

Presentation to Law Amendments Committee on Bill 6, Amending Petroleum
Resources Act 21 October 2014

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Leaving the definition of hydraulic fracturing to the regulatory process turns the ban ultimately into a matter of Ministerial or Cabinet discretion. This fundamentally contradicts the government's intention to put any possible future decision to end the ban, to debate and a vote in the Legislative Assembly. [See 22 October Law Amendments presentation by Barbara Harris.]

The fundamental weakening of Bill 6 is rendered more problematic due to the history in Nova Scotia of highly contingent oil and gas industry regulatory enforcement.

The intent of Bill 6 is to build public confidence through transparency and public accountability. Government discretion in whether regulations are actually enforced in a timely fashion further removes decisions about hydraulic fracturing from spheres of transparency and public accountability.

The Petroleum Directorate of the Department of Energy is deeply committed to promoting the development of an onshore oil and gas industry in Nova Scotia. This commitment includes civil servants who are active advocates for companies, working closely with colleagues charged with regulating those companies.

This has led to a historical practice in Nova Scotia where the actual enforcement of regulations on companies seeking to develop onshore oil and gas resources is known to be a matter of negotiation.

There are many documented instances of these phenomena in the exploration for shale gas by Triangle Petroleum that began with drilling in 2007. Ministers of the previous NDP government often attributed these enforcement "gaps" to the unfamiliarity of government, at that early time, with development that relies on hydraulic fracturing as the main means of extraction. Those Ministers also showed an awareness of the difference made by the public attention to hydraulic fracturing that only became visible in 2011.

But we have right now a continuing lack of willingness by the Department of Energy or Minister Younger to compel Triangle Petroleum to meet its clear outstanding obligations.

- Triangle Petroleum has responsibility for the clean-up and site reclamation of a 2002 oil well in Cogmagun, Hants County. Residents who have questioned about the site since May have repeatedly been given the excuse that the Department of Energy cannot find the landowners to get permission to inspect the site. There has been no answer to questions of whether or when Triangle will be compelled to reclaim the site.
- Triangle has publicly said that it will reclaim the Cogmagun site after it has drained the two fracking waste ponds in Kennetcook, but there is no technical or business case connection to reclamation at the Cogmagun site. There has been no answer to questions whether the Minister finds it acceptable that Triangle Petroleum is allowed to wait in definitely on rectifying a now 12 year old failure to reclaim the site.
- There are the two Triangle Kennetcook well sites that cannot be reclaimed until the fracking waste ponds have been drained. But the company has 3 more abandoned well sites from the 2008-2009 exploration program that do not have waste ponds, and which Triangle has said publicly it will not use again, even if the company returns to active drilling and development on the Windsor Block lease.
- Again, there is no technical or business case reason that these 3 well sites should not be reclaimed now. But the company also puts off that reclamation until after the draining of the two Kennetcook waste ponds, which has no timeline.
- Minister Younger has also not answered residents' questions of whether he finds it acceptable that Triangle is not compelled to reclaim these 3 well sites in a timely fashion.

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