April 28, 2010

PERSONAL IDENTIFIERS REMOVED

Water Act Modernization Submission
Ministry of Environment
Water Stewardship Division
P.O. Box 9362
Stn. Prov. Gov.
Victoria, BC V8W 9M2

Dear Sir or Madam:

Attached please find a copy of a submission sent by Email on April 26 from Hornby Water Stewardship, Hornby Island, B.C. The submission was sent in the body of the e-mail and as an attachment which I am told is difficult to access by some recipients.

This copy may be redundant, but it is sent to ensure that our submission is considered in the BC Water Act Modernization process.

Thank you,

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Hornby Island, B.C.
April 26, 2010

A Presentaton from Hornby Water Stewardship

a Project of Heron Rocks Friendship Centre Society
to
The Province of British Columbia's Water Act Modernization
Requesting Regulations for Protection of Groundwater on Hornby Island, B.C.

Members of Hornby Water Stewardship familiarized themselves with British Columbia's Water Act Modernization Discussion Paper, specifically with Goals Two and Four, and participated in the first workshop in Nanaimo on March 5, 2010,

At the workshop, we recommend that water governance framework and possible solutions for groundwater protection be developed with a shared approach that would encourage community involvement. In this context the participants would be the provincial government, the Islands Trust, Environmental Health, Comox-Strathcona Regional District, and the community of Hornby Island.

We also recommended that modernization of the Act be based on good science partnered with local knowledge.

Background

Formal community involvement with local water management issues began on Hornby Island in 1993 when we collaborated with the Ministry of Environment, Lands and Parks, and Islands Trust in the **Hornby Island Groundwater Pilot Project,** one of the first undertaken in the province, completed in 1994.

Continuing concerns with groundwater management issues resulted in the initiation of the **Hornby Water Stewardship Project**, a volunteer organization that has been working to protect groundwater on the island since 1996. It has conducted over 800 well water, runoff and marine water tests under Environment Canada guidelines to determine levels of fecal coliform contamination; promoted educational programs on septic tank and field care, water conservation, water collection and storage, reduction or elimination of the use of pesticides and other chemicals, and **sponsored or co-sponsored eight scientific studies and projects** (please refer to page 6).

Findings and recommendations from these studies become meaningless without regulations to enable the community and the Islands Trust to work toward groundwater protection.

From these sixteen years of work it has become *undeniably apparent* that without regulation for the protection of quantity and quality of groundwater on this island, among others in the Gulf of Georgia, the future holds nothing but increasing problems in sustainability and health for residents and visitors, and for the environment that makes living here possible.

Consequently, we request that the Gulf Islands be designated as a Special Area. The distinctive geography and geology of this island without access to glacial runoff, rivers or large lakes, does not correspond to other areas of the province and should not fall under general regulations applying to those other areas. The islands must be viewed differently.

Hornby Island has no pumped in water nor pumped out sewage for treatment at a centralized treatment plant. It is not feasible to consider either of these services. The "remote location" of Hornby Island presents two primary concerns:

First, is the unregulated bulk withdrawal of water for sale from small lots or residential areas without adequate protection for surrounding properties. The onus should not be on owners of surrounding properties to prove that they are being adversely impacted. Instead, any withdrawal from an aquifer by a community, water district or individual must be based on adequate science, local information, and the operator must take responsibility to ensure that no harm is done to adjacent users.

(**Note:** Objective One of the Discussion Paper, page 30, paragraph 2, last line:

> "In critical areas or aquifers under stress government is proposing to regulate the extraction and use of most groundwater withdrawals, not just large withdrawals. Individual domestic uses will be allowed in most situations." "Individual domestic uses" should refer to use *on the property where the water is withdrawn*, and It would be valuable to have defined what "under stress" means and how it is measured.)

and

Second, there is no follow-up by Environmental Health after permits have been granted for septic disposal installed on residential properties prior to current requirements. Many properties have inadequate, non-functioning, or non-existent septic treatment in close proximity to neighbouring wells, water licenses, creeks or ditches. There is no regulation making periodic inspection of old systems

mandatory, nor regulation to require replacement of failing systems or to monitor used water flowing from residences onto the land without *any* system in place.

