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**EB-2024-0155**  
September 8,2024  
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## **Ontario Energy Board**

In the matter of the Ontario Energy Board Act,1998, S.O. 1998, c.15. Schedule B, as amended ( the “Act” ).

In the matter of an application by Hydro One Networks Inc. pursuant to sections 92, 96.1 and 97 of the Act for an Order or Orders granting leave to construct the St Clair Transmission line route, approximately 64 kilometres of electricity transmission line and associated facilities from Lambton Transformer Station connecting Wallaceburg Transformer Station and terminating at the Chatham Switching Station in Chatham -Kent Ontario.

### **Submissions from Kevin Jakubec**

Pursuant to the OEB’s Procedural Order No 2 dated September 23,2024, Kevin Jakubec submits the following:

### **Submission**

I submit to the Ontario Energy Board that it is in both the investors in this project and rate players of Ontario best interests, that the Ontario Energy Board make the construction of the St Clair Transmission line conditional on the requirement that Hydro One Networks Inc complete a groundwater baseline study in the previously identified environmentally vulnerable area along the St Clair Transmission line route as described in this December 2023 newspaper article; from the Baseline Road to Pioneer Line area in Chatham-Kent.

<https://www.chathamdailynews.ca/news/local-news/group-frustrated-hydro-one-wont-do-groundwater-study-for-new-powerline>

I submit to the Ontario Energy Board that Hydro One Networks Inc has not acted in the public’s interest nor has it acted to prevent undue financial hardship from occurring to rate players along the St Clair Transmission line proposed route whose water well supply are placed in potential risk from the project’s construction

This is contrary to the Mission and Mandate of the Ontario Energy Board to ensure new transmission line projects are to be in the Public’s interest.

I submit to the Ontario Energy Board that Hydro One Networks Inc has diminished the public value of this project by not conducting a proper environmental due diligence for the St Clair Transmission line project.

### **Submissions from Kevin Jakubec**

I further submit that Hydro One Networks cannot claim a proper Environmental due diligence for this project without the completion of a groundwater baseline study and has exposed this project to unnecessary litigation risk, construction delay risk and unnecessary costs. The rate payers of Ontario and investors in this project are exposed to preventable risks.

I reference the P.E.O. Professional Engineers Ontario - guidelines as written in Professional Engineering Practice, section 10.4 Due Diligence pg.12

Being able to demonstrate due diligence is important as a legal defence against claims of negligence or charges of offences. A practitioner will have demonstrated due diligence if he or she has:

- Identified all actual or potential hazards to the interests of the client, employer or public associated with the work
- assessed the risk to the interests of any affected party associated with the identified hazards
- taken steps to control or reduce those hazards and
- communicated the risks to all affected parties

[https://www.peo.on.ca/sites/default/files/2020-12/PEPGuideline\\_Nov2020.pdf](https://www.peo.on.ca/sites/default/files/2020-12/PEPGuideline_Nov2020.pdf)

### **Omission by Hydro One Networks**

The omission by Hydro One Networks Inc is in their omission to collect important data from water wells pre and post construction of the transmission line towers that only a properly designed study can provide.

It is insufficient for Hydro One Networks Inc to rely on the MECP Ontario Ministry of Environment and Conservation and Parks opinion which Hydro One Networks Inc sought that helical piling of the tower foundations poses no risk to the water wells along the St Clair Transmission line route when the MECP has itself failed to identify the causation mechanism for the area wide well interferences that have occurred since 2017 along the proposed route

Reliance on the MECP opinion is insufficient in offering a due diligence defence for this project. The All Hazards Investigation carried out by the Ontario Ministry of Health and reported in the Press showed a deterioration in groundwater quality along the proposed project route after construction of the North Kent Wind farm. The MECP to date has not publicly admitted area wide interferences have occurred in this area and has failed to determine the bioavailability of any toxic sediments that are discharged into the water well supply of this local population. It is critical no further risks are taken with this water supply.

