

## MEMORANDUM OF UNDERSTANDING

### BETWEEN

Ministry of Agriculture and Lands  
Ministry of Energy, Mines and Petroleum Resources  
Ministry of Environment  
Ministry of Community Services  
Ministry of Health  
Ministry of Forests, Range and Housing  
Ministry of Transportation  
Office of the Provincial Health Officer  
Fraser Health Authority  
Interior Health Authority  
Northern Health Authority  
Vancouver Coastal Health Authority  
Vancouver Island Health Authority

### REGARDING

## INTER-AGENCY ACCOUNTABILITY AND COORDINATION ON DRINKING WATER PROTECTION

VERSION 7: OCTOBER 16 · 2006

### 1 Background

- 1.1 In March, 2002 the Province adopted an *Action Plan for Safe Drinking Water in British Columbia* which sets out a multi-faceted and multi-agency approach to the protection of public health as it relates to drinking water quality.
  - 1.2 The Action Plan sets out government's commitment to an integrated approach for drinking water protection. The ADMs' Committee on Water and the Directors' Inter-Ministry Committee on Drinking Water are the facilitating bodies for the Action Plan.
  - 1.3 The Action Plan also states the accountability of different ministries for the coordination of source protection, land use planning and infrastructure:
    - (a) The Ministry of Environment will be responsible for source water quality standards, monitoring, compliance and enforcement, and resource ministries will continue to be responsible for protecting drinking water sources under their legislated mandates.
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- (b) The Ministry of Agriculture and Lands will work with communities to help make appropriate land use decisions that carefully consider drinking water protection.
  - (c) The Ministry of Community Services will work in partnership with federal and local governments to help ensure required infrastructure is in place.
- 1.4 The *Drinking Water Protection Act* (DWPA) is one element of the Action Plan. It is the principal statute concerning drinking water protection.
- 1.5 Many other statutes deal with matters of relevance to drinking water protection, and through which government seeks to achieve various legislative objectives related to matters such as resource extraction, land use and environmental practices. Many of these statutes contain their own provision for drinking water protection, most particularly source water protection.
- 1.6 The role of drinking water officers under the DWPA complements the roles of statutory officials under other statutes, and the DWPA contains numerous provisions to balance respect for other statutory mandates while at the same time ensuring that public health protection respecting drinking water is achieved.
- 1.7 The DWPA requires the Provincial health officer to perform an oversight and accountability function regarding the administration of the DWPA. This includes a duty to report to the Minister of Health and potentially to Cabinet any situation that
- (a) in the opinion of the Provincial health officer, significantly impedes the protection of public health in relation to drinking water, and
  - (b) arises in relation to the actions or inaction of one or more ministries, government corporations or other agents of the government.
- 1.8 In light of all the above, the parties to this MOU have entered into this understanding with a view to ensuring each agency's accountability in respect of their actions concerning drinking water protection.
- 1.9 This MOU is not intended to address issues of consultation and/or coordination between the parties to this agreement and federal agencies.

## 2 Guiding principles

2.1 In fulfilling the terms of this MOU the parties<sup>1</sup> will be governed by the following guiding principles:

Constructive – The parties will foster constructive working relationships.

Proactive – The parties will work to ensure that any potential concerns regarding inter-agency cooperation are identified in a proactive manner and that steps are taken to avoid them, or to address them as soon as possible.

Information sharing – Each agency, through either the ADMs' or the Directors' Committees, will share with the other agencies information relevant to the matters covered by the MOU. This will include:

- sharing of information respecting the development or amendment of legislation, policy, practices, etc. that may affect drinking water protection (in advance where possible)
- sharing information from the ADMs' and Directors' Committees with officials<sup>2</sup> responsible for implementing the regional protocols (discussed below)
- clear communication regarding the goals and purposes of the various regulatory mandates, particularly those which are results based.

Respect for mandates – All of the parties will recognize and respect the mandates and statutory decision-making functions of the other parties.

Partnership – The parties will give effect to this MOU in manner that reflects a sense of partnership and shared responsibility for drinking water protection and risk management.

