

BRIEFING NOTE FOR INFORMATION

DATE: July 13, 2022

PREPARED FOR: Kevin Jardine, Deputy Minister, Environment and Climate Change Strategy, (ENV); Rick Manwaring, Deputy Minister, Forests (FOR); Lori Halls, Deputy Minister, Land, Water and Resource Stewardship (LWRS)

ISSUE: LWRS authority to develop water quality objectives and guidelines

BACKGROUND:

- For the last four decades, the Province has developed science-informed Water Quality Objectives (WQO) and Water Quality Guidelines (WQG), enabled by ministerial authority under the *Environmental Management Act* (EMA) and *Ministry of Environment Act* (MoEA).
- WQO and WQG are scientifically derived numerical maximum or narrative statements regarding chemicals and water characteristics deemed important to protect water values; WQO are for specific waterbodies whereas WQG provide province-wide guidance.
- On April 1, 2022, the WQO and WQG program and staff were transferred to LWRS; however, the associated authority under EMA and MoEA remain with the Minister for the Environment.

DISCUSSION:

Under EMA¹ and MoEA², the ENV Minister has broad authority for any matter relating to the management, protection, and enhancement of the environment, including water. This includes establishing WQO and WQG used to inform decisions on waste discharge permits, water quality monitoring and compliance. As established by policy³, the scope of WQO is broad - to protect water by maintaining or improving water quality in specified waterbodies. The WQG provide provincial benchmarks that define low-risk conditions for water uses and are essential for WQO development.

The mandate for LWRS^{4,5} specifies provincial leadership for water stewardship, including responsibility for water-related strategic planning, policy and science for B.C. and water quality and sustainability objectives. The expertise for WQO and WQG development was transferred to LWRS; however, ministerial responsibility under EMA or under the MoEA for WQG and WQO was not.

Without legislative responsibility, the broad scope and legitimacy of WQO and WQG and the program continuity in LWRS may be challenged.

The Minister for LWRS has authority under WSA s 43 to establish area-based water objectives to sustain water quality and water quantity for specified uses of water and for aquatic ecosystems by

¹ EMA s 5(e) [Minister's authority]

² MoEA s 4(2)(c) [Purposes and functions of the ministry]

³ Water Quality Objectives Policy (2021)

⁴ Placemat Restructured Natural Resource Ministries

⁵ Ministry of LWRS and Minister Responsible for Fisheries 2022/23 - 2024/25 Service Plan



Order in Council; however, this does not include WQG development.^{s.13; s.14}
s.13; s.14

s.13; s.14; s.16; s.18.1

CONCLUSION:

s.13; s.14

PREPARED BY:

Ann Eastman
Legislative Advisor
Strategic Policy, ENV
(250) 974-5793

REVIEWED BY:

	Initials	Date
DM		
Exec. Lead		
Exec. Director		
A/Director		

⁶ [B.C.'s response on establishing a selenium-level objective for Lake Kootenay | BC Gov News](#)