

Draft Regulations

Draft Regulation

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

Application of section 32 of the Act — Amendments

Groundwater Catchment — Amendments

Waste water disposal systems for isolated dwellings — Amendments

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, that the Regulation to amend the Regulation respecting the application of section 32 of the Environment Quality Act, the Groundwater Catchment Regulation and the Regulation respecting waste water disposal systems for isolated dwellings, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The Regulation respecting the application of section 32 of the Environment Quality Act exempts owners of certain waterworks and sewer projects from the requirement to first submit the plans and specifications to the Minister of Sustainable Development, Environment and Parks and obtain the Minister's authorization. The draft Regulation adds, under certain conditions, the following work to the list of work that is already exempt from those requirements: the reconstruction of raw water storage reservoirs and of drinking water distribution reservoirs; the installation, on a lot, of drinking water mains, reservoirs and accessories intended to supply only one building; the reconstruction of sewer mains, if the work does not result in increasing the frequency or volume of overflows; the replacement of a single sewer by separate sewers or partially-separate sewers; the installation of a storm sewer in the context of work aiming at converting a partially-separate sewer into a separate sewer; the installation or reconstruction of manholes or catch basins in an existing sewer system, and sewer work intended for the management of storm water of only one lot.

The draft Regulation also amends the Regulation in order to require the owner of certain sewer and waterworks projects to appoint a member of the Ordre des ingénieurs du Québec to supervise the work and certify that the work is carried out in accordance with the Regulation. The certification must be given to the municipality or borough concerned.

The purpose of the proposed amendments is also to exempt from the application of section 32 of the Environment Quality Act, under certain conditions, waterworks and sewer work required to serve temporary industrial camps situated in remote territories and set up by an employer for his or her employees who carry out various forest management, mining exploration, transportation or dam work. Insofar as the camps are intended to house not more than 80 persons, or are set up only for timber salvage following a forest fire, the following work is exempt from the application of section 32 of the Environment Quality Act: the installation of drinking water mains, drinking water treatment apparatus or equipment and of a drinking water intake or of sewer or wastewater treatment systems. The draft Regulation also provides for the requirement by an operator of a camp intended to house more than 20 persons to send to the Minister a prior notice, together with a certification by a member of the Ordre des ingénieurs du Québec, attesting that the treatment and discharge of wastewater will not constitute a source of contamination, and the requirement to send a new notice in case of subsequent change.

The draft Regulation also amends the Regulation in order to add penal sanctions in case of failure to comply with the requirements set by the Regulation.

In addition, the draft Regulation amends the Groundwater Catchment Regulation in order to provide that groundwater catchment projects of a capacity of less than 75 m³ per day will not be subject to the authorization of the Minister if they are intended to serve a temporary industrial camp, within the meaning of the Regulation respecting the application of section 32 of the Environment Quality Act, if the camp is intended to house not more than 80 persons, or set up only for timber salvage following a forest fire.

Lastly, the draft Regulation amends the Regulation respecting waste water disposal systems for isolated dwellings in order to exempt from the application of that Regulation an isolated dwelling that is part of a temporary industrial camp, within the meaning of the Regulation respecting the application of section 32 of the Environment Quality Act.

The proposed amendments would reduce the administrative requirements related to certain waterworks and sewer projects having little environmental impact. For municipalities, the proposed amendments would accelerate investment related to waterworks and sewer system repairs. Private institutions, businesses and industries, that own such systems, would also benefit from the proposed amendments since they would no longer be required to obtain a prior authorization to carry out certain water or sewer main replacement work. In addition, enterprises that carry out forest management, mining exploration, transportation or dam work and that must set up temporary industrial camps of 80 persons or fewer would no longer be required to submit plans and specifications to the Minister and obtain the Minister's authorization before installing waterworks and sewer systems.

Further information may be obtained by contacting Denis Martel, Head, Division des eaux usées, Service des eaux municipales, Direction des politiques de l'eau, Ministère du Développement durable, de l'Environnement et des Parcs, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 8^e étage, boîte postale 42, Québec (Québec) G1R 5V7; telephone: 418 521-3885, extension 7077; fax: 418 644-2003; e-mail: denis.martel@mddep.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Denis Martel.

PIERRE ARCAND,
*Minister of Sustainable Development,
Environment and Parks*

Regulation to amend the Regulation respecting the application of section 32 of the Environment Quality Act*, the Groundwater Catchment Regulation and the Regulation respecting waste water disposal systems for isolated dwellings*****

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

1. The Regulation respecting the application of section 32 of the Environment Quality Act is amended by replacing section 3 by the following:

“**3.** In this Regulation,

(1) “temporary industrial camp” means all the facilities and their dependencies, that an employer temporarily sets up to house, for not more than 6 months during the 12-month period following the setting-up, the employer's employees who carry out forest management, mining exploration, transportation infrastructure and dam work if the camp is situated in one of the following territories:

(a) a territory not organized into a local municipality, including an unorganized territory amalgamated with one of the municipalities of Rouyn-Noranda, La Tuque or Senneterre, as it was delimited the day before the amalgamation;

(b) the James Bay territory as described in section 133 of the Environment Quality Act (R.S.Q., c. Q-2);

(c) the territory situated north of the 55th parallel;

(d) the territories of the municipalities of Blanc-Sablon, Bonne-Espérance, Côte-Nord-du-Golfe-du-Saint-Laurent, Gros-Mécatina and Saint-Augustin and the territory of

* The Regulation respecting the application of section 32 of the Environment Quality Act, made by Order in Council 635-2008 dated 18 June 2008 (2008, *G.O.* 2, 2561), has not been amended since it was made.

** The Groundwater Catchment Regulation, made by Order in Council 696-2002 dated 12 June 2002 (2002, *G.O.* 2, 2657), was last amended by Order in Council 875-2009 dated 12 August 2009 (2009, *G.O.* 2, 3147). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 April 2010.