Efficiency and Practicability – The parties seek to ensure that the goals of the MOU are achieved in a manner that minimizes the need for the development of additional referrals systems and other activities that will impose significant resource requirements on staff. The parties will also support an appropriate degree of flexibility among regions in implementing the regional protocols (discussed below), so as to reflect the particular needs and circumstances of the various regions. Communication and referrals on resource activities that are part of the regional protocol will be based on best available information at the time of the application.

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<sup>1</sup> "Parties" means the agencies as represented on the ADMs' Committee on Water.

<sup>2</sup> i.e., officials from any agency.

### **3 Establishment of regional drinking water teams**

- 3.1 For each region, a regional drinking water team will be established, with representation from each agency that is party to this agreement, as well as representation from local governments that wish to participate.
- 3.2 The members of the regional drinking water teams will serve as the principal contact for discussion of regional inter-agency drinking water issues.
- 3.3 Each health authority will designate a drinking water officer to serve as a coordinator of the respective regional drinking water teams. The coordinator will maintain an up-to-date contact list for members of the regional drinking water team and make that available to all team members.
- 3.4 Regional drinking water teams may communicate by whatever means is considered the most efficient and effective and all may meet, in whole or in part, at times mutually agreeable to all the members. The coordinator for each team will schedule at least one meeting each year to which all members of the regional drinking water teams will be invited to attend. If a subset of the membership meets, the coordinator of the drinking water team will communicate the outcome of the meeting to all members within a week of the meeting.

### **4 Commitment to the establishment of regional protocols**

- 4.1 Each of the Parties to this MOU will participate in the development of regional protocols to give operational effect to the purposes of this MOU.
- 4.2 For the purposes of the regional protocols, the regions will be defined by the geographic areas of each of the five health authorities, as set out in Appendix A. Due to the absence of coincident boundaries among the agencies, discussions may need to occur among multiple offices to identify appropriate committee membership for each regional protocol.
- 4.3 The regional protocols will be developed by the regional teams, and they will set out the types of decisions that should as a general rule be the subject of some form of coordination or consultation, recognizing however that the decision whether or not to undertake inter-agency coordination in any particular case is ultimately a matter for the discretion of officials<sup>3</sup> (unless some legal requirement to do so exists).
- 4.4 Regional drinking water teams may develop whatever form of protocol they determine appropriate to achieve the goals and meet the requirements of this MOU, but they are encouraged to consider using the form of protocol set out in Appendix B, and to consider coordination regarding those activities set out in Appendix C that are relevant to that

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<sup>3</sup> i.e., officials from any agency.

region. Regional protocols may include strategies for engaging local stakeholders interested in community drinking water issues.

- 4.5 Regional protocols must be developed for each region no later than October, 2007. A copy of such protocols must be provided to the Directors' Inter-agency Committee on Drinking Water when it is completed, and at any time it is amended.
- 4.6 Nothing in this MOU or any regional protocol developed under it is intended to be legally binding, and neither creates any legal rights or duties. Moreover, nothing in this MOU or a regional protocol shall be taken to limit or constrain the exercise of discretion by a party in respect of a statutory power or decision.

## **5 Commitment to include drinking water coordination activities within each ministry and agency**

- 5.1 Each agency that is party to this MOU will undertake the necessary internal steps to ensure its commitment to inter-agency coordination of drinking water issues and the implementation of this MOU.

## **6 Process for review and performance management**

- 6.1 On or before June 30 of each year, beginning June 2008, each drinking water team will provide to the Directors' Inter-agency Committee on Drinking Water a summary report of its activities for the previous fiscal year.
- 6.2 The Directors' Inter-agency Committee on Drinking Water will review the reports of the regional drinking water teams and provide an annual overview report to the ADMs' Committee on Water.
- 6.3 The Directors' Inter-agency Committee may at any time provide recommendations to the regional drinking water teams, with a view to ensuring the effective and efficient implementation of this MOU.

## **7 Process for dealing with disagreements or unresolved issues**

### Disagreements or unresolved issues in implementation of regional protocols

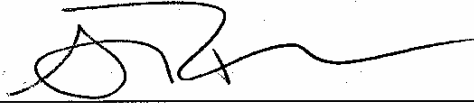
- 7.1 Responsibility for addressing disagreements or unresolved issues concerning implementation of the regional protocols rests with the regional team members and their supervisors as appropriate. If however the regional teams draw to the attention of the Directors' Inter-agency Committee on Drinking Water any disagreements or unresolved issues arising in relation to the implementation of a regional protocol, the Directors' Committee may review and discuss the matter, with a view to recommending to the ADMs' Committee any amendments to this MOU that may prevent such occurrences from occurring in future.

