

Technical Bulletin

Wells Regulation – Test Hole and Dewatering Well Licensing

This technical bulletin is one in a series of seventeen ¹ on well issues created for a person who:

- may have a new test hole ² or dewatering well ³ constructed in the future, or
- currently owns a test hole or dewatering well.

The purpose of this technical bulletin is to summarize the information found in the *Test Holes and Dewatering Wells – Requirements and Best Management Practices* manual published by the Ministry of the Environment, April 2014 (**hereon in referred to as the “Manual”**) regarding licensing for certain activities performed on a test hole or dewatering well.

This technical bulletin should be read in conjunction with the *Wells Regulation - Exempted Activities Performed on Wells, Including Test Holes & Dewatering Wells* and *Wells Regulation – Licensing (Class 5) for Individuals who Perform Tests on Wells* technical bulletins.

¹ A list of the seventeen technical bulletins is shown in the Additional Information Sources section near the end of this technical bulletin.

² A “test hole” means a well that, (a) is made to test or to obtain information in respect of ground water or an aquifer, and (b) is not used or intended for use as a source of water for agriculture or human consumption, subsection 1(1) of the Wells Regulation, e-laws: http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_900903_e.htm

³ A “dewatering well” means a well that is not used or intended for use as a source of water for agriculture or human consumption and that is made, (a) to lower or control the level of ground water in the area of the well, or (b) to remove materials that may be in the ground water, subsection 1(1) of the Wells Regulation, e-laws: http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_900903_e.htm

Well construction licensing requirements are found in the Ontario Water Resources Act and Regulation 903 (Wells Regulation) as amended made under the Ontario Water Resources Act. Constructing wells using trained individuals helps reduce the risk of contaminating water supplies and groundwater resources.

Licensing for Businesses

The Ontario Water Resources Act requires that any person that engages in the business of well construction have a valid well contractor licence, unless exempt under the Wells Regulation. Engaging in the business of well construction includes making money or receiving other forms of compensation.

A well contractor licence authorizes the licence holder to operate a well construction business. A well contractor licence is issued to an applicant whose qualifications and financial responsibility meet the Ministry of the Environment's requirements. A well contractor is responsible for holding the required insurance and for ensuring that all persons in their employ comply with the Ontario Water Resources Act and the Wells Regulation. To physically construct wells, a licensed well contractor must hold a well technician's licence or employ licensed well technicians. See the "Licensing for Individuals" section of this technical bulletin for further details.

Responsibilities of a Licensed Well Contractor

The responsibilities of a well contractor licence holder are to:

- Ensure at least one director, officer or partner is designated as the official representative of the licensee at all times, if the licence holder is a corporation or partnership. The official representative is assigned the responsibility of ensuring that the Wells Regulation and the Ontario Water Resources Act are complied with.
- Obtain and maintain the appropriate insurance as required by the Wells Regulation.
- Employ the appropriately licensed well technicians and/or licensed professionals.
- Ensure that well technicians, other employees and agents comply with the requirements of the Wells Regulation, the Ontario Water Resources Act and any other applicable provincial legislation relevant to constructing a well.
- Submit a well contractor licence renewal application form, required information such as insurance and fee to renew the licence by March 31 of each year.
- Report, in writing, any change to information previously provided to the Ministry in relation to the licence to the Director under the Act within ten (10) days of the change.

Licensing for Individuals

The Ontario Water Resources Act requires that any person who works at the construction of a well have a valid well technician licence of a prescribed class, unless otherwise exempt under the Wells Regulation or the Ontario Water Resources Act.

There are five classes of well technician licence. Each class allows a person to perform different construction activities on a well. Four of the five classes (1, 2, 4 and 5) of 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 Director under the Act to issue a licence for methods of well construction or specialized equipment that are not specified in the Wells Regulation.

The table provided at the end of this technical bulletin lists the activities a person can perform with a particular class of well technician licence or where no licence is required.

