

Ministry of the Environment, Conservation and Parks

Well Licensing Considerations Requirements and Exemptions Education and Outreach

For Professional Geoscientists Ontario
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Ontario



Notice

- This presentation is being provided for information purposes only and is not intended, nor should it be construed as providing legal advice in any circumstances. The applicable environmental legislation, including the following, should be consulted.
 - Ontario Water Resources Act, R.S.O. 1990, c. O. 40
 - R.R.O. 1990, Regulation 903 (Wells) as amended made under the Ontario Water Resources Act, R.S.O. 1990, c. O. 40
 - Ontario Regulation 153/04 as amended made under the Environmental Protection Act, R.S.O. 1990, c. E. 19
- Legislation and regulations change from time to time so it is essential that the most current versions be used.
- The graphics in this document are for illustrative purposes only, do not show all regulatory requirements, and are not to scale.

Outline

- Overview of Ministry of the Environment, Conservation and Parks (MECP) Well Management Program as it relates to well licensing:
 - Ontario's Wells Program
 - Requirements and Best Management Practices Manuals
 - Wells Legislative and Regulatory Overview
 - Definition of "Well", "Test Hole" & "Dewatering Well"
 - Exempted Wells & Shallow Works
 - Understanding the Term "Construct"
 - Exemptions to Well Construction Activities
 - Well Licensing for Businesses & Individuals
 - Person Abandoning the Well
 - MECP Resources for Wells
 - Questions

Ontario's Wells Program

- Improperly constructed, poorly maintained and improperly abandoned wells can:
 - act as direct pathways for contaminants to enter groundwater, or
 - allow contaminated water, mineralized water or natural gas to:
 - impair fresh groundwater used by others for drinking, and
 - cause adverse effects on the natural environment at the ground surface (e.g., flooding, property damage, erosion, sediment discharges, explosions).
- The Wells Program is one part of the ministry's overall policy framework to help protect Ontario's groundwater resources and the 2.5 million groundwater users.



Requirements & BMP Manuals

- In January 2009, the MECP released the Water Supply Wells - Requirements and Best Management Practices Manual:
<https://www.ontario.ca/document/water-supply-wells-requirements-and-best-practices>
- In April 2014, the MECP released the Test Holes and Dewatering Wells - Requirements and Best Management Practices Manual:
<https://www.ontario.ca/document/test-holes-and-dewatering-wells-requirements-and-best-management-practices>
- The Manuals should be used as reference in understanding water supply well, test hole and dewatering well licensing, construction, maintenance, abandonment, reporting and documentation requirements and best management practices in Ontario.
- The majority of the slides in this presentation summarize key well licensing and exemption topics, contained in the Manuals, relevant to persons who work on wells.

Wells – Legislative Overview

- The Ontario Water Resources Act, R.S.O. 1990, c. O. 40 (OWRA) is the main legislation governing wells in Ontario.

Purpose: To provide for the conservation, protection and management of Ontario's waters and for their efficient and sustainable use, in order to promote Ontario's long-term environmental, social and economic well-being.

- Environmental Protection Act, R.S.O. 1990, c. O. 40 (EPA) also provides requirements to report and mitigate adverse effects to the natural environment and requirements for test holes constructed for assessments in support of a Record of Site Condition.

Purpose: To provide for the protection and conservation of the natural environment.

Wells – Legislative Overview

- The Ontario Water Resources Act (<https://www.ontario.ca/laws/statute/90o40>):
 - defines “well” and “construct”,
 - sets requirements to hold a well contractor licence when engaging in the business of well construction and to hold a well technician licence when working at the construction of a well,
 - defines the grounds for refusal to issue or renew or revoke a licence,
 - sets the framework for compliance such as orders to mitigate problems,
 - sets the framework for enforcement such as penalties (e.g., substantial fines) for offences, and
 - gives authority to make regulations.



Wells - Regulatory Overview

- R.R.O. 1990, Regulation 903 (Wells) as amended made under the Ontario Water Resources Act, R.S.O. 1990, c. O. 40 (Wells Regulation) (<https://www.ontario.ca/laws/regulation/900903>).
- The Wells Regulation provides requirements and exemptions for:
 - wells,
 - activities performed on wells (e.g., drilling, pump installation),
 - the licensing of well contractors and well technicians, exempted professionals and assistant well technicians,
 - siting new wells,
 - well construction,
 - documentation, reporting and notification,
 - well maintenance and well abandonment.



Wells - Regulatory Overview

- Ontario Regulation 153/04 as amended made under the Environmental Protection Act (<https://www.ontario.ca/laws/regulation/040153>).
- Ontario Regulation 153/04 provides requirements for a “qualified person” that:
 - overrides certain exemptions set out in Wells Regulation for the construction of test holes and monitoring wells, and
 - places additional requirements for the construction of “monitoring wells”for a phase one and a phase two environmental site assessment for a Record of Site Condition.



See the definition of “Qualified Person” in Chapter 2 *Definitions and Clarifications* of the Manuals and section 5 of Ontario Regulation 153/04.

