

## Regulations and other Acts

Gouvernement du Québec

### O.C. 875-2009, 12 August 2009

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

#### Declaration of water withdrawals

Regulation respecting the declaration of water withdrawals

WHEREAS, under paragraph *s* of section 46 of the Environment Quality Act (R.S.Q., c. Q-2), amended by section 22 of chapter 21 of the Statutes of 2009, and sections 109.1 and 124.1 of that Act, the Government may 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 respecting the mandatory declaration of water withdrawals was published in Part 2 of the *Gazette officielle du Québec* of 5 November 2008 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 that take into account the comments received following 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 declaration of water withdrawals, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

#### Regulation respecting the declaration of water withdrawals

Environment Quality Act  
(R.S.Q., c. Q-2, s. 46, par. *s*, s. 109.1 and s. 124.1;  
2009, c. 21, s. 22)

#### CHAPTER I

#### PURPOSE, DEFINITIONS AND SCOPE

**1.** The purpose of this Regulation is to ensure a better knowledge and a better protection of the environment by allowing the Government to assess, through the declaration of water withdrawals, the impact of the withdrawals on water resources and ecosystems, and to allow the Government to establish measures to prevent conflicting uses of water resources.

This Regulation also seeks to achieve more responsible water use through withdrawal accountability mechanisms by making the largest water withdrawers in Québec more acutely aware of

(1) the intrinsic value of water resources; and

(2) the responsibility each person has to preserve the quality of water and sufficient quantity of it to meet the needs of current and future generations.

**2.** The following definitions apply to this Regulation:

“measuring equipment” means a water meter or other device designed to continuously measure and record a volume of water; (*équipement de mesure*)

“professional” means a professional within the meaning of section 1 of the Professional Code (R.S.Q., c. C-26) whose professional order regulates the practice of a professional activity referred to in this Regulation. This definition also includes any person legally authorized to practise that activity in Québec; (*professionnel*)

“withdrawal” means an action that consists in taking or diverting surface water or groundwater using any means whatsoever; (*prélèvement*)

“withdrawal site” means a location where water enters into man-made works designed to withdraw water; (*site de prélèvement*)

“withdrawer” means a person or municipality within the meaning of section 1 of the Environment Quality Act (R.S.Q., c. Q-2) that operates a withdrawal site. (*préleveur*)

**3.** This Regulation applies to withdrawers whose water withdrawals total an average daily volume of 75 cubic metres or more per day. That average daily volume is calculated on the basis of the monthly quantity of water withdrawn, divided by the number of withdrawal days in the month concerned.

This Regulation does not apply to

(1) withdrawals of water intended for domestic use, namely withdrawals using a personal well or a surface water intake for the use of one household only;

(2) water withdrawals to supply vehicles, such as vessels and aircraft, either for the needs of the persons or animals being transported or for ballast, or to meet other needs incidental to the operation of those vehicles;

(3) water withdrawals exclusively for firefighting purposes, in particular to supply an aircraft or tank vehicle;

(4) water withdrawals from a distribution system;

(5) water withdrawals intended for agricultural or fish-breeding purposes; and

(6) water withdrawals intended to produce hydro-electric power.

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

## CHAPTER II DETERMINATION OF VOLUMES OF WATER WITHDRAWN

**5.** For the purposes of the declaration provided for in section 9, every withdrawer is required to determine the volumes of water withdrawn for each withdrawal site by direct measurement taken by measuring equipment.

Despite the foregoing, a withdrawer that does not have measuring equipment may determine the volumes of water withdrawn by estimates based on indirect or spot measurements.

In the case of a withdrawer that does not hold a certificate of authorization issued under the Environment Quality Act, does not have measuring equipment and does not determine the volumes of water withdrawn by means of estimates as provided for in the second paragraph, the quantities of water to be withdrawn and authorized by the Government or the Minister, as the case may be, for each withdrawal site, are to be used to evaluate the volumes withdrawn.

**6.** A withdrawer who uses direct measurements taken by measuring equipment must comply with the provisions of Chapter IV.

**7.** A withdrawer who uses estimates based on indirect or spot measurements must comply with the provisions of Chapter V.

The withdrawer must also, for each month, calculate or cause to be calculated all the volumes of water withdrawn, estimated and converted into cubic metres, as well as the margin of error in percentage of the evaluation made according to the estimation method used.

That estimate must be certified by a professional.

