

A dynamic splash of clear water against a white background, with a stream of water falling from the top right and creating a large, energetic splash in the center. The water is captured in mid-air, with many small droplets and bubbles visible.

a *W*ATER ACT

for Prince Edward Island

White Paper

www.gov.pe.ca/wateract



Communities, Land
and Environment

TABLE OF CONTENTS

Message from the Minister3

Executive Summary4

Our Water is an Important Public Resource5

Input from the Public is Welcome8

Proposed *Water Act* Public Engagement Process9



Communities, Land
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Message from the Minister

The protection of our land, air and water for future generations is a fundamental responsibility of government. That is why we have committed to the development of a *Water Act*, which will demonstrate government's determination to manage our water resources in a sustainable manner.

Groundwater on Prince Edward Island supplies Islanders with their drinking water, making this a precious resource. Because of this, it is essential that we protect our water resources to their fullest.

I encourage all Islanders to get involved in the consultation process. To learn more about how you can participate in the creation of Prince Edward Island's *Water Act*, please visit www.gov.pe.ca/wateract.

A handwritten signature in black ink that reads "Robert Mitchell". The signature is written in a cursive, flowing style.

Robert Mitchell

Minister of Communities, Land and Environment



Executive Summary

Prince Edward Island is the only province in Canada that is completely dependent on groundwater for its source of drinking water. The protection of water is a fundamental responsibility of government. **The goal of the proposed *Water Act* will be to protect the quality and quantity of the Island's water and ensure that our water supply is healthy and sustainable now and into the future.**

More than any other province, our economic success depends on healthy soil, clean air and water, and healthy and diverse ecosystems. The Task Force on Land Use Policy consulted Islanders in 2013 and developed statements of provincial interest relating to the protection of the quality and quantity of our water. It has also studied how the public might be engaged in any subsequent discussion. Witnesses appearing before the Legislative Standing Committee on Agriculture, Environment, Energy and Forestry called for a review of water policy in its broadest scope. The committee recommended "a thorough review of the scientific basis for our water policies be undertaken as part of the development of the *Water Act*."

The Government of Prince Edward Island invites the public to contribute to the development of a *Water Act*. The Environmental Advisory Council will host consultations for the proposed *Water Act* and report back to the Minister of Communities, Land and Environment. Greater technical detail is provided at: www.gov.pe.ca/wateract.

"A river is the report card for its watershed."
- Alan Levere

The proposed *Water Act* could consolidate several existing pieces of legislation and regulations, including elements of the *Environmental Protection Act* Water Well Regulations, Drinking Water and Wastewater Facility Operating Regulations, and Watercourse and Wetland Protection Regulations.

The proposed *Water Act* would address the following key issues:

- Ensuring good water quality for human consumption and the environment;
- Managing the allocation of water for human consumption and economic sustainability, while protecting streams, rivers and related aquatic environments;
- Improving water use efficiency and conservation;
- Managing water on a watershed basis;
- Considering water in land use decisions; and
- Streamlining the regulation and permitting process.

The provincial government is interested in all views and encourages everyone to comment. The proposed public engagement process is shown on Page 9.

Much is known about water in Prince Edward Island. Our website provides links to many reports and research studies at: www.gov.pe.ca/wateract.

Information on how you can participate is provided at the end of this document.

Our Water is an Important Public Resource

Prince Edward Island is the only province in Canada that is completely dependent on groundwater as its source of drinking water. **The goal of the proposed *Water Act* will be to protect the quality and quantity of the Island's water and ensure that our water supply is healthy and sustainable now and into the future.**

Usually, water quality and quantity are taken for granted – until there is a problem. The provincial government uses a “multi-barrier” approach to protecting drinking water from ‘the ground to the glass’, including protection at the well, water delivery system design and operation, and water quality monitoring and reporting. Treating water to remove contaminants is very expensive. The best and least expensive way to have clean water is to prevent contamination in the first place.

Part of a new strategy for managing our water resources could be to shift to a watershed-based management approach. Local factors taken into consideration in any watershed management plan might include the competing demands for water resources. This could mean that local conditions, issues and interests, as well as local knowledge, could influence water management decisions.

Land and resource development have cumulative effects on watersheds, on stream health, and on drinking water quality. A watershed management approach could help prevent any potential water shortage problems from occurring and provide a response to problems that exist now.

Key Legislative Goals:

The protection of water is a fundamental responsibility of government, and modernizing water laws is an important first step. Today, we have a patchwork of legislation and regulations related to water quality, quantity and management. Furthermore, there is no transparent process for decisions affecting the

management of our water resources. This means the rules for water allocation can change without the public being informed. A *Water Act* would include a more integrated approach to decision making.

Consolidate water-related legislation: Decisions on the use of water resources are currently made using a mixture of regulations and policy that have evolved over several decades. While groundwater (water from the ground) and surface water (rivers and streams) are closely linked, each is managed separately. The *Water Act* would bring together several pieces of legislation, including:

- ▶ Elements of the *Environmental Protection Act*;
- ▶ Water Well Regulations;
- ▶ Drinking Water and Wastewater Facility Operating Regulations;
- ▶ Sewage Disposal System Regulations; and
- ▶ Watercourse and Wetland Protection Regulations.

Streamline the regulation and permitting process:

The provincial government is always interested in streamlining the process for approvals and reducing red tape. Advice on implementing the current system of permits and approvals administered by government, or authorized contractors, is welcome.

There may be an opportunity to harmonize provincial and federal regulatory frameworks for the treatment of sewage, and ensure that effluent quality standards meet or exceed nationally recognized standards.