Definition of “Well”

- “Well” means a hole made in the ground:
 - to locate or to obtain groundwater or
 - to test or to obtain information in respect of groundwater or an aquifer
- “Well” includes a spring around or in which works are made or equipment is installed for collection or transmission of water and that is or is likely to be used as a source of water for human consumption [ss. 1(1) of the OWRA].



When the “Well” Definition Applies

- If a person is constructing a hole that may encounter groundwater but the person constructing the hole does **not** locate or obtain groundwater, or does **not** test or obtain information about groundwater or an aquifer, then the hole is **not** a “well”.
- Common examples when a hole typically **does not** meet the definition of a “well” include:
 - a quarry,
 - a sand and gravel pit,
 - a mine,
 - a hole for the sole purpose of installing a closed loop geothermal system, and
 - a hole for the sole purpose of mineral exploration.



When the “Well” Definition Applies

- If a hole is made in a subsurface formation (e.g., sand, clay, limestone, shale) below the ground surface or below a surface water body for the sole purpose of sediment, overburden or bedrock observations, the hole **is not** a “well”.
- If a hole is made in the subsurface to perform sediment, overburden or bedrock observations and a person measures groundwater, samples groundwater, performs other tests on groundwater or locates groundwater, the hole **is** a “well”.
- If a hole is made initially to solely perform sediment, overburden or bedrock observations and, then during construction, the person measures groundwater, samples groundwater, performs other tests on groundwater or locates groundwater, the hole **is** a “well”.

When the “Well” Definition Applies

- If a person creates a hole, places a vibrating wire piezometer into the hole and immediately fills the void space around the piezometer before any testing takes place, **there is no longer a hole** and thus, the location where the vibrating wire piezometer is placed is **not** a “well”.
- If a person advances cone penetration testing (CPT) equipment to test groundwater and immediately fills the void space with a sealant (e.g., bentonite) when removing the equipment, the person **has not created a hole** and thus, has **not** created a “well”.
- If a hole is advanced or excavated to test or obtain information with respect to an aquifer or groundwater but the hole does not locate groundwater (i.e., a **dry hole**), then the hole **is** a “well”.

When the “Well” Definition Applies

- If a person makes a hole to determine if groundwater is not present but the person will record the location of the groundwater if it is observed in the hole, then the hole is a “well”.
- If a person makes a hole to obtain groundwater for public, private, municipal and rural drinking water, agriculture, livestock, irrigation, commercial and industrial uses, then the hole is a “well”.
- There are other systems and scenarios that are not discussed above.
- Each scenario and site specifics need to be evaluated on their own merits, on a case by case basis, to determine whether or not a hole is a “well” as defined in the Ontario Water Resources Act.

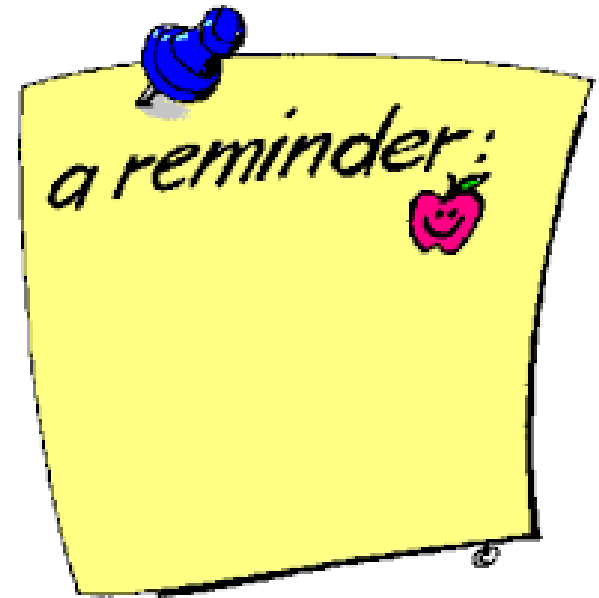
“Test Hole” & “Dewatering Well” Definitions

- In addition to the definition of “well” in the OWRA, subsection 1(1) of the Wells Regulation further defines two types of “wells”, the “test hole” and “dewatering well” .
- A “test hole” means a “well” that,
 - is made to test or to obtain information in respect of groundwater or an aquifer, and
 - is not used or intended for use as a source of water for agriculture or human consumption.
- A “dewatering well” means a “well” that is not used or intended for use as source of water for agriculture or human consumption and that is made,
 - to lower or control the level of groundwater in the area of the well, or
 - to remove materials that may be in the groundwater.



