

## Regulations and other acts

Gouvernement du Québec

### **O.C. 634-2008, 18 June 2008**

Natural Heritage Conservation Act  
(R.S.Q., c. C-61.01)

Extension of the setting aside of certain lands as proposed aquatic and biodiversity reserves

WHEREAS, under section 28 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), the renewal or extension of the setting aside of land under section 27 of the Act may not, unless authorized by the Government, be such that the term of the setting aside exceeds 6 years;

WHEREAS, in accordance with the provisions of the Act and Order number M.O. 2004 of the Minister of the Environment dated 17 June 2004, the following land has been set aside for a term of 4 years beginning on 14 July 2004:

Proposed Upper Harricana aquatic reserve

Proposed Piché-Lemoine forest biodiversity reserve

Proposed Opasatica lake biodiversity reserve

Proposed Des Quinze lake biodiversity reserve

Proposed Taibi lake biodiversity reserve

Proposed Parent lake marshlands biodiversity reserve

Proposed Decelles reservoir biodiversity reserve

Proposed Waskaganish biodiversity reserve;

WHEREAS it is necessary to extend the setting aside of the land for a term of 4 years to complete the steps that may lead to the granting of permanent protection status of the land;

WHEREAS the extension will enable completion of the holding of public consultations provided for in the Natural Heritage Conservation Act and the environmental and social impact assessment and facilitate continued discussions with the persons and bodies concerned and determination of the objectives, directions and terms of the possible protection plan of the land;

WHEREAS it is expedient to authorize the Minister of Sustainable Development, Environment and Parks to extend the setting aside of the land for a term of 4 years beginning on 14 July 2008;

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

THAT the Minister of Sustainable Development, Environment and Parks be authorized to extend the setting aside of the following land for a term of 4 years beginning on 14 July 2008:

Proposed Upper Harricana aquatic reserve

Proposed Piché-Lemoine forest biodiversity reserve

Proposed Opasatica lake biodiversity reserve

Proposed Des Quinze lake biodiversity reserve

Proposed Taibi lake biodiversity reserve

Proposed Parent lake marshlands biodiversity reserve

Proposed Decelles reservoir biodiversity reserve

Proposed Waskaganish biodiversity reserve.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

### **O.C. 635-2008, 18 June 2008**

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

#### **Application of section 32**

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

WHEREAS subparagraphs *e*, *g*, *k* and *m* of the first paragraph of section 31, paragraphs *a*, *d*, *l* and *p* of section 46, sections 109.1 and 124.1 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 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 10 January 2007 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, considering the comments received following the publication in the *Gazette officielle du Québec*;

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

THAT the Regulation respecting the application of section 32 of the Environment Quality Act, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

## 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*, ss. 109.1, 118.6 and 124.1; 2002, c. 53, s. 2)

### CHAPTER I GENERAL

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

Sections 4 to 9 and 20 to 24 also 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)\*.

\* 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, 2008, updated to 1 March 2008.

**2.** 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).

**3.** In this Regulation,

(1) “5-year waterworks and sewer plan” means a set of plans and specifications and other documents relating to the carrying out of work relating to drinking water or wastewater to improve existing infrastructures or develop the territory of a municipality;

(2) “watercourse”, “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.

### CHAPTER II PROJECTS, APPARATUS AND EQUIPMENT EXEMPT FROM THE APPLICATION OF SECTION 32 OF THE ENVIRONMENT QUALITY ACT

#### DIVISION I EXEMPTED PROJECTS, APPARATUS AND EQUIPMENT

**4.** The following projects, apparatus and equipment relating to drinking water are exempt from the application of section 32 of the Environment Quality Act (R.S.Q., c. Q-2):

(1) the reconstruction of water mains other than those ensuring the elimination of microorganisms in accordance with section 5 or 6 of the Regulation respecting the quality of drinking water made by Order in Council 647-2001 dated 30 May 2001;

(2) the reconstruction of the following apparatus and equipment:

(a) pumping, booster or chlorination stations; and

(b) drinking water treatment apparatus and equipment, 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 drinking water treatment apparatus or equipment 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, provided that the work does not increase the number of persons served to more than 20; and

(5) the installation, on an existing distribution system, or the reconstruction of

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

(b) distribution system accessories.

