

## Draft Regulations

### Draft Regulation

Environment Quality Act  
(chapter Q-2; 2017, chapters 4 and 14)

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the draft regulations mentioned hereinafter and appearing below may be made by the Government on the expiry of 60 days following this publication.

After the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4) was assented to on 23 March 2017, several regulations must be amended, replaced or revoked to take into account the changes made to the Environment Quality Act.

The following amendments are made, in addition to the consequential amendments necessary for those regulations, as the case may be:

—*Draft Regulation respecting work related to a water management or treatment facility*

The draft Regulation replaces the Regulation respecting the application of section 32 of the Environment Quality Act (chapter Q-2, r. 2) to regulate the carrying out of work related to a water management or treatment facility.

—*Draft Regulation respecting ministerial authorizations and declarations of compliance in environmental matters*

The draft Regulation replaces the Regulation respecting the application of the Environment Quality Act (chapter Q-2, r. 3). The draft Regulation specifies

– the general provisions applicable to activities that require a ministerial authorization under section 22 of the Environment Quality Act, a declaration of compliance or an exemption from ministerial authorization;

– the information and documents that must be provided in support of an authorization application in order for it to be considered, the terms and conditions governing an application for the amendment, renewal or suspension of an authorization, and the terms and conditions governing the transfer of an authorization or the cessation of an authorized activity;

– the activities requiring ministerial authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Environment Quality Act;

– the activities eligible for a declaration of compliance under section 31.0.6 of the Environment Quality Act, along with the information and documents that must be provided in support of a declaration of compliance and the terms and conditions governing a declaration of compliance;

– the activities exempted, under section 31.0.11 of the Environment Quality Act, from the requirement of obtaining prior authorization pursuant to section 22 of the Act, along with the terms and conditions applicable to those activities;

– certain conditions for the implementation of an activity to prevent, abate or stop the release of contaminants into the environment;

– the monetary administrative penalties and penal sanctions that apply to a failure to comply with the Regulation.

—*Draft Regulation to amend the Regulation respecting industrial depollution attestations*

The draft Regulation amends the Regulation respecting industrial depollution attestations (chapter Q-2, r. 5) to provide the new industrial sectors to which Division III of Chapter IV of Title I of the Environment Quality Act applies, in particular the expanded sectors of organic and inorganic chemistry, and submitted to an authorization under section 22 of the Act.

—*Draft Regulation to amend the Agricultural Operations Regulation*

The draft Regulation amends the Agricultural Operations Regulation (chapter Q-2, r. 26) to provide adjustments to the definition of certain terms and to add a definition of the expression “agricultural operations”. The draft Regulation also broadens the scope of the current Regulation and provides other technical adjustments.

—*Draft Regulation to amend the Regulation respecting hazardous materials*

The draft Regulation amends the Regulation respecting hazardous materials (chapter Q-2, r. 32) to determine in which case a characterization study may be required after an accidental discharge and in which cases a notice of contamination must be entered in the land register.

—*Draft Regulation to amend the Regulation respecting municipal wastewater treatment works*

The draft Regulation amends the Regulation respecting municipal wastewater treatment works (chapter Q-2, r. 34.1) to regulate the certification of operators when a treatment plant is altered. It also provides amendments regarding the conditions for those operators to obtain a qualification certificate. In addition, it proposes amendments in Schedule II to the Regulation on toxicity tests that must be carried out at the effluent of a treatment plant. A complementary analysis method is henceforth required where a trout toxicity test exceeds the toxicity criteria.

—*Draft Regulation to amend the Water Withdrawal and Protection Regulation*

The draft Regulation proposes terminology adjustments to the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2), in particular to the concept of “stratigraphic survey” and to the definitions of categories 1, 2 and 3 of water withdrawal. It also proposes adjustments to the requirements of information transmission and certain technical precisions.

The following draft Regulations are also proposed to regulate new sectors of activity:

—*Draft Fertilizing Residuals Regulation*

The draft Regulation establishes a classification of fertilizing residuals according to the environmental risk associated with their use and provides certain standards of use and storage of those residuals.

—*Draft Regulation respecting the extension of a storm water management system eligible for a declaration of compliance*

The draft Regulation determines the storm water management works that may be used and establishes the general design standards for the extension of a storm water management system. It sets standards that are largely inspired by the March 2017 edition of the *Manuel de calcul et de conception des ouvrages municipaux de gestion des eaux pluviales*, published on the department’s website, and whose purpose is to present various approaches and techniques to minimize the hydrological impact that may be associated with urban development.