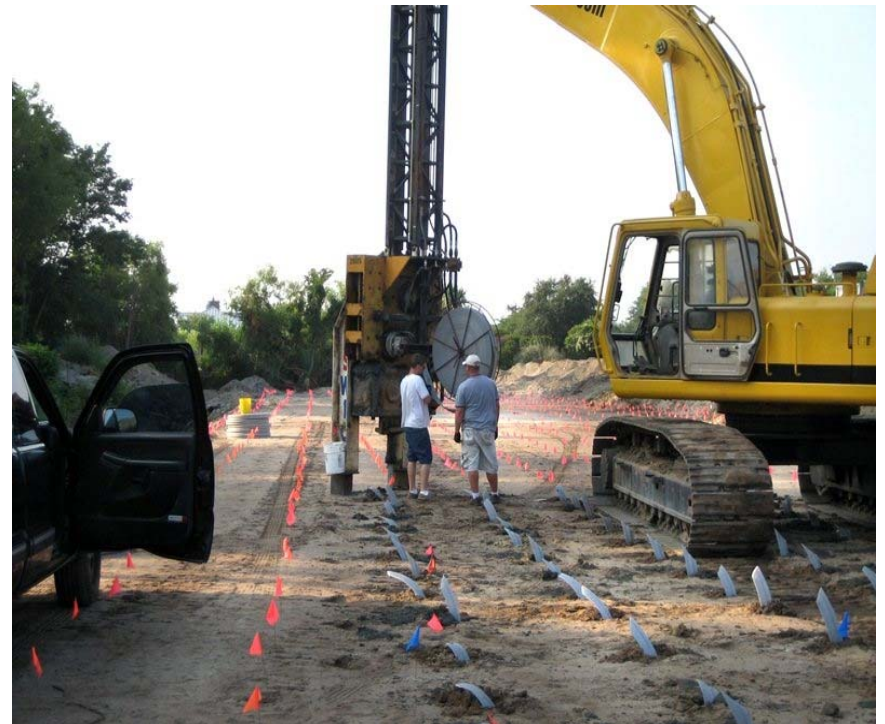
“Test Hole” & “Dewatering Well” Definitions

- Many wells are constructed for proposed private services subdivisions for groundwater quality and quantity testing.
- After testing, and if the subdivision development is approved, many of the wells are subsequently used by the developer to supply groundwater to residences for ordinary household purposes.
- In this case, the wells formerly used for testing no longer meet the definition of “test hole” because the subsequent use of the wells is for human consumption.
- These subdivision testing wells would be considered water supply wells and the more stringent well siting and construction requirements apply.



Exempted Wells

- S. 1.0.1 of the Wells Regulation exempts certain types of wells from the Wells Regulation and from the sections of the Ontario Water Resources Act (s. 36 to 50) that pertain to licensing requirements related to wells. The exempted wells are:
 - trench,
 - pond,
 - ditch,
 - reservoir,
 - lagoon,
 - artificial wetland,
 - canal,
 - tile drain, and
 - wick drain (shown in photograph).



Shallow Works

- A shallow works is:
 - a “well” as defined in the Ontario Water Resources Act,
 - a “test hole” or “dewatering well” as defined in the Wells Regulation, and
 - a “well” (hole) that is made to a depth of not more than three (3) metres below the ground surface (s. 1.1 of the Wells Regulation).
- A water supply well used, or intended for use, for human consumption, agriculture, industrial, commercial or municipal purposes is not considered a shallow works.



Shallow Works Exemption

- Under certain circumstances, a person who constructs, maintains or abandons a “shallow works” (i.e., a “test hole” or “dewatering well” that is not more than 3 metres below the ground surface):
 - is exempt from the sections on licensing of the Ontario Water Resources Act that pertain to wells (s. 35 to 50), and
 - shall plug and seal a shallow works that is no longer being used or maintained for future use as a well with bentonite or clean uncontaminated soil typical of insitu overburden (section 1.1 of the Wells Regulation).
- As long as the well continues to be a “shallow works” no other section of the Wells Regulation applies.

Shallow Works Exemption Exception

- The shallow works exemption does not apply if the “test hole” or “dewatering well”:
 - 1) is constructed in a contaminated area,
 - 2) is constructed in an area with conditions likely to result in flowing wells (where the static water level will likely be above the ground surface), or
 - 3) penetrates through a formation that is not an aquifer. For example, if the well is constructed entirely through a 2 m (6.5') thick clay formation and into a sand formation below.

For Number 1) - see the definition of “contaminated area” in Chapter 2 *Definitions and Clarifications* of the Manual.

For Number 2) - does not apply to piezometers used in stream beds to measure hydraulic head changes to determine flow between groundwater and surface water.



Don't forget:

Shallow Works & O. Reg. 153/04

Implications for the Qualified Person

- The qualified person as defined in O. Reg. 153/04 as amended made under the Environmental Protection Act shall ensure that the phase one and phase two environmental site assessments (ESAs) are conducted in accordance with the requirements found in O. Reg. 153/04 (<https://www.ontario.ca/laws/regulation/040153>).

Implications for Shallow Works

- The shallow works exemption contained in section 1.1 of the Wells Regulation does not apply to a “test hole” or “monitoring well” that is constructed as part of a phase one or phase two ESA for a record of site condition [ss. 22(4) of O. Reg. 153/04].

Understanding the Term “Construct”

- “Construct” when used with respect to a “well”, means bore, dig, drill or otherwise make, extend or alter.
- “Construct” also means installing equipment in or connected to a “well”



See subsections 35(1) and (2) Ontario Water Resources Act, R.S.O. 1990, c. O. 40

Exemptions to Well Construction Activities

All Wells (s. 1.0.2 of the Wells Regulation)

- The following well construction activities are exempt from the Wells Regulation requirements and the person doing these activities is exempt from the licensing requirements under the Ontario Water Resources Act (s. 36 to 50):
 - Inspecting the well using equipment (e.g., video camera) that is not left unattended in the well.



