

March 12, 2011

File: 0400-20 MoE WSA Policy

Water Act Modernization
Ministry of Environment
Water Protection and Sustainability Branch
PO Box 9362
Stn Prov Govt
Victoria, B.C. V8W 9M2

Attention: To Whom It May Concern

RE: Policy Proposal on British Columbia's new Water Sustainability Act

Dear Sir/Madam,

Thank you for the opportunity to comment on the Policy Proposal on British Columbia's new Water Sustainability Act. This is a follow-up to the previous submission dated February 17, 2011 on the Policy Proposal.

This additional commentary relates to recent issues in Golden brought to our attention relating specifically to the apparent lack of regulation governing the drilling/construction and ongoing management of groundwater observation wells.

Policy Direction – Regulate Groundwater Use

The Town of Golden relies exclusively on ground water extraction for the supply of potable water within the municipal boundaries. The extraction of groundwater is relied upon for all community water needs such as the provision of drinking water, fire protection, industry and construction process water and non-essential water uses such as public and private landscape irrigation.

In addition to the municipal water wells there are a number of known private wells in the community and an ever-increasing interest in ground water for the purposes of geo-thermal heating and cooling. Further, there have been, and will continue to be, numerous instances of observation wells being drilled either within or adjacent to brown fields located in Golden. The concern with construction of these wells is that they are often at a depth equivalent to that of our municipal wells and the aquifer the wells draw water from. The obvious concern is an apparent lack of regulation governing the drilling/construction and management of groundwater observation wells including the ultimate decommissioning of these wells.



The provincial policy direction to regulate groundwater extraction is therefore good news for Golden, however we ask that observation wells also be covered under the eventual regulation of ground water extraction.

Regulation including the following would prove invaluable in protecting the aquifer from which Golden draws its water:

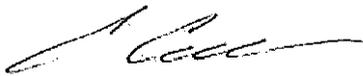
- water extraction licensing, with a particular focus on the regulation of large groundwater extractions (>250m³/day);
- issuance of drilling permits for all drilling activities within the municipal boundaries. Permitting for drilling should include drilling for geothermal wells, site contamination/ground-water observation wells, drilling for geotechnical assessments, etc.;
- requirements for the submission of hydrogeological assessments as part of the application for a groundwater license.

Clearly, the legislation should impose all fiscal responsibility for application review, engineering, permits, necessary mitigative measures, ongoing maintenance and ultimate decommissioning of ground water extraction wells on the licensee.

In closing, the Town of Golden appreciates this opportunity to submit further comment on the Policy Proposal. Golden has a vested interest in the governance of groundwater extraction for any purpose as well as the governance of all drilling within the municipal boundaries moving forward; both of which have real potential to adversely impact the quantity and quality of the water within aquifers from which the municipality draws its domestic water. As such, we strongly encourage the Province to provide an opportunity for stake holder review and comment of draft legislation prior to the adoption of new legislation, and also on the Province providing adequate resources to municipalities to undertake any new responsibilities as per the requirements of section 2.(2)(b) of the Community Charter

If clarification is required with any comments made herein please feel free to contact the undersigned directly.

Sincerely,



Chris Cochran, ASCT
Manager of Operations

C. David Allen, CAO
Dave Love, Manager of Strategic Initiatives
Jared Wright, Senior Policy Analyst, UBCM



From: Chris Cochran [mailto:Chris.Cochran@golden.ca]
Sent: Thursday, February 17, 2011 1:53 PM
To: Living Water Smart ENV:EX
Subject: Water Act Modernization Policy Proposal Comments - Golden
Importance: High

Hi,

Please find appended comments from the Town of Golden regarding the Water Act Modernization Policy Proposal on the new Water Sustainability Act.

A hard copy will follow by mail.

Regards,

Chris Cochran, ASCT
Manager of Operations
Town of Golden
Ph: 250.344.2271 ext 226
Fax: 250.344.6577
Email: ops@golden.ca

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February 17, 2011

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RE: Policy Proposal on British Columbia's new Water Sustainability Act

Dear Sir/Madam,

Thank you for the opportunity to comment on the Policy Proposal on British Columbia's new Water Sustainability Act.

Comments presented herein generally follow the Policy Proposal document as drafted.

Figure 1: Process Flow Diagram

It is noted that the process flow diagram does not indicate an opportunity for stake holder review of draft legislation prior to it being introduced. The Policy Proposal is too generalized to allow for a sufficient understanding of what the legislation may look like. **Therefore, upon completion of the draft legislation there needs to be an opportunity for review and feedback by all stakeholders and an opportunity for possible further refinement prior to introduction in the legislature.**

Policy Direction – Regulate Groundwater Use

The Town of Golden relies exclusively on ground water extraction for the supply of potable water within the municipal boundaries. The extraction of groundwater is relied upon for all community water needs such as the provision of drinking water, fire protection, industry and construction process water and non-essential water uses such as public and private landscape irrigation.



In addition to the municipal water wells there are a number of known private wells in the community and an ever-increasing interest in ground water for the purposes of geo-thermal heating and cooling.

The provincial policy direction to regulate groundwater extraction is good news for Golden.

Regulation including the following would prove invaluable in protecting the aquifer from which Golden draws its water:

- water extraction licensing, with a particular focus on the regulation of large groundwater extractions (>250m³/day);
- issuance of drilling permits;
- requirements for the submission of hydrogeological assessments as part of the application for a groundwater license.

Clearly, the legislation should impose all fiscal responsibility for application review, engineering, permits, necessary mitigative measures, ongoing maintenance and ultimate decommissioning of ground water extraction wells on the licensee.

Policy Direction – Measure and Report

As Golden relies exclusively on ground water extraction for all water use requirements, we are advocates of a policy direction to monitor and report actual water use. We believe, however, that all water extraction over 250m³/day should be monitored and reported on regardless of whether the well is privately or publically owned. **Reported information should be made available to the municipality if the reported extraction takes place within the confines of the municipal boundary.**

Policy Direction – Enable a Range of Governance Approaches

The governance tools proposed to regulate groundwater extraction would best be centralized with the Ministry of Environment provided there was a mechanism in the legislation that would trigger a referral/approval process for new applications for lands within the municipal boundary. At a minimum, licensing should be in accordance with local water purveyor bylaw requirements. Without a mechanism for local stakeholder input, the municipality feels strongly that the province should discontinue issuance of water extraction licenses in areas serviced by a public water utility. If proposed extraction is for the express use of geo-thermal heating systems designed to extract over 250m³/day, then applications should only be considered when subject to the proposed groundwater extraction regulation and should again be subject to referral/approval by the local water authority.

In closing, the Town of Golden appreciates this opportunity to comment on the Policy Proposal. Golden has a vested interest in the governance of groundwater extraction for any purpose moving forward. As such, we strongly encourage the Province to provide an opportunity for stake holder review and comment of draft legislation prior to the adoption of new legislation.

If clarification is required with any comments made herein please feel free to contact the undersigned directly.



Sincerely,



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