



Diversion and Use of Water at a Mine under the *Water Sustainability Act*

February 2019

Water use under the *Water Sustainability Act* (WSA)

Under the WSA an “*authorization*” (water licence or use approval) is required for the diversion, storage or use of water from a stream or an aquifer, unless the diversion is otherwise allowed under the Act or a regulation. This information update provides clarification of the authorization requirements for water diversions typically found at a mine, (including open pit, underground, gravel pit and quarry). They include diversion and use of water for beneficial purposes in the mine, diversion of water to keep it out of a mine, and the collection and removal of nuisance water from the mine. In addition, specific transitional provisions are described for proponents who were diverting and using groundwater before the WSA came into force on February 29, 2016, and some additional guidance is provided for proposed mine projects that are currently in the *Mines Act* or *Environmental Assessment Act* review and permitting processes.

Diversion and uses of water for beneficial purposes - authorization required

An authorization is required for the diversion and use of water from a stream or groundwater from an aquifer for a water use purpose within the mine site. This requirement applies regardless of whether the water is diverted from a stream or aquifer outside the mine boundaries and brought into the mine, or diverted from within the mine boundaries, including water passively collected by drainage works within the mine site. The water use purposes could include: construction, dust control, washing or processing purposes.

Diversion of water to keep it out of a mine – authorization required

An authorization is required for the active diversion of water to prevent it from entering a mine site. This includes the diversion of stream water away from or around the mine site and the diversion of groundwater using works such as ditches or “*dewatering wells*” (as defined in the Groundwater Protection Regulation) to prevent groundwater from seeping into the mine.

Removal of nuisance groundwater from a mine – exempt from requiring authorization

Under new provisions of the Water Sustainability Regulation (s. 34.1), mine drainage works are defined.

‘*Mine drainage works*’ means works, including a drainage well as defined in section 35, located in or at a mine and used or intended to be used for diverting groundwater by discharging the groundwater from the mine to prevent interference with the operation of the mine and protect the mine.

In the event of a discrepancy between this information and the provisions in the *Water Sustainability Act* and Regulations, the Act and Regulations will apply.

Under these new provisions the diversion of groundwater using ‘*mine drainage works*’ is exempt from the requirement for an authorization provided that:

- a) there is no use of the water for a water use purpose between the time it is diverted and the time that the groundwater is discharged, and
- b) the water must be discharged without causing a significant risk of harm to public safety, the environment, land or other property.

(note: The discharge of water from a mine will continue to be regulated under the *Environmental Management Act*)

Groundwater use at existing mines

The Water Sustainability Regulation provides for a 6-year transition period for groundwater users that were beneficially using water when the WSA came into force on February 29, 2016 and continue to use groundwater from the same aquifer. Unless the use is otherwise exempt, these previously existing groundwater users are required to submit an application for an authorization for that use by March 1, 2022 in order to continue using water beyond that date. If the application is submitted before March 1, 2022 users can continue to divert groundwater until a decision is made on the application. In addition, if the application is submitted before March 1, 2022 the application fee will be waived, but annual rentals will still apply.

Groundwater use at new mines

Mine projects that have already been permitted under the *Mines Act*, and in some cases the *Environmental Assessment Act*, but were not diverting, storing or using groundwater on or before February 29, 2016, do not qualify as existing users of groundwater. In those cases mine proponents will need to obtain an authorization under the WSA prior to commencing the diversion of groundwater or stream water. Mine projects that are currently undergoing review and have reached advanced stages of the review and permitting processes will also need to obtain an authorization under the WSA prior to commencing the diversion of groundwater or stream water. In either of these cases the proponent may want to consider whether to apply for a use approval under section 10 of the WSA as an interim measure, or proceed with completion of an application for a water licence. While the information requirements and review timelines may be quicker for a use approval, the duration is limited to 24 months.

Proposed mine projects that have not yet commenced review under the *Mines Act* or *Environmental Assessment Act*, or are in early stages of the review processes, will need to address the WSA requirements during the review and permitting processes, including any applications for a water licence or use approval that are necessary.

Obtaining a licence or use approval

If your water use requires an authorization, you will need to apply for a water licence or use approval under the *Water Sustainability Act* and pay associated fees. Go to [FrontCounter BC](#) to complete and submit your online application. Guidance on completing the application is available at www.frontcounterbc.gov.bc.ca or by calling 1-877-855-3222.

In the event of a discrepancy between this information and the provisions in the *Water Sustainability Act* and Regulations, the Act and Regulations will apply.

Ministry of Environment & Climate Change Strategy | Ministry of Forests, Lands, Natural Resource Operations & Rural Development