Exemptions to Well Construction Activities

All Wells (s. 1.0.2 of the Wells Regulation) (Continued)

- Monitoring (e.g., water level indicator), sampling (e.g., small submersible pump, inertial lift pump), or testing (e.g., conductivity, dissolved oxygen and pH meters) the well using equipment that is not used to test the yield of the well or the aquifer and where:
 - the equipment is not left unattended in the well or
 - the equipment was previously installed in the well.



Exemptions to Well Construction Activities

All Wells (s. 1.0.2 of the Wells Regulation) (Continued)

Example of When Exemption Does Apply on Any Well

- If a person uses a water level meter solely to measure the static water level in any well (water supply well, test hole, dewatering well) or the depth of the well and does not leave the equipment unattended at the well site.
- If a person installs an inertial lift, peristaltic, bladder or submersible pump in a well to collect a water sample, does not leave the equipment unattended and removes the equipment when finished.



Exemptions to Well Construction Activities

All Wells (s. 1.0.2 of the Wells Regulation) (Continued)

Examples of When Exemption Does Not Apply on Any Well

- If a person uses a water level meter to measure pumping water levels or recovery water levels in a well when conducting a test of the well's yield.
- If a person installs an inertial lift pump in a well that is not a “test hole” or a “dewatering well” (e.g., a residential drinking water well), samples the water in the well and leaves the pump in the well for future sampling.
- If a person installs a pressure transducer/datalogger in a well that is not a “test hole” or a “dewatering well” (e.g., a residential drinking water well), and leaves the transducer/datalogger in the well for monitoring water levels.

Exemptions to Well Construction Activities

All Wells (s. 1.0.2 of the Wells Regulation) (Continued)

Examples of When Exemption Does Not Apply on Any Well

- If a person opens a tap inside a residence to allow well water to flow and measures the water level drawdown in the well with a water level meter to determine the well's yield for a real estate transaction.
- If a person removes a well cap to add a chlorine solution to the water in the well as part of disinfecting the water in the well and then installs the well cap to the well casing.
- There are additional exemptions for a person who performs a well construction activity on a “test hole” or “dewatering well”.
- See slides 28 to 33, including examples, for further information on equipment installation in a “test hole” or “dewatering well” .

Exemptions to Well Construction Activities

Test Holes & Dewatering Wells Only (s. 1.0.2 of the Wells Regulation)

- A person is exempt from the Wells Regulation requirements and licensing requirements under the Ontario Water Resources Act (s. 36 to 50) when installing equipment in a test hole or dewatering well for monitoring, sampling or testing purposes, unless,
 - the installation of the equipment involves an alteration of the well, other than notching the top of the casing, or
 - the equipment is used to test the yield of the well or the aquifer.



Exemptions to Well Construction Activities

Test Holes & Dewatering Wells Only (s. 1.0.2 of the Wells Regulation) (Continued)

Examples of When Exemption **Does Apply** on Test Hole or Dewatering Well

- Examples of exempted equipment that a person can install in test hole or dewatering well and leave the equipment in the well for future monitoring, sampling or testing include:
 - monitoring equipment such as a water level probe or a pressure transducer;
 - sampling equipment such as a small submersible pump or an inertial lift pump;
 - testing equipment such as conductivity, dissolved oxygen or pH meters.



Exemptions to Well Construction Activities

Test Holes & Dewatering Wells Only (s. 1.0.2 of the Wells Regulation) (Continued)

Clarification on Testing the Yield of the Well or Aquifer (s. 1.0.2 of the Wells Regulation)

- If a person performs a pumping test to test the yield of the well, including a step draw-down pumping test, the activity is considered testing the yield of a well.
- In this scenario, the exemption **does not apply** to installing equipment including pumping equipment, a pressure transducer or electrical water meter.

Exemptions to Well Construction Activities

Test Holes & Dewatering Wells Only (s. 1.0.2 of the Wells Regulation) (Continued)

Clarification on Testing the Yield of the Well or Aquifer (s. 1.0.2 of the Wells Regulation)

- If a person performs a pumping test on a well to solely determine aquifer characteristics (e.g., hydraulic conductivity, transmissivity, storativity, specific yield), the person is **not** considered testing the yield of a well or aquifer as a person is obtaining aquifer characteristics and not a “yield”.
- In this scenario, the exemption **does apply** to installing equipment including pumping equipment, a pressure transducer or electrical water meter.

Exemptions to Well Construction Activities

Test Holes & Dewatering Wells Only (s. 1.0.2 of the Wells Regulation) (Continued)

Clarification on Testing the Yield of the Well or Aquifer (s. 1.0.2 of the Wells Regulation)

- If a person performs a “slug test” in a well that is used to determine the hydraulic conductivity of the aquifer, the person is **not** considered testing the yield of a well or the aquifer as a person is obtaining aquifer characteristics and not a “yield”.
- In this scenario, the exemption **does apply** to installing equipment including a pressure transducer or electrical water meter in this scenario.

