2022 and December 31, 2022.

5. Does the Policy apply to applications proposing short-term discharge of construction dewatering to the City's sewers?

The Policy does not apply to applications proposing short-term discharge of construction dewatering. For such cases, the existing process, and requirements for obtaining a Private Water Discharge Permit will apply.

See [Discharge Agreement Permits & Agreements](#) for details.

EXEMPTIONS

6. Does the granting of an exemption allow long-term discharge to City sewers?

Where an exemption to the Policy is sought and granted, long-term foundation drainage discharge to the City's sewers will only be acceptable when the applicant has fulfilled all applicable conditions of Section 5.2 of the Policy, which includes existing requirements to obtain a Private Water Discharge Agreement.

Where any applicable condition cannot be met by the applicant, long-term discharge to the City's sewers will not be permitted.

7. How will "on-site management" be evaluated to be not feasible?

A qualified professional (i.e., someone with expertise and authority to sign/stamp relevant design) must complete the [Foundation Drainage Summary Form](#) with supporting rationale and documentation, attesting that all forms/methods of on-site management were considered and deemed not technologically feasible.

Where exemptions to the Policy are sought, financial constraints will not be an acceptable rationale to support the lack of on-site management.

8. Can there be any other basis for granting exemptions (i.e., post-development flow less than pre-development flow)?

Exemptions to the Policy may only be sought based on technological infeasibility or extenuating circumstances.

8A. NEW QUESTION: What documentation is required for a request for exemption?

Documentation for exemptions based on technical infeasibility rationale may include but is not limited to:

- Completed and signed Foundation Drainage Summary Form
- Signed cover letter from the Applicant summarizing rationale for exemption including a comprehensive list of onsite management options explored and an explanation for why they aren't technically feasible
- Technical documentation supporting the cover letter signed by Qualified Professional(s) that evaluate the feasibility of comprehensive onsite management options

Documentation for exemptions based on extenuating circumstances rationale may include but is not limited to:

- Completed and signed Foundation Drainage Summary Form
- Signed letter from the Applicant summarizing project milestones/timing (i.e., project was zoning approved prior to January 1, 2022 and exemption request is for subsequent SPA, project is advanced in the zoning approval process, etc.) including submission dates of relevant engineering reports

PRIVATE WATER DISCHARGE AGREEMENTS & PERMITS

9. Will a Private Water Discharge Agreement for long-term discharge still be required?

Applicants will be required to apply for a Private Water Discharge Agreement for applications where an exemption from the Policy is sought and an exemption is granted.

Where applications are compliant with all Policy statements, long-term discharge applications for a Private Water Discharge Agreement will not be required since there will be no long-term discharge of foundation drainage. Where there is long-term discharge proposed in accordance with the Policy statements, it will be reviewed ECS(DE) through the typical process for granting storm connections.

To minimize application processing time for Private Water Discharge Agreements when required, it is recommended that applicants planning to request an exemption from the Foundation Drainage Policy initiate the background studies and reports in accordance with requirements for [Discharge Permits & Agreements for Private Water](#), as soon as possible to expedite the review process for obtaining a Private Water Discharge Agreement, which is required after the exemption is granted.

10. Will a Private Water Discharge Permit for short-term discharge still be required?

With respect to the Policy, short-term discharge applications for Private Water Discharge Permits will be required only at the time of future emergency repairs for foundation drainage infrastructure, as per Policy 4.4.

Short-term discharge applications for construction dewatering will continue to be required to obtain a Private Water Discharge Permit. See [Discharge Permits & Agreements for Private Water](#) for details.

11. Will requirements of the Hydrological Review Terms of Reference still apply?

Applicants will initially be required to submit the [Foundation Drainage Summary Form](#), with a supporting Foundation Drainage Technical Brief to demonstrate compliance with the Policy & Guidelines.

Applicants will only be required to follow the [Hydrological Review Terms of Reference](#) in accordance with the Development Guide in the following scenarios:

- i. The applicant is granted an exemption to the Policy to apply for a Private Water Discharge Agreement for long-term discharge; and/or,
- ii. The applicant requires a Private Water Discharge Permit for short-term discharge.

