

Regulation to amend the Regulation respecting municipal wastewater treatment works

Environment Quality Act

(chapter Q-2, ss. 31.32, 31.41, par. 3 and s. 95.1, 1st par., subpar. 7; 2017, chapter 4)

1. The Regulation respecting municipal wastewater treatment works (chapter Q-2, r. 34.1) is amended in section 1

(1) by inserting “in whole or in part” in the first paragraph after “situated”;

(2) by inserting “or into a storm water management system” in the second paragraph after “being discharged into the environment”.

2. Section 2 is amended

(1) by replacing the definition of “annual average flow rate” by the following:

“**annual average flow rate**” means the flow rate identified for that purpose in a depollution attestation; (*débit moyen annuel*);

(2) by inserting the following definitions in alphabetical order:

“**overflow**” means any discharge of untreated wastewater into the environment or into a storm water management system; (*débordement*)

“**diversion**” means any discharge of partially treated wastewater into the environment due to the bypass of a stage of the treatment plant; (*dérivation*)”

(3) by inserting the following definitions in alphabetical order:

“**outfall**” means a main that receives the effluent from a treatment plant, where the effluent is subject to the monitoring provided for in section 6, and that transports the effluent to the point of discharge; (*émissaire*)

“**diversion point**” means a point subject to the monitoring provided for in section 9 installed to bypass a stage of the treatment plant; (*ouvrage de dérivation*)

“**overflow point**” means a point subject to the monitoring provided for in section 9 installed to discharge untreated wastewater into the environment or into a storm water management system; (*ouvrage de surverse*)

(4) by adding the following definition at the end:

“**dry weather**” means any period beginning 24 hours after the end of rain. (*temps sec*)”.

3. Section 3 is replaced by the following:

“3. The Minister issues a depollution attestation to the operator of municipal wastewater treatment works referred to in section 1. ”.

4. Section 6 is amended by inserting “at the outfall” in the second paragraph after “discharge”.

5. The heading of Division III is replaced by the following:

“STANDARDS RELATING TO OVERFLOWS AND DIVERSIONS”.

6. Section 8 is replaced by the following:

“8. Any overflow or diversion of wastewater from municipal wastewater treatment works elsewhere than at an outfall or elsewhere than in an overflow point or diversion point is prohibited.

8.1. Overflows of wastewater in an overflow point and diversions of wastewater at a diversion point or at an outfall are prohibited in dry weather unless one of the following events occurs:

(1) a case of emergency;

(2) the melting of snow or spring thaw;

(3) the carrying out of work to alter, repair or maintain works that, as the case may be, is authorized under section 22 of the Environment Quality Act or is the subject of a notice to the Minister under section 15.

8.2. The diversions caused by the melting of snow or spring thaw are prohibited for any flow running to the diversion point that is lower than the capacity of the works downstream, as indicated in the depollution attestation.”.

7. Section 9 is amended

(1) by replacing “overflows of wastewater that occur at the operator’s treatment works” in the first paragraph by “discharges of wastewater that occur at the overflow points and diversion points”;

(2) in the second paragraph

(a) by replacing “When an overflow” by “When an overflow point or a diversion point”;

(b) by replacing “at the overflow” and “of the overflow” by “at the discharge” and “of the discharge”.

8. Section 10 is replaced by the following:

“**10.** A valid qualification certificate issued for the relevant class of treatment plant concerned under a vocational training and qualification program established by the Minister of Employment and Social Solidarity under section 29.1 of the Act respecting workforce vocational training and qualification (chapter F-5) must be held by any natural person who

(1) operates a treatment plant and monitors its operation;

(2) takes the samples required by this Regulation, unless the person is employed by a laboratory accredited under section 118.6 of the Environment Quality Act (chapter Q-2) to perform such sampling; or

(3) takes a measurement or a reading required by this Regulation.
The holder of the certificate must show it on request.”.

9. Section 11 is replaced by the following:

“**11.** A natural person who carries out one of the tasks listed in section 10 in a plant that will change classes in relation to the class of treatment plant referred to in its initial certificate must obtain a new certificate covered by section 10.

The steps to obtain such a certificate must begin not later than 3 months after one of the following dates, as the case may be:

(1) the date of issue of the authorization required for the work carried out at the treatment plant;

(2) the date of transmission of the declaration of compliance required for the work performed at the treatment plant;

(3) the date of amendment of the municipal depollution attestation.

Until the natural person obtains a new certificate, the natural person must show, on request, the apprenticeship card given to the natural person during the natural person's admission to the training program.”.

10. Section 12 is amended by inserting “and diversion” after “overflow”.

11. Section 13 is amended, in the part preceding subparagraph a of subparagraph 2 of the first paragraph

(1) by inserting “and flow rate” after “pH”;

(2) by inserting “and diversion” after “overflow”;

(3) by replacing “discharge and overflow standards” by “discharge overflow and diversion standards”.

12. Section 15 is amended

(1) in subparagraph 2 of the first paragraph

(a) by inserting “shutdown or” after “equipment”;

(b) by adding "or diversions" at the end;

(2) by replacing the second paragraph by the following:

“The notice must contain

(1) the date corresponding to the beginning of the event;

(2) the location of the discharge by indicating in particular its geographical coordinates;

(3) the uses of the receiving environment that could be affected;

(4) the real or estimated volumes of wastewater that are discharged;

(5) the measures taken or planned by the operator to limit or minimize the effects of the event;

(6) the estimated date of the end of the discharge;

(7) the cleaning measures that will be set up after the event;

(8) the measures set up to communicate to the public the information relating to a planned discharge.