Exemptions to Well Construction Activities

Test Holes & Dewatering Wells Only (s. 1.0.2 of the Wells Regulation) (Continued)


Examples of When Exemption **Does Apply** and **Does Not Apply** on a Test Hole or Dewatering Well - **Alterations**

- The exemption **does not apply** if the installation of monitoring, sampling, testing equipment causes an alteration to the well's structure such as:
 - cutting the top of the well casing,
 - extending the top of the casing, or
 - drilling a hole through the side of the casing.
- If the alteration consists only of creating a notch on the top of the well casing to allow for the removal of a well cap, then the exemption **does apply**.

Well Licensing for Businesses

- The Ontario Water Resources Act requires that any person that engages in the business of well construction hold a valid well contractor licence unless exempt under the Wells Regulation (s. 39 of the OWRA).
- Engaging in the business of well construction includes making money or receiving other forms of compensation.

Audit No / N° de contrôle
F-K-02-9115GC31

 Ontario

Licence No. / Licence n°
2

Ministry of the Environment and Climate Change / Ministère de l'Environnement et de l'Action en matière de changement climatique

Ontario Water Resources Act / Loi sur les ressources en eau de l'Ontario
WELL CONTRACTOR LICENCE
LICENCE D'ENTREPRENEUR EN CONSTRUCTION DE PUIITS

Name / Nom JUST ANOTHER DAY IN PARADISE INC.
Address / Adresse 125 RESOURCES ROAD
TORONTO, ONTARIO, M9P 3V6

This is authority under section 40 of the Ontario Water Resources Act to carry on the business of constructing wells. / La présente autorise, en vertu de l'article 40 de la Loi, à travailler à la construction de puits.

Dated at Toronto this 02 day of NOVEMBER 2016
Fait à Toronto le

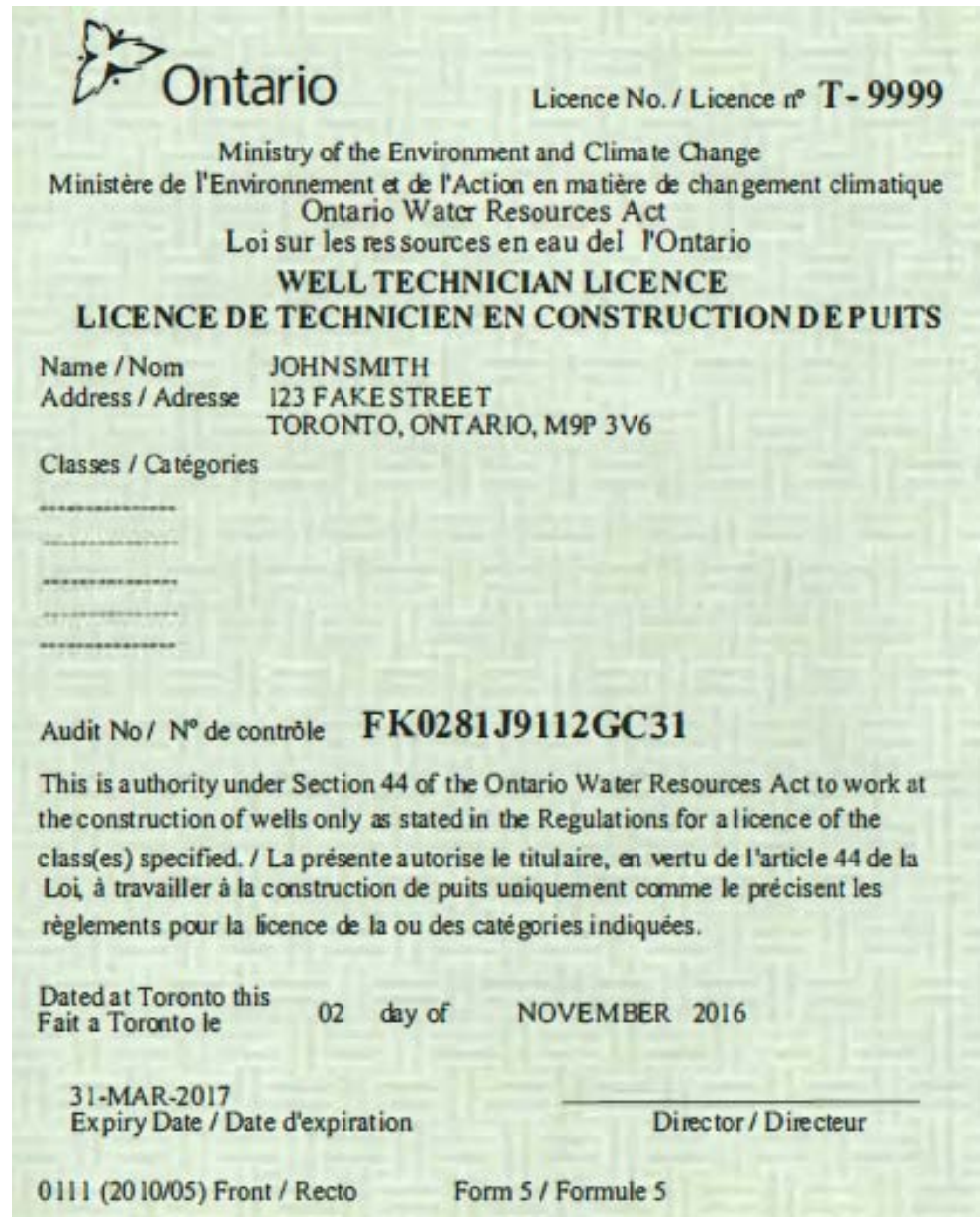
31-MAR-2017
Expiry Date / Date d'expiration