**8.** A withdrawer who establishes or alters a withdrawal site after 10 September 2009 must fit the site with measuring equipment that complies with the provisions of Chapter IV.

## CHAPTER III DECLARATION OF WITHDRAWAL ACTIVITIES AND VOLUMES WITHDRAWN AND KEEPING OF A REGISTER

**9.** Every withdrawer is required to send an annual declaration describing the withdrawal activities by specifying the monthly volumes of water withdrawn to the Minister of Sustainable Development, Environment and Parks. The data is sent to the Minister using an information technology medium conforming to the standard format provided by the Minister.

The withdrawer must ensure that the declaration is received by the Minister on or before 31 March of the year following the calendar year covered by the declaration or, if the withdrawer ceases to withdraw water, within 60 days after the date on which the withdrawals cease.

The declaration must contain

(1) the withdrawer's name, address, telephone number and, where applicable, Québec business number (NEQ);

(2) the withdrawal sites involved, identified by georeferenced data; and

(3) for each of the withdrawal sites,

(a) the name the lake or watercourse from which water is withdrawn;

(b) the number of days and the dates on which water was withdrawn;

(c) the origin of the water withdrawn, either surface water or groundwater;

(d) whether or not measuring equipment is used and the type of equipment, where applicable;

(e) if the volumes of water withdrawn are not measured using measuring equipment, estimates of the monthly and yearly volumes of water withdrawn, expressed in cubic metres, the name of the professional who evaluated the total volumes of water withdrawn in the year and his or her profession and a description of the estimation method used;

(f) if the volumes of water are measured using measuring equipment, the monthly and yearly volumes of water withdrawn, expressed in cubic metres;

(g) if measuring equipment is used, a description of any malfunction, breakdown, abnormality or other defect that affected the operation of the equipment, including the number of days on which the volume data could not be measured by the equipment in a reliable and accurate manner;

(h) the class of industrial or commercial activities for which the withdrawals are made, established by the North American Industry Classification System (NAICS); and

(i) where the withdrawals are for multiple classes of industrial or commercial activities, the volumes of water, in percentage or cubic metres, broken down per class.

The declaration must be dated and signed by the person making it and attest to the accuracy of the information it contains.

Documents in support of the declaration, including the estimates provided for in section 7 and the verification reports on reading accuracy provided for in section 12 must be kept at the operation site and made available to the Minister for 5 years.

**10.** Every withdrawer must keep a register containing the following information for each withdrawal site:

(1) a description of the withdrawal site;

(2) a description of the measuring equipment, where applicable;

(3) a description of the estimation method, where applicable;

(4) the results expressed in cubic metres and dates of the measurement of the volumes of water withdrawn where measuring equipment is used;

(5) the results, their units and the dates of the measurement of the volumes of water withdrawn where the estimation method is used;

(6) where applicable, a description and the date of malfunctions, breakdowns, abnormalities or other defects that affected the measuring equipment;

(7) where applicable, the dates and nature of repairs, adjustments and other modifications to the measuring equipment;

(8) the dates and names of the persons who tested the measuring equipment for accuracy and good working order, and maintained the equipment, where applicable; and

(9) a description and the date of any other event that may have an impact on measurement accuracy.

The register is to be kept by the withdrawer at the operation site and made available to the Minister for 5 years after the date of the last entry.

#### **CHAPTER IV MEASURING EQUIPMENT**

**11.** Unless an authorization or a permit issued by the Government or the Minister, as the case may be, for water withdrawal allows otherwise, measuring equipment must

(1) be installed as close as possible to a withdrawal site;

(2) be installed so that no other equipment, device or conduit affects or alters the measuring or is installed between the withdrawal site and the measuring equipment;

(3) be installed in an accessible location so as to facilitate to the extent feasible its operation, maintenance, repair, replacement, monitoring or control by any person who needs to have access to the equipment to perform work; if the location is still not readily accessible, the equipment must have a remote reader;

(4) be installed to avoid any danger of damage or distortion of the mechanisms by freezing, fire, vandalism or other acts and incidents; and

(5) be installed in compliance with the manufacturer's installation instructions.

**12.** To ensure the accuracy of measured data, the withdrawer must

(1) maintain all measuring equipment in good working order;

(2) verify, or cause to be verified, the accuracy of the readings of all measuring equipment, at least once every 3 years in the case of a water meter and at least once a year for any other type of measuring equipment, by comparing the readings with the results obtained using either method listed in the last paragraph; and

(3) modify or replace the measuring equipment where no longer suited to the situation or where its precision is no longer within the margin of error set in the second paragraph.