The notice is filed immediately after the event has occurred if it is an event referred to in subparagraphs 1 and 2 of the first paragraph or 45 days before the event provided for in subparagraph 3 of the first paragraph.”;

(3) by adding “and notify the Minister as soon as the event has ended” at the end of the fourth paragraph.

13. Section 17 is amended

(1) by striking out “, in addition to the elements referred to in section 31.34 and, where applicable, those referred to in section 31.35 of the Environment Quality Act (chapter Q-2),” in the part preceding paragraph 1;

(2) by replacing “section 31.37” in paragraph 10 by “section 31.34”;

(3) by adding the following paragraphs at the end:

“(11) the nature, quantity, quality and concentration of each contaminant emitted, deposited, released or discharged into the environment by the works;

(12) the nature, origin and quality of the wastewater treated by the works;

(13) the applicable corrective programs, if any;

(14) the master plans of municipal water management that apply, if any;

(15) the standards, conditions, restrictions or prohibitions imposed by the Minister under section 31.37 of the Environment Quality Act;”.

14. Section 19 is amended by replacing “required under section 11” by “required under the first paragraph of section 10 or his or her apprenticeship card required under the third paragraph of section 11”.

15. Section 21 is amended by replacing paragraph 4 by the following:

“(4) to have one of the tasks listed in the first paragraph of section 10 carried out by a person who does not hold the qualification certificate required by section 10 or 11 or, as the case may be, who does not hold his or her apprenticeship card required by section 11;”.

16. Section 24 is amended by adding the following at the end:

“Any person who fails to comply with section 10 or 11 commits an offence and is liable to the fine provided for in the first paragraph applicable to a natural person.”.

17. Section 25 is amended by replacing paragraph 4 by the following:

“(4) to have one of the tasks listed in the first paragraph of section 10 carried out by a person who does not hold the qualification certificate required by section 10 or 11 or, as the case may be, who does not hold his or her apprenticeship card required by section 11;”.

18. The following is inserted after section 31:

31.1. The obligations contained in section 9 in respect of diversion points only apply as of 1 January 2020.

31.2. Despite section 10, a natural person who, on (*insert the date of coming into force of this Regulation*), holds an apprenticeship card to obtain one of the certificates covered by section 10 of this Regulation may carry out the tasks listed in the first paragraph of section 10.

Until the natural person obtains his or her certificate, the natural person must show his or her apprenticeship card on request.

This section ceases to have effect on 30 June 2020.

31.3. If, on (*insert the date of coming into force of this Regulation*), no depollution attestation has been issued to a municipal wastewater treatment works, the annual average flow rate of the works corresponds, as the case may be,

(1) to the highest flow rate among the annual average flow rates measured at the affluent or effluent during the 3 calendar years of operation 2011, 2012 and 2013 of the municipal wastewater treatment works;

(2) in the case of new works or during the enlargement of works in operation, their flow rate design, that is the flow rate of wastewater that the works are able to collect.

This section ceases to have effect on the date of issue of the depollution attestation.”.

19. Schedule II is amended

(1) by striking out “carried out according to the single-concentration or multi-concentration procedure, as the case may be” in paragraph 1 of subsection 1;

(2) by replacing subsection 3 by the following:

“(3) Where a positive result is obtained as part of an acute toxicity test for one of the species concerned, the frequency of the tests provided for in subsection 2 is replaced, for that species, by the following:

“High-frequency requirements of acute toxicity tests

Class of treatment plant	Acute toxicity tests	Frequency of acute toxicity tests
Medium	- Rainbow trout - <i>Daphnia magna</i>	Monthly ¹
Large	- Rainbow trout - <i>Daphnia magna</i>	Monthly ¹
Very large	- Rainbow trout - <i>Daphnia magna</i>	Bimonthly ²

1. MONTHLY TESTS MUST BE AT INTERVALS OF AT LEAST 3 WEEKS.

2. BIMONTHLY TESTS MUST BE AT INTERVALS OF AT LEAST 7 DAYS.

If a positive result was obtained for a test concerning rainbow trout, the Procedure for pH stabilization EPS 1/RM/50, Procedure for pH Stabilization During the Testing of Acute Lethality of Wastewater Effluent to Rainbow Trout, published by Environment Canada, must be used in combination with the biological test method provided for in paragraph 1 of subsection 1.

After 3 consecutive tests that show no acute toxicity, the tests may be conducted in accordance with subsection 2 of this Schedule.

This section does not apply to municipal wastewater treatment works of which the depollution attestation contains a corrective program for toxicity at the effluent.

(4) If, for 12 consecutive months, all the results obtained for the acute toxicity tests required under section 2 show no acute toxicity for a species concerned, the tests may be conducted at the following frequencies:

Low-frequency requirements of acute toxicity tests

Class of treatment plant	Acute toxicity tests	Frequency of acute toxicity tests
Medium	- Rainbow trout - <i>Daphnia magna</i>	Annually ¹
Large	- Rainbow trout - <i>Daphnia magna</i>	Annually ¹
Very large	- Rainbow trout - <i>Daphnia magna</i>	Quarterly ²

1. ANNUAL TESTS MUST BE CONDUCTED IN THE MONTHS OF JANUARY, FEBRUARY AND MARCH.
2. QUARTERLY TESTS MUST BE AT INTERVALS OF AT LEAST 2 MONTHS.”.

20. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except section 19 which comes into force on 1 January 2020.