

Regulations and other acts

Gouvernement du Québec

O.C. 12-2008, 15 January 2008

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 subparagraph *c* of the first paragraph of section 31, paragraphs *g* and *i* 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 Division XV.5 of the Regulation respecting waste water disposal systems for isolated dwellings (R.R.Q., 1981, c. Q-2, r.8) sets out the conditions on which the effluent of a tertiary waste water treatment system with disinfection or phosphorous removal and disinfection may be discharged into the environment;

WHEREAS, after consideration of the public health concerns expressed because of various problems associated with the maintenance of those treatment systems, the Government, by Orders in Council 853-2006 dated 20 September 2006, 193-2007 dated 21 February 2007 and 540-2007 dated 27 June 2007, amended the Regulation respecting waste water disposal systems for isolated dwellings to prohibit, from 4 October 2006 to 30 January 2008, the installation of tertiary treatment systems with disinfection or phosphorous removal and disinfection if the disinfection system is ultraviolet radiation and the system's effluent is directly or indirectly discharged into ditches or certain watercourses;

WHEREAS a working group composed of representatives of the Fédération québécoise des municipalités, the Union des municipalités du Québec, the Ministère des Affaires municipales et des Régions, the Ministère de la Santé et des Services sociaux and the Ministère du Développement durable, de l'Environnement et des Parcs recommended maintaining the prohibition except if the maintenance of those systems is taken in charge by a municipality;

WHEREAS, by chapter 10 of the Statutes of 2007, the Parliament of Québec enacted section 25.1 of the Municipal Powers Act (R.S.Q., c. C-47.1) to allow a municipality to maintain a private waste water treatment system and that section came into force on 25 October 2007;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published, as provided for in section 8 of that Act, if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 18 of that Act, a regulation may come into force between the date of its publication in the *Gazette officielle du Québec* and the date applicable under section 17 of that Act where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and a coming into force date that is different from the date applicable under section 17 of that Act must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication of the Regulation to amend the Regulation respecting waste water disposal systems for isolated dwellings, attached to this Order in Council, and its coming into force on 31 January 2008:

— the prohibition on the installation of tertiary treatment systems with disinfection or with phosphorous removal and disinfection using a disinfection system with ultraviolet radiation, the effluents of which are discharged directly or indirectly in ditches or in certain watercourses, will cease to have effect on 31 January 2008;

— it is necessary for reasons of public health and environment quality preservation to maintain that prohibition except where the maintenance of the systems is provided by the municipality in whose territory the systems are installed;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment and Parks:

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

GÉRARD BIBEAU,
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., subpar. c, s. 46, pars. g and i and s. 87, par. c)

1. The Regulation respecting waste water disposal systems for isolated dwellings is amended by replacing the last sentence of the third paragraph of section 3.3 by the following sentence and paragraph:

“The person must also, before 31 December each year, send the report to the municipality in whose territory the system is situated and make the report available to the Minister of Sustainable Development, Environment and Parks.

The preceding paragraphs do not apply to an owner of a treatment system maintained by the municipality pursuant to section 25.1 of the Municipal Powers Act (R.S.Q., c. C-47.1). The municipality must, however, at the owner’s request, supply a copy of the maintenance report to the owner and make the report available to the Minister.”.

2. Section 3.4 is replaced by the following:

“3.4. Information on the siting of treatment systems: The manufacturer of a treatment system referred to in the first paragraph of section 3.3 must, within 30 days after its installation, send the information concerning its siting to the municipality in whose territory the manufacturer installed the system. The manufacturer must also provide the Minister with that information at the Minister’s request.”.

3. Section 13 is amended by replacing “when a by-law governing the emptying of septic tanks has been adopted by a municipality pursuant to paragraph 11.1 of section 413 of the Cities and Towns Act (R.S.Q., c. C-19) or section 550 of the Municipal Code of Québec (R.S.Q., c. C-27.1)” in the third paragraph by “where pursuant to section 25.1 of the Municipal Powers Act (R.S.Q., c. C-47.1), a municipality provides for the emptying of septic tanks”.

4. The following is inserted after section 87.14:

“87.14.1. Prohibition concerning tertiary treatment systems with disinfection using ultraviolet radiation: If disinfection is achieved by ultraviolet radiation, the installation of a tertiary treatment system with disinfection or a tertiary treatment system with phosphorous removal and disinfection is prohibited.

That prohibition is lifted, however, if the municipality in whose territory the system is installed carries out the maintenance of the systems referred to in the first paragraph pursuant to section 25.1 of the Municipal Powers Act (R.S.Q., c. C-47.1).

The first paragraph does not apply to persons to whom a permit was issued under section 4 by a municipality before 4 October 2006.”.

5. Section 87.30.1 is amended by replacing the second paragraph by the following:

“The owner must send the analysis reports within 30 days of their receipt to the municipality in whose territory the treatment system is situated. In addition, the owner must keep the reports for 5 years and make them available to the Minister at the Minister’s request.”.

6. Section 96 is revoked.

7. This Regulation comes into force on 31 January 2008.

8541

* 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 540-2007 dated 27 June 2007 (2007, G.O. 2, 1581A). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 September 2007.