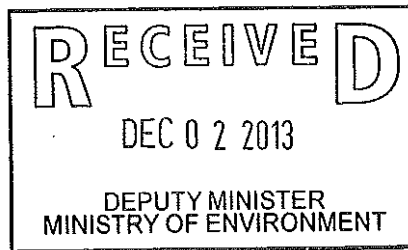




November 14, 2013



the future lives here.

**Ministry of Environment**  
PO Box 9339  
Station Provincial Government  
Victoria, BC  
V8W 9M1

Dear Sirs/Mesdames:

**Re: Legislative Proposal for a New Water Sustainability Act – City of Surrey Comments**

Thank you for the opportunity to provide input into the proposed policies that are being considered for inclusion in the new Water Sustainability Act.

At its Regular Council - Public Hearing meeting on Tuesday, November 12, 2013, Surrey City Council considered Corporate Report No. R223 titled "*Legislative Proposal for a New Water Sustainability Act – City of Surrey Comments*" and adopted the following resolution RES.R13-2361:

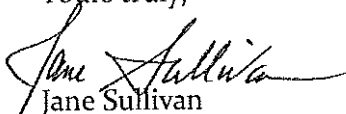
*"That Council:*

1. *Receive Corporate Report R223 as information; and*
2. *Authorize the City Clerk to forward a copy of this report and the related Council resolution to the Ministry of Environment as the City of Surrey's input regarding the document titled "Legislative Proposal for a New Water Sustainability Act" and request that the Ministry extend the consultation period for input related to the Proposal to ensure that all stakeholders and other interested parties have sufficient time to respond."*

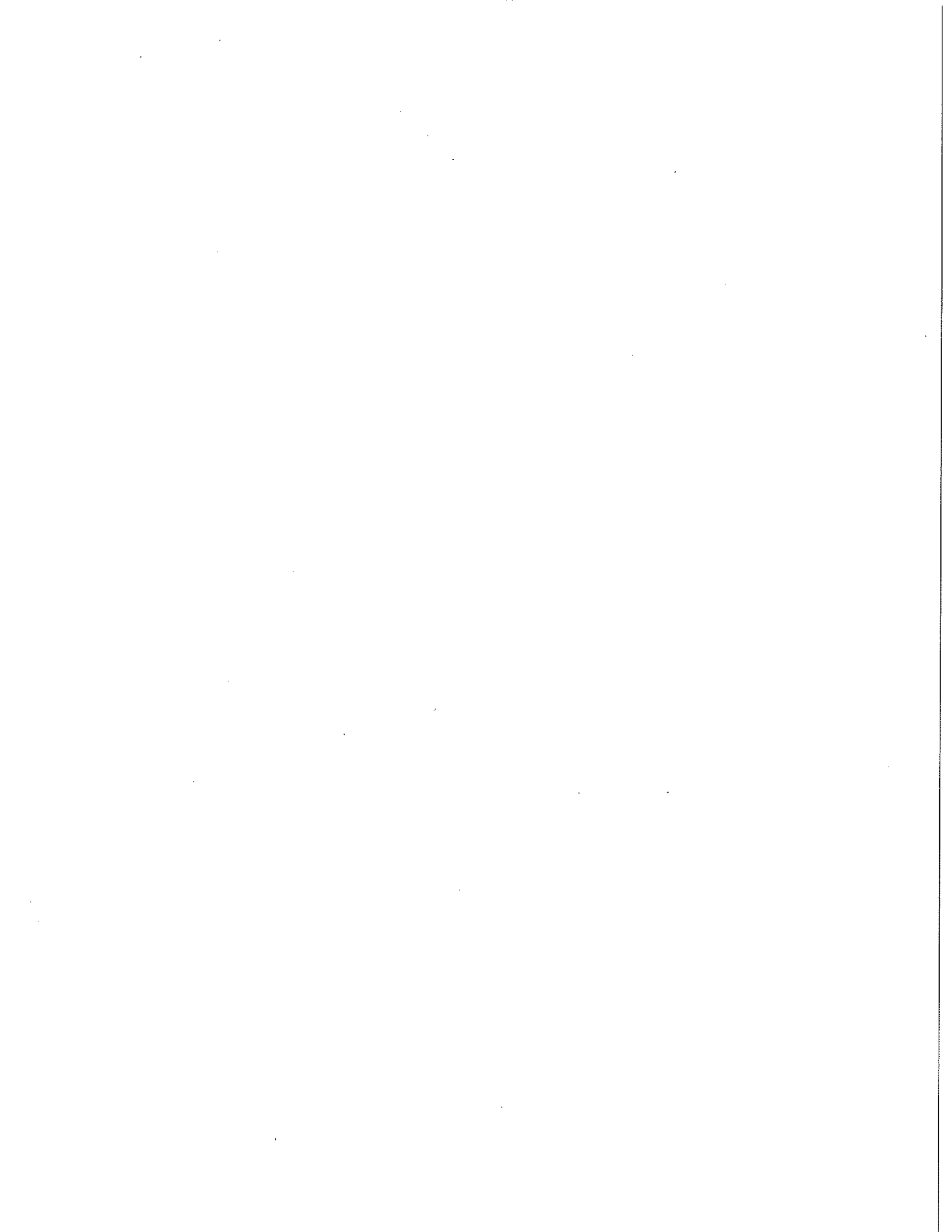
In accordance with the above resolution, please find enclosed a copy of the subject Corporate Report and the related Council Resolution No. RES.R13-2361.