Other consequential amendments are also made to the following Regulations:

– Regulation respecting the framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin (chapter Q-2, r. 5.1);

– Regulation respecting biomedical waste (chapter Q-2, r. 12);

– Regulation respecting the liquid effluents of petroleum refineries (chapter Q-2, r. 16);

– Regulation respecting the burial of contaminated soils (chapter Q-2, r. 18);

– Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19);

– Regulation respecting used tire storage (chapter Q-2, r. 20);

– Regulation respecting pulp and paper mills (chapter Q-2, r. 27);

– Regulation respecting snow elimination sites (chapter Q-2, r. 31);

– Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37);

– Regulation respecting contaminated soil storage and contaminated soil transfer stations (chapter Q-2, r. 46);

– Regulation respecting hot mix asphalt plants (chapter Q-2, r. 48).

While some of the proposed amendments have an impact on large businesses, study of the matter has revealed a little negative impact on small and medium-sized businesses, other than those related to the amendments made by Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund.

Further information on the draft Regulations may be obtained by contacting Isabelle Olivier, director general of analysis and expertise for the Capitale-Nationale and Chaudière-Appalaches, Ministère du Développement durable, de l’Environnement et de la Lutte contre les changements climatiques, édifice Lebourgneuf, 8<sup>e</sup> étage, bureau 100, 1175, boulevard Lebourgneuf, Québec (Québec) G2K 0B7; telephone: 418 644-8844 extension 228; fax: 418 386-8080; email: isabelle.olivier@mddelcc.gouv.qc.ca

Any person wishing to comment on the draft Regulations may submit written comments before the expiry of the 60-day period to Isabelle Olivier using the above contact information.

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the Environment and the  
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## Regulation respecting work related to a water management or treatment facility

Environment Quality Act

(chapter Q-2, ss. 46, 95.1, 115.27 and 115.34; 2017, chapter 4)

### CHAPTER I

#### GENERAL

1. This Regulation applies to work carried out as part of the establishment, alteration or extension of a waterworks system, a sewer system, except a sewer system covered by the Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22), or a storm water management system.

It determines, in Chapter II, the standards applicable to work other than work carried out in a temporary industrial camp and, in Chapter III, the standards applicable to work other than work carried out in a temporary industrial camp.

It provides, in Chapter IV, the monetary administrative penalties and, in Chapter V, the penal sanctions.

It applies in particular to the immovables comprised in a reserved area or in an agricultural zone established in accordance with the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

2. In this Regulation, unless the context indicates otherwise,

“sewer system” means any works used to collect, store, transport and process wastewater, in whole or in part of domestic origin, before being discharged into the environment; all mains situated upstream from a service entrance of a building served by the system are not part of the system; (*système d’égout*)

“storm water management system” means any works used to collect, store, transport and process storm water, before being discharged into the environment; (*système de gestion des eaux pluviales*)

“temporary industrial camp” means all the facilities and their dependencies

(1) set up for not more than 6 months per 12-month period

(a) for carrying out forest management, mining exploration or transportation work or work related to electric power production, transportation or distribution facilities, if not more than 80 persons are housed in the camp;

(b) only for timber salvage following a forest fire;

- (2) situated in one of the following territories:
- (a) a territory not organized into a local municipality, including an unorganized territory amalgamated with one of the municipalities of Rouyn-Noranda, La Tuque or Senneterre, as it was delimited the day before the amalgamation;
  - (b) the James Bay territory as described in the Schedule to the James Bay Region Development Act (chapter D-8.0.1);
  - (c) the territory situated north of the 55th parallel;
  - (d) the territories of the municipalities of Blanc-Sablon, Bonne-Espérance, Côte-Nord-du-Golfe-du-Saint-Laurent, Gros-Mécatina and Saint-Augustin and the territory of any other municipality constituted under the Act respecting the municipal reorganization of the territory of Municipalité de Côte-Nord-du-Golfe-du-Saint-Laurent (1988, chapter 55; 1996, chapter 2);
  - (e) the territories that are not accessible at any time by road vehicles; (*campement industriel temporaire*)

“waterworks system” means a distribution system within the meaning of section 1 of the Regulation respecting the quality of drinking water (chapter Q-2, r. 40). (*système d’aqueduc*)

