

Regulations and other acts

Gouvernement du Québec

O.C. 1158-2004, 15 December 2004

Environment Quality Act
(R.S.Q., c. Q-2)

Waste water disposal systems for isolated dwellings — Amendments

Regulation to amend the Regulation respecting waste water disposal systems for isolated dwellings

WHEREAS subparagraphs *a, c, d, e, f, h.1* and *m* of the first paragraph of section 31, paragraphs *g, i* and *p* of section 46 and paragraph *c* of section 87 of the Environment Quality Act (R.S.Q., c. Q-2) empower the Government to make regulations on the matters set forth therein;

WHEREAS, in accordance with sections 10 and 13 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, a draft of the Regulation was published in the *Gazette officielle du Québec* of 12 November 2004 with a notice that it could be made by the Government on the expiry of 15 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments, considering the comments that were received following the publication in the *Gazette officielle du Québec*;

IT IS ORDERED, therefore, on the recommendation of the Minister of the Environment:

THAT the Regulation to amend the Regulation respecting waste water disposal systems for isolated dwellings, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting waste water disposal systems for isolated dwellings*

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, 1st par., subpars. *a, c, d, e, f, h.1* and *m*, s. 46, pars. *g, i* and *p* and s. 87, par. *c*)

1. The Regulation respecting waste water disposal systems for isolated dwellings is amended in section 1

(1) by inserting the following after paragraph *j*:

“(j.1) “maintenance”: routine recurring work or action required to keep a disposal system in such condition that it may be continuously utilized, at its original or designed capacity and efficiency;”;

(2) by replacing “is deemed” in paragraph *u* by “is considered”.

2. The following is inserted after section 3.1:

“**3.2. Disposal system maintenance:** The owner or user of a waste water disposal system must see to its maintenance, which includes seeing to the replacement of any part of a system whose service life requires it be replaced.

3.3. Maintenance contract: The owner of a treatment system referred to in section 11.1, 16.1, 87.7 or 87.13 must have a binding contract with the system manufacturer, the manufacturer’s representative or a qualified third person in which it is stipulated that minimum annual maintenance will be performed on the system.

The owner of the system must deposit a copy of the contract with the local municipality in which the isolated dwelling or the other building served by the treatment system is situated.

* The Regulation respecting waste water disposal systems for isolated dwellings (R.R.Q., 1981, c. Q-2, r.8) was last amended by the regulation made by Order in Council 903-2002 dated 21 August 2002 (2002, *G.O.* 2, 4545). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 September 2004.

At the request of the owner of the system, the person who performs the maintenance must provide the owner with a copy of the maintenance report as soon as possible. The person must also make the report available to the Minister of the Environment and the municipality in whose territory the system is situated.

3.4. Information on the siting of the treatment systems: The manufacturer of a treatment system referred to in the first paragraph of section 3.3 must make all information concerning the siting of treatment systems installed by the manufacturer available to the Minister of the Environment and the municipality in whose territory they have been installed.”

3. The following is inserted after section 4:

“4.1. Content of the permit application: For the purposes of section 4, every application for a permit to install a waste water discharge, collection or disposal system for an isolated dwelling must include

(1) the name and address of the person referred to in section 4;

(2) the cadastral designation of the lot on which the project is to be carried out or, where there is no cadastral designation, the most precise identification of the location where the project is to be carried out;

(3) the number of bedrooms in the isolated dwelling or, in the case of another building, the total daily flow;

(4) a characterization study of the site and natural land conducted by a person who is a member of the appropriate professional order, containing the following elements:

(a) the topography of the site;

(b) the disposal site grade;

(c) the soil permeability at the disposal site, specifying the methodology used to determine soil permeability;

(d) the level of bedrock, underground water or any layer of permeable soil, low permeability soil or impermeable soil, as the case may be, below the surface of the disposal site; and

(e) mention of any element that may influence the siting or construction of a disposal system; and

(5) a site plan to scale showing

(a) the elements identified in the “Reference point” column of sections 7.1 and 7.2 on the lot on which a waste water discharge, collection or disposal system is proposed and on the contiguous lots;

(b) the siting proposed for the parts of the waste water discharge, collection or disposal system;

(c) the installation depth of each component of the disposal system; and

(d) the installation depth of the soil absorption system, the standard sand-filter bed, the absorption field or the polishing leaching field in relation to the level of bedrock, underground water or any layer of impermeable soil or low permeability soil below the surface of the disposal site.

In the case of a project providing for other discharge into the environment, the information and plan must describe the receiving area and,

(1) in the case of discharge into a watercourse, specify the water flow and the effluent dilution rate in the watercourse in low-water periods, the hydrographic network to which the watercourse belongs, the location of the discharge site and effluent sampling site; or

(2) in the case of discharge into a ditch, the plan must show the hydrographic network to which the ditch belongs and the location of the discharge site and the effluent sampling site.

If the system is to serve a building other than an isolated dwelling, the information and documents referred to in this section must be prepared and signed by an engineer who is a member of the Ordre des ingénieurs du Québec. The information and documents must be filed with certification by the engineer that the system complies with this Regulation and is capable of disposing of the waste water having regard to the specific characteristics of the waste water.

Subparagraph 4 of the first paragraph does not apply to the installations to which Divisions XII, XIII and XIV apply.”

4. Section 21 is amended by replacing “three” in subparagraph g.3 of the first paragraph by “six”.

5. Section 36 is amended by striking out “and at the most 120 centimetres” in paragraph b.

6. Section 60 is amended by replacing “with the exception of the minimum total capacity, which must be 2.3 cubic metres” by “except that its minimum total capacity must be 2.3 cubic metres and its siting must comply with the minimum standards set out in section 63, with the necessary modifications”.

