

Prince Edward Island *Water Act*

January 2018



Communities, Land
and Environment

Consultation Process

- **Public Release – March 16, 2017**
 - Draft *Water Act*
 - Policy Framework
 - Inside the Water Act - Plain language
 - Addressing the recommendations from the EAC public consultations
- **Four regional public meetings – April 2017**
 - West, Central, Charlottetown, East
- **Online submission of comments**
deadline April 18, 2017

Summary of Consultations

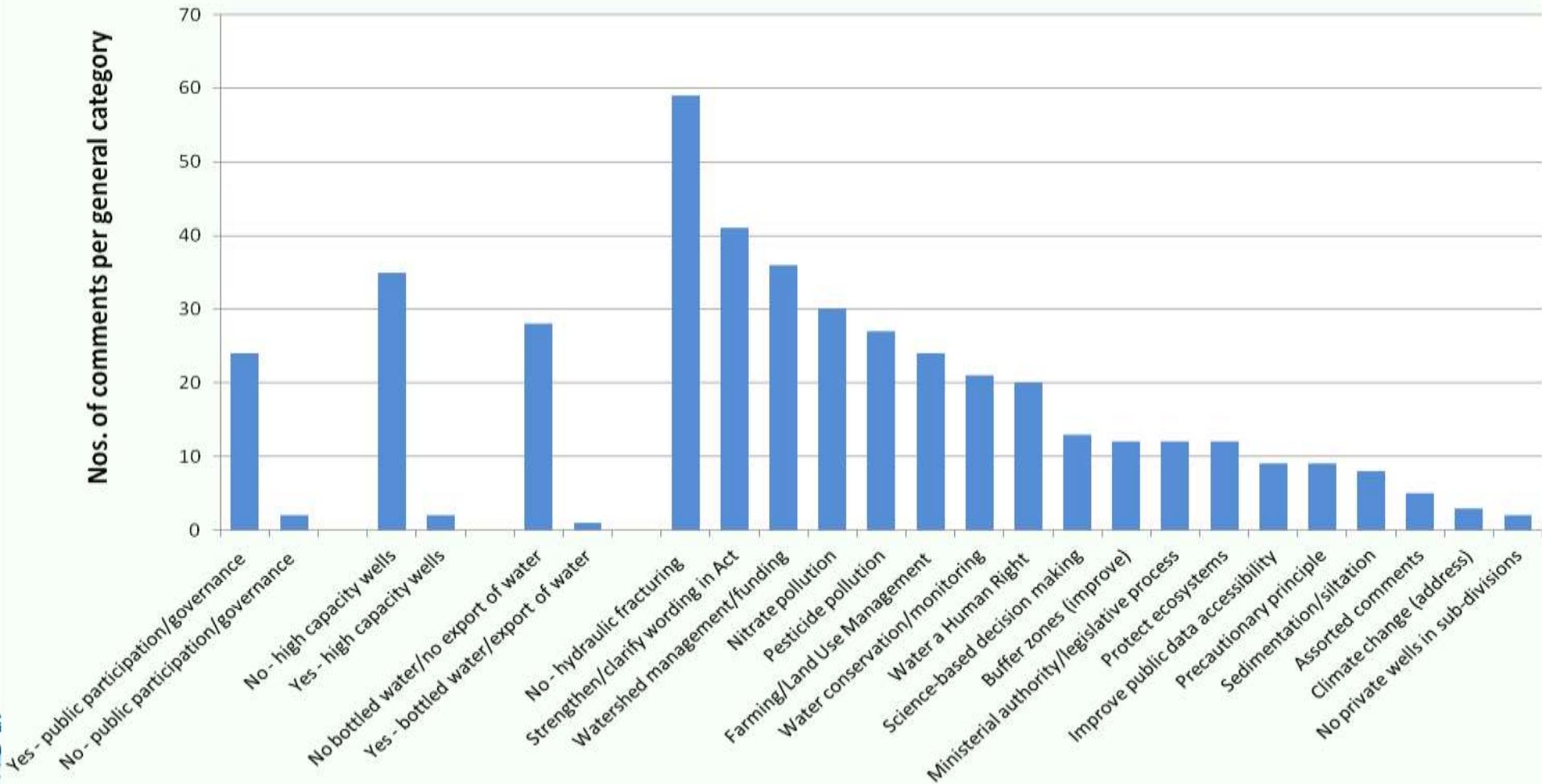
- 100+ submissions
- 10 public presentations
 - Public Meetings
 - Westisle - 30+ attending, no presentations
 - Summerside - 30+ attending, one presentation
 - Charlottetown - 80+ attending, 6 presentations
 - Pooles Corner - 70+ attending, 3 presentations
- All presentations, submissions and audio recordings of the public meetings are online

List of Public Presenters

- Council of Canadians
- Don Mazer
- Federation of Agriculture
- PEI Potato Board
- National Farmers Union
- Omar Kamdel
- Cooper Institute
- Winter River/Tracadie Bay Watershed Asso.
- Environmental Coalition of PEI
- Coalition for Protection of PEI Water

What we Heard

Areas of public concern by general category



Data from submissions, presentations and open-mike comments.



