



April 30, 2015

Land and Water Policy Branch
Ministry of the Environment and Climate Change

Re: Wells (Water) Legislative and Regulatory Framework EBR Review (OWRA – Regulation 903)

To whom it may concern,

Conservation Ontario would like to thank you for the opportunity to comment on the focused review of Regulation 903 (Wells) and related sections of the Ontario Water Resources Act. We will be limiting our comments to those that align with Conservation Authority (CA) business activities. Our comments will be organized by topic as they are identified in Appendix 1 of the January 28 and 30, 2015 'Informational Webinars'.

Location of Wells

The applicant indicates that for clauses involving separation distances and contaminants, that a definition of contaminants is advised. We suggest tying in any selected generic definition to the table of Drinking Water Threats used for the CWA 2006. Given that the main intent of the separation distance requirement is to protect drinking water sources, it is appropriate and will add supporting detail with respect to the contaminant source. Contaminated area would be the delineated zone of impact in a documented contaminated area. The CA often needs to address this issue as it relates to developments (under the development plan review process). A consistent list of contaminants would be helpful.

The adequacy of the fixed separation distances between a new well and sources of contamination is also questioned by the applicant. CAs have found in a number of cases that the minimum separation distance in this regulation and the building code have been insufficient. This is especially true for areas where overburden is less than 2m over a bedrock aquifer. In these locations groundwater velocities can exceed 1m/day. To address these situations establishing different separation distances for different hydrogeological environments may be appropriate.

Testing for natural Gas or other Gas and mineralized water

CAs support the suggestion for testing for natural or other gases during the construction of the well. Depending on the available equipment and potential training requirements for well contractors, this may result in increased well construction costs but such a requirement is in line with Ministry of Labor Occupational Health and Safety provisions. Additionally, the value of the information as baseline data is useful to the owner and CA staff in trouble shooting future potential water quality problems. Local assessment of groundwater quality and of local resident well owners concerns would benefit from this type of data.

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Abandonment

It is staff's understanding that contrary to the applicant's comments, that there are indeed qualification requirements for abandonment except where the owner is doing their own work (mostly dug wells). It may be appropriate to require that ALL wells be decommissioned by licensed contractors and bring such details from the Best Management Practices (BMP) documents into the regulation itself. Improperly decommissioned private wells may result in the creation of transport pathways for contaminants.

Disinfection

CAs support comment 9d requiring that a bacteriological test to confirm water is potable be conducted at the well at the time of construction by the contractor. This is a critical test and could serve as baseline information in the event of changes to land use in the area. These tests are also free and the work may be coordinated with Municipal Health offices and would be useful to the local assessment and monitoring of groundwater quality.

We would suggest going one step further in making it a requirement that water also be tested for general chemistry. In many geologic locations in Ontario aquifers have naturally occurring parameters above drinking water standards (i.e. boron and Selenium in the Niagara Escarpment). Often the home owner is uninformed and may assume at the time of construction that the water is potable. This requirement would serve the public and local experts in well assessment concerns.

Need to Incorporate Best Management Practices (BMP) into Regulation 903

CAs agree with and support comment 10a for the majority of topics covered. A clearly articulated Regulation should not require 2 lengthy manuals (over 750 pages each) to clarify clauses. As well the BMPs are not legislative instruments and rather guidelines that may be challenged. It would be advisable to strengthen the Regulation through a regulation revision process to better protect Ontario's ground water resources.

Exemption's for test holes and dewatering wells

Comment 11a is appropriate, CAs have found on several occasions (with the last 6 months) that environmental water well contractors have a hard time properly interpreting and applying this component of the regulation. It may be appropriate to have separate regulations for water supply wells and test holes/ dewatering wells.

Summary

Overall CAs believe that the applicant's comments are legitimate and need to be addressed. CO and the CAs are pleased that the review of Regulation 903 is ongoing and hope that any changes properly address our concerns as stated above. Should you have any questions with regards to our comments above we would be more than happy to further discuss them with you.

Regards,

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