The difference between the volume measured by the measuring equipment and the volume measured using either method in the last paragraph may not exceed 10%.

The recognized methods are

(1) the standards related to the measurement of water or liquid flow in open channels or closed conduits published by the International Organization for Standardization (ISO);

(2) the flow measurement methods in open channels described in Booklet 7 of the Sampling Guide for Environmental Analysis published by the Centre d'expertise en analyse environnementale du Québec.

**13.** The measuring equipment must give a reading that shows the volume of water withdrawn.

If the measuring equipment has a remote reader and the data displayed by the receiver is different from those displayed by the measuring equipment, only the data from the measuring equipment is to be considered.

**14.** If more than one measuring equipment unit is present for withdrawals by the same withdrawer, the total volume withdrawn is the sum of the data obtained in the year from all units.

For the purpose of calculating withdrawals, the withdrawer responsible for the withdrawals is required to take the reading of volume data from the measuring equipment at least once a month.

**15.** If the measuring equipment ceases to function or malfunctions, or a discrepancy in a reading is detected in comparison with an earlier reading, the calculation of the volumes of water withdrawn in the period involved must be estimated on the basis of a 5-day average of the most recent withdrawals that are similar.

If the measuring equipment could not be restored to proper working order or replaced for 3 months or more, the withdrawer must, for each month, calculate or cause to be calculated all the volumes of water withdrawn, estimated and converted into cubic metres, as well as the margin of error in percentage of the evaluation made according to the estimation method used.

That estimate must be certified by a professional.

## CHAPTER V ESTIMATE OF VOLUMES OF WATER WITHDRAWN

**16.** Every estimate of the volumes of water withdrawn must rely on measurements taken on site using either method referred to in the last paragraph of section 12.

**17.** Measurements must be taken at intervals that take into account the variability of the volume withdrawn during the current day or month.

**18.** The margin of error between the monthly volume and the actual volume withdrawn may not exceed 25%.

If the margin of error is exceeded, the withdrawer must replace or modify the estimation method or use measuring equipment for the withdrawal site in accordance with the provisions of Chapter IV.

## CHAPTER VI OFFENCE PROVISIONS

**19.** Any contravention of one of the provisions of sections 5 to 18 makes the withdrawer liable,

(1) in the case of a natural person, to a fine of \$2,000 to \$25,000;

(2) in the case of a legal person, to a fine of \$6,000 to \$100,000.

Any person who tampers with or alters the proper functioning or reading of the measuring equipment or diverts water or otherwise affects the direction, flow rate or streamflow of water, so as to alter the evaluation required under this Regulation of the volume of withdrawals, is also liable to the same penalties.

The fines prescribed in the first paragraph are doubled in the case of a second or subsequent offence.

## CHAPTER VII MISCELLANEOUS PROVISIONS

**20.** Sections 58 and 59 of the Groundwater Catchment Regulation, made by Order in Council 696-2002 dated 12 June 2002, are amended by striking out their second sentence.

**21.** For the year 2009, the information in subparagraphs 2 and 3 of the third paragraph of section 9 to be included in the declaration prescribed therein is limited to the information pertaining to the full months following the date of coming into force of this Regulation.

**22.** Five years after the coming into force of this Regulation, the Minister of Sustainable Development, Environment and Parks must report to the Government on the implementation of this Regulation, including on the advisability of amending certain provisions to reflect the evolution of scientific knowledge and techniques.

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

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

9427

Gouvernement du Québec

## O.C. 887-2009, 12 August 2009

An Act respecting insurance  
(R.S.Q., c. A-32)

### Regulation

Regulation under the Act respecting insurance

WHEREAS, under sections 420 and 420.1 of the Act respecting insurance (R.S.Q., c. A-32), the Government may, by regulation, among other things, define the different classes of insurance, determine the limits applicable to an insurer's investments and the activities that an insurance company may exercise, establish the conditions applicable to group insurance contracts and their marketing, and to admission to a group of participants, and prescribe the documents and information that must be furnished to the Minister and the Autorité des marchés financiers in relation to the constitution of an insurance company;

WHEREAS the Government made the Regulation respecting the application of the Act respecting insurance by Order in Council 349-82 dated 17 February 1982;

WHEREAS it is expedient to replace the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation under the Act respecting insurance was published in Part 2 of the *Gazette officielle du Québec* of 12 November 2008 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation under the Act respecting insurance, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

---