Disagreements or unresolved issues in implementation of this MOU

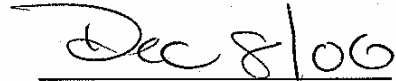
7.2 If any disagreements or unresolved issues arise in the implementation of this MOU, the relevant members of the Directors' Inter-agency Committee on Drinking Water will discuss the matter and attempt to resolve it. If that does not prove successful, those parties will refer the matter to the relevant members of the ADMs' Committee. In the event that the Assistant Deputy Ministers of the agencies concerned are unable to resolve the disagreement in a mutually acceptable manner, they will refer the matter to the Deputy Provincial health officer, who may consult with the parties with a view to resolving the matter.

**8 Costs**

8.1 Each agency will bear its own costs of undertaking the activities associated with this MOU.



Grant Parnell, Assistant Deputy Minister, Crown Land Administration, Ministry of Agriculture and Lands



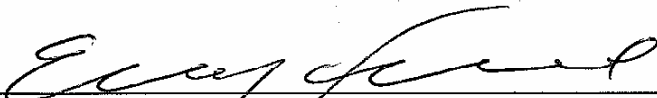
Date



Harvey Sasaki, Assistant Deputy Minister, Risk Management and Competitiveness, Ministry of Agriculture and Lands

06.12.08

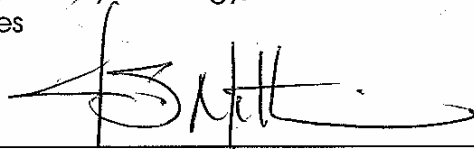
Date



Eric Partridge, Assistant Deputy Minister, Mining and Minerals, Ministry of Energy, Mines and Petroleum Resources

06.11.07

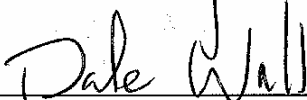
Date



Jim Mattison, Assistant Deputy Minister, Water Stewardship, Ministry of Environment

2006.12.11

Date



Dale Wall, Assistant Deputy Minister, Ministry of Community Services

2006.12.14

Date

Andrew Hazlewood, Assistant Deputy Minister,  
Population Health and Wellness, Ministry of Health

Nov 03/06.

Date

Jim Snetsinger, Chief Forester, Ministry of Forests,  
Range and Housing

Dec 12/06

Date

for Peter Millsburn, Assistant Deputy Minister, Highways  
Department, Ministry of Transportation

06/12/11

Date

Dr. Perry Kendall, Provincial Health Officer, Office  
of the Provincial Health Officer

31/05/2008

Date

Dr. Roland Guasparini, Chief Medical Health  
Officer, Fraser Health Authority

24 January 2007

Date

Dr. Rob Parker, Chief Medical Health Officer,  
Interior Health Authority

Dec 28 /2006

Date

Dr. David Bowering, Chief Medical Health Officer,  
Northern Health Authority

Jan 9 /2007

Date

for Dr. John Blatherwick, Chief Medical Health Officer,  
Vancouver Coastal Health Authority

02/NOV/2006

Date

Dr. Richard Starwick, Chief Medical Health Officer,  
Vancouver Island Health Authority

