

Regulations and other Acts

Gouvernement du Québec

O.C. 1017-2010, 1 December 2010

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

Charges payable for the use of water

Regulation respecting the charges payable for the use of water

WHEREAS, under subparagraph *e.1* of the first paragraph and the second paragraph of section 31, paragraph *s* of section 46, section 109.1 and section 124.1 of the Environment Quality Act (R.S.Q., c. Q-2), 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 charges payable for the use of water was published in Part 2 of the *Gazette officielle du Québec* of 5 May 2010 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;

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

THAT the Regulation respecting the charges payable for the use of water, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the charges payable for the use of water

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, 1st par., subpar. *e.1*, and 2nd par., s. 46, par. *s*, and ss. 109.1 and 124.1)

1. This Regulation establishes charges for the use of water, whether it comes from a distribution system or is taken directly from surface water or groundwater, to

promote the protection and development of the resource and ensure that there is an adequate quality and quantity of water in a sustainable development perspective.

2. For the purposes of this Regulation, any action for lowering or diverting groundwater is considered a use of water.

3. The use of water for the following activities is covered by this Regulation:

(1) production of water in bottles or other containers, whether or not the water is intended for human consumption;

(2) mining, quarrying and oil and gas extraction (NAICS 21);

(3) the manufacturing activities mentioned in the Schedule.

NAICS codes mentioned in this Regulation correspond to the codes of the “North American Industry Classification System (NAICS) Canada 2007” published by Statistics Canada (Catalog no.12-501-XIF, 1998, ISBN 0-662-72948-X). The description of the activities to which the codes refer applies for the purposes of this Regulation, whether the activities are carried on as main activities or not.

4. Every person whose activity results in the use of an average volume of water of 75 cubic metres or more per day is subject to charges for the use of water. The daily average volume is calculated based on the monthly quantity of water used, divided by the number of days of use in the month concerned.

Charges are established on the basis of the volume of water used in a year.

5. The rate of the charge is set at \$0.0025 per cubic metre of water used, except for water used for the following activities for which the charge is set at \$0.07 per cubic metre of water used:

(1) the production of water in bottles or other containers, whether the water is intended for human consumption or not;

(2) beverage manufacturing (NAICS 3121);

(3) non-metallic mineral product manufacturing (NAICS 327), when water is incorporated into the product;

(4) pesticide, fertilizer and other agricultural chemical manufacturing (NAICS 3253), when water is incorporated into the product;

(5) other basic inorganic chemical manufacturing (NAICS 32518), when water is incorporated into the product;

(6) oil and gas extraction (NAICS 211).

6. Every person subject to charges for the use of water is required to determine the volume of water a person uses annually by direct measurement taken by measuring equipment the installation, operation, monitoring and measurement of which meet the requirements of Chapter IV of the Regulation respecting the declaration of water withdrawals, made by Order in Council 875-2009 dated 12 August 2009.

Despite the foregoing, a person who does not have such measuring equipment may determine the volume of water the person uses annually by estimates based on indirect or spot measurements, in accordance with section 7 of that Regulation.

7. Charges for the use of water are payable to the Minister of Finance, not later than 31 March of the year following the year for which the charges are payable or, if the person ceases to use water during a year, within 60 days of the cessation.

8. Persons subject to charges for the use of water must, when they are withdrawers referred to in the Regulation respecting the declaration of water withdrawals, indicate in the annual declaration to be sent to the Minister of Sustainable Development, Environment and Parks under section 9 of that Regulation, the amount of the charges paid to the Minister of Finance. If they carry on an activity referred to in paragraph 3, 4 or 5 of section 5 of this Regulation, they must also indicate whether or not water is incorporated into the product.