<https://chathamvoice.com/2022/04/20/well-water-report-draws-fire-from-well-owners/>

## **Background**

Concerns about water well interference occurring along the route that will be taken by the St Clair Transmission line have been reported in the Press record and in addition during the construction and operation of North Kent Wind farm were also reported to the MECP;

<https://www.chathamdailynews.ca/2016/06/29/citizens-group-worried-vibrations-from-wind-farm-could-ruin-ground-water>

<https://www.chathamdailynews.ca/2017/06/22/water-wells-first-ready-to-ramp-up-action-if-it-doesnt-get-answers-from-moecc>

<https://cknewstoday.ca/chatham/news/2017/06/29/water-wells-first-holds-sit-moe-office-windsor>

<https://www.groundwatercanada.com/water-wells-first-public-protest-coming-to-chatham-kent-ontario-3331/>

<https://www.chathamdailynews.ca/2017/08/17/three-wind-turbine-construction-sites-blocked-in-north-kent>

<https://chathamvoice.com/2017/08/02/wynne-addresses-well-water-issues/>

<https://canadians.org/analysis/council-canadians-supports-water-wells-first-campaign-protect-local-drinking-water/>

<https://canadians.org/analysis/stunning-14000-fold-increase-black-shale-particles-found-well-water-start-samsung-turbine/>

<https://cknewstoday.ca/chatham/news/2018/1/24/well-testing-reveals-large-increase-particles>

<https://www.groundwatercanada.com/wind-turbines-and-water-wells-opinion-4260/>

<https://www.groundwatercanada.com/wind-turbines-and-water-wells-part-2-4325/>

<https://chathamvoice.com/2018/04/17/would-you-eat-this-food/>

<https://www.cbc.ca/news/canada/windsor/water-wells-chatham-kent-taras-natyshak-1.4568825>

<https://www.groundwatercanada.com/water-wells-first-lobbies-ontario-government-for-action-on-chatham-kent-issues-4702/>

## **Background**

<https://www.chathamdailynews.ca/news/local-news/pressure-applied-at-queens-park-for-health-hazard-investigation-over-damaged-water-wells>

<https://www.groundwatercanada.com/ontario-conducting-health-hazard-investigation-into-chatham-kent-wells-4738/>

<https://chathamvoice.com/2018/04/25/well-group-wants-more-out-of-ford/>

<https://www.wallaceburgcourierpress.com/news/local-news/province-to-start-testing-north-kent-water-wells>

<https://www.chathamdailynews.ca/news/local-news/well-water-investigation-report-falls-short-say-property-owners>

<https://ckxsfm.com/water-wells-first-member-slams-new-report/>

<https://www.cbc.ca/news/canada/windsor/serious-shortcomings-wells-consultations-1.5225681>

<https://chathamvoice.com/2019/11/15/gasses-bubble-up-in-mans-well/>

<https://chathamvoice.com/2020/01/02/another-prof-joins-team-investigating-wells/>

<https://www.tvo.org/article/wind-energy-may-be-green-but-the-water-in-chatham-kent-is-brown>

<https://www.chathamdailynews.ca/news/local-news/effort-continues-to-have-water-well-all-hazard-investigation-completed-ombudsman-called-on-to-investigate>

<https://chathamvoice.com/2024/01/17/water-well-issue-heads-to-ombudsman/>

<https://chathamvoice.com/2023/11/24/councillor-seeks-to-protect-water-wells/>

<https://canadians.org/analysis/samsung-pile-driving-threatens-chatham-groundwater-supplies/>

<https://canadians.org/analysis/samsung-set-take-away-chatham-familys-water/>

<https://www.chathamdailynews.ca/2017/04/18/wind-developer-says-no-one-will-be-required-to-sign-waiver-and-release-agreement>

<https://chathamvoice.com/2018/05/02/green-party-wants-well-answers-too/>

<https://ckxsfm.com/well-water-issues-not-being-forgotten/>

## **Submission**

In order to remedy the omission of critical data for a proper Environmental due diligence for the St Clair Transmission line project; myself - Kevin Jakubec co-founder of Water Wells First and a scientific advisory team consisting of a Hydrogeologist Bill Clarke, Bedrock Geologist Terry Carter , Academic Researcher Dr Joel Gagnon University of Windsor and Well Driller/Geologist Johnny Wilson meet with Hydro One Networks Inc management over the Fall of 2023 and expressed our united concern that a groundwater baseline study is necessary to address potential hazards from construction of the project through this area that has been well documented in the Press record as having area wide well interference .

That a groundwater baseline study was necessary to prevent information gaps.

