

(2) by replacing “the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2)” in subparagraph *d* of the second paragraph by “the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*) and the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*)”;

(3) by adding “or, as applicable, they are eligible for a declaration of compliance or are exempted under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact” at the end of subparagraph *h* of the second paragraph.

#### 4. Section 4.2.1 is amended

(1) by replacing “the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2)” in paragraph *f* by “the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*) and the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*)”;

(2) by adding “or, as applicable, that is eligible for a declaration of compliance or that is exempted under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact” at the end of paragraph *i*.

#### 5. Section 4.2.2 is amended

(1) by inserting “the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*), the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*) and” in paragraph *d* after “in accordance with”;

(2) by replacing “the Water Withdrawal and Protection Regulation” in paragraph *e* by “the Regulation respecting activities in wetlands, bodies of water and sensitive areas and the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact”;

(3) by inserting “or, as applicable, are eligible for a declaration of compliance or are exempted under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact” at the end of paragraph *m*.

6. These amendments come into force on 31 December 2020.

104590

Gouvernement du Québec

### O.C. 870-2020, 19 August 2020

Environment Quality Act  
(chapter Q-2)

#### Municipal wastewater treatment works — Amendment

Regulation to amend the Regulation respecting municipal wastewater treatment works

WHEREAS, under section 31.32 of the Environment Quality Act (chapter Q-2), Division III.1 of Chapter IV of Title I of the Act applies to the municipal wastewater treatment works and municipal water management works determined by government regulation;

WHEREAS, under paragraph 3 of section 31.41 of the Act, the Government may make regulations to prescribe the content and form of a depollution attestation;

WHEREAS, under paragraph 17 of section 46 of the Act, the Government may, by regulation, determine the qualifications of natural persons assigned to the operation of municipal water treatment equipment;

WHEREAS, under subparagraph 7 of the first paragraph of section 95.1 of the Act, the Government may make regulations to define environmental protection and quality standards for all or part of the territory of Québec;

WHEREAS, under section 115.27 of the Act, the Government may, in a regulation made under the Act, in particular specify that a failure to comply with the regulation may give rise to a monetary administrative penalty and set forth the amounts of the penalty;

WHEREAS, under the first paragraph of section 115.34 of the Act, the Government may in particular determine the regulatory provisions made under the Act whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government;

WHEREAS the Government made the Regulation respecting municipal wastewater treatment works (chapter Q-2, r. 34.1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting municipal wastewater treatment works was published in Part 2 of the *Gazette officielle du Québec* of 19 February 2020 with a notice that it could be made by the Government on the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of the Environment and the Fight Against Climate Change:

THAT the Regulation to amend the Regulation respecting municipal wastewater treatment works, attached to this Order in Council, be made.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting municipal wastewater treatment works

Environment Quality Act  
(chapter Q-2, ss. 31.32, 31.41, 46, 95.1, 115.27 and 115.34)

**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” after “treatment works situated” in the first paragraph;

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

**2.** Section 2 is amended

(1) 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 treatment by the treatment plant; (*dérivation*)”

(2) 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 final 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*)

**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 10 is replaced by the following:

“**10.** A valid qualification certificate or apprenticeship card 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 or apprenticeship card must show it on request.

For the purposes of the first paragraph, an apprenticeship card is valid if it is issued for a maximum period of 3 years following the holder’s registration in the vocational training and qualification program and if it is not renewable.

Despite the first paragraph, obtaining a qualification certificate or an apprenticeship card is not required to operate works that do not contribute directly to the operation of the liquid treatment chain of the treatment plant;

**5.** 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 holder of the certificate must hold his or her apprenticeship card for the new class of treatment plant not later than 4 months after one of the following dates, whichever comes first:

- (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 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.

**11.1.** The operator of a municipal wastewater treatment works must ensure that the tasks listed in section 10 are carried out by a person who is the holder of the valid qualification certificate or apprenticeship card referred to in that section.

In addition, the operator must ensure that the holder of the certificate takes the necessary steps to obtain a new certificate in the cases and within the time provided for in section 11.”.

**6.** Section 15 is amended

(1) by replacing subparagraph 1 of the first paragraph by the following:

“(1) the discharge of the effluent elsewhere than at the final point of discharge of the outfall;

(1.1) a diversion or an overflow elsewhere than from an overflow point or diversion point;”;

(2) in subparagraph 2 of the first paragraph

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

(b) by adding “or diversions” at the end;

(3) by striking out “of wastewater” in subparagraph 3 of the first paragraph;

(4) by adding the following after subparagraph 3 of the first paragraph:

“(4) a diversion or an overflow other than from an overflow point or a diversion point.”;

(5) by replacing the second, third and fourth paragraphs by the following:

“The notice must contain

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

(2) the location of the discharge, overflow or diversion by indicating in particular its geographical coordinates;

(3) in the case of planned work, the reasons why it is impossible to carry out the work without any overflow, diversion or discharge elsewhere than at the final discharge point of the outfall.

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

(5) the real or estimated volumes of wastewater that are discharged, overflowed or diverted;

(6) the measures taken or planned by the operator to limit the discharge, overflow or diversion and minimize the effects of the event;

(7) the estimated date of the end of the event;

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

(9) the measures set up to communicate to the public the information relating to a planned event.

In the cases provided for in subparagraphs 1, 1.1, 2 and 4 of the first paragraph, the notice is sent to the Minister without delay. It may be a written or verbal notice. In the latter case, the operator must send a written copy of the notice within 48 hours following the verbal notice. In the

case provided for in subparagraph 1 of the first paragraph, where the discharge will result in work for the alteration, repair or maintenance of the works, the notice is sent in accordance with the fourth paragraph.

In the case referred to in subparagraph 3 of the first paragraph, the notice is sent to the Minister 45 days before the planned event. The notice must be in writing.

All written notices referred to in this section must be sent electronically.

In all cases, the operator must comply, without delay, with the measures planned to minimize or eliminate the effects of the events referred to in subparagraphs 1 to 4 of the first paragraph and notify the Minister as soon as the event has ended.”

**7.** 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 portion before paragraph 1;

(2) by replacing paragraph 4 by the following:

“(4) the standards of discharge, overflow and diversion;”;

(3) by replacing “and overflows of wastewater” in paragraph 7 by “, overflows and diversions”;

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

“(11) the nature, quantity, quality and concentration of each contaminant covered by a standard or a requirement;

(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;”

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

**9.** 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 holds the qualification certificate or apprenticeship card required by section 10 or 11;

(4.1) to ensure that the holder of the qualification certificate takes the necessary steps to obtain a new certificate in the cases and within the time provided for in section 11;”.

**10.** Section 23 is amended by replacing paragraph 5 by the following:

“(5) who fails to comply with the measures planned to minimize or eliminate the effects of an event in accordance with the sixth paragraph of section 15.”.

**11.** 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.”.

**12.** 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 holds the qualification certificate or apprenticeship card required by section 10 or 11;

(4.1) to ensure that the holder of the qualification certificate takes the necessary steps to obtain a new certificate in the cases and within the time provided for in section 11;”.

**13.** Section 28 is amended by replacing paragraph 5 by the following:

“(5) who fails to comply with the measures planned to minimize or eliminate the effects of an event in accordance with the sixth paragraph of section 15.”.

**14.** This Regulation comes into force on 31 December 2020.

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