*** The Regulation respecting waste water disposal systems for isolated dwellings (R.R.Q., 1981, c. Q-2, r. 8) was last amended by Order in Council 777-2008 dated 23 July 2008 (2008, *G.O.* 2, 3208). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 April 2010.

any other municipality constituted under the Act respecting the municipal reorganization of the territory of Municipalité de Côte-Nord-du-Golfe-du-Saint-Laurent (1988, c. 55; amended by 1996, c. 2);

(e) the territories that are not accessible at any time by road vehicles;

(2) “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 or storm water to improve existing infrastructures or develop the territory of a municipality;

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

(4) every reference to a member of the Ordre des ingénieurs du Québec includes any other person legally authorized to act in that capacity in Québec.”

2. Section 4 is amended

(1) by adding the following subparagraph at the end of paragraph 2:

“(c) raw water storage reservoirs and drinking water distribution reservoirs, if the work does not result in the modification of drinking water treatment or an increase in capacity and if the reservoirs are reconstructed at the same locations;”;

(2) by adding the following paragraphs at the end:

“(6) the installation, on a lot, of water mains, reservoirs and accessories intended to supply only one building situated on that same lot;

(7) the installation of water mains and the installation of drinking water treatment apparatus or equipment or the increase in the production capacity to serve a temporary industrial camp intended to house between 21 to 80 persons, or set up only for timber salvage following a forest fire;

(8) the installation of a drinking water intake to serve a temporary industrial camp intended to house not more than 80 persons, or set up only for timber salvage following a forest fire, if

(a) the installation does not require that an impounding structure be set up in the watercourse;

(b) the quantity of water withdrawn from a watercourse or a lake does not exceed 15% of the instantaneous flow of the watercourse, or does not lower the lake level by more than 15 cm;

(c) appropriate measures, such as revegetation, will be carried out at the time of the installation of the water intake to prevent sediments from being carried into the aquatic environment from the bare or exposed soil;

(d) if applicable, the width of vegetation clearing necessary to install a main on the bank of a watercourse or the shore of a lake is not more than 5 metres and, when the camp is closed, the site will be restored with shrub vegetation; and

(e) the pumping equipment is installed outside the bank or shore.”

3. Section 5 is replaced by the following:

“5. The following projects relating to wastewater or storm water are exempt from the application of section 32 of the Act, provided that the carrying out of the work does not discharge wastewater into the environment:

(1) the reconstruction of sewer mains, if the work does not result in the increase of the frequency or volume of overflows in one of the combined sewer overflows of the sewer system;

(2) the replacement of a single sewer by separate sewers or partially-separate sewers;

(3) the installation of a storm sewer in the context of work aiming at converting a partially-separate sewer into a separate sewer, insofar as all foundation and roof drains are disconnected from the main that receives domestic wastewater;

(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;

(5) the installation or reconstruction of manholes or catch basins in an existing sewer system;

(6) sewer work intended for the management of storm water of only one lot, if

(a) storm water infiltrates into the soil or is discharged into a ditch or storm or single sewer operated by a municipality; and

(b) the lot is not intended for industrial use;

(7) the installation of sewer or wastewater treatment systems of a temporary industrial camp intended to house not more than 80 persons, or set up only for timber salvage following a forest fire.

5.1. For the purposes of paragraph 7 of section 5, except in the case of a temporary industrial camp intended to house not more than 20 persons, the operator of the camp must send a notice to the Minister at least 4 weeks before the installation of the sewer or wastewater treatment systems. The notice must specify

(1) the geographical coordinates of the camp;

(2) the maximum number of persons that will be housed at the same time in the camp; and

(3) the planned dates and period of time during which the camp is to be occupied.

A certification from a member of the Ordre des ingénieurs du Québec attesting that the treatment and disposal of wastewater will not constitute a source of contamination within the meaning of section 1 of the Environment Quality Act must be attached to the notice.

A new notice and a new certification must be sent to the Minister if the temporary industrial camp must be used by a larger number of persons or for a longer period of time than planned. Those documents must be sent at least 4 weeks before the planned change.”

4. The following is inserted after section 9:

“**9.1.** With the exception of work to set up a temporary industrial camp, the owner must appoint a member of the Ordre des ingénieurs du Québec to supervise the work referred to in sections 4 and 5.

The engineer must certify that the work carried out complies with this Regulation. The certification must be given to the municipality or, as the case may be, the borough, within 90 days of the end of the work.

The municipality or borough must keep the certification for 10 years after the work was carried out and provide it to the Minister on request.”

5. Section 24 is amended by replacing “16, 17” in the part preceding paragraph 1 by “5.1, 8, 9, 9.1, 16, 17, 20,”.

6. The Groundwater Catchment Regulation is amended in section 31 by adding the following at the end of subparagraph 1 of the first paragraph:

“, except if those projects are intended to serve a temporary industrial camp, within the meaning of paragraph 1 of section 3 of the Regulation respecting the application of section 32 of the Environment Quality Act, made by Order in Council 635-2008 dated 18 June 2008, and if the camp is intended to house not more than 80 persons, or set up only for timber salvage following a forest fire”.

7. The Regulation respecting waste water disposal systems for isolated dwellings is amended in section 2 by adding the following paragraph at the end:

“This Regulation does not apply to an isolated dwelling that is part of a temporary industrial camp, within the meaning of paragraph 1 of section 3 of the Regulation respecting the application of section 32 of the Environment Quality Act, made by Order in Council 635-2008 dated 18 June 2008.”

8. 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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Draft Regulation

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

Framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin

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, that the Regulation respecting the framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin, appearing below, may be made by the Government on the expiry of 60 days following this publication.