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c. Q-2, r.5.1

### **Regulation respecting underground waters**

Replaced, O.C. 696-2002, 2002 G.O. 2, 2657; eff. 2002-06-15; see c. Q-2, r. 1.3

1. In this Regulation, unless the context otherwise requires, the following words and expressions respectively mean:

- (a) «authorized officer»: any engineer, geologist or officer of the Department who holds a written authorization of the Minister of Environment;
- (b) «Department»: the Ministère de l'Environnement et de la Faune;
- (c) «Minister»: the Minister of the Environment and Wildlife;
- (d) «licence» or «drilling licence for water»: the licence mentioned in section 454 of the Environment Quality Act (R.S.Q., c. Q-2) and reproduced in Schedule A;
- (e) «well driller»: any person or group of persons who drill wells;
- (f) «well»: boring, drilling whether a cased or an uncased hole in the consolidated or unconsolidated material, bored for the purpose of exploring, observing or obtaining underground water or used for these purposes.

R.R.Q., 1981, c. M-13, r. 3, s. 1; S.Q., 1982, c. 25, ss. 4 and 42; S.Q., 1988, c. 49, s. 54; S.Q., 1994, c. 17, s. 77.

2. (1) To obtain a licence, each well driller must fill in the form prescribed in Schedule B and send it in duplicate to the Minister. The Minister may also require of the petitioner any other information which he deems necessary.

(2) The licensee who has conformed to the provisions and to the regulations of his licence may obtain a renewal thereof by applying to the Minister no later than 15 days before the expiration of his licence in the manner decreed in subsection 1.

R.R.Q., 1981, c. M-13, r. 3, s. 2; S.Q., 1982, c. 25, ss. 4 and 42.

3. The name of the well driller and the number of his licence must be placed well in evidence on the drilling equipment.

R.R.Q., 1981, c. M-13, r. 3, s. 3.

4. The licence is not transferable.

R.R.Q., 1981, c. M-13, r. 3, s. 4.

5. Every well driller must be able to conduct a well pumping test to determine its optimum yield, and he must conduct such a test each time the Minister or an authorized officer so requires, and according to the method accepted by the latter.

R.R.Q., 1981, c. M-13, r. 3, s. 5.

6. Every well driller must:

(a) keep for each well being drilled a daily drilling report, indicating:

(i) the depth of the well at the beginning and at the end of the day;

(ii) the nature of the materials encountered, and the depths at which the various types of materials were encountered;

(iii) the diameter of the hole;

(iv) if the casing has been installed, the capacity, type, class and weight of the casing as well as the depth to which it has been installed;

(v) if perforated casing or a screen is installed, the capacity, type, diameter of the openings, the open area, the length and the depth covered between top and bottom of screen or perforated casing, distance of the depth covered;

(vi) if a gravel-pack is installed, the quantity of gravel, the diameter of the grain size used, the height and thickness of the pack;

(vii) the occurrences of water, natural gas or petroleum, their quantity and, for the water, its quality (salt, soft, hard, ferruginous, sulphureous, etc...);

(b) duly complete a drilling report to the satisfaction of the Minister, or complete the form entitled «Water well record», supplied by the Department and reproduced in Schedule C each time he has completed the drilling or deepening of a well, and remit this report to the Department 30 days following said completion or immediately if the Minister or an authorized officer deems it necessary;

(c) supply, in the shortest possible time, all additional data concerning the search for underground water which the Minister or an authorized officer shall deem it pertinent to request;

(d) transmit to the Minister 2 copies of all documents, cards or reports pertinent to the various explorations for underground water which he is carrying out;

(e) conform to the practice of his art in the choice and installation of the equipment or materials mentioned in subparagraphs iv, v, vi, of paragraph a.

R.R.Q., 1981, c. M-13, r. 3, s. 6.

