



chapter Q-2, r. 47.1

Regulation respecting the filing of information on certain drilling and fracturing work on gas or petroleum wells

Environment Quality Act
(chapter Q-2, ss. 2.2, 115.27 and 115.34)

1. This Regulation applies to all holders of a certificate of authorization issued by the Government or by the Minister pursuant to the Environment Quality Act (chapter Q-2) for carrying out

- (1) drilling work to explore for or produce petroleum or natural gas in shale; and
- (2) fracturing operations intended to explore for or produce petroleum or natural gas.

This Regulation applies to every natural person or legal person to whom section 9 or 13 applies, to the extent and on the conditions provided for in that section.

M.O. 2011-06-07, s. 1.

2. This Regulation applies in a reserved area and an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

M.O. 2011-06-07, s. 2.

3. For strategic environmental assessment and ongoing environmental monitoring purposes, this Regulation requires the holder of a certificate of authorization to periodically file information on authorized work with the Minister.

The requirement to file information is intended, in particular, to allow the gathering of scientific and technical knowledge of a geological, hydro-geological, geo-chemical and geo-physical nature about the work and its possible consequences for human health or the environment. It is also intended to allow the assessment of the work and to promote the development of environmentally-secure techniques, methods and practices.

M.O. 2011-06-07, s. 3.

4. The holder of a certificate of authorization must file with the Minister, in connection with the authorized work, and even if the information is confidential, information relating to

- (1) drilling and well completion methods and technologies;
- (2) complete water management, including water catchment and the optimum reuse of water;
- (3) the volume of the fluids and the detailed composition and characteristics of the additives used for drilling and fracturing;
- (4) knowledge and monitoring of surface and ground water within a radius of one-kilometre around the drill-hole or fracturing work, the radius being applicable to every horizontal extension of the drill-hole;
- (5) the identification of zones sensitive to or at risk of contamination;
- (6) the characterization, quantity and destination of the residual solids and liquids intended for recovery, treatment or elimination;

- (7) the monitoring of emissions and contaminants in the atmosphere;
- (8) knowledge of the geological horizons traversed by the well;
- (9) all technical data relating to the design and drilling of authorized wells and the results of well integrity tests.

M.O. 2011-06-07, s. 4.

5. Subject to any other requirements that may be imposed by the Government or the Minister when a certificate of authorization is issued, its holder must file all the required information every 3 months, beginning on the date on which the work commences.

M.O. 2011-06-07, s. 5.

6. The information filed must be based on the best data and best information available to, reasonably available to, or available following appropriate data processing to the holder of the certificate of authorization in connection with the work.

M.O. 2011-06-07, s. 6.

7. The information, when filed, must be accompanied by a statement by the holder of the certificate of authorization, or a person duly authorized by the holder, to the effect that the information is complete and established in compliance with generally accepted standards. Information that is scientific or technical in nature must, where applicable, be certified by a person or enterprise that is competent or accredited for that purpose by a recognized authority.

M.O. 2011-06-07, s. 7.

8. The holder of a certificate of authorization must keep the information required, along with the calculations, assessments, measurements and other data used to supply the information, for a minimum period of 7 years from the date on which it was filed, even if the work covered by the certificate has been completed or suspended or if the holder has ceased to carry out the work.

M.O. 2011-06-07, s. 8.

9. The holder of a certificate of authorization must obtain the information prescribed by section 4 from any natural person or legal person to whom the holder entrusts all or part of the work covered by the certificate. The person is bound to make the information available to the holder and to keep it in accordance with the requirements of sections 5 to 8, with the necessary modifications.

M.O. 2011-06-07, s. 9.

9.1. A monetary administrative penalty of \$250 in the case of a natural person or \$1,000 in other cases may be imposed on any person who fails

- (1) to respect the frequency or the date of filing of the information provided for in section 5 or 14;
- (2) to keep the information, the calculations, assessments, measurements and other data for the period provided for in section 8 or 9.

M.O. 2013-06-06, s. 1.

9.2. A monetary administrative penalty of \$350 in the case of a natural person or \$1,500 in other cases may be imposed on any person who fails

- (1) to file the information, statement or certificate required by section 4 or 7;

- (2) to file the information based on the best data and best information in accordance with section 6;
- (3) to obtain the prescribed information from the person to whom the holder entrusts work referred to in section 9 in accordance with that section;
- (4) to make the prescribed information available to the holder of a certificate of authorization in accordance with section 9.

M.O. 2013-06-06, s. 1.

10. Every person who contravenes section 5, 8 or 14, or fails to keep the prescribed information in accordance with section 9 commits an offence and is liable, in the case of a natural person, to a fine of \$1,000 to \$100,000 or, in other cases, to a fine of \$3,000 to \$600,000.

M.O. 2011-06-07, s. 10; M.O. 2013-06-06, s. 2.

10.1. Every person who

- (1) contravenes section 4, 6 or 7,
 - (2) fails to obtain the prescribed information from the person to whom the holder entrusts work referred to in section 9 in accordance with that section,
 - (3) fails to make the prescribed information available to the holder of a certificate of authorization in accordance with section 9,
- commits an offence and is liable, in the case of a natural person, to a fine of \$2,000 to \$100,000 or, in other cases, to a fine of \$6,000 to \$600,000.

M.O. 2013-06-06, s. 2.

10.2. Every person who, pursuant to this Regulation, makes a declaration, communicates information or files a document that is false or misleading, commits an offence and is liable, in the case of a natural person, to a fine of \$5,000 to \$500,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months, or to both the fine and imprisonment, or, in other cases, to a fine of \$15,000 to \$3,000,000.

M.O. 2013-06-06, s. 2.

11. (Revoked).

M.O. 2011-06-07, s. 11; M.O. 2013-06-06, s. 3.

12. In this Regulation, the word “Minister” means the Minister of Sustainable Development, Environment and Parks.

M.O. 2011-06-07, s. 12.

13. This Regulation, with the necessary modifications, applies to any natural person or legal person who, since 10 June 2004, carried out work referred to in section 1, even if no certificate of authorization was issued to that person for that work under the Environment Quality Act (chapter Q-2).

M.O. 2011-06-07, s. 13.

14. Despite section 5, the first filing with the Minister of the information prescribed by this Regulation must be carried out not later than 11 July 2011.

M.O. 2011-06-07, s. 14.

15. (Omitted).

M.O. 2011-06-07, s. 15.

REFERENCES

M.O. 2011-06-07, 2011 G.O. 2, 1227B

M.O. 2013-06-06, 2013 G.O. 2, 1880