

Quick Summary of the Draft *Water Act* Sections

The draft *Act* has 11 parts, as follows:

Part I *Interpretation, Purpose and Application*

Key Definitions:

- adverse effect
- environmental flow needs
- hydraulic fracturing

Control of water is vested with the Crown.

Key statements include universal access to domestic water and precautionary principle.

Government to ensure quality, quantity, allocation, conservation and protection of water is managed in the interest of common good which includes ecosystems.

Part II *Authority and Administration*

This section outlines Powers of Minister - Prohibit activities not in the public interest; approvals; ability to amend, suspend, revoke, or refuse an approval; priority protection for domestic water and environmental flows; hold water in reserve; public information and registry of approvals.

The Minister, as outlined in the purpose of the Act, is given the power to refuse approvals of activities deemed not in the interest of the public and/or deemed to have adverse effects to environment.

Government will monitor and report on the status of water resources every year.

Part III *Protection of Water*

1) prohibits hydraulic fracturing

- 2) prohibits the discharge of contaminate into groundwater, watercourse or a wetland;
- 3) allows for emergency field orders to immediately cease an activity;
- 4) water protection order can go beyond minimum requirements of regulations;
- 5) can order a person, at their cost, to remedy any damage.

Part IV *Water Management Areas* -

Allowance for designation of *water management areas* to protect water resources in special conditions under four themes:

- 1) Water Sustainability Plan - quality & quantity issues including environmental flows
- 2) Aquatic Ecosystem Protection - protect special aquatic ecosystems (rare or significant populations of aquatic species and habitat)
- 3) Municipal Water Supply – long-term security of water quantity
- 4) Well-Field Protection – areas protected to ensure good water quality for well fields

Part V Water Withdrawals and Wastewater Discharges –

New daily limit for approval lowered to 25 m³/day from 346 m³/day. (That is a 14 fold decrease in the threshold for permit requirements). Regulations will outline:

- **Domestic capacity : 0 < 25 m³ per day (0 - 4 igpm) no approval**
- **Low capacity: 25 - 346 m³/day (5 - 50 igpm) require approval**
- **High capacity: > 346 m³/day (> 50 igpm) require approval**

The use of multiple sources or combination of sources (groundwater and surface water) would be calculated when determining whether the usage rate exceeds 25 m³/day and therefore requires a permit.

No person can remove water from the province except when authorized by the Minister for humanitarian purposes. (This covers the bottled water matter).

Part VI Water Supply and Wastewater Systems

This section(s) was transferred from existing EPA; order a system and creation of utility; outlines operation; drilling of wells; installation of sewage disposal systems

Minister can order that a water or wastewater system be constructed when necessary for the protection of water resources or preventing adverse effects.

Minister can prohibit construction of well and sewage disposal systems.

Lieutenant Governor in Council has the authority to create a water or wastewater corporation to provide service to an area.

Part VII General, Appeals, Offences and Penalties

Section transferred from EPA; orders, enforcement, inspections, investigations, permits, offences, penalties, and appeals.

New fines: **Individual \$1,000 - \$10,000/day**, (old \$200 - in EPA)
 Corporation \$ 10,000 - \$100,000/day, (old \$1000 - \$50,000 in EPA)

Water Protection orders or Emergency Field orders may be appealed to IRAC within 21 days of the order being served.

Fine related to financial advantage allows for a fine to ensure no financial advantage. Allow the courts to direct persons to take action to clearly remedy or stop the continuation of an offence and direct a person to pay compensation, community service, contribute to an organization, support educational scholarships, and post bonds or pay money to prevent future violations.

Part VIII Regulations

This section enables the creation of regulations under the Act.

From the EPA regulations include: Water Well Regulations
 Sewage Disposal System Regulations
 A Code for Plumbing Service Regulations
 Drinking Water and Wastewater Facility Operating Reg.

New regulations include: Water Withdrawal regulations
 Fee regulations
 Public registry regulations
 Water Management Area regulations
 Ambient Water Quality regulations

Public input is required before new regulations can be made under this Act.

Part IX Transitional Provisions - the steps required to bring the Act into effect.

Part X Consequential Amendments, Repeals

Before the Act can come into effect, other Acts need to be amended.

Part XI Commencement

The commencement section details how and when the Act (or different provisions of the Act) come into effect.