British Columbia’s
*Water Sustainability Act*
and regulations

March 2016
Water Sustainability Act (WSA)

- Updates and replaces the Water Act
- Responds to current and future pressures on water, including groundwater
- Includes new measures to:
  - protect stream health
  - regulate groundwater
  - manage water use during times of scarcity
  - expand opportunities to participate in decision-making processes
WSA regulates in three key areas

- **Water Use**
  - Authorizations
  - Permitted uses
  - Reservations
    - Administration of rights
    - Protection of rights
    - Real time water use
      - Wells
      - Stream changes
      - Environmental flows
      - Planning, objectives
      - Area based rules

- **Management of Rights**

- **Protection of the Resource**
What are the key changes?

- Licensing non-domestic groundwater use
- New water fees and rentals
- Stronger protection for aquatic ecosystems
- Expanded groundwater protection measures
- Enhanced dam safety
How have the laws changed?

- Water Act
- Fish Protection Act
- Water Sustainability Act
- Water Users’ Communities Act
- Riparian Areas Protection Act
What rules apply?

- *Water Act* and regulations have been replaced
- *Water Sustainability Act* and new regulations now apply to:
  - Applications in process
  - New applications
  - All existing water licences, use approvals, authorizations and permits
WSA regulations at a glance

https://engage.gov.bc.ca/watersustainabilityact/

**Water Sustainability**
- Water licensing, diversion & use of water
- Transition of existing groundwater use
- Changes in & about a stream
- Use of water for well drilling
- Use of deep groundwater

**Fees, Rentals & Charges Tariff**
- Fees & rentals schedule
- Exemptions from fees & rentals
- Administration of fees & rentals

**Groundwater Protection**
- Registration of well drillers & well pump installers
- Well construction & identification
- Well pumps & related works
- Well operation & maintenance
- Well deactivation & decommissioning
- Well Reports

**Dam Safety**
- Dam failure consequence classification
- Responsibilities of dam owners
- Operation & maintenance
- Dam monitoring & safety review
- Emergency plans
Licensing groundwater use

- Licence required for **non-domestic** groundwater use
  - Irrigation, industrial, commercial, etc.
- Domestic groundwater use exempt from licensing
  - Domestic includes household use, fire prevention, pets & poultry for household use, garden & lawn irrigation
- Apply at [FrontCounterBC.gov.bc.ca](http://FrontCounterBC.gov.bc.ca)
- Application fees and annual rentals payable
Existing groundwater use

• Using groundwater on or before Feb. 29, 2016
• 3-year transition period
  – Can lawfully continue using groundwater
  – Eligible for licence date of precedence to be date of first use of groundwater
• Apply by March 1, 2017 to be exempt from application fees
• Rentals accrue from Feb. 29, 2016 regardless of when application received
New groundwater use

• New water uses beginning after Feb. 29, 2016
• Application date is licence date of precedence
• Application fees payable when application submitted
• Rentals begin when licence issued
• Must not use water until after licence is granted
First Nations and the WSA

• Fee/rental exemptions for water use on reserve and Treaty lands
• Licences required for surface water and groundwater use on reserve and Treaty lands
• Consideration of First Nation uses of water (including spiritual/cultural) in the review of water licence applications
• Provisions for Water Sustainability Plans that can incorporate traditional ecological knowledge
Managing one water resource

• Surface water and groundwater managed under the same regulatory regime

• Hydraulic connection between surface water & groundwater considered
  – When licensing water use
  – When regulating water use during shortages

• Examining conditions for amending licences to change surface water source to groundwater source
Protecting aquatic ecosystems

• Environmental flow needs
  – Must consider in licensing decisions
  – Discretion to consider when licensing existing groundwater use

• Temporary protection orders (during shortages)
  – Critical Environmental Flows
  – Fish Protection Orders
  – Essential household needs protected

• Water reservations for conservation purpose
Water fees and rentals

- Fees and rentals increase for all water use purposes
- Same fees apply to surface water and groundwater users
- Based on quantity and water use purpose
- Changes in effect as of Feb. 29, 2016
- Ongoing review of fees and program costs
# Fee and rental rate examples

<table>
<thead>
<tr>
<th>Example Use</th>
<th>Volume (1000m³/year)</th>
<th>Water Act annual rental</th>
<th>WSA annual rental</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic stream water use</td>
<td>0.7</td>
<td>$25</td>
<td>$50</td>
</tr>
<tr>
<td>Forage crop irrigation (120 acres)</td>
<td>444</td>
<td>$266</td>
<td>$377</td>
</tr>
<tr>
<td>Municipal water supply – population 120,000</td>
<td>23,000</td>
<td>$25,000</td>
<td>$52,000</td>
</tr>
<tr>
<td>Pulp mill</td>
<td>300,000</td>
<td>$255,000</td>
<td>$349,500</td>
</tr>
</tbody>
</table>
Exceptions and exemptions

• Local waterworks, pulp mills
  – based on quantity used

• Water power
  – Sliding scale application fee based on power development capacity
  – Annual water rental based on capacity and output

• Exemptions
  – Domestic groundwater
  – Provincial/federal governments
  – First Nations on reserve or Treaty land
  – Approvals processed by the Oil & Gas Commission
New requirements for groundwater protection

• Enhanced well construction requirements
  – Surface seals required for all cased wells
  – Plastic casings and liners certified for drinking water
  – Setbacks to protect existing uses
• Flowing artesian wells must be controlled
• New well pits restricted
• Well maintenance obligations for owners
• Mandatory well reports
Well owner responsibilities

Store contaminants >3m away

Protect casing stick-up from damage

Maintain clear access to wellhead

Secure well cap

Replace ID plate if lost or damaged

Keep ground sloped so water runs away

Fill any visible annular space with sealant
Reduce risk to public safety, the environment, land or property due to dam failures

- Defines what is a dam and the types of dams regulated
- Defines a dam owner and owner’s obligations
Dam safety

- Failure consequence classification (low to extreme) based on
  - Population at risk
  - Loss of life
  - Environmental and cultural values
  - Infrastructure and economics
- Emergency plans & notification
- Maintenance & inspections
- Regular safety reviews
- Record keeping
Next steps

• Focus on operations to implement WSA & regulations
• Communications and outreach
• Policy and regulation development (initial priorities)
  – Livestock watering
  – Measuring and reporting
• Further policy and regulation development
  – Water Objectives
  – Water Sustainability Plans
  – Governance
  – Dedicated Agricultural Water
• Engage with First Nations and stakeholders (late 2016 and beyond)
Thank you!
Comments, questions, more information:

Water Sustainability Act and regulations: www.gov.bc.ca/water

Apply for a groundwater licence at: FrontCounterBC
www.frontcounterbc.gov.bc.ca/
FrontCounterBC@gov.bc.ca
1-877-855-3222