.....
Director / Directeur

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Well Licensing for Individuals

- The Ontario Water Resources Act requires that any person who works at the construction of a well hold a valid well technician licence of a prescribed class, unless otherwise exempt under the Wells Regulation or the Ontario Water Resources Act [ss. 43(1) of the OWRA].



The image shows a sample Ontario Well Technician Licence. At the top left is the Ontario logo. The licence number is T-9999. It is issued by the Ministry of the Environment and Climate Change. The licence is for a Well Technician, specifically for the construction of wells. The holder's name is John Smith, and the address is 123 Fake Street, Toronto, Ontario, M9P 3V6. The licence was issued on November 2, 2016, and expires on March 31, 2017. The audit number is FK0281J9112GC31. The licence is valid for the construction of wells only as specified in the regulations.

Ontario Licence No. / Licence n° T- 9999

Ministry of the Environment and Climate Change
Ministère de l'Environnement et de l'Action en matière de changement climatique
Ontario Water Resources Act
Loi sur les ressources en eau de l'Ontario

WELL TECHNICIAN LICENCE
LICENCE DE TECHNICIEN EN CONSTRUCTION DE PUIITS

Name / Nom JOHN SMITH
Address / Adresse 123 FAKE STREET
TORONTO, ONTARIO, M9P 3V6

Classes / Catégories

Audit No / N° de contrôle **FK0281J9112GC31**

This is authority under Section 44 of the Ontario Water Resources Act to work at the construction of wells only as stated in the Regulations for a licence of the class(es) specified. / La présente autorise le titulaire, en vertu de l'article 44 de la Loi, à travailler à la construction de puits uniquement comme le précisent les règlements pour la licence de la ou des catégories indiquées.

Dated at Toronto this 02 day of NOVEMBER 2016
Fait a Toronto le

31-MAR-2017
Expiry Date / Date d'expiration

Director / Directeur

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Well Licensing for Individuals

- There are five classes of well technician licence (s. 5 of the Wells Regulation).
- Each class allows a person to use a different types of well construction equipment to work on a well.
- Four of the five classes [1 (drilling), 2 (digging/boring/augering), 4 (pump installation) and 5 (testing/sampling/monitoring, non powered equipment)] of well technician licence represent well construction activities using types of equipment or methods that are specified in the Wells Regulation.
- The other class of well technician licence, called Class 3, allows the appointed Director under the Act to issue a licence for methods of well construction or specialized equipment that are not specified in the Wells Regulation and, in some cases, for a specific well type.

Class 5 Well Technician Licence

- A Class 5 Well Technician Licence is a licence authorizing the holder to do the following:
 - Install and supervise the installation of monitoring, sampling or testing equipment in a well, other than equipment used to test the yield of the well or the aquifer,
 - Install and supervise the installation of a pump in a test hole or dewatering well for monitoring, sampling or testing purposes, and
 - Construct and supervise the construction of a test hole and dewatering well by any method that does not use powered equipment.



Typically, activities such as sampling well water or measuring water levels or installing sampling, monitoring and testing equipment in a test hole or dewatering well are exempt from the licensing sections of the Ontario Water Resources Act (sections 36 to 50) and the Wells Regulation (see slides 23-33).

Class 5 Well Technician Licence

Examples of when Class 5 Well Technician Licence applies

- The following are examples of activities for which a Class 5 Well Technician Licence is required unless exempted:
 - Installing long-term monitoring equipment in a municipal or domestic well where a pumping test or yield test is not being performed,
 - Installing a pump and associated pumping equipment in a test hole to test the yield of the well,
 - Driving a test hole or dewatering well with a driven-point without the use of powered equipment, and
 - Cutting casing or extending casing of a test hole or dewatering well without the use of powered equipment.

Don't forget:

See slides 30 and 32 for clarification on “test of yield of well or aquifer”. Powered equipment includes petroleum powered, battery powered and electrical powered.

Exempted Professionals

Exemption from Class 5 Well Technician Licence for Certain Professionals (s. 1.0.3 of the Wells Regulation)

- A professional who works for a licensed well contractor does not require a Class 5 Well Technician Licence if the professional is performing Class 5 Well Technician Licence activities and:
 - holds a licence, limited licence or temporary licence under the Professional Engineers Act,
 - holds a certificate of registration under the Professional Geoscientists Act, 2000 and is a practicing member, temporary member or limited member of the Association of Professional Geoscientists of Ontario, or
 - is registered under subsection 8 (2) of the Ontario Association of Certified Engineering Technicians and Technologists Act, 1998, being chapter Pr7, and is an ordinary member of the Association continued under that Act.

