

Regulator's failure puts water at risk

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CANWHITE Sands Corporation (CWS) has not yet received an environment licence from the province of Manitoba to proceed with the construction of its processing facility, nor has it submitted an Environment Act Proposal for review and approval for its unconventional silica sand extraction activities. Yet this company has been undertaking advance exploration activities and extracting silica sand from deep within the aquifer that supplies drinking water to most of southeastern Manitoba.

In February, a group of concerned citizens in Springfield, with the assistance of What The Frack Manitoba science researcher Dennis LeNeveu, submitted a report to the Manitoba regulator on a number of suspected violations, in accordance with Section 67(1) of the Manitoba Groundwater and Well Act. The suspected violations arise from CWS's advance exploration activities, which began sometime in 2017 to test its unconventional mining method of extracting silica sand from deep within the aquifer.

On April 4, LeNeveu received a written response from the director of the Manitoba Water Branch. The response did not even acknowledge that the suspected violations had occurred under the Act, nor had efforts been taken by the regulator to investigate the suspected violations identified in the report.

The response LeNeveu received demonstrates the administrative negligence by the provincial regulator when it comes to protecting Manitobans' drinking water.

For example, the citizens' report raised the issue that aerated water could have been returned to the aquifer by CWS during advance exploration, leading to the oxidization of the sulphide that is found in the shale and in the marcasite that coats the silica sand. If this has happened, the result could be the formation of sulphuric acid and the mobilization of heavy metals that would contaminate the aquifer.

The response by the director of the Manitoba Water Branch was as follows: "Information supplied to the department by Can White Sands Corporation specifies that the water is returned to the sandstone and not the carbonate aquifer. It is the understanding of the department that some wells were constructed in such a manner (triple tube) as to monitor the water level in the carbonate aquifer during testing of the sandstone aquifer to ensure that the pumping from the sandstone does not negatively impact the carbonate aquifer."

In other words, rather than investigate what the company is doing, the regulator is simply accepting what the company is telling them.

CWS admits that some triple-tube wells open into the carbonate aquifer for monitoring purposes, but there is no means to verify that excess water was not returned to the carbonate aquifer. However, the admitted fact that an outer tube in the CWS airlift pump system opens to the

carbonate aquifer, which would allow water from the sandstone aquifer to be returned to the carbonated aquifer, is a clear violation under the Act.

It does matter which aquifer the aerated water is returned to, because mixing aerated water from one aquifer with the other aquifer would be a violation under the Act.

To back up these claims of violations made by the concerned citizens in Springfield, the director of the Manitoba Water Branch was provided with a number of well records from the government of Manitoba that supported the suspected violations. The director chose to ignore this documented evidence.

Other suspected violations under Section 67(1) of the Act that were identified in the report were treated with equal disdain by the director. This refusal to act on the suspected violations under the Act amounts to a dereliction of duty on the part of the regulator.

Back in 2008, the Manitoba Ombudsman's office undertook an investigation of licensing and enforcement practices related to the Water Rights Act, and stated in the resulting report that: "We reviewed all relevant statutes and regulations, as well as all relevant policies and procedures. Serious underlying issues were identified, including: significant resource shortfalls; confusion about the department's role and mandate; inadequate and outdated policies; deficient or non-existent administrative procedures; and backlogs in both licence applications and complaints investigations."

Obviously, not much has changed in the intervening years.

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