As discussed during our meetings with Hydro One Networks management the following recommendation was made and would suffice to remedy the information gaps:

### **Baseline Groundwater Monitoring**

Groundwater quality monitoring previously conducted in the area has used existing, privately-owned, domestic water supply wells. The age, construction, and condition of these wells and their associated supply systems are highly variable, making their past use in monitoring groundwater quality questionable. A properly designed network of groundwater monitoring wells needs to be installed in the contact aquifer along the transmission line corridor to establish background water quality prior to construction of the transmission line, and monitoring needs to be conducted throughout and after transmission line construction to ascertain whether construction and ongoing operation have impacted groundwater quality. The network of monitoring wells, in addition to including locations immediately along the corridor, should include monitoring locations adjacent to the corridor to establish the nature and extent of groundwater quality impact (if any), as well as at least one control site outside of any area of potential groundwater quality impact (present or potential future) for the purpose of characterizing natural variations in groundwater quality. Properly designed, constructed, developed, and sampled wells are critical to obtaining samples that are reflective of water quality in the contact aquifer. Furthermore, replicate samples should be collected at a subset of locations to quantify the range of variability in groundwater composition associated with sampling and analytical procedures (i.e., analytical uncertainty). Details pertaining to the groundwater monitoring well network and water quality sampling program should be presented in a report for review and input by the residents (and their representatives) that might be impacted by the proposed transmission line construction and operation.

**Submission**

I submit the costs associated with the loss of a family's water well are significant and do impact the rate payers ability to have the financial means necessary to afford electricity service from Hydro One Networks Inc as the costs to obtain another water supply can be financially crippling to many families and cause considerable emotional pain and anguish;

**DATE PAID TO AMOUNT**

03/18/17 Lambton Farm Implements \$ 621.51  
 03-11-17 Lambton Farm Implements \$ 93.45  
 03-11-17 Lambton Farm Implements \$ 1,605.62  
 03-11-17 Home Hardware \$ 101.70  
 03/19/17 Home Hardware \$ 17.23  
 03-11-17 Canadian Tire \$ 33.09  
 03-05-17 Home Hardware \$ 63.22  
 03-02-17 Water Hut \$ 332.20  
 03-08-17 Clark Pump \$ 785.35  
 03-11-17 Lambton Farm Implements \$ 3.22  
 04-01-17 Profotas \$ 169.44  
 04-05-17 Canadian Tire \$ 33.28  
 04/27/17 Water Hut \$ 30.00  
 05/31/17 Entrgrus \$ 51.26  
 05/13/17 Profotas \$ 141.43  
 05/13/17 Canadian Tire \$ 32.49  
 05/13/17 Home Hardware \$ 5.85  
 05/13/17 Home Hardware \$ 3.35  
 05/31/17 WSC Consulting \$ 638.45  
 06/19/17 Water Hut \$ 30.00  
 08-10-17 Entrgrus \$ 97.66  
 08-07-17 Rona \$ 10.27  
 Rona \$ 10.40  
 Rona \$ 3.66  
 09/26/17 Es Hubbell \$ 256.34  
 02/16/17 Ken Wade \$ 810.78  
 04-12-17 Ken Wade \$ 96.05  
 09/19/17 Profotas \$ 1,949.25  
 09/30/17 R Rental \$ 43.84  
 09/27/17 CSR \$ 2,825.00  
 09/30/17 Home Hardware \$ 40.14  
 10/21/17 Profotas \$ 559.35  
 Profotas \$ 106.94  
 10-03-17 Chase Insulation \$ 1,474.00  
 10/21/17 Home Hardware \$ 8.98  
 10-07-17 Water Hut \$ 30.00

**Submission**

Costs continued

11/18/17 Profotas \$ 18.08  
11/15/17 Entrgrus \$ 145.75  
01-08-18 Entegrus \$ 77.41  
03-10-17 Entrgrus - Bulk Deposit \$ 145.00  
02/14/17 Caduceon Labs \$ 51.00  
08-11-17 Caduceon Labs \$ 52.00  
07/19/17 Caduceon Labs \$ 52.00  
05/18/17 Entegrus \$ 111.58  
01/15/18 Water Boy \$ 60.00  
02/14/18 Water Boy \$ 60.00  
03-05-18 Entegrus \$ 51.42  
03-05-18 Water Hut \$ 30.00  
\$ 13,969.04

**Statement from an impacted family that lost their water well during the construction of the North Kent Wind farm**

When we purchased our home in 2013 we had no idea that our area was slated for a wind project. At the time honestly we probably wouldn't have given it a second thought. However that was while we were still naive and had no clue what long term impacts would result to our well water. It wasn't until we were contacted near the end of 2015 to be notified of said project and were educated on what the pile driving for the installation of the turbines could do to the local well water that we had any idea of the impacts that could take place.