Responsibilities of a Class 1, 2, 3 or 4 Well Technician Licence Holder

The responsibilities of a well technician licence holder are to:

- Ensure that s/he works for a licensed well contractor or a provincial Ministry of the Crown.
- Ensure that s/he and any person under his/her supervision meet the requirements of the Wells Regulation, the Ontario Water Resources Act and any other applicable provincial legislation relevant to constructing a well.
- Ensure that s/he only works or supervises work as specifically authorized by the well technician licence that s/he holds.
- Ensure that s/he only supervises up to two pieces of well construction equipment at any one time. This number refers to the pieces of equipment and not necessarily the number of people a well technician can supervise.
- Have his/her well technician licence or a photocopy of the entire licence onsite at all times during well construction activities and produce it upon request of an employee or agent of the Ministry.
- Report, in writing, any change to information previously provided to the Ministry in relation to the licence to the Director under the Act within ten (10) days of the change.
- Submit an application form and the required fee to renew the licence by March 31 of each year.
- Return any assistant well technician identification card immediately to the Ministry, when s/he becomes a well technician.

- Successfully complete continuing education courses. After a new licence has been renewed for the first time, a minimum of 21 hours of Ministry approved continuing education courses must be taken every 3 years in order to renew a well technician licence that is identified as a Class 1, 2, 3 or 4.

Class 5 (Monitoring, Sampling, Testing and Non-Powered Construction) Well Technician Licence

Class 5 well technician licence information and responsibilities are provided in the *Wells Regulation – Licensing (Class 5) for Individuals who Perform Tests on Wells* technical bulletin for further information.

Exempted Activities Performed on Wells

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 the *Wells Regulation - Exempted Activities Performed on Wells, Including Test Holes & Dewatering Wells* technical bulletin for further information.

Requirements for an Assistant Well Technician

An assistant well technician means a person who works at the 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.

Assistant Well Technician with no 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.

Assistant Well Technician with 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.

Individual Land Owner Exemption

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.

Individual land owners and their families can work on wells on their own property as long as no remuneration or financial exchange occurs. 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.

Although there are exemptions from the licensing requirements in the Ontario Water Resources Act (sections 36 to 50), the person must still meet the requirements in the Wells Regulation. Knowledge of the Wells Regulation and the equipment, materials and expertise needed to properly and safely construct a well can exceed the average land owner's abilities and resources.

For instance, there may be explosive gas or pressurized groundwater within the well. If the person, including the well owner, does not have the necessary equipment or cannot employ proper safety procedures, then s/he should not perform the construction activity on a well.

A well technician with a valid well technician licence of the correct class, working for a well contractor with a valid well contractor licence, should be retained to perform the well construction activity on the well.

Responsibilities of the Person Abandoning the Well for Abandonment Operations

Abandonment of a well is not considered well construction. As a result, licensing requirements for the construction of a well do not apply to well abandonment and obligations are placed on the person abandoning the well who is often the well owner.

Obligation to Retain a Licensed Well Contractor

Unless exempt by the Wells Regulation, when a test hole or dewatering 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.

Exemption - Obligation to Retain a Licensed Well Contractor

The person abandoning the well is exempt from the above requirements 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).

The person abandoning a test hole or dewatering well is exempt from the requirements in the “Obligation to Retain a Licensed Well Contractor” section 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 see the “Class 5 (Monitoring, Sampling, Testing and Non-Powered Construction) Well Technician Licence” section of this technical bulletin, or
- An experienced Professional Engineer, Professional Geoscientist, or registered under the Ontario Association of Certified Engineering Technicians and Technologists Act.

Exempted Wells & Shallow Works

The Wells Regulation exempts certain types of wells, such as a pond or trench, from the Wells Regulation and from the sections on licensing in the Ontario Water Resources Act that pertain to wells ⁴.

A person who constructs, maintains or abandons a shallow works that meets the conditions set out in section 1.1 of the Wells Regulation:

- is exempt from the sections on licensing of the Ontario Water Resources Act that pertain to wells, ⁵ and
- need only meet the requirements found in section 1.1 of the Wells Regulation.

The shallow works exemption contained in section 1.1 of the Wells Regulation does not apply to a monitoring well that is constructed as part of a phase one or two environmental site assessment for a record of site condition ⁶.

See the *Wells Regulation – Understanding a Well, Test Hole and Dewatering Well* and *Wells Regulation – Shallows Works* technical bulletin for further information.

⁴ Sections 36 to 50 of the Ontario Water Resources Act, R.S.O. 1990, c. O. 40, e-laws: http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90o40_e.htm

⁵ Sections 36 to 50 of the Ontario Water Resources Act, R.S.O. 1990, c. O. 40, e-laws: http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90o40_e.htm

⁶ Ontario Regulation 153/04 as amended made under the Environmental Protection Act, R.S.O. 1990, c. E. 19, e-laws: http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90e19_e.htm

Water Supply Wells

Certain licensing and construction requirements for water supply wells are different from the requirements for test holes and dewatering wells as defined by the Wells Regulation. For further information on the requirements for water supply wells see the *Water Supply Wells – Requirements and Best Management Practices* manual, published by the Ministry of the Environment, December 2009 and the Wells Regulation.