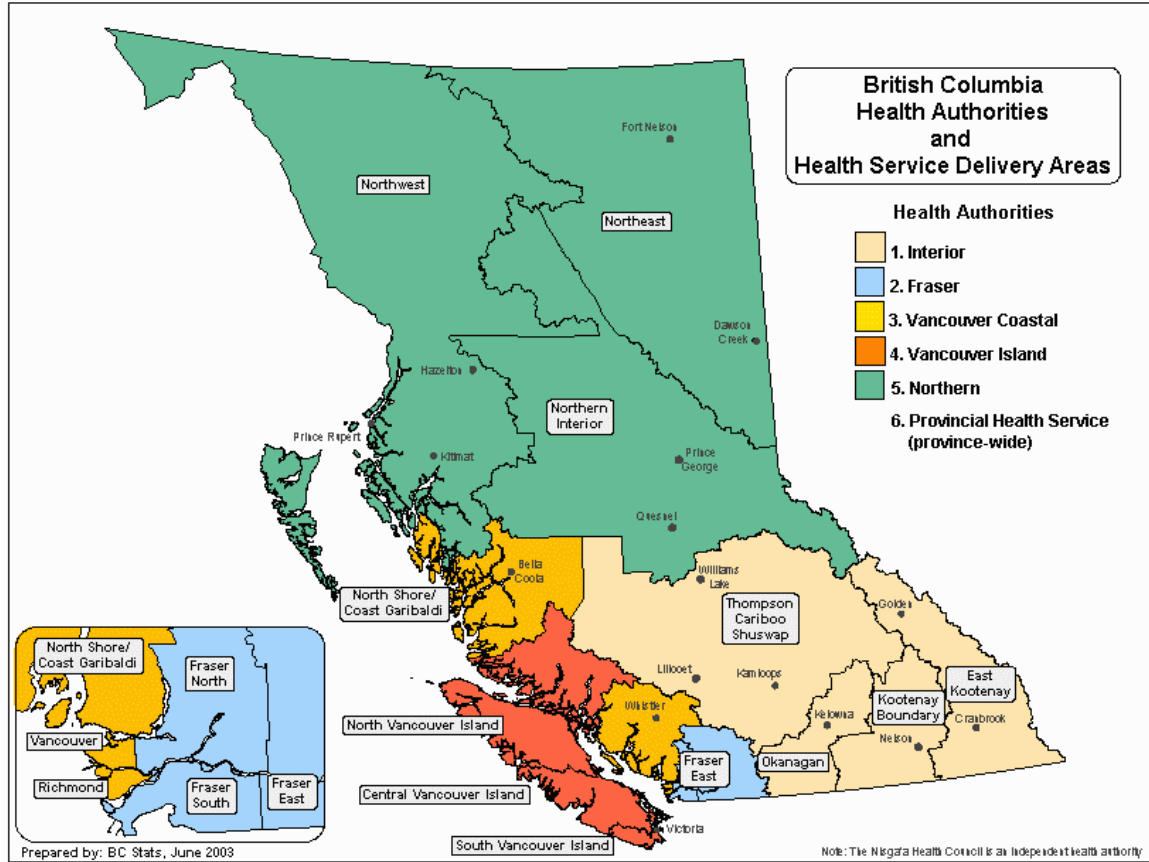
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# Appendix A

## Map of Health Authorities





## *Appendix B*

### **Suggested template for Regional Protocols**

#### **REGIONAL DRINKING WATER TEAM**

The members of the \_\_\_\_ Regional Drinking Water Team, including contact information and the names of alternate members, are set out in the attached table.

Each agency will bear the costs of its participation in the Regional Drinking Water Team and the meetings referred to below.

#### **MEETING SCHEDULE**

##### Regular meetings

The Regional Drinking Water Team will hold a regular meeting at least [*SPECIFY FREQUENCY*]. Such meetings will be arranged by [*SPECIFY DRINKING WATER OFFICER OR OTHER PERSON*] upon at least 3 weeks notice to all the other parties. All parties will send a representative to such meetings.

Parties will attempt to participate in regular meetings in person, but may arrange to participate by conference call if personal attendance is not practicable.

The team members will rotate the responsibility for organizing and hosting regular meetings, and in preparing minutes that result from such meetings.

##### Additional meetings

Additional meetings may be held at any time that any of the team members wishes to propose and organize such a meeting. In providing notice of additional meetings, the person proposing the meeting should give as much notice as is reasonable in the circumstances, and must indicate the purpose of subject matters(s) to be addressed in the meeting. The other parties may attend such additional meetings at their discretion.

Parties may participate in additional meetings in person or by teleconference.

##### Matters for consideration at meetings

The Regional Drinking Water Team will establish its own agendas for regular and additional meetings. This may include, but is not limited to:

- Discussion of routine consultation and activities taken pursuant to the protocol (see next section)
- Proactive identification of drinking water protection issues that may warrant inter-agency consultation and coordination even before a specific statutory decision or function is contemplated

- Consultation with local stakeholders interested in community drinking water/watershed protection issues
- *[Others?]*

### **MATTERS FOR WHICH COORDINATION AND CONSULTATION WILL BE ROUTINELY CONSIDERED**

Staff of the parties to the protocol will, as a general matter, apply the principles set out in the following chart concerning inter-agency consultation when exercising their statutory functions relevant to drinking water protection.

