



STRATFORD AREA WATERSHED IMPROVEMENT GROUP

DRAFT Water Act for Prince Edward Island

Prince Edward Island Department of Communities, Land and Environment
PO Box 2000
Charlottetown, PE
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To whom it may concern,

The Stratford Area Watershed Improvement Group (SAWIG), incorporated since 2009, has actively participated in environmental restoration, enhancement, education, and public engagement within the Stratford, Alexandra, Hazelbrook, Fullerton's and Pownal communities. Additionally, SAWIG is a founding member of the Hillsborough Area Watershed Cooperative, the umbrella group involved in protection and enhancement of the historic Hillsborough River.

On behalf of our constituent watersheds, SAWIG is writing to express several concerns and recommendations brought forth during the group's review of the draft *Water Act*.

- There is a significant concern regarding the ability of the minister to allow municipalities to exceed water allocation rates, even outside of emergency situations or exceptional circumstances. Further, even "emergency" exceedances should be time-limited, and only where water conservation and all other means to reduce demand have been implemented; including, for example, restrictions on non-essential uses such as car washing and lawn watering.
- Outside of the definitions, water conservation is not addressed within the Act itself, whether from a residential, commercial, industrial or municipal perspective. SAWIG strongly feels water conservation is a fundamental component to long-term protection and preservation of PEI's water. It is unfathomable that municipalities and other sectors will be allowed to increase their water use when conservation is not taken into consideration.
- Notwithstanding that this is an enabling Act with regulations to follow, it is SAWIG's view that predominate use of the word 'may' in Part II (Authority and Administration) makes it unclear which, if any authorities will be exercised in protecting our water resources and it is recommended that the intent of the Act be strengthened through replacement of "may" with the word "shall" where possible.

- There is no mention of the ability of the minister to revoke licenses and permits when water has been misused, inefficiently used, or wasted. “Responsible use” should be fundamental criteria for water permits and licenses, and conditions of approval could include; for example, water conservation plans.
- Although assurances have been given in public meetings that there is a restriction on number of wells per property, there does not appear to be wording in the current document restricting the number of wells that can be placed on a single property, which would prove to be a significant loophole for entities wishing to withdrawal significant volumes of water in lieu of high capacity wells.
- Stormwater management is not mentioned in this draft Act. This is a significant omission, as stormwater runoff from agriculture, development, commercial or industrial companies etc. is a serious concern for watershed groups across PEI due to water quality issues related to sedimentation and other contamination.
- Meaningful public participation should be defined and directly incorporated into the Act to ensure the public has adequate and ongoing participation in the development of regulations, water management area planning, and all other decisions affecting their water supplies and those of the environment.
- There should be a statute of limitations of 3 years after the minister has been informed of an environmental contamination or infraction. This would differ from a statute of limitations of 2 years after an event has occurred. The 3 year limitation after the minister has been informed takes into account situations of delayed environmental effects.
- Buffer zones are not incorporated into the draft Act, presumably due to their inclusion in other Acts or regulations. Buffer zones are fundamental to the protection of surface water quality, and should be incorporated in this Act with reference to all relevant land uses. There should also be allowance for enhanced buffer zones to protect sensitive and significant systems.
- Wastewater is not just an urban concern; agriculture and commercial/industrial businesses also contribute to contamination due to wastewater. This should be explicitly taken into account in the Act.
- The *Precautionary Principle* must be clearly articulated in the Act, and applied to all pursuant decisions and regulations. The absolute dependence of all life on water necessitates a precautionary, risk adverse approach to all decision making. While we applaud the inclusion of scientific evidence in decision-making, all scientific studies have inherent uncertainty associated with them that must be considered.

- The Stratford Area Watershed Improvement Group commends the Government of Prince Edward Island in the development of this *Water Act*; however, this process should not be hurried to allow for transparency, inclusivity and thoroughness.

Sincerely,



Winston Maund,

President

Stratford Area Watershed Improvement Group (SAWIG)

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