Additional Information Sources

The seventeen technical bulletins on test holes and dewatering wells are:

- Wells Regulation – Understanding the Meaning of Well, Test Hole and Dewatering Well
- Wells Regulation – Shallow Works Test Holes & Dewatering Wells
- Wells Regulation – Exempted Activities Performed on Wells, Including Test Holes & Dewatering Wells
- Wells Regulation – Test Hole and Dewatering Well Licensing
- Wells Regulation – Licensing (Class 5) for Individuals who Perform Tests on Wells
- Wells Regulation – Site Considerations & Initial Planning for Test Holes & Dewatering Wells
- Wells Regulation – Constructing New Uncased Test Holes & Dewatering Wells in Operation for No Longer than 30 Days
- Wells Regulation – Constructing New Test Holes & Dewatering Wells in Operation for No Longer than 180 Days
- Wells Regulation – Constructing New Test Holes & Dewatering Wells
- Wells Regulation – Constructing New Multi-level Monitoring Test Holes
- Wells Regulation – Completing the Structure of the New Test Hole or Dewatering Well
- Wells Regulation – Flowing Test Holes & Dewatering Wells
- Wells Regulation – Test Hole & Dewatering Well Maintenance
- Wells Regulation – Well Record, Reporting & Tagging for a Test Hole & Dewatering Well
- Wells Regulation – Test Hole & Dewatering Well Repairs & Alterations
- Wells Regulation – Well Abandonment - When to Plug & Seal a Test Hole or Dewatering Well
- Wells Regulation – Well Abandonment - How to Plug & Seal a Test Hole or Dewatering Well

These technical bulletins are available on Ontario.ca.

Further information on well construction, licencing and exemptions can be found in Chapter 3: *Exemptions: Wells, Activities & Experienced Professionals* and Chapter 4: *Well Contractor and Technicians – Licences, Responsibilities & Exemptions of the Manual*.

A copy of the *Test Holes and Dewatering Wells – Requirements and Best Management Practices* manual can be obtained on Ontario.ca.

A copy of the Ontario Water Resources Act, Regulation 903 as amended made under the Ontario Water Resources Act (Wells Regulation) and other regulations can be obtained from the e-Laws website at www.e-laws.gov.on.ca.

The publications are also available by calling the Publications Information Centre at 1-800-565-4923 or (416) 325-4000.

For further information about wells, contact the Wells Help Desk at 1-888-396-9355 (Well) or the nearest Ministry of the Environment office listed in the blue pages of the telephone directory.

Notice: This bulletin 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.

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Table 1: Activities Permitted by Class of Well Technician Licence–Test Holes and Dewatering Wells

Table Legend:

✗ – indicates that the activity is not permitted
✓✓ – indicates that the activity is permitted
✓ – indicates that the activity is permitted under specific circumstances and/or with restrictions

	Activities	No Licence Required	Class 5	Class 4	Class 3 (Driving/Jetting Wells Only)	Classes 1 & 2*
Test Hole & Dewatering Wells	Inspect well	✓ • Must not leave equipment unattended	✓✓	✓✓	✓ • Must not leave equipment unattended	✓ • Must not leave equipment unattended
	Install Equipment to Monitor, sample or test	✓ • No alteration other than notching the top of casing • Equipment must not be used to test yield of well or aquifer	✓✓	✓✓	✓ • No alteration other than notching the top of casing • Equipment must not be used to test yield of well or aquifer	✓ • No alteration other than notching the top of casing • Equipment must not be used to test yield of well or aquifer
	Install pump (for purposes other than sampling)	✗	✗	✓✓	✗	✗
	Construct well	✗	✓ Only with non-powered equipment	✗	✓ • Driving or jetting only	✓ • Class 1 – drilling only • Class 2 – digging or boring (augering)
	Abandon well	✗	✓ Only with non-powered equipment	✗	✓ • If well was driven or jetted	✓ • Class 1 can abandon all wells • Class 2 can only abandon dug or bored wells

*For the purposes of this table classes 1 and 2 are combined as they both apply to physically constructing the well. Class 1 is for drilling equipment and class 2 is for digging and boring equipment.