



**Ministry of Environment
and
Ministry of Forests, Lands and
Natural Resource Operations**

NAME OF POLICY:	Dam Safety Compliance and Enforcement Policy
APPLICATION:	This policy applies to all dams that are regulated under the British Columbia Dam Safety Regulation
ISSUANCE:	Director, Water Management Branch, Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) Executive Director, Water Protection and Sustainability Branch, Ministry of Environment (MOE) Director, Compliance and Enforcement Branch, MFLNRO
IMPLEMENTATION:	Dam Safety Officers, Natural Resource Officers, and MFLNRO staff
REFERENCES:	Dam Safety Regulation <i>Water Act</i> <i>Offences Act</i>
RELATED POLICIES:	Dam Safety Audit Program Dam Safety Program Strategy and Procedures for Compliance and Enforcement
RELATIONSHIP TO PREVIOUS POLICY:	None
POLICY AMENDMENT:	Any formal request for an amendment to this policy is to be directed in writing to the Executive Director, Water Protection and Sustainability Branch, Ministry of Environment

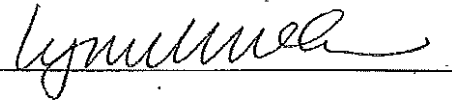
Dam Safety Compliance and Enforcement Policy



14/12/15

Glen Davidson
Director and CWR
Water Management Branch
Ministry of Forests, Lands and Natural
Resource Operations

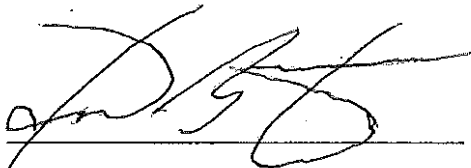
Date:



2014-12-15

Lynn Kriwoken
Executive Director
Water Protection and Sustainability Branch
Ministry of Environment

Date:



14/12/15

A/ Kevin Bertram
Director
Compliance and Enforcement Branch
Ministry of Forests, Lands and Natural Resource Operations

Date:

EFFECTIVE DATE: January 1, 2015
AMENDMENT NO:

FILE: 76940-00

APPROVED AMENDMENTS:		
Effective date	Briefing Note /Approval	Summary of Changes:

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1. POLICY STATEMENT

The Provincial Dam Safety Program seeks to achieve and report a high rate of compliance with the Dam Safety Regulation by the owners of dams in British Columbia. Staff will focus compliance and enforcement resources on dams that have higher consequence classifications and will take prescribed compliance actions with these dam owners. Once it is clear that a dam owner is not complying with the regulation, enforcement action will be taken by the Compliance and Enforcement Branch. This contributes to public safety and environmental protection and provides public assurance that dam safety legislation is being implemented effectively by government.

2. DEFINITIONS

Regulatory Requirement: An obligation, demand or prohibition placed by legislation or regulation on an individual, entity, or activity. This includes authorizations, permits, or other requirements derived from a legislative or regulatory authority.

Relevant definitions under [Section 1 Definitions](#) of the Dam Safety Regulation are as follows:

“Dam”
“Dam owner”

3. LEGISLATION AND REGULATION

Water Act:

- [Section 5](#), Rights acquired under licences
- [Section 12](#), Power of comptroller or regional water manager respecting applications
- [Section 21](#), Rights and responsibilities under licence or approval
- [Section 23](#), Suspension and cancellation of rights and licences
- [Section 24](#), Abandonment of rights under a licence
- [Section 25](#), Liability of owner for damage remains
- [Section 85](#), Powers of comptroller and regional water manager
- [Section 86](#), Power of comptroller if disobeyed
- [Section 88](#), Powers of engineers and officers
- [Section 93](#), General offences
- [Section 94](#), Offences
- [Section 101](#), Power to make regulations

Dam Safety Regulation: All sections of the Dam Safety Regulation

Offence Act:

- [Section 81 \(2\)](#), Investigation and prosecution costs

Violation Ticket Administration and Fines Regulation:

- [Schedule 1](#)
- [Schedule 2](#)

4. REASON FOR POLICY

This policy supports the implementation of the Dam Safety Program Compliance and Enforcement Strategy, which replaces the 2002 LWBC Compliance Strategy. It is also intended to promote consistency across the province and ensure that all dams and all dam owners and operators in British Columbia are subject to the same compliance, monitoring, and enforcement activities.

