



7170 Cheam Avenue
P.O. Box 70
Agassiz, British Columbia
Canada V0M 1A0

Tel: (604) 796-2235
Fax: (604) 796-9854
Web: www.district.kent.bc.ca

November 15, 2013

FILE: 5225-01

VIA Email: livingwatersmart@gov.bc.ca

Water Sustainability Act
Ministry of Environment
Water Protection and Sustainability Branch
PO Box 9362, Stn Prov Govt
Victoria, BC

Dear Sir or Madam:

RE: Water Sustainability Act

The District of Kent has reviewed the Water Sustainability Act for BC Legislative Proposal dated October 2013. The proposal contains many valuable components for protecting fresh water resources. The District appreciates the opportunity to provide comment and respectfully submits the following:

- The provincial government is contemplating changes to the structure and rates for water fees and rentals and it is likely that rates will be increased to enable implementation of the new act and improve program cost recovery. While it is understood that further work is required to determine how to move forward on the water pricing structure and rates for B.C. there appears to be too many questions and issues surrounding the development of a pricing structure and defining the levels or rates. Questions include what are the costs to administer? What the fees are based on? How will they be fair and equitable? What will be the impact to users? Will it be adaptable? Whether to change current pricing structure and rates?
- We have concerns about the additional cost local governments would incur in sharing responsibilities with the provincial government's new requirements such as licensing groundwater users and measuring and reporting. Any new costs for local governments would need to be passed on to their resident by increasing user fees.
- More consideration needs to be given to exempting local governments from licensing or user fees for what would be considered as essential water use for its residents. In many situations the volume of water required for the basic needs of people is not significant in relation to the other users such as food processing and water companies.

- The transition process timelines and requirements for existing groundwater users are not clear.
- It is proposed that, in general, groundwater users that are required to obtain a license would have a transition period (e.g., three to five years) during which an existing groundwater user who is required to obtain a license could apply for a license authorizing their historic use. When will the specific length of the transition period be determined and when or where will the transition period start? Will it start prior to or after applying for the license? While it is understood that historic use data may be needed to understand licensing and fee requirements, it is unclear what is meant by authorize historic use?
- The proposal is not clear on how or where area-based regulation will be implemented or what or who might be considered an exemption from this approach. There needs to be consideration given for unique circumstances for individual community water systems that may exempt them from the same regulations of an area that they may be part of geographically.
- The proposed measuring and reporting regulation is looking at larger water users to measure, record and report actual water use on a more comprehensive and consistent basis. Who will be required to install and operate measuring or testing devices and report measurements? What would be required to be measured? Who would establish measuring, recording and reporting requirements for water use? What would be acceptable measuring methods and accuracy of measurement? How frequent is the reporting period? What qualifications are required?
- There continues to be a concern that all levels of government are insufficiently resourced to enforce the laws that are already in place. Sufficient support is crucial to implementing a modernized Water Act.
- The proposed Act requires local governments to consider Water Objectives in their planning and decision making processes. Example Water Objectives include Water Quantity, Water Quality, and Aquatic Ecosystems for things such as ensuring groundwater levels are stable, ensuring any projected demand from development does not result in water shortages, ensuring water quality guidelines are not exceeded and ensuring streams have adequate buffers (i.e. riparian habitat) and that invasive species have been removed. It is unclear exactly how this would impact municipal operations; however, it is expected that there would be some added responsibilities and possibly added costs especially if studies and/or water quality tests are required. The requirement to ensure riparian health may also impact agricultural drainages and lands adjacent to drainages. This will result in additional costs incurred by the municipality and possibly result in the loss of agricultural land.
- Any additional costs to local government from alternative governance models should be mitigated or funded by the province as much as possible.

- Municipalities have very limited knowledge and control over private wells on residential properties. Legislation should be considered to strongly encourage private well users to connect to municipal water infrastructure whenever possible.

Thank you for the opportunity to provide feedback. We look forward to the next steps in this process.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mick Thiessen', with a long horizontal flourish extending to the right.

Mick Thiessen
Director of Engineering Services

pc: Wallace Mah, Chief Administrative Officer
Mayor and Council, District of Kent