

Draft Regulations

Draft Regulation

Environment Quality Act
(R.S.Q., c. Q-2)

Regulation respecting the application of the Act — Amendment

Notice is hereby given, in accordance with sections 10, 12 and 13 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, that the Regulation to amend the Regulation respecting the application of the Environment Quality Act, appearing below, may be made by the Government on the expiry of 30 days following this publication.

The shorter period for publication than the period provided for in section 124 of the Environment Quality Act is made necessary by the need to make amendments, as soon as possible, to the Regulation respecting the application of the Environment Quality Act in order to implement certain recommendations of the Bureau d'audiences publiques sur l'environnement in its report on the inquiry and public hearings concerning the sustainable development of the shale gas industry in Québec before the next drilling and rock fracturing campaign.

The purpose of the draft Regulation is to make all drilling work to explore for or produce petroleum or natural gas in shale, as well as fracturing operations to explore for or produce petroleum or natural gas, subject to the first paragraph of section 22 of the Environment Quality Act.

The draft Regulation also defines the special requirements that will apply to applications for a certificate of authorization for such work or operations, in connection with public information and consultation. The same requirements in connection with public information and consultation will apply to drilling work to explore for or produce natural gas in shale, where the work takes place in a watercourse, lake, pond, marsh, swamp or bog and is subject to the provisions of the second paragraph of section 22 of the Environment Quality Act.

The adoption of regulatory standards, and in particular the requirement to consult the public, will involve a minimum extra period of 30 days before a certificate of authorization is issued. In addition, the new requirement to consult the general public will entail, for enterprises, the cost of publishing a notice in a local newspaper and the cost of taking part in a public consultation.

Further information concerning this draft Regulation may be obtained by contacting Francine Audet, Direction des évaluations environnementales, Ministère du Développement durable, de l'Environnement et des Parcs, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 6^e étage, boîte 83, Québec (Québec) G1R 5V7; telephone: 418 521-3933, extension 7094; fax: 418 644-8222; email: francine.audet@mddep.gouv.qc.ca

Any interested person wishing to comment on the draft regulation is requested to submit written comments within the 30-day period to the same address.

PIERRE ARCAND,
*Minister of Sustainable Development, Environment
and Parks*

Regulation to amend the Regulation respecting the application of the Environment Quality Act*

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, 1st par., subpars. *e, f* and *m*)

1. The Regulation respecting the application of the Environment Quality Act is amended by replacing paragraph 6 of section 2 by the following:

“(6) drilling authorized under the Mining Act (R.S.Q., c. M-13.1), except

(a) drilling to explore for, or produce, petroleum or natural gas in shale; and

(b) fracturing operations intended to explore for, or produce, petroleum or natural gas;”.

2. Section 3 is amended by replacing paragraph 3 by the following:

“(3) drilling to explore for mineral substances carried out in a bog, pond, marsh or swamp, except

* The Regulation respecting the application of the Environment Quality Act, made by Order in Council 1529-93 dated 3 November 1993 (1993, *G.O.* 2, 5996), was last amended by the regulation made by Order in Council 972-2008 dated 8 October 2008 (2008, *G.O.* 2, 5018). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 October 2010.

(a) drilling to explore for petroleum or natural gas, including any fracturing operation;

(b) drilling to explore for brine; and”.

3. Section 7 is amended by adding the following paragraph:

“In addition, every application for a certificate of authorization for work mentioned in subparagraph *a* or *b* of paragraph 6 of section 2, whether the work is to be carried out in a constant or intermittent watercourse, lake, bog, pond, marsh or swamp or outside any such environment, must include a description of the geological, hydro-geological, geo-chemical or geo-physical data that the project will provide and information relating to the assessment or development of environmentally-secure drilling techniques and new drilling methods.”.

4. The following sections are inserted after section 7:

“**7.1.** A person who applies for a certificate of authorization for work mentioned in subparagraph *a* or *b* of paragraph 6 of section 2, whether the work is to be carried out in a constant or intermittent watercourse, lake, bog, pond, marsh or swamp or outside any such environment, must first inform and consult the general public. For this purpose, the person must publish a notice in a newspaper distributed in the municipality in which the work is to be carried out, including

(1) the cadastral designation of the lot or lots on which the project will be carried out;

(2) the description of the perimeter of the territory on which the project will be carried out or an illustration by means of a sketch of the site, using street names whenever possible and the address of the site, and the fact that the description or illustration is available for consultation at the office of the municipality;

(3) a summary of the project, providing at least the information required under subparagraphs 6 to 8 of the first paragraph and the second paragraph of section 7;

(4) the date, time and place of the public consultation to be held in the municipality, which cannot be held less than 20 days after the date of publication of the notice;

(5) a statement to the effect that any person may examine the full text of the document presenting the project mentioned in subparagraph 3 on the website of the project promoter whose address is indicated in the notice and at the office of the municipality or obtain a copy of the document at the office on payment of a fee.

The project promoter must send a copy of the notice referred to in the first paragraph, as soon as it is published, to the Minister of Sustainable Development, Environment and Parks, to the municipality and to the regional county municipality in whose territory the project is to be implemented.

When the Minister of Sustainable Development, Environment and Parks designates a person to observe the public consultation, that person must attend the public assembly and, if applicable, at the request of the Minister, act as the moderator of the assembly and intervene in any matter connected to the conduct of the assembly. Within 5 days after the end of the public consultation, the designated person must forward to the Minister and to the project promoter a factual report on the holding of the public consultation.

The project promoter must produce a report on the observations gathered during the public consultation and indicate the changes made to the project, if any, following the public consultation. The promoter must forward a copy of the report to the municipality. A copy of the report must be filed, at the same time, for consultation purposes, in the office of the municipality; any person may obtain a copy of the report on payment of a fee.

The report, accompanied by a copy of the notice published in a newspaper, must be included with the application for a certificate of authorization.

7.2. No more than 10 days after receiving the report mentioned in the fourth paragraph of section 7.1, the municipality must submit its observations on the project to the Minister.”.

5. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

1436

Draft Regulation

Environment Quality Act
(R.S.Q., c. Q-2)

Filing of information on certain drilling and fracturing work on gas or petroleum wells

Notice is hereby given, in accordance with sections 10, 12 and 13 of the Regulations Act (R.S.Q., c. R-18.1) and section 2.2 of the Environment Quality Act, that the Regulation respecting the filing of information on certain drilling and fracturing work on gas or petroleum wells, appearing below, may be made by the Government of the expiry of 30 days following this publication.