

## Draft Regulations

### Draft Regulation

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

#### Application of section 32 of the Act

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act (R.S.Q., c. Q-2), that the Regulation respecting the application of section 32 of the Environment Quality Act, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The purpose of the draft Regulation is to exempt certain waterworks and sewer projects that do not affect environment quality from the requirement to obtain the authorization of the Minister of Sustainable Development, Environment and Parks. A further purpose is to allow municipalities to regroup various applications for waterworks and sewer work authorizations into a waterworks and sewer master plan. That provision introduces a new manner of authorizing expansions of waterworks and sewer networks and consequently, new municipal developments. This approach is more comprehensive and consistent with the concepts of sustainable development and accountability for professionals in the field.

Further information may be obtained by contacting Didier Bicchi, Head, Service des eaux municipales, Direction des politiques de l'eau, Ministère du Développement durable, de l'Environnement et des Parcs, édifice Marie-Guyart, 8<sup>e</sup> étage, boîte 42, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: 418 521-3885, extension 4852 or fax: 418 528-0990; e-mail: didier.bicchi@mddep.gouv.qc.ca

Any person having comments to make on the draft Regulation is asked to send them in writing before the expiry of the 60-day period to Didier Bicchi, at the above-mentioned address.

CLAUDE BÉCHARD,  
*Minister of Sustainable  
Development, Environment  
and Parks*

### Regulation respecting the application of section 32 of the Environment Quality Act

Environment Quality Act  
(R.S.Q., c. Q-2, s. 31, 1st, par., subpars. e, g, k and m, s. 46, pars. a, d, l and p, and ss. 109.1 and 124.1)

#### DIVISION I GENERAL

**1.** This Regulation applies to waterworks and sewer projects where the owner is a municipality.

The Regulation also applies to waterworks or sewer facility expansion projects carried out by a person other than a municipality that has entered into an agreement with the municipality providing that the works will be transferred to the municipality before being put into service.

In addition, sections 13 to 19 and section 21 apply to waterworks and sewer projects where the owner is a person other than a waterworks or a sewer service within the meaning of the Regulation respecting waterworks and sewer services (R.R.Q., 1981, c. Q-2, r.7).

**2.** In this Regulation,

(1) “waterworks and sewer master plan” means any set of plans and specifications and other documents relating to the carrying out over a specified period of work relating to drinking water, wastewater or storm water to improve existing infrastructures or develop the territory of a municipality;

(2) “lakeshore”, “riverbank” and “floodplain” have the meaning assigned by the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains adopted by Order in Council 468-2005 dated 18 May 2005.

#### DIVISION II WATERWORKS AND SEWER MASTER PLANS

**3.** The municipalities may, under section 32 of the Environment Quality Act (R.S.Q., c. Q-2) and in accordance with this Division, submit the following projects using a waterworks and sewer master plan to the Minister of Sustainable Development, Environment and Parks for authorization:

- (1) drinking water projects involving
  - (a) the extension of water mains;
  - (b) the erection of a pumping, booster or chlorination station;
  - (c) the erection of chambers for shut-off valves, drain valves, air valves, meters or other similar apparatus; or
  - (d) the installation of accessories on the network;
- (2) wastewater or storm water projects involving
  - (a) the extension of sewer mains;
  - (b) the replacement of sewer mains by mains of a different diameter;
  - (c) the replacement of storm sewer mains that discharge into a combined sewer; or
  - (d) the construction of retention basins.