The City of Surrey hereby requests that the Ministry of Environment extend the consultation period for input related to the Legislative Proposal for a new Water Sustainability Act in order to ensure that all stakeholders and other interested parties have sufficient time to respond.

Yours truly,

  
Jane Sullivan  
City Clerk

Encls.



NO: *R223*

COUNCIL DATE: *November 12, 2013*

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## REGULAR COUNCIL

TO: **Mayor & Council** DATE: **November 7, 2013**  
FROM: **General Manager, Engineering** FILE: **0125-70(WA)**  
SUBJECT: **Legislative Proposal for a New Water Sustainability Act – City of Surrey  
Comments**

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## RECOMMENDATIONS

The Engineering Department recommends that Council:

1. Receive this report as information;
2. Authorize the City Clerk to forward a copy of this report and the related Council resolution to the Ministry of Environment as the City of Surrey's input regarding the document titled "Legislative Proposal for a new Water Sustainability Act" and request that the Ministry extend the consultation period for input related to the Proposal to ensure that all stakeholders and other interested parties have sufficient time to respond.

## INTENT

The purpose of this report is to:

- Provide an overview of the Ministry of Environment's "Legislative Proposal for a new Water Sustainability Act", a copy of which is attached to this report as Appendix I; and
- Identify from the perspective of the City of Surrey the key opportunities and concerns related to the Water Sustainability Act for the purpose of providing input to the Ministry of Environment.

## BACKGROUND

In 1909, the Province introduced the Water Act to allocate and manage surface water through the issuance of water licences. Following its introduction, the legislation has been amended from time to time to extend its scope and purpose; however, in general the intent of the Water Act is to manage surface water.

In 2009, the Province embarked on a process to modernize the Water Act, with the intent of establishing new legislation to cover the management of both surface water and groundwater. As part of this work the Province has prepared a number of position statements and sought public input.

On October 18, 2013 the Ministry of Environment issued a "Legislative Proposal for a new Water Sustainability Act", outlining proposed policies that are being considered for inclusion in the new Water Sustainability Act (the "Act"). The Ministry has requested that those interested in providing comments on the Proposal do so by November 15, 2013. With refinements to the proposed Act based on feedback that is received, the Ministry is expecting to bring the Act forward for consideration as part of the spring session of the legislature.

The proposed Act seeks to make improvements to seven key areas as follows:

1. Protect stream health and aquatic environments;
2. Consider water in land use decisions;
3. Regulate and protect groundwater;
4. Regulate water use during times of scarcity;
5. Improve security, water use efficiency and conservation;
6. Measure and report large-scale water use; and
7. Provide for a range of governance approaches.

## DISCUSSION

Staff has reviewed the Act and generally agrees with the proposals, particularly regarding the management of ground water use since there is limited legislation in place to monitor, regulate and protect the use of groundwater in the Province. Staff is also pleased to see the inclusion of:

- Consideration of environmental flow needs (EFN) when making water allocation decisions;
- Expansion and integration of the provisions for dumping of debris (pollutants) with the Fish Protection Act;
- Measuring and reporting of water use by larger water users; and
- Introduction of moderate water pricing for all water users (surface and groundwater users).