**5.** The following projects, apparatus and equipment relating to wastewater or storm water are exempt from the application of section 32 of the Act, provided that the carrying out of work does not discharge wastewater into the environment for more than 48 hours:

(1) the rehabilitation of sewer mains;

(2) the replacement of sewer mains by mains of a similar diameter or hydraulic capacity;

(3) the replacement of a combined sewer by 2 sewers of which one is intended to transport storm water and wastewater separately; and

(4) work carried out on an existing pumping station, on an existing combined sewer overflow or on an existing retention basin if

(a) the work does not result in the modification of the wastewater pumping capacity in the mains, the regulator weir capacity of a combined sewer overflow or the frequency of overflows; and

(b) the overflow requirements for the station or combined sewer overflow published by the Minister have been met for the 2 preceding years.

**6.** The projects listed in sections 4 and 5 remain subject to section 32 of the Act if they must be carried out in whole or in part in a constant or intermittent watercourse or in a lake, on their shores, banks or floodplains, in a pond, marsh, swamp or bog.

**7.** The following projects relating to groundwater to be distributed or sold as spring water or mineral water or used as an ingredient in the fabrication, conservation or treatment and listed as spring water or mineral water on a product within the meaning of section 1 of the Food Products Act (R.S.Q., c. P-29) or on the package, container or label of such a product are also exempt from the application of section 32 of the Act:

(1) the construction of mains connecting the groundwater collection facility to the bottling system of that water; and

(2) the construction of every component in the bottling system of that water, such as the pumping or booster station, drain valves, air valves, and the construction of its accessories and of every tank used to store that water.

## **DIVISION II**

### **SPECIAL PROVISIONS FOR THE CARRYING OUT OF CERTAIN WORK**

**8.** In the cases referred to in section 5, where a storm sewer main connected to a combined sewer system is replaced, the acceptance tests and criteria for that main are those provided for in section 11.2 of the standard specification, referred to in section 21 of this Regulation, for the combined and sanitary sewer mains.

**9.** In the case of work listed in paragraph 1 of section 4 and in paragraphs 2 and 3 of section 5, if soil is excavated, the owner must

(1) specify 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 carried on on or adjacent to land where the work is to be carried out;

(2) sample the soil to be excavated at the places likely to be contaminated;

(3) have the soil samples taken according to the potential contaminants related to the activities listed in the aforementioned Schedule III in accordance with the Site Characterization Guide published by the Minister under section 31.66 of the Environment Quality Act analyzed by a laboratory accredited by the Minister under section 118.6 of the Act; and

(4) keep the analysis reports for at least 5 years after the date on which they were prepared and make them available to the Minister.

## **CHAPTER III**

### **5-YEAR WATERWORKS AND SEWER PLANS**

**10.** A municipality may, under section 32 of the Environment Quality Act and in accordance with this Chapter, submit the following projects using a 5-year waterworks and sewer plan to the Minister of Sustainable Development, Environment and Parks for authorization:

- (1) drinking water projects involving
  - (a) the establishment of waterworks or the extension of existing facilities; and
  - (b) the erection of a pumping, booster or chlorination station;
- (2) wastewater or storm water projects involving
  - (a) the establishment of a sewer or the extension of existing facilities;
  - (b) the replacement of sewer mains by mains of a different diameter or hydraulic capacity;
  - (c) the construction of a retention basin;
  - (d) the construction of a storm water outfall; and
  - (e) the erection of a network pumping station without an overflow.

A municipality may also include in a 5-year waterworks and sewer plan the projects to be carried out by every person that has entered into an agreement with the municipality providing that the works will be transferred to the municipality after their final acceptance.