The policy will provide direction to Dam Safety Officers (DSOs) and Natural Resource Officers (NROs) when dealing with non-compliant dam owners and will support a consistent and fair outcome. The development of the policy is expected to encourage compliance by identifying how compliance with the Dam Safety Regulation and the Dam Safety Program Compliance and Enforcement Strategy can be achieved, and by clarifying what processes will be followed in cases of non-compliance.

5. POLICY APPLICATION

This policy has been developed to implement the Dam Safety Program Strategy and Procedures for Compliance and Enforcement. The policy and related procedures delineate responsibilities and include decision-support tools that are intended for use by DSOs and NROs. These tools complement existing practices and clarify when a dam safety compliance process becomes an enforcement process. This policy does not limit the discretion of the decision-maker to ask for additional relevant information or to work with dam owners to achieve compliance.

The policy will be carried out jointly by DSOs and staff of the Dam Safety Program, and NROs from the Compliance and Enforcement Branch. The decision-support tools include compliance and enforcement procedures and a roles and responsibilities matrix.

6. ROLES AND RESPONSIBILITIES

Dam Owner Responsibility – Dam owners are responsible for the inspection, safe operation, and maintenance of their dams as stipulated in the Dam Safety Regulation.

Role of the Dam Safety Officer (DSO) – The DSO is responsible to ensure that dams under their jurisdiction are designed, constructed, inspected, operated, maintained and classified as required under the Dam Safety Regulation and the Dam Safety Program Policies and Strategies. The DSO is responsible for promoting dam safety and verifying compliance by auditing dams as per the Dam Safety Audit Program. DSOs determine at what point non-compliance is reported to the NRO for enforcement action. The DSO continues to provide technical and administrative support to the NRO during the enforcement process.

Role of the Natural Resource Officer (NRO) – NROs have the authority to enforce a broad range of environmental and natural resource laws, including the *Water Act* and the BC Dam Safety Regulation. NROs serve as the operational enforcement arm of the MFLNRO's mandate.

7. COMPLIANCE AND ENFORCEMENT STRATEGY

The Dam Safety Compliance and Enforcement Strategy is based on a compliance model that includes the following four steps:

1. Setting Requirements,
2. Promoting Compliance,
3. Verifying Compliance, and
4. Enforcing Compliance.

The DSO and NRO will work together and use their discretion when moving from verifying and promoting compliance to enforcing compliance. The procedures and the “Roles and Responsibilities Matrix for DSOs and NROs” will provide guidance. They should take the following steps prior to enforcement action:

1. Determine if promoting compliance again would be beneficial. If so extend deadline.
2. Determine if new information suggests requirements should be amended.
3. Compel compliance through enforcement.

The following broad principles inform the Dam Safety Compliance and Enforcement Policy:

- Use the Risk Levels in the Dam Safety Audit Program Policy when applicable to establish priorities.
- Be accountable, transparent, and consistent with all dam owners and between regions.
- Use the best available information.
- Choose the most appropriate approach.
- Coordinate compliance activities.
- Foster a culture of continuous improvement in dam safety.

8. COMPLIANCE AND ENFORCEMENT PROCEDURES

Roles and Responsibilities – The procedures have been developed to ensure that DSOs and NROs promote, verify, and enforce compliance with the Dam Safety Regulation consistently across the province. A table explaining the roles and responsibilities of DSOs and NROs is attached to the related Dam Safety Program Procedures.

Compliance and Enforcement Options – A wide range of compliance and enforcement options are available to DSOs and NROs. DSOs take a lead role in the Dam Safety Program with the exception of the enforcement process. Enforcement options fall into two main categories: administrative options and prosecution options. The NROs will take the lead role for escalating enforcement options with the exception of the suspension of water licences, which will remain the responsibility of the Comptroller of Water Rights or Regional Water Manager.