

Draft Regulations

Draft Regulation

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

Charges payable for the use of water

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 (R.S.Q., c. Q-2), that the Regulation respecting the charges payable for the use of water, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The draft Regulation establishes charges for the use of water in the industrial sector, whether the water comes from a water distribution system or is taken directly from surface water or groundwater. A rate of \$0.07 per cubic metre of water used is set for certain large users, namely in the sectors of bottled water production, beverage manufacturing, fruit and vegetable canning and pickling, non-metallic mineral product manufacturing, pesticide, fertilizer and other agricultural chemical manufacturing, inorganic chemical manufacturing and certain activities in oil and gas extraction. A lesser rate of \$0.0025 per cubic metre of water used is set for other industrial sectors, namely mining, quarrying, oil and gas extraction, and manufacturing.

The draft Regulation also requires the installation of measuring equipment within 24 months of the coming into force of the Regulation and refers to the Regulation respecting the declaration of water withdrawals, made by Order in Council 875-2009 dated 12 August 2009, for the requirements related to the installation, operation, monitoring and measurement by measuring equipment or according to an estimation method as well as for the keeping of a register.

The users covered in the draft Regulation whose water does not come from a water distribution system are also covered in the Regulation respecting the declaration of water withdrawals and are already required to send the Minister of Sustainable Development, Environment and Parks a declaration on their water withdrawals. For users whose water comes from a water distribution system, the draft Regulation provides that they will also have to send the Minister of Sustainable Development, Environment and Parks a declaration to inform the Minister of the water distribution system from which comes the water used, the activity for which the water is used and the volume of water used.

The draft Regulation should have no negative impact on the volume of business of enterprises. The most expensive element will be the installation of water meters over the course of 2 years.

Further information may be obtained by contacting Yvon Maranda, Direction des politiques de l'eau, Ministère du Développement durable, de l'Environnement et des Parcs, édifice Marie-Guyart, 8^e étage, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: 418 521-3885, extension 4117; fax: 418 643-0252; e-mail: yvonmaranda@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 Yvon Maranda, whose contact information appears above.

LINE BEAUCHAMP,
*Minister of Sustainable Development,
Environment and Parks*

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 following activities are 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 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) fruit and vegetable canning, pickling and drying (NAICS 31142);

(4) non-metallic mineral product manufacturing (NAICS 327);

(5) pesticide, fertilizer and other agricultural chemical manufacturing (NAICS 3253);

(6) other basic inorganic chemical manufacturing (NAICS 32518);

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

6. For the purposes of measuring the volume of water used annually, every person subject to charges for the use of water is required to install 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.

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.

Where the persons are not withdrawers referred to in that Regulation, 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;

(7) 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 Minister may set the charges payable for the use of water where the annual declaration referred to in section 8 has not been sent within the prescribed time, is incorrect or incomplete.

The Minister's decision is notified to the person concerned who must then immediately pay to the Minister of Finance the charges set and the amounts provided for in section 11, which are calculated from the date of default, in accordance with section 7.

10. The rates of the charges set in section 5 are indexed on 1 January of each year on the basis of the rate of change in the Consumer Price Index for Canada as published by Statistics Canada. That rate is calculated by establishing the difference between the average of the monthly indexes for the 12-month period ending on 30 September of the preceding year and the average of the monthly indexes for the period equivalent to the second preceding year.

The Minister is to publish the result of the indexing in the *Gazette officielle du Québec* before 1 January of each year and, if the Minister considers it appropriate, by any other means.

11. 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.

12. 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.

13. An offence against section 7 renders the offender liable to a fine of

- (1) \$2,000 to \$15,000, in the case of a natural person; and
- (2) \$5,000 to \$100,000, in the case of a legal person.

The fines are doubled for a second or subsequent offence.

Section 19 of the Regulation respecting the declaration of water withdrawals applies, with the necessary modifications, for the determination of penalties for offences against sections 6 and 8 of this Regulation.

14. Persons subject to charges for the use of water by reason of activities they carry on on the date of coming into force of this Regulation have 24 months as of that date to install the measuring equipment prescribed by section 6.

Until the installation of measuring equipment, the volume of water used is measured by an estimation made in accordance with Chapter V of the Regulation respecting the declaration of water withdrawals.

In addition, until that installation, the information prescribed by subparagraph 6 of the second paragraph of section 8 of this Regulation is replaced by the following: the name of the professional who estimated the volumes of water used, his or her profession and the description of the estimation method used.

15. Despite the third paragraph of section 8, the declaration provided for in the second paragraph of that section may, until 31 March 2013, be sent to the Minister on paper. In that case, the declaration must be dated and signed by the person who prepared it and must certify the accuracy of the information it contains.

16. 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.

17. 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.

18. 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).

19. 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

Draft Regulation

Professional Code
(R.S.Q., c. C-26)

Occupational therapists**— Code of ethics****— Amendments**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the “Regulation to amend the Code of ethics of occupational therapists”, made by the board of directors of the Ordre des ergothérapeutes du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation adapts certain rules of ethics to the reality of the practice of the professional activities of occupational therapist within a partnership or joint-stock company, as provided in the draft Regulation respecting the practice of the profession of occupational therapist within a partnership or joint-stock company.

The draft Regulation also clarifies conflicts of interest.

Lastly, the draft Regulation regulates the use of the graphic symbol of the Order in advertising or in connection with the name of a multidisciplinary partnership or joint-stock company.

The Ordre des ergothérapeutes du Québec advises that the Regulation will have no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Caroline Fortier, Ordre des ergothérapeutes du Québec, 2021, avenue Union, bureau 920, Montréal (Québec) H3A 2S9; telephone: 514 844-5778 or 1 800 265-5778; fax: 514 844-0478.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Chair of the Office des professions du Québec, 800, place D’Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice and may also be sent to the professional order that made the Regulation and to interested persons, departments and bodies.

JEAN PAUL DUTRISAC,
*Chair of the Office des
professions du Québec*