**11.** The 5-year waterworks and sewer plan must contain the following information and documents:

- (1) information relating to land use planning or, in the case of built areas, a land use plan;
- (2) the location of subdivisions to be served and the location of proposed work;
- (3) the location of former residual materials disposal sites;
- (4) an agreement between the Minister and the municipality relating to the conservation of wetlands located in the subdivisions covered by the 5-year plan;
- (5) the map location of constant or intermittent watercourses, lakes, lakeshores, riverbanks, floodplains, ponds, marshes, swamps and bogs;
- (6) the map location of plant or wildlife habitats, designated threatened or vulnerable species or species likely to be so designated, and protected areas;
- (7) the municipality's commitment to ensuring that the specifications contain special technical clauses necessary for the management of surplus and discarded materials in compliance with the Act;

- (8) the plans of existing networks and equipment and proposed equipment;
- (9) the capacity of the drinking water treatment apparatus and equipment;
- (10) a water report showing current and future needs and the consumption rate by persons, industries, businesses and institutions;
- (11) the measures taken to save water and search for and reduce leakage; and
- (12) the flows and pressures within the drinking water distribution network.

Where the projects concern wastewater or storm water works, the 5-year waterworks and sewer 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 discharges;
- (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 strategies; and
- (4) the program to monitor industrial discharges into the sewer networks.

**12.** If activities in a category in Schedule III to the Land Protection and Rehabilitation Regulation were carried on on sites where work must be carried out or on sites that will be served by waterworks or sewers, a preliminary site characterization report (phase I) must be attached to the 5-year waterworks and sewer plan. Section 31.67 of the Act applies to the report.

If the sites where work must be carried out are not subject to change in use and to Division IV.2.1 of the Act, the 5-year plan specifies the activities covered by Schedule III to the Land Protection and Rehabilitation Regulation that were carried on on adjoining land.

**13.** The 5-year waterworks and sewer plan must be signed by an engineer who is a member of the Ordre des ingénieurs du Québec.

**14.** The application for authorization of the 5-year waterworks and sewer plan must be accompanied by a certified copy of the resolution of the municipality

(1) designating the person entitled to file the application for authorization with the Minister; and

(2) certifying that the 5-year waterworks and sewer plan complies with the planning program in force.

If the jurisdiction in the matter comes under boroughs of a municipality, the resolution referred to in the first paragraph is that of the competent authority of the borough.

**15.** An authorization issued by the Minister pursuant to this Chapter is valid for 5 years.

**16.** No person may undertake work covered by this Chapter unless an engineer who is a member of the Ordre des ingénieurs du Québec has certified that the work has installation drawings and specifications that are in conformity with the 5-year plan authorized by the Minister.

The certification must be given to the municipality or, where applicable, the borough before the beginning of the work.

**17.** The owner must appoint an engineer who is a member of the Ordre des ingénieurs du Québec to monitor the work covered by this Chapter.

The engineer must certify that the work carried out under this Chapter was carried out in conformity with the installation drawings and specifications and, where applicable, Chapter IV. The engineer must also give to the municipality or, where applicable, the borough, within 90 days of the end of the work, the certification and the as-built plan, that is, a document integrating all the alterations made to works during the carrying out of work, including alterations related to their design.

**18.** The certificates referred to in sections 16 and 17 must be prepared on the form provided by the Minister.

**19.** The municipality or, where applicable, the borough, must keep the certificates referred to in this Chapter and the plans referred to in section 17 for a minimum period of 10 years after completion of the work and make them available to the Minister.

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

**20.** 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. 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.

**21.** The work referred to in sections 4, 5 and 10 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, except its Chapter 12.

The standard specification is used as a minimum baseline. A specification separate from a standard specification may be used as long as the clauses of the specification do not lower the clauses of the standard specification.