**4.** The waterworks and sewer master plan must contain the following information and documents:

- (1) information relating to land use including zoning, development plans or master land use plans;
- (2) the location of proposed work;
- (3) the presence, where applicable, of former residual materials disposal sites;
- (4) the presence, where applicable, of constant or intermittent watercourses, lakes, lakeshores, riverbanks, floodplains, ponds, marshes, swamps or bogs;
- (5) the presence, where applicable, of plant or wild-life habitats, designated threatened or vulnerable species or species likely to be so designated, or protected areas;
- (6) where applicable, a contaminated land rehabilitation plan;
- (7) specifications for the provisions relating to the management of surplus excavated materials;
- (8) the plans of existing networks and equipment and proposed equipment;
- (9) the capacity of the drinking water treatment facility;
- (10) a water report showing current and future needs and the consumption rate per person;

- (11) the measures taken to save water and reduce leakage;

- (12) the flows and pressures within the drinking water distribution network; and

- (13) a sustainable conservation and management plan for wetlands and other natural settings adopted by the municipality, accepted by the Minister and integrated into the development plan.

Where the projects concern wastewater or storm water works, the waterworks and sewer master plan must contain the following additional information and documents:

- (1) the impact of the proposed work on combined sewer overflows and the wastewater treatment plant discharge;

- (2) the capacity of combined sewer overflows to meet overflow requirements and the capacity of the wastewater treatment plant to meet the discharge requirements published by the Minister:

- (3) storm water flows and management strategies; and

- (4) a program to monitor industrial discharges into the sewer networks.

**5.** The following site characterization reports prepared in accordance with the Site Characterization Guide referred to in section 31.66 of the Act, published by Les Publications du Québec and accessible at <http://www.mddep.gouv.qc.ca>, must be attached to the waterworks and sewer master plan:

- (1) the preliminary site characterization report (phase I);

- (2) when recommended in the preliminary characterization report (phase I), the preliminary site characterization report (phase II); and

- (3) when recommended in the preliminary characterization report (phase II), the exhaustive site characterization report (phase III).

**6.** The waterworks and sewer master plan must be signed by an engineer who is a member of the Ordre des ingénieurs du Québec.

**7.** A certified copy of the resolution of the municipal council or, where applicable, of the competent authority of the borough designating the person entitled to submit to the Minister an application for authorization must be attached to the application for authorization.

**8.** An authorization issued by the Minister pursuant to this Division is valid for five years.

**9.** Prior to being carried out, the work to which this Division applies must be certified by an engineer who is a member of the Ordre des ingénieurs du Québec as having installation drawings and specifications that are in conformity with the master plan authorized by the Minister.

**10.** Not later than 60 days after the end of the work, an engineer who is a member of the Ordre des ingénieurs du Québec must certify that the work carried out is in conformity with this Division, the provisions of Division IV and the master plan authorized by the Minister.

The engineer must also sign and seal the as-built plans of the completed work and give the plans to the municipality or, where applicable, the borough.

**11.** Every certificate attesting to conformity with a waterworks and sewer master plan must be prepared on the form provided by the Minister.

**12.** The municipality or, where applicable, the borough must keep the certificates referred to in this Division and the plans referred to in section 10 for a minimum of ten years after completion of the work and make them available to the Minister.

### DIVISION III WORK PROJECTS EXEMPT FROM THE APPLICATION OF SECTION 32 OF THE ACT

**13.** The following projects relating to drinking water are exempt from the application of section 32 of the Act:

(1) the reconstruction of water mains, except if

(a) the water mains are used to ensure the contact time for a continuous disinfection system; or

(b) the work must be carried out in a constant or intermittent watercourse or in a lake, lakeshore, riverbank, floodplain, pond, marsh, swamp or bog;

(2) the reconstruction of

(a) pumping, booster or chlorination stations;

(b) chambers for shut-off valves, drain valves, air valves, meters or other similar apparatus;

(c) distribution system accessories; and

(d) drinking water treatment facilities, provided that the work does not result in modification of drinking water treatment or an increase in capacity;

(3) the installation or increase in the production capacity of a drinking water treatment facility serving 20 persons or less provided that the work does not increase the number of persons served to more than 20;

(4) the installation of water mains in a stand-alone distribution system that supplies 20 persons or less.