TERM CLARIFICATIONS

12. What are acceptable measures for “on-site management” of foundation drainage?

On-site management of foundation drainage refers to on-site solutions designed and implemented by the applicant to ensure no permanent foundation drainage connection to the City’s sewers are necessary.

On-site management options may include, but are not limited to, waterproofing foundation, modifying building design to avoid intersection with the maximum anticipated ground water level, and/or discharge to a dedicated infiltration gallery.

Where on-site management of foundation drainage discharge from sump pumps is proposed, applicants must demonstrate that all foundation drainage will be contained within the private property with no spills to adjacent properties or public right-of-way (ROW) and provisions of the [Toronto Municipal Code, Chapter 681, Sewers](#) are satisfied.

13. What is acceptable as foundation drainage infrastructure on private property that could serve for future emergency repairs?

An applicant may choose to install foundation drainage infrastructure on property during site-servicing. This foundation drainage infrastructure will be required to be terminated at a monitoring access port or maintenance hole within private property, with no permanent connection to the City’s sewers.

To facilitate any future repair work to on-site management measures, applicants may apply for a [Private Water Discharge Permit](#) for short-term discharge to temporarily discharge foundation drainage to the City's sewers. Note that there is no guarantee that a future application for short-term discharge to the City's sewers will be approved, and it will be subject to all conditions of Policy 4.4 and [Toronto Municipal Code, Chapter 681, Sewers](#).

13A. NEW QUESTION: What is the Foundation Drainage Technical Brief and what should it contain?

The Foundation Drainage Technical Brief is the name for the collection of documents prepared in support of the Foundation Drainage Policy. The contents of the Foundation Drainage Technical Brief are project specific depending on site conditions and applicable policy statements. In general, the Foundation Drainage Technical Brief will contain the Foundation Drainage Summary Form with all required supporting materials appended as outlined in the Description/Attachments section of the Foundation Drainage Summary Form and the form itself.

13B. NEW QUESTION: What is the difference between the Foundation Drainage Technical Brief and a Hydrogeological Report?

In the context of hydrogeological requirements, the difference between the two reports are as follows:

Foundation Drainage Technical Brief: This brief is required for all development applications subject to the Foundation Drainage Policy. It includes a scoped hydrogeological investigation in accordance with the Foundation Drainage Guidelines. The intent of hydrogeological works in this report is to establish the Maximum Anticipated Groundwater Level in relation to the cross-section of the proposed building.

Hydrogeological Report: This report is required in accordance with the requirements outlined in the [Development Guide](#). Generally, the report requirements are triggered when a project proceeds through a process that involves Environmental Monitoring & Protection (EM&P), i.e., discharge permits and agreements for proposed long-term and short-term private water discharge respectively. It includes a detailed hydrogeological investigation in accordance with the [Hydrological Review Terms of Reference](#). The intent of hydrogeological works in this report is to review subsurface hydrological and geological conditions to determine the quality and quantity of groundwater is proposed to discharge to City sewer systems.

REVIEW PROCESS

14. INTERNAL ONLY

15. When is a hydrogeological peer review of the Foundation Drainage Technical Brief required?

All applications must estimate the Maximum Anticipated Ground Water Level (GWL) as per the Guidelines to conservatively account for spatial and multi-year variability in groundwater fluctuations.

However, if the Maximum Anticipated GWL is identified to potentially introduce groundwater to foundation drainage, or, where a Qualified Professional deviates from the Guidelines to estimate the Maximum Anticipated GWL on the basis of long-term multi-year site-specific monitoring data & analysis and professional judgement, the City at its discretion may retain the services of hydrogeological expert as a third-party peer reviewer to confirm the conservatism of hydrogeological assumptions and methodology in relation to achieving the Policy's objectives.

16. NEW QUESTION: Are existing buildings which are being modified through a Planning Act Application subject to the Foundation Drainage Policy?

Yes, all Planning Act Application numbers generated after January 1, 2022 are subject to the Foundation Drainage Policy.

17. INTERNAL ONLY