

Updates on the *Water Sustainability Act*

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Ministry of Environment

BCGWA 2017 Annual Convention



Outline

1. Update on groundwater licensing
2. Technical developments, reports
3. Re-write of the WELLS database
4. Person responsible



Update on water licensing

To date, there have been:

- >700 applications for licences to use groundwater
- 32 licences have been granted for groundwater use (scanned licences can be viewed via [Scanned Water Licence Directory](#))
- Provincial staff are reaching out to groundwater users
- Let your customers/clients know about the need to get a licence; it's in their best interest



Province of British Columbia
Water Sustainability Act

CONDITIONAL WATER LICENCE

The owners of the land to which this licence is appurtenant are hereby authorized to divert and use water as follows:

- a) The aquifer on which the rights are granted is 608.
- b) The point of well diversion is located as shown on the attached plan.
- c) The date from which this licence shall have precedence is January 1, 1977.
- d) The purpose for which this licence is issued is industrial lawn, fairway and garden.
- e) The maximum quantity of water which may be diverted for industrial lawn, fairway and garden purpose is 68 cubic meters per year.
- f) The period of the year during which the water may be used is May 1 to September 30.
- g) The land upon which the water is to be used and to which this licence is appurtenant is Section 4, Range 1 East, North Saanich District.
- h) The authorized works are a well, pipe and distribution system which shall be located approximately as shown on the attached plan.
- i) The construction of the said works has been completed and the water is being beneficially used. The licensee shall continue to make regular beneficial use of the water in a manner authorized herein.
- j) The authorized works may not be physically connected to the District of North Saanich distribution system or any downstream plumbing that is served by that system without approval.

Darryl Slater
Water Manager

Technical developments, reports

- Water Science Series
 - Water budgets for aquifers
 - Technical guidance documents (e.g., hydraulic connectivity and testing and assessment)
- Developed stream velocity rod



Re-write of the WELLS database

- WELLS is old; opportunity to re-write
- Lindsay Macfarlane is part of a select team that will review and re-write WELLS
- The team will be actively engaging industry for input and feedback (they have begun contacting stakeholders to set up sessions).
- If you are interested in providing input to development (contact L. Macfarlane (Lindsay.Macfarlane@gov.bc.ca))

Person responsible

WSA s. 48 defines “person responsible”:

"person responsible", with respect to constructing a well, installing a well pump, conducting a flow test or decommissioning a well, means,

(a) if the activity is supervised by a professional, that professional,

(b) if paragraph (a) does not apply and the activity is supervised or performed by a well driller or well pump installer who is qualified to supervise or perform that activity, that well driller or well pump installer,

(c) if neither paragraph (a) nor (b) applies, a person who performs the activity in the ordinary course of that person's business, and

(d) if none of paragraphs (a), (b) or (c) applies, the person on whose behalf the activity is performed;

What is my responsibility in stopping and controlling artesian flow as the person responsible?

- WSA (S52(2)) says that if you are the qualified individual drilling the well, you are responsible for stopping or controlling artesian flow.
- As a qualified well driller, you should come to a mutual understanding with the well owner about the risk and cost in stopping artesian flow prior to drilling; consider a contract that addresses the risks
- If you fail to stop or control flow, the well owner becomes responsible (S52(5))



Does my responsibility as “person responsible” differ if I am an employee?

- The WSA is silent about the employer-employee relationship
- Is there understanding with the employer that you are the person responsible in carrying out the job?
- The person responsible, is still the person responsible, even if employed by a company

At what point does the responsibility transfer from the driller to the well owner?

- It depends on the specific facts
- The WSA requires the driller to stop and control the well when they drill the well
- Once the well is constructed, the well owner has responsibility to maintain equipment installed to control artesian flow and not do anything to compromise control



***I've been asked to control flow from a well
I did not drill nor supervise.***

What is my responsibility if I take it on?

- Ask questions to determine who is the current person responsible
- You are responsible/liable for your own actions (as always); determine prior action taken by previous person
- If you take it on, clarify who is the person responsible (S48)

What can we do to address risk of encountering flowing artesian conditions?

- Pre-drilling assessments; well design
- Mutual understanding with the well owner of the need for a properly constructed well, risks involved and who assumes costs (discussion, contract)
- Do you need additional expertise for the job?
- What are the limits of your insurance?
- Flowing artesian advisories