Exempted Professionals

Exemption from Class 5 Well Technician Licence for Certain Professionals (s. 1.0.3 of the Wells Regulation) (Continued)

- When undertaking activities as described in Class 5, experienced professionals exempted from the Class 5 well technician licensing requirement must be either employed by a duly licensed well contractor or be a holder of a well contractor licence.
- An exempted professional who does not hold a well technician licence, but who works for a holder of a well contractor licence can only directly supervise another person who is conducting well construction activities associated with a Class 5 well technician licence if the supervised person:
 - is an exempted professional, or
 - holds a valid Class 5 well technician licence.
- If the exempted professional intends to supervise an “assistant well technician”, the exempted professional must hold the correct class of well technician licence (see slides 41 and 42 for additional information).

Assistant Well Technician

Assistant Well Technician



An assistant well technician means a person who works at construction of wells as an employee or agent of the holder of a well contractor licence under the supervision of the holder of a well technician licence [subsection 1(1) of the Wells Regulation].

Without an Identification Card

- An assistant well technician without an identification card is exempt from requiring a well technician licence if the assistant well technician is supervised by a holder of a well technician licence, of the correct class of licence for the well construction activity, who is present at the site at all times [subsection 9(1) of the Wells Regulation].

Assistant Well Technician

With an Identification Card

- An assistant well technician with an identification card is exempt from requiring a well technician licence when working at the construction of wells on behalf of the licensed well contractor named on the card if:
 - the expiry date on the card has not yet been reached,
 - s/he carries the card and produces it on the request of an employee or agent of the ministry, and
 - s/he is supervised by the holder of a valid well technician licence, of the correct class of licence for the well construction activity, who is available to be called to the site within one hour [subsection 9(2) of the Wells Regulation].

Exemptions from a Well Technician Licence

Individual Land Owner & Family

- The requirement to hold a well technician licence does not apply to a person who works at the construction of a well:
 - on land owned by the person or by a member of the person's household; or
 - for another person on land owned by the other person or by a member of the other person's household without remuneration or financial exchange [subsection 43(1) of the Ontario Water Resources Act].

Exemptions from a Well Technician Licence

When Licence Exemption Does Not Apply

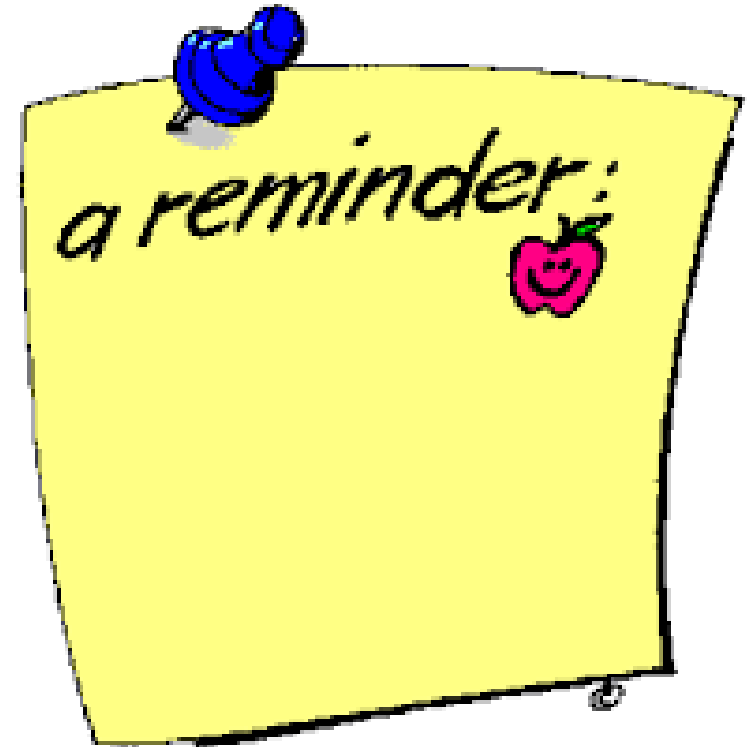
- If the land owner is a business (corporation, partnership, sole proprietor) or a provincial government agency, an employee must have a proper well technician licence to construct a well and the business or government agency must have a well contractor licence.

Other Well Requirements

- Although there are exemptions from the licensing requirements in the Ontario Water Resources Act (sections 36 to 50), the land owner, family member or person working for free must still meet the requirements in the Wells Regulation.

Person Abandoning the Well

- “Construct” when used with respect to a well, means bore, dig, drill or otherwise make, extend or alter.
- “Construct” also means installing equipment in or connected to a well.



See Subsections 35(1) and (2) of the Ontario Water Resources Act.

Person Abandoning the Well

Well Abandonment

- The circumstances and timeframes in which a well must be abandoned and the requirements to be complied with when abandoning a well.
- It is the ministry's position that well abandonment and the activities associated with well abandonment **are not considered** to be “constructing a well” or “well construction activities.”
- As a result, licensing requirements for the construction of a well do not apply to well abandonment.
- Abandonment obligations are placed on **the person abandoning the well.**



Person Abandoning the Well

Who is the Person Abandoning the Well?