While staff support the vast majority of the actions included in the Act, there are a number of general concerns. These concerns are as follows:

- **The Act allows the Province to establish regulations that require local governments to consider the water objectives in their planning and decision processes.**

Staff is concerned that additional regulations may introduce redundant processes or requirements (i.e., "red tape") in view of the fact that the City of Surrey's planning and decision-making processes are already informed by Integrated Stormwater Management Plans which the City develops for each of its watersheds, as required by Metro Vancouver's Integrated Liquid Waste Resource Management Plan. The MV Plan was approved by the Ministry of Environment.

- **The Act allows water license terms of up to 30 years for consumption purposes and 40 years for power production purposes.**

Staff is concerned that licences of 30 years to 40 years are too long. Such terms will tend to lead to circumstances where license holders will not be attentive to technological improvements and conservation advancements that would assist in managing the water

resource more effectively. The University of Victoria's POLIS Project on Ecological Governance suggests a licence review period of not more than 20 years.

- **The Act seeks to formalize a First in Time, First in Right System of rights allocation for groundwater usage, similar to that currently enacted for surface water usage.**

Staff is concerned with this approach as it does not prioritize water for essential uses such as for domestic purposes. Staff is also concerned that this approach may limit the City's ability to supplement its community water system during a natural disaster where conventional sources are cut off.

- **The Act seeks to establish measuring, recording and reporting requirements for water use.**

In the 1980's the City obtained a number of water licences along the Nicomekl River in an effort to make irrigation water available to a limited area. These licences were obtained as it was cost effective for the City to install irrigation supply pumps while it was undertaking significant improvements to select drainage pump stations.

Any measuring, recording and reporting requirements will increase the cost of water for the agricultural properties in these areas, as all costs associated with the irrigation works are directly passed onto these properties through a local area charge.

- **The Act allows a decision maker (e.g., Engineer, geoscientist) to order remediation or mitigation to be undertaken by persons responsible, directly or indirectly, for the introduction of debris in water.**

Staff holds the view that the word "indirectly" needs to be more accurately defined. Staff is concerned that the City could be considered a person indirectly responsible for the introduction of debris in water in a situation where a private property discharges a pollutant to the City's stormwater system that then drains to a local watercourse.

- **The Act contemplates the sharing of responsibilities with other levels of government, individuals and organizations.**

Staff is concerned that the Province may seek to pass some decision-making, management and enforcement responsibilities to local governments, which would then draw on the resources of local government (i.e., downloading of responsibilities). If any responsibility is added to local government there should be new revenue streams provided to local government as the basis to fund the new responsibilities.

- **The Act establishes fees for the extraction of groundwater.**

Staff holds the view that water pricing should be established in such a manner so as to provide a financial incentive for users to conserve water. All revenue generated from this new revenue stream should be used to fund the actions that are identified in the Act.

### Insufficient Time for Input from Stakeholders:

In addition to the above comments, staff is also concerned that the Ministry has not provided sufficient time for all stakeholders to properly review and provide input on the proposed Act. Organizations that have been very involved in preliminary consultation related to the proposed Act but who have not yet had the opportunity to formulate responses include the BC Water & Wastewater Association and the Canadian Water Resources Association, among others. The Ministry should extend by at least one month the opportunity for stakeholders and other interested parties to provide comments on the proposed Act.

### CONCLUSION

Based on the above discussion, it is recommended that Council authorize the City Clerk to forward a copy of this report and the related Council resolution to the Ministry of Environment as the City of Surrey's input regarding the document titled "Legislative Proposal for a new Water Sustainability Act" and request that the Ministry extend the consultation period for input related the Proposal to ensure that all stakeholders and other interested parties have sufficient time to respond.

