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The Regional Municipality of Durham Report

To: Works Committee
From: Commissioner of Works
Report: #2023-W-11
Date: March 8, 2023

Subject:

Appointment of Staff as Well Contractor Licence Representatives and Delegation of Authority to the Commissioner of Works for Future Appointments

Recommendations:

That the Works Committee recommends to Regional Council:

- A) That Regional Council appoint Beata Golas as the Regional Municipality of Durham representative in matters related to and requiring a Well Contractor Licence as prescribed by the Ontario Water Resources Act;
 - B) That Regional Council delegate authority to the Commissioner of Works to make future appointments and authorize staff to represent the Regional Municipality of Durham in matters related to and requiring a Well Contractor Licence as prescribed by the Ontario Water Resources Act (or other such provincial legislation as may apply from time to time to provide for the management of wells) as necessary in the future; and
 - C) That a By-law to amend the Delegation By-law (By-law #04-2023), generally in the form included as Attachment #1 to this Report, to reflect the addition of the delegation of authority as provided in Recommendation B), be approved.
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Report:

1. Purpose

- 1.1 This report requests Regional Municipality of Durham (Region) Council authorize Beata Golas as the Regional Municipality of Durham representative in matters

related to and requiring a Well Contractor Licence as prescribed by the Ontario Water Resources Act (the Act) and the Wells Regulation, R.R.O. Regulation 903 (the Regulation). Beata Golas is a Professional Geoscientist and holds the position as Hydrogeologist within the Works Department.

- 1.2 This report also requests that, moving forward, authority to appoint and authorized a Regional staff representative to comply with the Act and the Regulation (or other such provincial legislation as may apply from time to time to provide for the management of wells) be delegated to the Commissioner of Works.

2. Background

- 2.1 The Region owns, operates, and maintains eight municipal well based water supply systems. In addition to those systems, the Region, operates and maintains the privately owned Sun Valley well based water supply system.
- 2.2 The elements contained in the Regulation are aimed at the protection of the resource, the well owner, the industry, and the well water and assist in ensuring that groundwater quality, well water quality and the environment are protected.
- 2.3 While Regional employees do not construct wells, staff perform monitoring, testing and all manner of tasks that fall under the Regulation require a certified or licensed individual to comply with the Regulation. This legislative item requires the corporation to maintain a valid Well Contractor Licence with certified or licensed employees.

3. Well Contract Licences and Obligations

- 3.1 As a Well Contractor Licence holder the Region is responsible to:
 - Ensure at least one director, officer or partner is designated as the official representative of the licensee. The official representative must be assigned the responsibility of ensuring that the organization remains compliant with the requirements of the Act.
 - Ensure that the well technicians, other employees, and agents comply with the requirements of the Regulation, the Act and any other applicable provincial legislation relevant to constructing a well.
 - Maintain insurance in accordance with the requirements of the Regulation.

3.2 The Regulation sets out the classes of Well Technician licences and the requirements and qualifications necessary for each of these classes. Based on the Region's requirements, a Class 5 Well Licence is required by the individual applying for the Well Contractor Licence. This level of licence permits the holder to undertake monitoring, sampling, testing and non-powered construction and complete the following activities as required:

- 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 pumps in a test hole or dewatering well for monitoring, sampling, or testing purposes; and,
- Construct and supervise the construction of test holes and dewatering wells by any method that does not use powered equipment.

3.3 To obtain a Class 5 Well Technician Licence, the individual must have certain qualifications and experience, as listed in Attachment #2. Select Regional staff possess and/or maintain the above qualifications as a component of their job function.

3.4 Existing licences must be renewed by March 31 of each year and requires confirmation of authority from the corporation for the individual to apply on behalf of the licensee.

4. Conclusion

4.1 In order to operate and maintain the existing wells throughout the well based municipal water systems, the Region requires a Well Contractor Licence and certified staff in accordance with the Ontario Water Resources Act. Re-certification of employees of a corporation requires a letter confirming the employee is designated as the licensee's official representative.

4.2 It is recommended that Regional Council amend Schedule "A" of By-law #04-2023 to delegate authority to the Commissioner of Works to identify and authorize staff to represent the Region and act on its behalf to comply with the Ontario Water Resources Act or successor legislation.

4.3 This report has been reviewed by Legal Services – Office of the CAO and Legislative Services – Corporate Services Department.

4.4 For additional information, please contact Aaron Christie, Manager of Engineering Planning and Studies, at 905-668-7711 extension 3608.

5. Attachments

Attachment #1: Draft By-law to Amend By-law #04-2023

Attachment #2: Class 5 Well Technician Contractor Licence Requirements

Respectfully submitted,

Original signed by:

John Presta, P.Eng., MPA
Commissioner of Works

Recommended for Presentation to Committee

Original signed by:

Elaine C. Baxter-Trahair
Chief Administrative Officer

By-law Number *-2023**

of The Regional Municipality of Durham

Being a by-law to amend By-law #04-2023 to provide the Commissioner of Works with the authority to designate an official representative for the purposes of the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40.

Whereas the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40 (the “Act”) requires a person to hold a well contractor licence to bore, dig, drill or otherwise make, extend or alter a well including by the installation of equipment connected to a well;

And whereas the Region requires a well contractor licence to undertake well monitoring and other activities related to the water supply system;

And whereas the Wells Regulation, R.R.O. Reg. 903, made under the Act prescribes that the licensee must designate an official representative to apply for, renew and maintain a well contractor licence;

And whereas subsection 23.1 (1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides for a municipality to delegate its powers and duties under that or any Act to a person or body subject to certain restrictions;

Now therefore, the Council of The Regional Municipality of Durham hereby enacts as follows:

1. That the table in Schedule “A” to By-law #04-2023 be amended by adding thereto the following:

#	Delegation of Authority	Delegate	Delegation Process	Document	Reporting Existing/Proposed
3.38	The authority to authorize one or more qualified individuals as an official representative under the <i>Ontario Water Resources Act</i> , or other such statute as may be enacted from time to time to provide for the management of wells, and any regulations made under such a statute in respect of a well contractor licence issued to the Region.	Commissioner of Works	That the qualified individual is a member of staff who has successfully completed an examination and other requirements set by the Ministry of Environment, Conservation and Parks or other such ministry as may be assigned the administration of provincial legislation in respect of wells.	Regional Infrastructure	

This By-law Read and Passed on the ---- day of ----, 2023.

J. Henry, Regional Chair and CEO

A. Harras, Regional Clerk

Class 5 Well Technician Contractor Licence Requirements

- Applicant must be eighteen years of age or older
- Applicant must be a member of the Association of Professional Engineers of Ontario as a professional engineer (PEng) or as an engineer-in-training (EIT); or
- A member of the Association of Professional Geoscientists of Ontario (APGO) or as a geoscientist-in-training (GIT); or
- A member of the Ontario Association of Certified Engineering Technicians and Technologists (CET/C.Tech) or as a technician or technologist-in-training (CTIT).
- Have successfully completed a course of study of at least 15 hours that is approved by the Director for the class of well technician license being applied for and have 500 hours of work experience helping at or doing the activity that would be authorized by the license applied for, or a combination of work experience and other qualifications that the Director considers equivalent; and
- Pass a Ministry examination with a minimum grade of 75 per cent (the examination includes relevant sections of the Wells Regulation and the Ontario Water Resources Act).