[Subsections 21(1) to (8) of the Wells Regulation]

- In the case of a well that must be immediately abandoned, the person abandoning the well is one of the following:
 - the person who has discontinued the construction of a new well prior to the completion of its structural stage,
 - the “well purchaser” of a new well that is dry,



A “well purchaser” means a person who enters into a contract for the construction of a well with a person who is engaged in the business of constructing wells [subsection 1(1) of the Wells Regulation]. A well purchaser is not a person constructing a well and can mean an individual or individuals including corporations.

Person Abandoning the Well

Who is the Person Abandoning the Well? (Continued)

[Subsections 21(1) to (8) of the Wells Regulation]

- the “well owner” of a well that:
 - is not in use or being maintained for future use as a well,
 - is producing water that is mineralized or not potable (not applicable to test holes or dewatering wells),
 - contains natural gas or other gas,



Person Abandoning the Well

Who is the Person Abandoning the Well? (Continued)

[Subsections 21(1) to (8) of the Wells Regulation]

- the “well owner” of a well that:
 - permits the movement of materials including natural gas and contaminants and the movement may impair the quality of the waters, or
 - is constructed in contravention of the Wells Regulation requirements for location, methods, materials or standards and measures taken to rectify the problem have failed.



In most circumstances the “well owner” is the person abandoning the well.



A “well owner” means the owner of land upon which a well is situated and includes a tenant or lessee of the land and a “well purchaser” [subsection 1(1) of the Wells Regulation].

Person Abandoning the Well

Obligation to Retain a Licensed Well Contractor

[subsection 21(13) of the Wells Regulation]

- Unless exempt by the Wells Regulation, when a well is abandoned, the person abandoning the well, often the well owner, must do the following:
 - retain the services of a licensed well contractor, and
 - ensure the contract with the licensed well contractor requires a well technician licensed to construct the type of well being abandoned is used to abandon the well.



With respect to the licensed well technician in the contract, if the well was constructed by digging, for example, then a licensed class 2 well technician is required.

Person Abandoning the Well

Exemption - Obligation to Retain a Licensed Well Contractor

[subsection 21(13) of the Wells Regulation]

- The person abandoning the well, often the well owner, is exempt from the requirements in the “Obligation to Retain a Licensed Well Contractor” (slide 50), if the person who works at the abandonment of the well is:
 - the owner of the land or is a member of the owner’s household,
 - working without remuneration (e.g. not being paid) for another person on land owned by the other person or on land owned by a member of the other person’s household, or
 - a person who holds a Class 1 well technician licence (drilling).

Person Abandoning the Well

Exemption - Obligation to Retain a Licensed Well Contractor (continued) [subsection 21(13) of the Wells Regulation]

- The person abandoning a “test hole” or “dewatering well” (often the well owner) is exempt from the requirements in the “Obligation to Retain a Licensed Well Contractor” (slide 50) if the person who works at the abandonment of the well **uses a method that does not use powered equipment** and is:
 - a holder of a class 5 well technician licence, or
 - a professional engineer, professional geoscientist, or registered under the Ontario Association of Certified Engineering Technicians and Technologists Act.

Person Abandoning the Well

Exemption - Obligation to Retain a Licensed Well Contractor (continued)

[subsection 21(13) of the Wells Regulation]



- Private residential land owners, exempted professionals and class 5 well technicians typically do not have the equipment, methods, materials and expertise needed to comply with the requirements under the Wells Regulation and can exceed their abilities and resources.
- For example, reasonable efforts are needed to remove casing from an abandoned well and a lack of equipment or higher costs are not an excuse to leave the casing in the abandoned well [see ss. 21.1(1) of the Wells Regulation].
- The person abandoning the well, often the well owner, should ensure abandoned wells are properly plugged and sealed by a licensed well contractor who employs appropriate licensed well technicians.

Current MECP Resources for Wells

- E-laws: <https://www.ontario.ca/laws>
- Water Supply Wells -Requirements and Best Management Practices Manual: <https://www.ontario.ca/document/water-supply-wells-requirements-and-best-practices>
- Technical Bulletins on Water Supply Wells: <https://www.ontario.ca/page/water-supply-wells-technical-bulletins>

Current MECP Resources for Wells

- Test Holes and Dewatering Wells -Requirements and Best Management Practices Manual:
<https://www.ontario.ca/document/test-holes-and-dewatering-wells-requirements-and-best-management-practices>
- Technical Bulletins on Test Holes and Dewatering Wells:
<https://www.ontario.ca/environment-and-energy/ministry-environment-and-climate-change-resources?library=test%20holes%20and%20dewatering%20wells>

Current MECP Resources Wells

- Obtaining water well records: 1-888-396 Well (9355) or <https://www.ontario.ca/page/well-records>
- Wells on Your Property: <https://www.ontario.ca/page/wells-your-property>
- Wells Help Desk (For well licensing information, well records and general questions): 1-888-396-WELL (9355) or wellshelpdesk@Ontario.ca

Questions