Water Act

December 2017

- Part I - Interpretation, Purpose and application
- Part II - Authority and Administration
- Part III - Protection of Water
- Part IV - Water Management Areas
- Part V - Water Withdrawals and Wastewater Discharges
- Part VI - Water Supply and Wastewater Systems
- Part VII - General, Appeals, Offences and Penalties
- Part VIII – Regulations
- Part IX – Transitional Provisions
- Part X – Consequential Amendments

Part I

Interpretation

- Details new terms and phrases for clear understanding when interpreting the *Act*
 - *Adverse effect*
 - *Aquatic ecosystem*
 - *Domestic purposes*
 - *Environmental flows*
 - *Geothermal purposes*
 - *Hydraulic fracturing*
 - *Person responsible*
- Control of water vested with Government of Prince Edward Island, the Crown. Section 3

Purpose and Goals

Purpose - Section 2

- (a) Province provides a guardianship role
- (b) Access for everyone, essential for adequate standard of living
- (c) Transparent evaluation and approval process
- (d) Duty to protect
- (e) Precautionary approach

Purpose and Goals

Goals - Section 2

- (f) Sufficient, safe, accessible water for domestic purposes
- (g) Protection of ecosystems
- (h) Public reporting and consultation
- (i) Science-based decision making

Part II

Authority and Administration

- General powers of Minister to take action
- Ability to refuse an approval of a proposed activity
- Water priorities and reserve for future
- Monitoring Program, registry & annual reporting

Part III

Protection of Water

- Prohibition on hydraulic fracturing
- Increased protection through Water Protection Orders
- Functions of Environmental Officers to investigate and order remedial actions
- Polluters required to repair, restore and remedy the affected water resources at their own cost – ‘Polluter Pays’
- Orders issued may go beyond the requirements in regulations



Part IV

Water Management Areas

- **Water management areas**
 - Minister may make recommendations on areas to be designated by LGIC, (specific regulations for each area).
 - Seek input from residents, stakeholders, relevant experts, persons effected by plan with process to be detailed in regulation
 - Advisory committee on development of plan
- **Type of protection areas**
 - Water sustainability plan areas – overall
 - Aquatic ecosystem protection areas
 - Municipal water supply areas - quantity
 - Well-field protection areas - quality

Part V

Withdrawals and Discharges

- **Water withdrawal**
 - Assessment of multiple sources
 - Approval required greater than 25 m³/day
 - Domestic capacity : 0 < 25 m³ per day (5,500 igpd) no approval
 - Low capacity: 25 - 346 m³/day will now require approval
 - High capacity: > 346 m³/day (> 76,000 igpd) require approval
 - **Previous approval was for > 346 m³/day (50 igpm)**
 - **Removal of water from Province**
 - Prohibition on removal of water from the Province
 - No shipment of bottled water
 - Except for humanitarian needs, travel and shipping animals

Part VI

Water and Wastewater Systems

- **This section was transferred from the *Environmental Protection Act(EPA)***
 - Outlines requirements for construction, operation and monitoring
 - Water supply systems
 - Wastewater systems
- **Wells and sewage disposal system approvals**
- **Geothermal wells**



Part VII

Administration & Enforcement

- All Water Resources research available to public
- General enforcement provisions moved over from EPA
- Water Protection Orders can be appealed to IRAC
- Fine related to financial advantage & additional penalties
- Penalties under the *Water Act*
 - Individual \$1,000 - \$10,000
(Increase from \$200 for individual in EPA)
 - Corporation \$10,000 - \$100,000
(Increase from \$1,000 - \$50,000 in EPA)

Part VIII - Regulations

- Part VIII is the enabling piece for regulations
- Public input required on all new regulations
- Potential new regulations include;
 - Withdrawals
 - Water Well
 - Water & wastewater system, construction, operation & discharges
 - Water management areas
 - Public registry regulations
 - Standards, water quality, testing
 - Fee regulations

What's not in the *Water Act*

- **Buffer Zones**
 - In the Environmental Protection Act
- **Plumbing regulations** in new Building Code
- **Wetlands** management and protection
 - In the Environmental Protection Act
- Operational details of the Minister's authority.
 - Regulations will detail implementation of the Act

Next Steps

2018 Regulations

**2017
ACT**

**Legislature
Nov.-Dec. 2017**

**Draft Regulations
Consultation
Spring/fall 2018**

**LGIC Regulations
Fall/Winter 2018**

**Draft *Water Act*
Consultation
Mar. 2017**

**EAC Report
May 2016**

**White Paper
Sept 2015**

Status

- *Water Act*
 - Passed but not proclaimed
 - Must have minimum set of regulations ready first
- Regulations – minimum
 - Water Withdrawal Regulations
 - Water and Wastewater Systems Regulations
 - Water Well Regulations

Questions???



Website : www.princeedwardisland.ca/wateract