## **CHAPTER II**

### **WORK CARRIED OUT IN A SYSTEM**

#### **3. The project owner must entrust an engineer with the preparation**

- (1) of an operation and maintenance manual for treatment works of the system installed or altered;
- (2) of a descriptive document of the system installed or altered specifying
  - (a) the description and location of water sampling, discharge, deposit, issuance or emission points of contaminants into the environment;
  - (b) the nature, quantity, quality and concentration of each contaminant emitted, deposited, issued or discharged into the environment and coming from the operation of water treatment works;
  - (c) the description of the equipment constituting the system;
  - (d) in the case of a sewer system, the nature, origin and quality of waste water treated by municipal treatment works.

The requirement provided for in the first paragraph does not apply to the activities exempted from the application of section 22 of the Environment Quality Act (chapter Q-2) and to the activities related to the waterworks system or sewer system eligible for a declaration of compliance.

4. The project owner must entrust an engineer with the supervision of establishment, alteration or extension work of a waterworks system, a sewer system or a storm water management system.

The engineer who supervises the work must attest that the work has been carried out in accordance with the conditions provided for in the Regulation respecting ministerial authorizations and declarations of compliance in environmental matters (*insert the reference to the CQLR*) or, as the case may be, in accordance with the conditions referred to in the authorization issued for the work under subparagraph 3 of the first paragraph of section 22 of the Environment Quality Act (chapter Q-2).

5. The project owner must, within 90 days following the end of the work, obtain the certificate referred to in the second paragraph of section 4 and, as the case may be, the operation and maintenance manual and the descriptive document of the system referred to in the first paragraph of section 3.

The project owner must keep the certificate and, where applicable, the operation and maintenance manual and the descriptive document of the system for a 10-year period following the performance of the work and provide them to the Minister on request.

6. Where a main of a storm water management system connected to a combined sewer system is replaced, the tests and application criteria for that main are those provided for in Clause 11.3 of Standardized Specification BNQ 1809-300 – Construction – General Technical Clauses – Water and Sewer Pipes.

The requirement provided for in the first paragraph applies to the activities exempted from the application of section 22 of the Environment Quality Act (chapter Q-2) and to the activities related to the sewer system or the storm water management system eligible for a declaration of compliance.

7. Any excavation carried out during the work may be filled using the soil excavated.

Despite the foregoing, the soils used for the bedding and backfilling around drinking water mains must be clean over a thickness of at least 30 cm.

### **CHAPTER III**

#### **TEMPORARY INDUSTRIAL CAMP**

8. The operator of a temporary industrial camp must send a notice to the Minister at least 4 weeks before the beginning of the work carried out for the establishment, alteration or extension of a waterworks system or a sewer system.

The notice provided for in the first paragraph must contain

- (1) the geographical coordinates of the camp;
- (2) the maximum number of persons that will be housed at the same time in the camp;

(3) the planned dates and period of time during which the camp is to be occupied.

The following must be attached to the notice:

(1) a certificate from a person who is a member of a professional order attesting that the installation of drinking water treatment apparatus or equipment or an increase in their production capacity will meet the requirements provided for in the Regulation respecting the quality of drinking water (chapter Q-2, r. 40);

(2) a certificate from a person who is a member of a professional order attesting that the treatment and disposal of wastewater and, if applicable, process water from a drinking water treatment apparatus or equipment are not likely to constitute a source of contamination within the meaning of section 1 of the Environment Quality Act (chapter Q-2).

If the temporary industrial camp must be used by a larger number of persons or for a longer period of time than the period provided for in the first paragraph, a new notice and new certificates must be sent to the Minister at least 4 weeks before the change.

**9.** The layout of a water withdrawal facility to serve a temporary industrial camp must be carried out in accordance with the following conditions:

- (1) no impounding structure may be set up in the watercourse or lake;
- (2) if applicable, after equipment burial below the bed of the watercourse or lake, its original profile must be restored;
- (3) the width of vegetation clearing necessary to install the main in the bank and littoral zone of a watercourse or the shore of a lake must be not more than 5 m;
- (4) appropriate measures, such as revegetation, must be carried out at the time of the layout to prevent sediments from being carried into the watercourse or lake from the bare or exposed soil on the littoral zone, lakeshore or riverbank; and
- (5) the pumping equipment must be installed outside the lakeshore, riverbank and littoral zone except for a submersible pump.