Where the persons are not withdrawers referred to in the Regulation respecting the declaration of water withdrawals, the persons must declare each year to the Minister of Sustainable Development, Environment and Parks, not later than 31 March of the year following the year for which the declaration is made or, if they have ceased using water during a year, within 60 days of the cessation,

(1) their name, address, telephone number and, where applicable, the Québec enterprise number (NEQ);

(2) the distribution system from which comes the water used;

(3) the number of days during which water was taken from that system;

(4) the activity for which the water is used, identified by its NAICS code;

(5) the monthly volumes and the annual volume of water used, in cubic metres and, in the case of several activities, the volumes broken down for each activity;

(6) the type of measuring equipment installed and any malfunction, breakdown, abnormality or other defect that affected the operation of the equipment, and the number of days during which the volumes could not be measured in a reliable and accurate manner or, if an estimation method is used, the name of the professional who estimated the volumes of water used and his or her profession and a description of the estimation method used;

(7) whether or not water is incorporated into the product, where they carry on an activity referred to in paragraph 3, 4 or 5 of section 5 of this Regulation; and

(8) the amount of the charges paid to the Minister of Finance.

The declaration is completed and sent electronically, using the form on the website of the Ministère du Développement durable, de l'Environnement et des Parcs at www.mddep.gouv.qc.ca. Documents in support of the declaration must be kept at the establishment concerned and made available to the Minister for 5 years.

The persons referred to in the second paragraph must also keep a register in accordance with section 10 of the Regulation respecting the declaration of water withdrawals, which applies with the necessary modifications.

9. The rates of the charges set in section 5 are indexed in the manner set out in section 83.3 of the Financial Administration Act (R.S.Q., c. A-6.001).

10. Charges for the use of water not paid within the prescribed time bear interest, from the date of default, at the rate determined under the first paragraph of section 28 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31).

In addition to the interest payable, the following amounts are added to every amount outstanding:

- (1) 7% of the amount of the unpaid charges if the delay does not exceed 7 days;
- (2) 11% of the amount of the unpaid charges if the delay exceeds 7 days but does not exceed 14 days;
- (3) 15% of the amount of the unpaid charges in all other cases.

11. Charges for the use of water payable to the Minister of Finance under this Regulation, as well as the interest and amounts provided for in section 10, are paid into the Fonds vert for the purpose of ensuring water governance.

12. An offence against section 6, 7 or 8 renders the offender liable to a fine of

- (1) \$2,000 to \$25,000, in the case of a natural person; and
- (2) \$6,000 to \$100,000, in the case of a legal person.

The fines are doubled for a second or subsequent offence.

13. The obligation to pay charges for the use of water applies as of 2011 and the annual declaration and the payment of the charges for that year must be sent not later than 31 March 2012.

14. The Minister of Sustainable Development, Environment and Parks must, 5 years after the coming into force of this Regulation, report to the Government on the implementation of this Regulation and particularly on the advisability of amending certain of its provisions to take into consideration the latest scientific and technical knowledge.

This report is made available to the public not later than 15 days after it is sent to the Government.

15. 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).

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

SCHEDULE (s. 3)

| Activity | NAICS code |
|---|------------|
| Food manufacturing | 311 |
| Beverage and tobacco product manufacturing | 312 |
| Textile mills | 313 |
| Textile product mills | 314 |
| Clothing manufacturing | 315 |
| Leather and allied product manufacturing | 316 |
| Wood product manufacturing | 321 |
| Paper manufacturing | 322 |
| Printing and related support activities | 323 |
| Petroleum and coal product manufacturing | 324 |
| Chemical manufacturing | 325 |
| Plastics and rubber products manufacturing | 326 |
| Non-metallic mineral product manufacturing | 327 |
| Primary metal manufacturing | 331 |
| Fabricated metal product manufacturing | 332 |
| Machinery manufacturing | 333 |
| Computer and electronic product manufacturing | 334 |
| Electrical equipment, appliance and component manufacturing | 335 |
| Transportation equipment manufacturing | 336 |
| Furniture and related product manufacturing | 337 |
| Miscellaneous manufacturing | 339 |

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Gouvernement du Québec

O.C. 1026-2010, 1 December 2010

Individual and Family Assistance Act
(R.S.Q., c. A-13.1.1)

Individual and Family Assistance — Amendments

Regulation to amend the Individual and Family Assistance Regulation

WHEREAS, pursuant to sections 131 to 136 of the Individual and Family Assistance Act (R.S.Q., c. A-13.1.1), the Government made the Individual and Family Assistance Regulation (R.R.Q., c. A-13.1.1, r. 1);