

## Draft Regulations

### Draft Regulation

Environment Quality Act  
(chapter Q-2)

#### Quality of drinking water — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulation to amend the Regulation respecting the quality of drinking water, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation to amend the Regulation respecting the quality of drinking water lowers the standard for the maximum concentration of lead in drinking water to 5 micrograms per litre in order to follow the recommendations of Health Canada.

The draft Regulation also amends the sampling protocol applicable for the control of the standard in determining the volume of water to be taken and in order to take into account a period of stagnation before sampling.

The draft Regulation provides for more transparency concerning the quality of the water supplied by requiring the persons in charge of residential distribution systems serving more than 20 persons, if the lead-related standard is exceeded, to establish an action plan including the measures that will be taken to remedy the situation and a detailed schedule of those measures and make the plan available to the users. It also requires municipalities in charge of such distribution systems to publish the action plan. In addition, the persons in charge of such distribution systems will have to add, in the annual report on the quality of water, the measures they have taken to protect the users against the risks involved when the standard was exceeded. When a municipality is in charge of such distribution system, it must also publish the report.

Lastly, the draft Regulation also makes adjustments to monetary administrative penalties and penal sanctions to take into account the amendments made to the remainder of the Regulation.

A study of the regulatory impact carried out for the purpose of the amendments shows that the draft Regulation will have an impact on enterprises in charge of a drinking water distribution system serving a residential population

and data processing and hosting enterprises. It is estimated that enterprises in charge of a drinking water distribution system serving a residential population are going to have a cost increase of \$129,737 during the first year of the Regulation and \$121,849 per year for the following years. As for data processing and hosting enterprises, they can expect their income to increase by \$32,100 annually.

Further information on the draft Regulation may be obtained by contacting Caroline Robert, Director, Direction de l'eau potable et des eaux souterraines, Direction générale des politiques de l'eau, Ministère de l'Environnement et de la Lutte contre les changements climatiques, édifice Marie-Guyart, 8<sup>e</sup> étage, boîte 42, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; email: caroline.robert@environnement.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Caroline Robert at the above-mentioned contact information.

BENOIT CHARETTE,  
*Minister of the Environment and  
the Fight Against Climate Change*

### Regulation to amend the Regulation respecting the quality of drinking water

Environment Quality Act  
(chapter Q-2, ss. 45, 45.5.2, 46, 95.1, 115.27 and 115.34)

**1.** The Regulation respecting the quality of drinking water (chapter Q-2, r. 40) is amended by inserting the following after section 36.1:

“**36.2.** If the water available to users that originates from a distribution system serving more than 20 persons and at least 1 residence does not comply with the lead-related standard set out in Schedule 1, the person in charge of the distribution system must, no later than 31 March of the following year, establish an action plan including a description of the measures to be taken to remedy the situation and a detailed schedule of those measures.

The person in charge of a distribution system updates the action plan no later than 31 March each year. When the lead-related standard is exceeded again, before the

completion of the measures provided for in the action plan, the update fulfills the requirement set out in the first paragraph.

The action plan must be kept by the person in charge of the distribution system for a minimum period of 5 years after the completion of the measures provided for in the action plan and a copy must be made available to the Minister. The person in charge of the distribution system must also provide a copy of the action plan to the user who requests it.

When the distribution system is under the responsibility of a municipality, a copy of the action plan must also be published on its website or, if it does not have a website, by any other means it considers appropriate.”

**2.** Section 44.6 is amended

(1) by inserting the following after paragraph 8:

“(8.1) to provide a copy of the action plan referred to in the third paragraph of section 36.2 to the user who requests it, in accordance with that paragraph;

(8.2) to comply with the requirements provided for in the fourth paragraph of section 36.2 relating to the publishing of the action plan referred to therein;”;

(2) by replacing “the posting of the report or the notice referred to therein” in paragraph 17 by “the publishing of the report referred to therein.”

**3.** Section 44.7 is amended by inserting the following after paragraph 9:

“(9.1) to establish the action plan referred to in the first paragraph of section 36.2, in accordance with what is provided for therein, or to update it in accordance with the second paragraph of that section;

(9.2) to keep the action plan referred to in the third paragraph of section 36.2 or make it available to the Minister for a minimum period of 5 years after the completion of the measures provided therein;”.

**4.** Section 45 is amended by inserting the following after subparagraph 3:

“(3.1) to provide a copy of the action plan referred to in the third paragraph of section 36.2 to the user who requests it, in accordance with that paragraph;

(3.2) to comply with the requirements provided for in the fourth paragraph of section 36.2 relating to the publishing of the action plan referred to therein;”.

**5.** Section 46 is amended by inserting the following after subparagraph 5.1:

“(5.2) to establish the action plan referred to in the first paragraph of section 36.2, in accordance with what is provided for therein, or to update it in accordance with the second paragraph of that section;

(5.3) to keep the action plan referred to in the third paragraph of section 36.2 or make it available to the Minister for a minimum period of 5 years after the completion of the measures provided for therein;”.

**6.** Section 53.3 is amended

(1) by inserting “and protect users from any risks involved” at the end of the first paragraph and after “the measures taken by the person in charge to remedy the situation”;

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

“When the distribution system or tank truck is under the responsibility of a municipality, a copy of the report must also be published on its website or, if it does not have a website, by any other means it considers appropriate.”

**7.** Schedule 1 is amended in section 2 by replacing the concentration “0,010” in the Lead line of the table by “0,005”.

**8.** Schedule 4 is amended:

(1) by inserting the following before section 3:

“(2.1) Every sample collector who, for the purposes of this Regulation, collects water samples intended for the analysis of lead or copper must, after letting the tap run in the manner provided for in subparagraph 8 of the first paragraph of section 1 to this Schedule:

(1) let the water stagnate for 30 minutes in the piping, taking the necessary precautions to prevent the water from being used elsewhere in the building;

(2) collect the first 250 ml of water from the tap after the 30 minutes of stagnation.

The following precautions must be taken during sampling:

—if a tap has a vent, screen or rose head, it should not be removed;

—if possible, the samples must be collected from the cold water tap in the kitchen or the cold water tap most frequently used to supply drinking water.”;

(2) by striking out the second paragraph of section 4.

#### TRANSITIONAL AND FINAL

**9.** Section 36.2, introduced by section 1 of this Regulation, applies to the exceedances of the lead-related standard established in Schedule 1 to the Regulation respecting the quality of drinking water (chapter Q-2, r. 40) in distribution systems serving more than 20 persons and at least 1 residence that are noticed as of 1 July 2020 and for which there is no return to compliance under section 40 of the Regulation before (*insert the date of coming into force of this Regulation*).

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

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