

Manitoba to Review Groundwater Legislation

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In a March 22, 2012 press release, Gord Mackintosh, Manitoba's Minister of Conservation and Water Stewardship, announced that his department is undertaking a review of Manitoba's groundwater legislation.

There are some 35,000 active water wells in Manitoba, with 1500 new wells being drilled every year, many for geothermal heating. The current legislation, The Groundwater and Water Well Act, and accompanying regulations (enacted in 1963 and 1969, respectively) are viewed as being both outdated and inadequate in dealing with the challenges of protecting groundwater quality. Manitoba Conservation and Water Stewardship sees a need to strengthen measures to protect aquifers and to update the regulatory structure to include geothermal, geotechnical and monitoring wells.

The five main areas identified for amendments are:

- licensing and certification;
- management and protection of groundwater, including aquifer management planning;
- well drilling, construction and sealing standards;
- groundwater and well database management; and
- compliance and enforcement.

Licensing requirements would extend to individual well drilling technicians as well as well drilling companies, which are currently licensed. The discussion document proposes the development and administration of licensing and certification programs with requirements for minimum levels of competence for well drilling professionals.

A reporting obligation is proposed to be introduced in circumstances where contamination occurs during the drilling or sealing of a well. A classification system will be developed to allow the categorization of wells and aquifers as being contaminated or saline and therefore

subject to different controls. A permit will be required to construct or seal an injection well for disposal of saline or wastewater. Regulations will be developed to allow for the designation of sensitive groundwater areas and require the protection of wells in designated flood areas in order to prevent contamination by surface runoff during flooding.

Current regulations do not provide for geothermal, geotechnical or monitoring wells. Proposed legislation would enable the establishment of regulations that would apply to closed loop geothermal systems and geotechnical drilling. The regulations would also extend to the sealing, drilling, construction and protection of those wells and the control of flows from artesian wells. The legislation would also allow for issuing a declaration that wells are abandoned and/or contaminated.

Regulations related to the reporting of drilled water wells are proposed to be extended to require the reporting in relation to geothermal and geotechnical wells. Regulations applicable to the sealing of wells will be improved.

Compliance and enforcement measures are proposed to permit:

- well construction and sealing orders;
- a process for the appeal of orders to the Minister;
- rights of entry and inspection for the department;
- significant increases to penalties for non-compliance; and
- public reporting of violations.

Manitoba Conservation and Water Stewardship is accepting comments on the proposed amendments until Friday, April 20, 2012.

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