**10.** At no time may the quantity of water taken from the water intake to supply a temporary industrial camp exceed 15% of the instantaneous flow of the watercourse or lower the lake level by more than 15 cm.

**11.** The layout of an outfall intended to discharge process water from a drinking water apparatus or equipment or treated water from a sewer system must be carried out in accordance with the conditions referred to in paragraphs 2 to 4 of section 9.

**12.** During the permanent closing of a temporary industrial camp,

(1) the infrastructures constituting the water withdrawal facility, the outfall of the sewer or wastewater treatment systems or the outfall intended to discharge process water from a drinking water apparatus or equipment and the mains situated in the lakeshore, riverbank or littoral zone must be dismantled;

(2) the bed of the lake or watercourse must be restored according to its original profile;

(3) the lakeshore, riverbank and littoral zone must be stabilized and vegetated; and

(4) any sewer or treatment system that is abandoned must be emptied and removed or filled with gravel, sand, earth or inert material.

#### **CHAPTER IV**

#### **MONETARY ADMINISTRATIVE PENALTIES**

**13.** 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 to keep for the period prescribed or to make available to the Minister, on request, the certificate or documents referred to in the second paragraph of section 5, in accordance with that section.

**14.** A monetary administrative penalty of \$500 in the case of a natural person or \$2,500 in other cases may be imposed on any person who fails

(1) to entrust an engineer with the preparation of the documents referred to in the first paragraph of section 3, the supervision of the work provided for in the first paragraph of section 4 or to obtain from the engineer the certificate or documents required in accordance with the first paragraph of section 5;

(2) to comply with the standards provided for in section 6 regarding the acceptance tests and criteria for a main, in the case and for the main referred to therein;

(3) to send to the Minister the notices and the certificates referred to in section 8, within the period and on the conditions provided for therein.

**15.** A monetary administrative penalty of \$750 in the case of a natural person or \$3,500 in other cases may be imposed on any person who fails

(1) to reuse or use the soil referred to in the first or second paragraph of section 7, in accordance with the conditions provided for therein;

(2) to comply with any of the standards prescribed by paragraphs 1 to 5 of section 9 for a water withdrawal facility intended to serve a temporary industrial camp;

(3) to ensure that the quantity of water taken from a water withdrawal facility referred to in section 10 complies with the standards prescribed therein;

(4) to comply with any of the standards prescribed by section 11 regarding the layout of the outfall.

**16.** A monetary administrative penalty of \$1,000 in the case of a natural person or \$5,000 in other cases may be imposed on any person who fails to take any of the steps prescribed by section 12 in case of the permanent closing of a temporary industrial camp.

## **CHAPTER V**

### **PENAL SANCTIONS**

**17.** Every person who contravenes the second paragraph of section 5 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.

**18.** Every person who contravenes the first paragraph of section 3, the first paragraph of section 4, the first paragraph of section 5, section 6 or 8 commits an offence and is liable, in the case of a natural person, to a fine of \$2,500 to \$250,000 or, in other cases, to a fine of \$7,500 to \$1,500,000.

**19.** Every person who contravenes section 7, 9, 10 or 11 commits an offence and is liable, in the case of a natural person, to a fine of \$4,000 to \$250,000 or, in other cases, to a fine of \$12,000 to \$1,500,000.

**20.** Every person who contravenes section 12 or, 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.

**21.** Every person who contravenes any other requirement imposed by this Regulation also commits an offence and is liable, where no other penalty is provided for by this Chapter or the Environment Quality Act (chapter Q-2), to a fine of \$1,000 to \$100,000, in the case of a natural person, or, in other cases, to a fine of \$3,000 to \$600,000.

## **CHAPTER VI**

### **TRANSITIONAL AND FINAL**

**22.** This Regulation replaces the Regulation respecting the application of section 32 of the Environment Quality Act (chapter Q-2, r. 2).

**23.** A 5-year waterworks and sewer plan referred to in Chapter III of the Regulation respecting the application of section 32 of the Environment Quality Act (chapter Q-2, r. 2) as it read on (*insert the date preceding the date of coming into force of this Regulation*) authorized by the Minister before that date remains governed by the provisions of the Regulation as they read on (*insert the date preceding the date of coming into force of this Regulation*) for the unexpired term of the authorization.

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