Regulate surface water and groundwater use: Where a particular risk is identified to the water resource, or the environment, water allocation limits could be applied. These limits could consider local factors such as:

- Hydrogeological and hydrological information;
- Environmental needs;

- Climate change;
- Land use plans and watershed plans;
- Public interest; and
- Existing water uses.

Protect streams, rivers and related aquatic environments: Contaminants such as nitrate can lead to anoxic events. Siltation of water courses from multiple sources has resulted in degraded aquatic habitats for fish and other stream organisms. Water quality targets could help to frame acceptable practices in a particular watershed.

Ensure good water quality: Drinking water is tested on a regular basis in every community served by a municipal water system. Islanders benefit from hands-on management by qualified professionals. These protection efforts play a key role in preventing the spread of waterborne illnesses. People pay for this service through their property taxes, or through a direct charge. In future, additional protection could be provided for well fields that serve central water supply systems.

More than half of Islanders are dependent on private wells and are responsible for managing their own water quality. A government run, state-of-the-art, analytical laboratory, and other private labs, offer water testing services to Islanders for a fee.

Ensure there is enough water (quantity): While current predictions do not suggest dramatic future changes to the total annual rainfall and groundwater recharge, climate change is affecting the frequency and severity of storm events. Climate change predictions point to changes in seasonal water availability that could result in uneven summer rainfall. The criteria used to protect streams, rivers (environmental flows) and aquatic ecosystems could be set out in regulations and/or statutory water allocation plans. These would relate directly to water availability under prevailing and future climatic conditions.

Manage the allocation of water in times of scarcity: The introduction of water allocation limits would provide greater security to users, and would ensure a clear process to support decisions related to licensing, allocation, and risk assignment. Water use varies with location, and management plans could be developed in consultation with local advisory groups, communities, and municipalities.



Manage on a watershed basis: The Act may not be prescriptive on every management issue. It could, however, give municipalities, communities, advisory groups, and government the tools needed to address water management according to the conditions at specific localities over time.

Managing water sustainably requires access to information about water use and quality, and climate and land use changes. Information is needed to make better decisions, and avoid conflict or shortfalls in supply. There may be vulnerable watersheds where greater risks to water quality and quantity, requires action to protect the natural habitat. Focused effort and collaboration involving industry, government, water users and citizens will be required to resolve long-term issues.

“Plans to protect air and water, wilderness and wildlife are in fact plans to protect man.”

- Stewart Udall

Prevent Contamination: The proposed Act could provide water managers and stakeholders with the tools necessary to assess and minimize the impacts of contaminants released into surface waters and groundwater from:

- Municipal and industrial waste water discharge;
- Storm water discharge in urban and rural areas;
- Agricultural activities;
- Highway maintenance and construction;
- Petroleum storage facilities; and
- Other sources of contaminants.

More technical reports and resources are available on the website: www.gov.pe.ca/wateract.

A glossary of terms and factsheets on specific topics are also available.

If you have questions or concerns, please contact the Environment Division at 902-368-5028.



Input from the Public is Welcome

Islanders are committed and deeply concerned about water and watersheds.

Islanders have already provided advice, in a series of reports over the past few years:

- **Legislative Standing Committee** (November 2014)
www.assembly.pe.ca/sittings/2014fall/reports/11_2014-19-11-report.pdf
- **Task Force on Land Use Policy** (January 2014)
www.gov.pe.ca/photos/original/fema_TFreport14.pdf
- **Report of the Action Committee for Sustainable Land Management** (November 2012)
www.gov.pe.ca/photos/original/elj_suslndmngt.pdf
- **Report of the Commission on Nitrates in Groundwater** (June 2008)
www.gov.pe.ca/photos/original/cofNitrates.pdf
- **We are all downstream. We are all upstream. We are all part of a watershed.** (April 2007)
www.gov.pe.ca/photos/original/watershedreport.pdf

Continuing the Conversation

The Government of Prince Edward Island invites all Islanders to contribute to the development of a *Water Act*. The proposed public engagement process is shown on Page 9.

The Environmental Advisory Council will host consultations for the proposed *Water Act* and will report back to the Minister of Communities, Land and Environment. Additional information on our Island water resources is provided at the website: www.gov.pe.ca/wateract.

There will be two rounds of public consultation (see page 9). In this first round, all are invited to comment on the policy direction before a Prince Edward Island *Water Act* is drafted. In the second round, government will outline the specific elements that will be addressed in the new legislation, and the public will again be invited to comment.

There will be various opportunities for all to make their views known, including:

- ▶ At public meetings to be held across Prince Edward Island in the coming months;

Proposed *Water Act* Public Engagement Process

- ▶ By e-mail to: wateract@gov.pe.ca (subscribers will receive updates and feedback);
- ▶ By mail to: A *Water Act* for Prince Edward Island, Department of Communities, Land and Environment, PO Box 2000, Charlottetown, PE C1A 7N8;
- ▶ on the Department's website at www.gov.pe.ca/wateract/;
- ▶ By phone to: 902-368-5028; and
- ▶ By fax to: 902-368-5830.

Views on the proposed Act are personal information and are being collected under section 31(c) of Prince Edward Island's *Freedom of Information and Protection of Privacy (FOIPP) Act* for the purpose of engaging the public as part of developing legislation. The Department will publish opinions and/or viewpoints it receives on our website and/or re-print them in public documents. We will not disclose the names of people making these submissions. If you have questions, please contact the Environment Division at 902-368-5028 (toll-free 1-866-368-5044).



White Paper Release – Round one of public consultations, to be hosted by the Environmental Advisory Council, are to be completed by the end of 2015.



Draft *Water Act* and Regulations – Round two of public consultations start in Spring 2016.



Water Act Completion – Fall 2016

“We never know the worth of water till the well is dry.”
- Thomas Fuller,
Gnomologia, 1732

www.gov.pe.ca/wateract



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