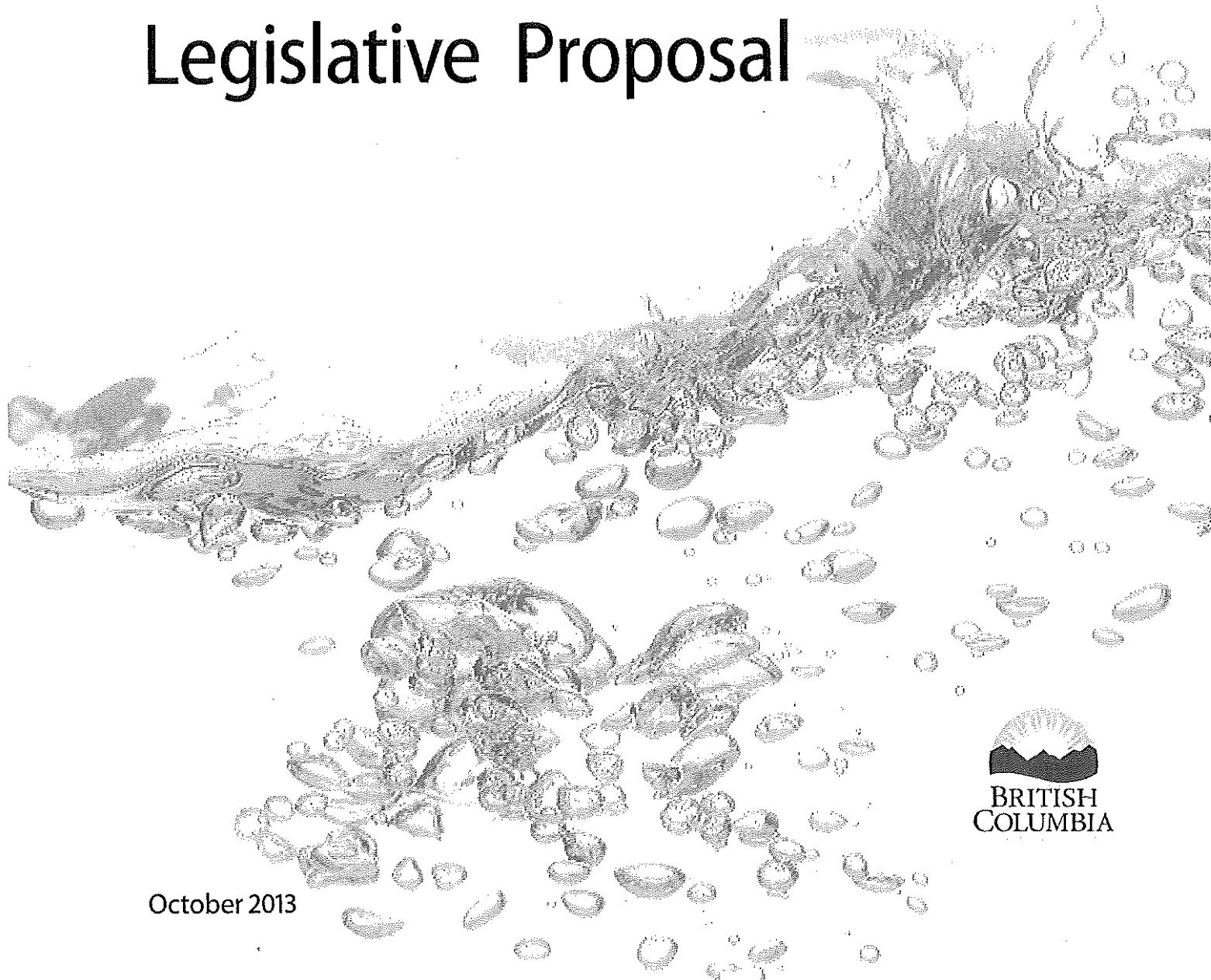


Vincent Lalonde, P.Eng.  
General Manager, Engineering

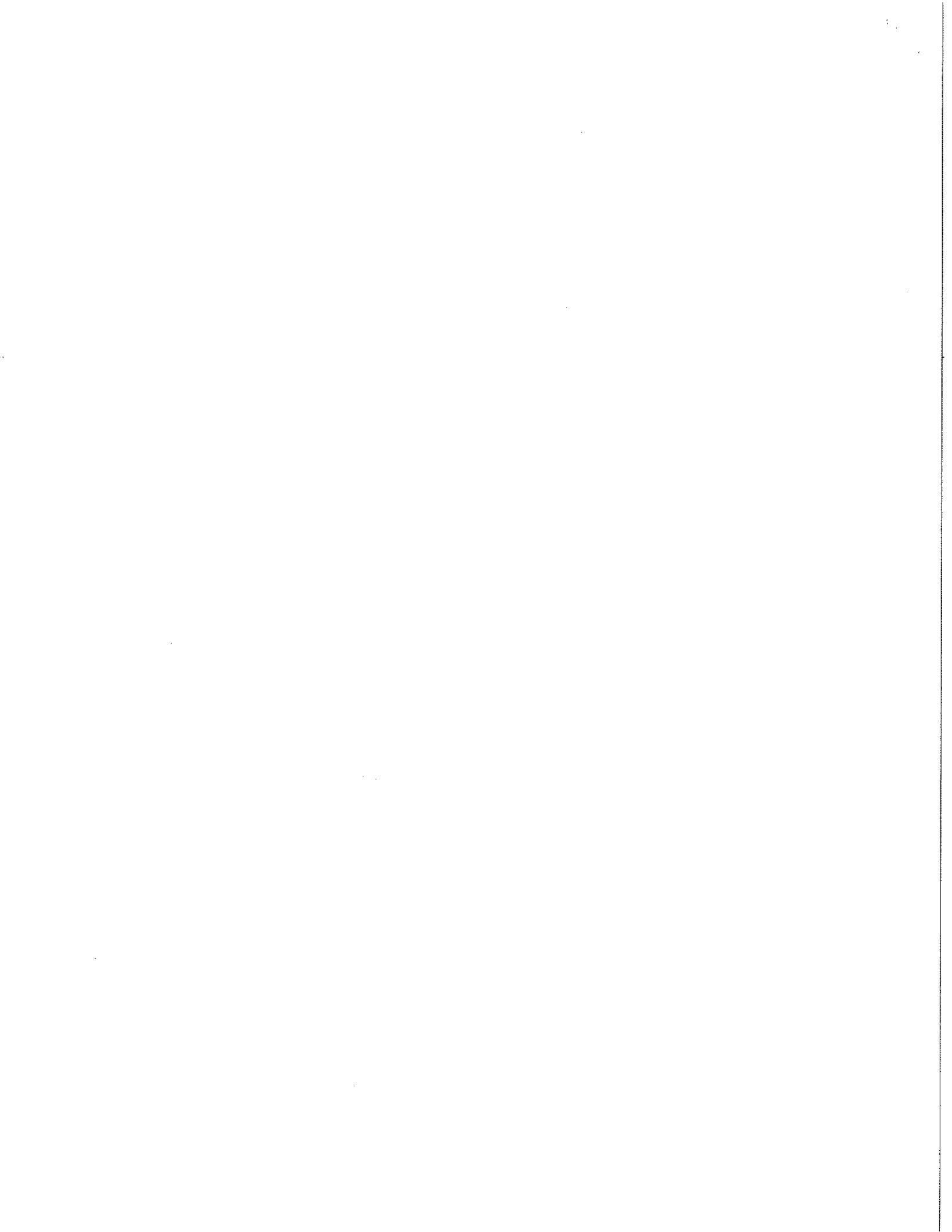
VL/JA/brb

Appendix I - Legislative Proposal for a new Water Sustainability Act

# A Water Sustainability Act for B.C. Legislative Proposal



October 2013





G. CORPORATE REPORTS

1. The Corporate Reports, under date of November 7, 2013, were considered and dealt with as follows:

**Item No. R223** Legislative Proposal for a New Water Sustainability Act -  
City of Surrey Comments  
File: 0125-70(WA)

The General Manager, Engineering submitted a report to:

1. Provide an overview of the Ministry of Environment's "Legislative Proposal for a new Water Sustainability Act", a copy of which is attached to this report as Appendix I; and
2. Identify from the perspective of the City of Surrey the key opportunities and concerns related to the Water Sustainability Act for the purpose of providing input to the Ministry of Environment.

The General Manager, Engineering was recommending approval of the recommendations outlined in the report.

It was

Moved by Councillor Martin  
Seconded by Councillor Steele  
That Council:

1. Receive Corporate Report R223 as information;
2. Authorize the City Clerk to forward a copy of this report and the related Council resolution to the Ministry of Environment as the City of Surrey's input regarding the document titled "Legislative Proposal for a new Water Sustainability Act" and request that the Ministry extend the consultation period for input related to the Proposal to ensure that all stakeholders and other interested parties have sufficient time to respond.

RES.R13-2361

Carried