**22.** The work referred to in sections 4 and 5 that cannot be carried out in accordance with section 21 must be authorized by the Minister in accordance with section 32 of the Act.

**23.** The products and materials used for the work referred to in sections 4 and 10 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.

Despite the first paragraph, the requirement for compliance with NQ Standard 3660-950 applies only as of 1 April 2013 for the work referred to in paragraphs 2 to 4 of section 4 and subparagraph *b* of subparagraph 1 of the first paragraph of section 10.

#### CHAPTER V MISCELLANEOUS

**24.** Every person who contravenes section 16, 17, 21 or 23 commits an offence and is liable

(1) to a fine of \$2,000 to \$20,000 for a first offence and \$4,000 to \$40,000 for a subsequent offence in the case of a natural person; or

(2) to a fine of \$6,000 to \$120,000 for a first offence and \$12,000 to \$240,000 for a subsequent offence in the case of a legal person.

**25.** The Minister is to publish the overflow and discharge requirements referred to in subparagraph *b* of paragraph 4 of section 5 or subparagraph 2 of the second paragraph of section 11.

**26.** The Regulation respecting waterworks and sewer services (R.R.Q. 1981, c. Q-2, r.7) is amended by revoking sections 4 to 10, 12, 13, 15 and 16.

**27.** The Minister is to report to the Government on the implementation of this Regulation at the latest by 15 June 2015 and thereafter every 7 years.

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

**28.** 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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## M.O., 2008

### Order number 2008-07 of the Minister of Transport dated 20 June 2008

Highway Safety Code  
(R.S.Q., c. C-24.2)

CONCERNING the Pilot Project concerning Low-Speed Vehicles of the makes Nemo and Zenn

THE MINISTER OF TRANSPORT,

CONSIDERING the second paragraph of section 633.1 of the Highway Safety Code (R.S.Q., c. C-24.2) providing that the Minister of Transport may, after consultation with the Société de l'assurance automobile du Québec, by order published in the *Gazette officielle du Québec*:

1) authorize pilot projects to test the use of vehicles or to study, improve or develop traffic rules or standards applicable to safety equipment;

2) prescribe rules relating to the use of a vehicle on a public highway as part of a pilot project and authorize any person or body to use a vehicle in compliance with standards and rules prescribed by the Minister that are different from those provided in the Highway Safety Code and the regulations;

CONSIDERING the third paragraph of this section which provides that pilot projects are conducted for a period of up to three years, the Minister may also determine the provisions of this order, the violation of which is an offence, and determine the minimum and maximum amounts for which the offender is liable, which may not be less than \$30 or more than \$360;

CONSIDERING THAT the Société is in favour of implementing a pilot project to test the use of low-speed electric vehicles;

CONSIDERING THAT there is justification to authorize the implementation of such a project;

ORDERS AS FOLLOWS:

#### DIVISION I GENERAL PROVISIONS

**1.** Implementation of the Pilot Project concerning Low-Speed Vehicles of the makes Nemo and Zenn is authorized on the basis of the following:

1) the introduction of new technologies that comply with road safety;

2) testing of the use of these low-speed vehicles on certain public roads;

3) gathering information about their operation in order to determine their incorporation in automobile traffic and their impact on the road network, to draft traffic safety rules and to determine safety equipment standards for low-speed vehicles travelling on certain public roads.

**2.** For the purpose of enforcing this order, a “low-speed vehicle” means a road vehicle powered by an electric motor, of the make Nemo manufactured by Véhicules Nemo inc. or of the make Zenn manufactured by ZENN Motor Company TM Ltd.

**3.** The Société de l'assurance automobile du Québec is authorized to enter into agreements with manufacturers and distributors of low-speed vehicles for the purposes set forth in section 1, concerning in particular:

1) the gathering of information on the use of such vehicles;

2) the communication of information to buyers and lessees of vehicles;

3) the transfer of information to the Société;

4) the mandatory equipment of the vehicles.

The agreements are published on the Web site of the Société.