**14.** The following projects relating to wastewater or storm water are exempt from the application of section 32 of the Act:

(1) the rehabilitation of sewer mains;

(2) work on existing retention basins;

(3) the replacement of sewer mains by mains of a similar diameter, except if

(a) a storm sewer discharges into a combined sewer; or

(b) the work must be carried out in a constant or intermittent watercourse or in a lake, lakeshore, riverbank, floodplain, pond, marsh, swamp or bog; and

(4) work on an existing pumping station or on an existing combined sewer overflow, provided that it does not modify the volumes of wastewater or storm water in the mains or the frequency of overflows and that the overflow requirements for the station or combined sewer overflow published by the Minister have been met for the two preceding years.

**15.** For the purposes of paragraph 1 of section 13 and paragraph 3 of section 14, if soil is excavated, the owner must

(1) identify the categories of industrial or commercial activities listed in Schedule III to the Land Protection and Rehabilitation Regulation, made by Order in Council 216-2003 dated 26 February 2003, that are or were situated on or adjacent to land where the work is to be carried out; and

(2) sample the soil to be excavated at the places likely to be contaminated for the parameters related to the activities concerned.

#### DIVISION IV SPECIAL STANDARDS FOR THE CARRYING OUT OF CERTAIN WORK

**16.** Subject to the second paragraph, if there is excavation, on-site soil must be reused in accordance with the Soil Protection and Contaminated Sites Rehabilitation Policy, published by Les Publications du Québec and accessible at <http://www.mddep.gouv.qc.ca>

Bedding and surround soil for water mains must be clean soil. The covering of the clean soil over a main must be at least 30 centimetres deep.

Surplus excavated materials must be treated, reclaimed or disposed of in compliance with the Act.

**17.** The work referred to in sections 3, 13 and 14 that is covered by standard specification NQ 1809-300 – Travaux de construction – Clauses techniques générales – Conduites d’eau potable et d’égout, must be carried out in accordance with the most recent edition of that specification.

The standard specification must be used in its entirety. Any change made to the content of the specification must be specified in a separate document, in the form of special technical clauses. The clauses may complete, modify or improve the general clauses of the standard specification, but they cannot lower the requirements.

**18.** The products and materials used for the works referred to in sections 3 and 13 that come in contact with drinking water must comply with the safety requirements in the most recent edition of NQ Standard 3660-950 – Safety of Products and Materials in Contact with Drinking Water.

#### DIVISION V MISCELLANEOUS

**19.** Every person who contravenes section 17 or 18 commits an offence and is liable

(1) to a fine of \$1,000 to \$5,000 in the case of a natural person;

(2) to a fine of \$10,000 to \$100,000 in the case of a legal person.

In the case of a second or subsequent offence, the fines are doubled.

**20.** The Minister is to publish the overflow and discharge requirements referred to in subparagraph 2 of the second paragraph of section 4 and in paragraph 4 of section 14.

**21.** This Regulation applies to the immovables in a reserved area or an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1).

**22.** The Regulation respecting waterworks and sewer services\* (R.R.Q., 1981, c. Q-2, r.7) is amended by revoking sections 4 to 13 and sections 15 and 16.

**23.** The Minister is to report to the Government on the implementation of this Regulation at the latest by 15 June 2014 and thereafter every seven years.

The report is to be made available to the public not later than 15 days after being sent to the Government.

**24.** 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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#### Notice

An Act respecting industrial accidents and occupational diseases  
(R.S.Q., c. A-3.001)

#### Classification of employers, statement of wages and rates of assessment — Amendment

Notice is hereby given in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) that upon the expiry of 45 days following this publication the “Regulation amending the Regulation respecting the classification of employers, the statement of wages and the rates of assessment”, the text of which appears below, may be made by the Commission de la santé et de la sécurité du travail.

This Regulation amends an applicable rate for the 2007 year of assessment and which must be used to establish the assessment of employers belonging to a sector of activities for which a joint sector-based association was created.

\* The Regulation respecting waterworks and sewer services (R.R.Q., 1981, c. Q-2, r.7) was last amended by the regulation made by Order in Council 647-2001 dated 30 May 2001 (2001, *G.O.* 2, 2641). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2006, updated to 1 September 2006.