

# Prince Edward Island Draft *Water Act*

April 2017



Communities, Land  
and Environment

# Meeting Agenda Draft Water Consultation

**Introductions**

**Meeting Format**

- **Minister**
- **Purpose & Goals**
- **Summary Presentation**
- **Comments**

**Closing Remarks**

- **Next steps**



# Next Steps

# 2018 Regulations

**2017  
ACT**

Legislature  
May 2017

Draft Regulations  
Consultation  
Fall /Winter  
2017/18

LGIC Regulations  
Spring- Fall 2018

*Draft Water Act  
Consultation  
Mar.2017*

EAC Report  
May 2016

White Paper  
Sept 2015

# 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

# Draft *Water Act* Presentation

- 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 I

## Interpretation

- Details new terms and phrases for clear understanding when interpreting the *Act*
  - *Adverse effect*
  - *Aquatic ecosystem*
  - *Domestic purposes*
  - *Environmental flows*
  - *Geothermal purposes*
  - *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

- 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, (regulations on activities specific for each area).
  - Seek input from stakeholders, relevant experts, persons effected by plan with process to be detailed in regulation
- **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**
  - approval required greater than 25 m<sup>3</sup>/day
    - Domestic capacity : 0 < 25 m<sup>3</sup> per day (5,500 igpd) no approval
    - Low capacity: 25 - 346 m<sup>3</sup>/day will now require approval
    - High capacity: > 346 m<sup>3</sup>/day ( > 76,000 igpd) require approval
    - **previous approval was for > 346 m<sup>3</sup>/day**
  - **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**



# 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
- 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 (existing, new and future) that will be supporting and operationalizing the Act.
  - Approvals, terms & transfer of approvals
  - Standards, water quality, testing
  - Registries
  - Water & wastewater system, construction, operation & discharges
  - Withdrawals
  - Water management areas

# What's not in the *Water Act*

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



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# *Questions???*



**Website : [www.princeedwardisland.ca/wateract](http://www.princeedwardisland.ca/wateract)**