Fast forward to May 2016. They began pile driving for the Meteorology Tower that was for the wind farm. The maddening part is this tower was put in before any of the final or approvals or permits for the project had been issued. They squeezed it in without many even realizing it. In early June I noticed a change in our water. It went cloudy and foamy. I was surprised by this change because we had never had any previous issues with the water out of our well before this in the 3 years of being in our home.

We went through all of the proper channels of reporting. The MOE came and tested and talked to us but they concluded that we had no previous base line and it was likely due to lack of maintenance. We did have water testing scheduled to be done but because they put in the tower with zero notice they did not have the test done in time. By the end of the year the water coming out of our tap was nearly black and we were left unable to use our water. My husband went out and purchased equipment and tanks to truck our water in. The whole situation was extremely stressful and painstaking. It was winter in Ontario.

We had to worry about the water and lines freezing in the tank. We had 3 young boys at the time one of which was an infant when this all started. We couldn't willingly put our boys and family at risk by using our water. We knew we had to put a more permanent solution into place. We had to purchase more equipment to house a tank full time and create a set up that we could regulate the temperature to not have to worry about freezing. We had to get equipment to dig a line underground to our pump house to be able to pump the water into our house without having to run all new plumbing. The process of all of this was long and tiring and created so much unnecessary stress and anguish not to mention the financial constraints this added to our family. This was something that we could have never guessed we would be faced with or have to prepare for. It's something our children should have never had to have gone through. We aren't supposed to have to worry about not having clean and safe drinking water. We have lived through all of the unanswered promises and watched as our municipality and all levels of government have ignored this situation and refuse to do anything to help us or the other residents living with the long term impact of this.



**Statement from an impacted family that lost their water well during the construction of the North Kent Wind farm-continued**

**It's completely made an impact on our home and lifestyle, having to rely on bringing in our own water and also wondering if we will run out if we weren't able to get water. It's a constant struggle and constraint on our family to this day. None of these things were ever a worry to us previously.**

**It's time somebody steps up and takes this situation seriously. Burying the lies and facts is doing no one any favours at the end of the day. The long term effects are nowhere even close to being seen yet.**

**Please take action and take this seriously. More needs to be done. Do better!**

Video and picture are attached in this submission to illustrate the effect on diminished quality of life from an impacted well owner family inside the North Kent Wind farm from well water contaminated from discharging sediments into the well water supply

**Submission**

I submit from the evidence provided that the area the St Clair Transmission line will travel through is known to have area wide well interference

I submit that the MECP has done nothing to determine the causation mechanism of why well interference occurred during the construction and operation of North Kent Wind farm

I submit the MECP has further done nothing to determine the health risks posed to this local population from the well interference that is ongoing. To date the Ontario government has not determined the bioavailability of the sediments discharging into the water well supply of this area or determined what a Maximum Allowed Concentration -MAC would be to determine what amount of sediment exposure both dermal and through ingestion would be acceptable for chronic and acute exposure.

I submit that Hydro One Networks Inc reliance on the MECP opinion on the use of helical piling in this area cannot be relied upon for a due diligence defence for Hydro One Networks Inc. Proceeding with the use of helical piling for the project as is would be contrary to the due diligence guidelines established by the P.E.O. Professional Engineers of Ontario for safeguarding the public's interest because no well data pre or post construction has been collected in this area on the use of helical piling for transmission line towers.

**Conclusion**

I respectfully submit that it is in the public's interest and in Hydro One Networks Inc best interests and consistent with the Mission and Mandate of the Ontario Energy Board that a groundwater requirement for a baseline groundwater study as outlined in this submission be made a condition on the St Clair Transmission line project to advance

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