7. Unless otherwise ordered by the Minister or an authorized officer:

(a) the well driller using a non coring drill must take a series of samples collected at 3 metres depth intervals for the various materials encountered during any drilling. He must have these samples dried, placed in waterproof bags carefully labelled giving the name of the well driller, the name and number of well and the depth at which the sample was taken. These samples must then be stripped as soon as possible post-paid to the Department;

(b) the well driller using a coring drill must place all the cores obtained during the drilling in successive order in boxes purposely made. Pertinent data concerning these cores must be written on the outside as well as on the inside of these boxes according to the routine custom. These boxes shall then be shipped post-paid to the Department or any other place indicated by the latter.

R.R.Q., 1981, c. M-13, r. 3, s. 7.

8. Every well driller who, during the course of his drilling, finds natural gas or petroleum, even in very small quantities, must notify the Minister in the most expeditious manner, and take all the measures needed to seal off the natural gas or petroleum flows.

R.R.Q., 1981, c. M-13, r. 3, s. 8.

9. (1) The well driller shall carry out or have carried out all his works according to the proper exercise of his trade.

(2) When the Minister or an authorized officer believes that a method, an operation of the equipment used in the drilling of a well is, in and manner whatsoever, inadequate, improper or dangerous, he may demand that the work be suspended and oblige the well driller to make the required changes.

R.R.Q., 1981, c. M-13, r. 3, s. 9.

10. The Minister or any authorized officer may:

(a) have access at any time to any property or land on which one or several wells are or have been drilled, inspect said wells, as well as the daily drilling report of the well driller or other documents and the drilling equipment, and make the inquiries or tests which he deems pertinent;

(b) have himself given samples of water, materials and copies of any document of a geological, geophysical or hydrogeological nature, and obtain any other information which he deems useful.

R.R.Q., 1981, c. M-13, r. 3, s. 10.

11. Unless otherwise ordered by the Minister or an authorized officer:

(a) any well the water of which flows freely on the surface shall be equipped with valves or other apparatus by the well driller in order to avoid any loss of underground water, and this, as soon as the well driller has finished such a well;

(b) any dry or abandoned well shall be plugged and every zone or layer which contains water or which could contain water shall also be sealed off at the top and at the base in such a manner as to isolate it; this such shall be done by the well driller as soon as he has finished such a well;

(c) during the drilling, the well driller shall seal off any zone or layer containing salt water or any other substance which could harm the quality of the underground water;

(d) if excessive pumping of a well causes contamination of the fresh water by salt water, the well driller shall notify the Minister or an authorized officer and he shall take the necessary measures to prevent said contamination if the latter so requires, and this to his satisfaction;

(e) the owner of a well is responsible on the same grounds as the well driller for the application of paragraphs a, b, c and d and shall himself have the works carried out if the well driller neglects to do so. In what concerns the wells drilled before 6 May 1967, the owner of the well is alone responsible for the works mentioned in paragraphs a, b, c and d.

R.R.Q., 1981, c. M-13, r. 3, s. 11.

12. The Minister may designate areas where, in order to conserve or because of a possible danger of contamination of the underground waters, no one may begin or continue drilling or boring for any reason whatsoever, without having previously obtained written authorization of the Minister and, in such a case:

(a) the holder of such an authorization who is not already a well driller shall be considered as such, and shall be submitted to this Regulation;

(b) moreover, the Minister may prescribe the equipment, the technique or the method of drilling which shall be followed by the holder of such an authorization.

R.R.Q., 1981, c. M-13, r. 3, s. 12.

#### SCHEDULE A

(s. 1)

see R.R.Q., 1981, 7-021

R.R.Q., 1981, c. M-13, r. 3, Sch. A.

#### SCHEDULE B

(s. 2)

see R.R.Q., 1981, 7-021

R.R.Q., 1981, c. M-13, r. 3, Sch. B.

#### SCHEDULE C

(s. 66)

see R.R.Q., 1981, 7-022

R.R.Q., 1981, c. M-13, r. 3, Sch. C.

R.R.Q., 1981, c. M-13, r. 3