7. Section 72 is replaced by the following:

“**72. Compost management:** The provisions of section 6 apply to compost from a compost toilet.”.

8. Section 87.16 is amended by adding the following paragraph:

“In addition, in the case of an ultraviolet disinfection system, it is prohibited to not connect, to disconnect, or to not replace a lamp forming part of the system.”.

9. Section 87.22 is amended

(1) by inserting “and with those provided for in section 25, with the necessary modifications,” after “section 21” in subparagraph *a* of the first paragraph;

(2) by replacing “and with those provided for in subparagraphs *a* to *j* of the second paragraph of the same section” in subparagraph *b* of the first paragraph by “, with those provided for in subparagraphs *a* and *b* of the second paragraph of section 21 and with those provided for in section 25, with the necessary modifications,”.

10. Section 87.24 is amended

(1) by inserting “, with the standards provided for in section 25, with the necessary modifications,” after “section 21” in subparagraph *a* of the first paragraph;

(2) by inserting “, section 25, with the necessary modifications,” after “of the same section” in subparagraph *b* of the first paragraph”.

11. The following is inserted after section 87.25:

“**87.25.1. Construction in sections under a treatment system:** A polishing leaching field consisting of a seepage bed installed under a standard sand-filter bed, peat moss biofiltration system, advanced secondary treatment system or tertiary treatment system may be constructed in sections if the following criteria are met:

(1) the total area of the sections complies with the minimum absorption area in relation to the number of bedrooms in the dwelling and the permeability of the disposal site determined in section 87.25;

(2) the effluents are distributed in proportion to the areas of the sections constituting the polishing leaching field;

(3) where the sections are contiguous, their absorption areas are situated at the same level;

(4) where the sections are not at the same level, a hydraulic barrier at least 1.2 m wide composed of undisturbed natural ground separates the sections and is of a minimum height equivalent to the base of the disposal system;

(5) every collection and distribution component that carries part of the effluent towards a section of a polishing leaching field is designed and installed in such manner as to comply with the standards in section 87.24;

(6) the distribution of water within the absorption areas of the part of the polishing leaching field constructed as a seepage bed is uniform and not altered by the effluent collection system;

(7) the equipment forming part of the collection component is installed under the treatment systems in such manner that the effluent complies with the applicable discharge standards; and

(8) the collection component and the delivery and distribution pipes in the various sections of the polishing leaching field are designed to prevent clogging or obstruction.”.

12. The following is inserted after section 87.30:

“**87.30.1. Effluent analyses:** The owner of a tertiary treatment system with disinfection, phosphorous removal or disinfection and phosphorous removal must, at least once per six-month period, have a sample of the system’s effluent analyzed to determine the concentration, if any, of fecal coliforms or total phosphorous.

The owner must keep the analysis reports for five years and make them available to the Minister of the Environment and the municipality in whose territory the treatment system is situated.”.

13. Section 93 is amended

- (1) by replacing “2004” by “2005”;
- (2) by adding the following paragraph at the end:

“This section does not operate to invalidate the authorizations concerning aerated installations or peat moss biofiltration systems issued before those dates or to extinguish the obligations relating to those installations and systems.”

14. The following is inserted after section 94:

“**95. Provisional:** Until 31 December 2005, despite the requirement in sections 11.1, 16.2, 87.8 and 87.14 to comply with NQ Standard 3680-910, a waste water disposal system using standard technology for a hydraulic capacity equal to or greater than the total daily flow from an isolated dwelling or other building served by the disposal system may be installed, subject to the conditions set out in this section.

For the purposes of this section, a disposal system’s technology is standard if the technology was the subject of an evaluation report made to the Minister of the Environment by an engineer who is a member of the Ordre des ingénieurs du Québec, and the system’s effluent complies with the effluent discharge limits according to the type of disposal system concerned and related system supply conditions.

The evaluation report must contain

- (1) a description of the technology;
- (2) the technical specifications and design criteria of each of its components;
- (3) the specifications concerning the stages of preliminary treatment;
- (4) the expected performance;
- (5) the limits of the technology;
- (6) a detailed analysis of the justifications (results of monitoring, former use or documentation, as the case may be);
- (7) the manufacturer’s recommendations on the operation, inspection and maintenance of the technology; and
- (8) the engineer’s signature.

The engineer’s report must be based on tests carried out over one year, supervised by an independent body, on at least one installation in conditions equivalent to those in which the technology is to be used, and consisting of 16 affluent and effluent samples and measurement of the flow over that year; the samples must be taken monthly, 6 of which must be taken over 2 periods of 3 consecutive days, one in January, February or March, the other in July, August or September. The samples must be analyzed in accordance with section 87.32 and the test results recorded in a report prepared by the independent body.

If a disposal system’s technology is standard, the Minister is to publish, on a medium based on information technology and, where the Minister considers it advisable, by any other means, a technical evaluation record specifying the features of the technology, the extent of its application, its design criteria, the maintenance rules for the disposal system, the level of development and the performance obtained. Publication of the record exempts the system installation from the provisions of section 32 of the Environment Quality Act.

The standards in this Regulation that apply to watertightness, siting, installation, use, maintenance and sampling in respect of a disposal system referred to in a section listed in the first paragraph as well the requirements in section 3.4 apply, with the necessary modifications, to a standard disposal system.”

15. 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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