However, in any case where an official from an agency determines that some other approach is more appropriate on the facts of any particular case, he or she may adopt the principles that are considered appropriate.

*[Insert chart based on proposal set out in Appendix C of MOU<sup>4</sup>, but tailored to needs and circumstances of the region.]*

### **DEALING WITH DISAGREEMENT OR UNRESOLVED ISSUES**

In the event issues arise about which the team members disagree, or cannot be resolved, and which have potential impact on drinking water protection and related matters, the team members involved will refer the matter to their immediate supervisors for consideration and direction.

If as a result of the referrals discussed above a team members considers that a matter is not resolved to the mutual satisfaction of the agencies concerned, he or she must advise the person from that agency that is a member of the Directors' Inter-agency Committee on Drinking Water.

### **COMMUNICATION STRATEGIES**

The parties will adopt the following communication techniques and strategies to ensure open and effective communication regarding drinking water protection issues:

- Copies of this protocol and the related MOU will be provided to [specify]
- The parties will share information in a timely way regarding developments within their respective agencies that are relevant to the matters covered in this protocol.
- *[Others?]*

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<sup>4</sup> Appendix C is a table including agencies' decisions related to drinking water and the associated legislation.

**PREPARATION OF AN ANNUAL REPORT**

8.2 On or before June 30, beginning June 2008, of each year, each drinking water team will provide to the Directors' Inter-agency Committee on Drinking Water a summary report of its activities for the previous fiscal year. Responsibility for preparing the report will rotate annually among members of the Regional Drinking Water Team.



*Appendix C*

**Please note:** THE FOLLOWING EXAMPLE IS FOR ILLUSTRATIVE PURPOSES ONLY. This chart is intended to be completed by the regional drinking water teams. The actual contents of the chart would need to be discussed and considered by relevant ministry staff.

**Chart of key statutory decisions for which regional inter-agency coordination may be appropriate**

ACT	DECISION OR ACTION BEING CONSIDERED OR TAKEN	AGENCIES WITH WHICH TO COORDINATE*									
		DWO	MAL	MCS	MEMPR	MOFR	Local Gov't	MOE	MOT	PHO	
		"c" - consider consulting and pursue as appropriate "r" - request input before decision-making "i" - share for information purposes (*May be departed from where the official concerned views the type or degree of coordination set out below is not appropriate in the circumstances)									
Dike Maintenance Act											
Drinking Water Protection Act	Construction permits										
	Operating permits										
	Hazard Abatement Orders										
	Public reporting requirements (e.g., boil water notices)										
	Assessment (technical committee)										
	Assessment response plan										
	Emergency Plans										
	DWPP (request for)										

ACT	DECISION OR ACTION BEING CONSIDERED OR TAKEN	AGENCIES WITH WHICH TO COORDINATE*										
		DWO	MAL	MCS	MEMPR	MOFR	Local Gov't	MOE	MOT	PHO		
Environmental Assessment Act												
Environment Management Act	Pollution abatement order											
	Pollution prevention orders											
	Pollution information order											
	Waste discharge (Schedule 1)											
	Area-based planning											
	Substitution orders											
	Remediation orders (CS)											
	Animal Waste Control Regulation											
	Organic Matter											
	Recycling Regulation											
Farm Practices Protection Act	Farm bylaws through the local government act											
Fisheries Act												
Fish Protection Act	Riparian Area Regulation											
Forest Act	Tenure/licence award											

ACT	DECISION OR ACTION BEING CONSIDERED OR TAKEN	AGENCIES WITH WHICH TO COORDINATE*										
		DWO	MAL	MCS	MEMPR	MOFR	Local Gov't	MOE	MOT	PHO		
Forest Practices Code	Road construction permits											
	Watershed Assessments in community watersheds(until 2006)											
	Forest Development Plan Approval											
	Cutting permits											
	Setting water quality objectives (known)											
Forest and Range Practices Act	Forest Stewardship Plans											
	Range Stewardship Plans											
	Range Use Plan											
	Woodlot Regulation											
	Community Watershed designation (MSRM)											
Geothermal Resources Act	Tenure (MEM)											
	Exploration and Development Approvals (MEM?)											

