



WATER SUSTAINABILITY ACT IN EFFECT

EFFECTIVE DATE: Immediately

The Water Sustainability Act (WSA) is now in effect, resulting in changes to surface water and groundwater allocation processes by the BC Oil and Gas Commission (Commission). With the implementation of the WSA, the following regulations were created or revised and brought into force:

- Water Sustainability Regulation (replaces Water Regulation)
- Groundwater Protection Regulation (revised)
- Dam Safety Regulation (revised)
- Fees, Rentals and Charge Tariff Regulation (new)

The WSA modernizes the language of the Water Act and introduces a number of significant policy changes. Examples of key items that affect oil and gas activities include, but are not limited to:

- Water in a stream, and the percolation and flow of groundwater, are vested to the Crown.
- The regulatory scheme for the diversion and use of stream water is maintained and applied to both stream water and aquifer water.
- The rights of prior appropriation are retained – First In Time, First In Right (FITFIR).
- The consideration of the environmental flow needs of a stream in licensing decisions is mandated for all water allocation decisions related to streams, and to aquifers “reasonably likely” of being hydraulically connected to a stream.
- Explicit notification, objection and appeal rights for short-term water use approvals and changes in and about a stream are specified (appeals are to the Environmental Appeal Board).
- Deep groundwater is exempted from the requirement for a water licence.
- New powers are created to be applied when streams are at risk of falling or have fallen below their critical environmental flow thresholds, to modify the existing precedence of water use for the purpose of protecting the aquatic ecosystem of streams and aquifers and essential domestic uses (i.e., FITFIR can be overridden).
- Authority is provided to statutory decision makers to require environmental mitigation or offsetting when the diversion and use of water, or changes in and about a stream, are likely to have a significant adverse impact on the water quality, water quantity or aquatic ecosystem of a stream or aquifer.

As there are significant changes resulting from the implementation of the WSA, operators are strongly encouraged to review the document [WSA Applications Support for Operators](#). This supplemental outlines material changes to application manuals, processes and fees, short-term water use approvals, water licensing, and the aforementioned regulations.

The WSA and its regulations may be viewed [online](#), and will be made available at <http://www.bclaws.ca>.

Should you have any questions regarding this Industry Bulletin, please contact:

Allan Chapman, PGeo

Hydrologist

Resource Stewardship and Major Projects

BC Oil and Gas Commission

Allan.Chapman@bcogc.ca

250-419-4435
