

## **Comments on the Water Sustainability Act**

The most significant concern with the Water Sustainability Act is that drinking water source protection is not an explicit objective of the Act. Considering the importance of protection of the source and its cost efficiency over provision of treatment to make the water safe, drinking water source protection must be a keystone concept of the Act.

The Inter-agency Accountability and Coordination on Drinking Water Protection Memorandum of Understanding was signed off in 2006 between 7 government ministries, the Provincial Health Officer and the 5 Health Authorities to provide a cooperative and consultative approach to protecting public health related to drinking water quality. These agencies have responsibility under 31 statutes to deal with water for resource extraction, land use and environmental practices, protection of sources, both surface and groundwater, and drinking water quality.

Even with this mandate to work cooperatively in place, in 2009 the first version of “Clean Energy Production in BC, An Inter-Agency Guidebook for Proponents was released with no mention of the role of Drinking Water Officers under the Drinking Water Protection Act, or any obligation to consult with them regarding projects which might be occurring in the vicinity of a water supply systems intake. In one instance, the lack of awareness of the water system intake downstream resulted in damage to the system and a Boil Water Notice to be issued due to increased turbidity from actions by the IPP upstream.

There are many examples of legislative conflict regarding drinking water. For example, a water supply system using a well provides water quality information showing high sodium levels. Under the DWPA, this water could be treated to make it suitable for drinking, however, if the elevated sodium levels are due to salt water intrusion, Section 78(2) of the Water Act says the owner must not operate well that causes the intrusion of salt water into the aquifer or any other well in that aquifer.

While the Water Sustainability Act has some very positive measures for protecting water quality for both surface and ground water, I believe it would be equally beneficial to conduct a full review of all legislation regarding water to ensure that the legislation is consistent in maintaining healthy supplies for social, economic and environmental values. In addition, an effective system for ensuring all agencies with jurisdiction have the ability to consult on development proposals needs to be developed.

Some further points that should be considered

- There needs to be a better indication of the hierarchy of water related legislation and/or how it all fits together, and how/if any of this will change with the new Act.
- There needs to be confirmation that there will be changes to water fee and rental structure rate. Currently these are only being considered, despite definite cost increases in administration of the new Act and the recognition that water is underpriced. Applications and water fees should reflect true cost accounting of the provision of water for the intended purpose, and should encourage water conservation.

- Legislation and supporting guidance documents should be produced to support alternate technologies such as roof top collection or Aquifer Storage and Recover as primary or supplementary water sources.
- Source water protection plans for both surface and ground water should be integrated with liquid waste management plans so that they support and enhance each other
- Given the amount of material to review, absorb and consider, there should be a longer time frame for the public consultation period. Special interest groups, especially those who volunteer their time may need to do significant research to present an informed opinion.
- An explanation of why groundwater for domestic purposes would not be required to obtain a license and up to what size would be included in this exemption. Would this be applicable to small drinking water systems using ground water? Would the definition of domestic purposes be consistent with the Drinking Water Protection Act?

Thank you for the opportunity to comment on this important piece of legislation.