ACT	DECISION OR ACTION BEING CONSIDERED OR TAKEN	AGENCIES WITH WHICH TO COORDINATE*										
		DWO	MAL	MCS	MEMPR	MOFR	Local Gov't	MOE	MOT	PHO		
		"c" - consider consulting and pursue as appropriate "i" - share for information purposes "r" - request input before decision-making (*May be departed from where the official concerned views the type or degree of coordination set out below is not appropriate in the circumstances)										
Integrated Pest Management Act	Service license approvals (including conditions)											
	Directives and orders											
	Selective permitting											
Land Act	Plan approvals and objectives											
	Fee simple											
Land Amendment Act	Water Objectives (MSRM)											
Lands, Parks and Housing Act	Same powers under both (Land Act LWBC) Land Act: application-based, proactively look for opportunities (e.g., sale of Crown land)											
	Crown Land Allocation Framework (CLAF)											
	Recreational Lot Sales Strategy											
Livestock Act	Fencing											
	Land clearing											
Local Government	Regional Growth Strategies											

ACT	DECISION OR ACTION BEING CONSIDERED OR TAKEN	AGENCIES WITH WHICH TO COORDINATE*										
		DWO	MAL	MCS	MEMPR	MOFR	Local Gov't	MOE	MOT	PHO		
		"c" - consider consulting and pursue as appropriate "i" - share for information purposes "r" - request input before decision-making (*May be departed from where the official concerned views the type or degree of coordination set out below is not appropriate in the circumstances)										
Act/ Community Charter	OCPs											
	Subdivision zoning bylaws											
	Variances											
	Borrowing powers regarding water DWO determines non-potable											
	Liquid Waste Management Plans											
	Amendments to municipal boundaries											
	Adoption of OCP											
	Adoption of Zoning Bylaws											
Local Government Grants Act	Infrastructure funding											
Local Services Act	Subdivision regulation (unserved areas within RDs, approval by MOT)											
Mines Act	Sand and gravel, placer, and hardrock. mining											
	Approvals and permits											



ACT	DECISION OR ACTION BEING CONSIDERED OR TAKEN	AGENCIES WITH WHICH TO COORDINATE*										
		DWO	MAL	MCS	MEMPR	MOFR	Local Gov't	MOE	MOT	PHO		
	Remediation orders											
	Dumps											
	Dams											
	Remediation for acid rock drainage											
	Gravel pits											
Parks Act	Water supplier provisions											
	Park Use Permits											
Petroleum and Natural Gas Act	Tenure (MEM)											
	Exploration and Development Approvals											
Range Act												
Transportation Act	New highway development											
	Road maintenance standards and agreements for 10 years											
	Permit to construct works on Crown lands											
	Transportation of Dangerous Goods											
Water Act	Water licences											
	Dam building											

ACT	DECISION OR ACTION BEING CONSIDERED OR TAKEN	AGENCIES WITH WHICH TO COORDINATE*									
		DWO	MAL	MCS	MEMPR	MOFR	Local Gov't	MOE	MOT	PHO	
	Storage										
	Water Users' Communities										
	Section 9 approvals: "changes in and about a stream"										
	Issuance of permits over Crown land (pipes);										
	Dam and dyke approvals. (Potential for flooding of intake works for wells or surface intakes.)										
	Flood proofing of wells										
	Well construction										
	Water Management Plans (MSRM/MWLAP)										
Water Utilities Act	Excludes sections strictly for energy utilities										
	Certificate of public convenience and necessity										
Water Utilities Commission Act											

ACT	DECISION OR ACTION BEING CONSIDERED OR TAKEN	AGENCIES WITH WHICH TO COORDINATE*									
		"c" - consider consulting and pursue as appropriate					"i" - share for information purposes				
		"r" - request input before decision-making (*May be departed from where the official concerned views the type or degree of coordination set out below is not appropriate in the circumstances)									
		DWO	MAL	MCS	MEMPR	MOFR	Local Gov't	MOE	MOT	PHO	
Weed Act	Spraying										
Wildfire Act											
Wildlife Act											

