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Sent: Friday, January 28, 2011 2:26 PM
To: Living Water Smart ENV:EX
Cc: 'jwright@ubcm.ca'

Subject: Feedback on Water Sustainability Act from Township of Langley

**SUBJECT: WATER SUSTAINABILITY ACT & WATER ACT MODERNIZATION -
TOWNSHIP OF LANGLEY FEEDBACK TO THE PROVINCE**

The Township of Langley has reviewed the "Policy Proposal" document and has the following comments regarding the proposed Water Sustainability Act framework. The Township appreciates the opportunity given to provide feedback on the new legislative framework. The comments are being submitted by email to livingwatersmart@gov.bc.ca and copied to Jared Wright, Senior Policy Analyst, UBCM (jwright@ubcm.ca). If you have any questions, please do not hesitate to contact the undersigned or Kevin Larsen, Manager Water Resources & Environment, Township of Langley.

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1. The Policy Proposal does not provide any direction on the status of existing water management policies developed by various municipalities across the province (e.g. Township of Langley's Water Management Plan, Water Resources Management Strategy and Water Demand Management Strategy) in the context of the Water Sustainability Act. The Council approved Water Management Plan for Township of Langley was created under the authority of Part-4 of the Water Act and involved considerable public input, resources etc. The implications of how the proposed Water Sustainability Act will impact such initiatives should be evaluated and status of existing water management plans and policies at local level clearly defined so that there are no conflicts with the new Act.
2. The proposed Provincial Water Objectives for British Columbia appear to only address surface water. Being a municipality heavily relying on the groundwater as the drinking water source, groundwater should be accounted for in the Provincial Water Objectives (both water quality and quantity aspects should be considered). Further, the implementation mechanism for the Provincial Objectives needs to be defined and should be simple and transparent to help the decision makers apply the objectives without any ambiguity.
3. In light of the new mechanisms being proposed in the new Act, any water resources related requirements defined in the existing statutes should be consistent across various provincial acts currently in force. Further, each statute should be clear on the water management area that it governs and there should be no overlapping of requirements.
4. Science based decision making is essential and is necessary to alleviate the root problems in water management. The current proposal is lacking this aspect. Therefore, monitoring requirements, technical guidelines, hydrogeological impact assessments for future (or renewed permits) water uses, etc. should be made mandatory (i.e. through Act's regulations) and an essential part of any licensing, permitting or technical evaluation

requirement. Monitoring and hydrogeological impact evaluation requirements should account for impacts on existing water users.

5. The Policy Proposal alludes to managing water resources in a collaborative manner as part of province wide measures (as part of this new Act) through a range of collaboration mechanisms, and the ability to delegate responsibility for activities and decisions to local or regional agencies. Although it is considered a positive step, more clarity is required in order to identify the areas which will actually be within municipal jurisdiction, especially those areas which are located within the Township of Langley boundary but designated as Agricultural Land Reserves (or will be designated as Agricultural Water Reserves). This clarity (regarding roles and responsibilities of each level of government) is necessary in managing point and non-point sources of water contamination, threats to drinking water and to the public health. Clear jurisdiction over water management in Agricultural Land Reserve and newly proposed Agricultural Water Reserve is necessary especially when the municipal well recharge areas or well capture zones are located in agricultural reserves.
6. Submission of well records, and other geological logs, etc. should be made mandatory for all water users who drill a well or a borehole. Standards of reporting should be created (and enforced) to ensure consistent and accurate descriptions in the well records and logs.
7. For water use proposals received within a municipality, a collaborative review process should be established where the applications related to water extraction or takings are commented upon by both the provincial experts and the local municipality. This will ensure that local concerns are accounted for right from the beginning. Any requirements coming out of the review process should be made part of the conditions of permits or licenses.
8. The Policy Proposal does not give any details of certain terms and concepts such as “Tradable permits – e.g., water markets”. The concepts behind these terms should be presented for comments and implications on the current and newly proposed water management model given consideration.
9. The Agricultural Water Reserves proposal by any entity should be supported by hydrogeological impact assessment, hydrological monitoring and water demand analysis over long term. This will ensure that there are no conflicts with current and future water users beyond the water reserve boundary, and with future municipal water supply planning objectives.
10. The First-In-Time-First-In-Right priority date and a Priority of Use approach to managing water should include groundwater users. Further, all users within this category should be subject to monitoring and reporting requirements.
11. Perceived threats which have the potential to impact water resources and drinking water should be identified (and listed) and made a part of the new Act. This is necessary in order to ensure that hydrogeological evaluations undertaken as part of any water related permit or licensing requirements give a meaningful consideration to a threat and develop necessary contingency plans. This will also help the regulators to assert that a particular threat (as identified in the Act) be considered and evaluated for its risk to the water and public health.
12. As part of the new Act, compliance and enforcement framework will be expanded. However, it is unclear what elements will be incorporated to make the existing or future enforcement and compliance more effective. There is a strong need for a more efficient

and timely response with far less delay especially in cases where threats are identified to water supply aquifers or drinking water wells. An efficient and responsive enforcement is necessary in order to protect the public health and aquatic habitats.

13. The water resources monitoring infrastructure (especially for groundwater where it is used as drinking water) should be established or intensified. The monitors should have the ability to do real time reporting on water quality (especially for surficial contamination indicators such as microbes or nitrates) and water levels, etc. This will help to detect and counter the threats to drinking water quality in a reasonable time.
14. Limits on volume of water extracted from the aquifers should be established (in terms of well casing, pump size, discharge rate etc.) for domestic wells along with establishing the principles to determine which aquifer is to be exploited first for use. Currently, anyone can utilize any aquifer and it is left at the discretion of the well driller. These principles will impart added protection to the deeper aquifer typically being used by the municipal water supply wells which supply water to larger populations.
15. The policy proposal does not indicate how the shared or cross boundary aquifers will be managed. Although the noted document refers to the watershed based concept of sustainability it does not provide any direction on how the cross-boundary aquifers will be governed. Therefore, any water governance model will need to account for the fact that groundwater is not contained within the administrative or watershed boundaries. Ground-watershed based governance model should be considered and the newly proposed legislation will need to include certain elements characteristics of the groundwater. The governance models should account for highly vulnerable aquifers, hydrogeological sensitivity, and geological variability as well.

Regards,

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