Withdrawal of Groundwater for Sale from Residential Areas

It must be emphasized that the members of Hornby Water Stewardship Project and its parent organization, Heron Rocks Friendship Centre Society, do not support the concept that water is a commodity nor should it benefit individuals at the risk of adversely affecting others in an aquifer, or jeopardizing a community's needs. If water is to be moved from one aquifer to another, this should be done at a community level.

Some residents have become dependent on water trucked from one residential area to another. Residences and community buildings now dependent on this water should be required to install water catchment systems as are in use in many other parts of the world. A period of adaptation may be necessary to assist this transition, but time should not be without limit

We strongly support legislation and regulation covering withdrawal of groundwater and suggest it could be regulated in the following ways on this island, recognizing Hornby Island as a **special area and recognizing that it falls under Island Trust land use planning**:

*** that groundwater is not to be withdrawn from residential areas for commercial purposes**

*** that distribution of groundwater be a community managed service**

*** that water withdrawal is an activity attached to each property where this occurs**

*** that owners of adjacent properties be advised of an operator's (community's) intentions to withdraw water for distribution before that occurs**

*** that the operator of withdrawal equipment obtain a permit**

***that the permit be issued by the Groundwater Branch with the following criteria:**

- **a permit be required for each property used for water withdrawal**
- **the application for a permit must prove water withdrawal will cause no harm to surrounding properties dependent on a common aquifer**
- **the operation must not cause a noise nuisance to nearby residents by pumping or trucking,**

At present, without groundwater regulation, *an individual property owner is obligated to prove that their right of access to adequate water is impaired or adversely affected by withdrawal of water from an adjacent site by keeping a log for two or more years before withdrawal has commenced!* This requirement is impossible to fulfill when, after an individual has purchased property, drilled a well and built a dwelling, an operator acquires property next door, for the express interest in its water supply, and commences to pump water for sale.

Grandfathering (or turning a blind eye to) assumed waste treatment in old, inadequate or non-existent Septic Systems

In Section 6.2 Possible Solutions, page 15 of the Discussion Paper, we would like to recommend that the Shared Approach include Environmental Health in more than just the initial permitting of a septic system. With increased growth on the Gulf Islands and covenants that once limited occupation in some subdivisions to summertime only no longer being honoured, ineffective septic systems on Hornby Island have resulted in a 20% fecal coliform contamination rate of groundwater being withdrawn from private wells.

We would recommend that protection of groundwater from fecal contamination would require that Environmental Health play a much stronger role than it has in the past.

As residents of Hornby Island and volunteers with groundwater protection and education for over sixteen years we understand the complexities of issues related to water. The fact that British Columbia is the only province in Canada without an existing groundwater protection plan means that regulation now has to catch up with already complex problems.

We would ask request that the provincial government move more quickly on one

aspect of groundwater protection. We respectfully request that, through some means, **the provincial government put in place a moratorium on further water withdrawals for sale on this island until such time as the Groundwater Protection Regulations are enacted.** In the meantime, it is recommended that individuals withdrawing water for sale from residential properties be required to keep, and have available for scientific reasons, logs of water withdrawals. This follows the guideline's objectives to maintain "flexibility ...provided to water users and decision makers to quickly adapt to changing environmental, economic and social conditions."

A Ministry of Water

It was the consensus of the workshop in Nanaimo that the provincial government needs to rebuild a Ministry of Water.

It is no longer possible for protection of water to be folded into ten other Ministries which have vested interests in promoting their own agendas.

We strongly recommend a separate Ministry of Water for British Columbia with a department of Groundwater Protection.

Endorsed by: Bob Sarti, Muggs Sigurgeirson, Cathie Howard, John Howard, Mary MacKenzie, Paddy Tsurumi, Betty Fairbank
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