

Regulations and other Acts

Gouvernement du Québec

O.C. 402-2011, 13 April 2011

Dam Safety Act
(R.S.Q., c. S-3.1.01)

Dam Safety — Amendment

Regulation to amend the Dam Safety Regulation

WHEREAS sections 6, 14 to 17, 19, 20, 21, 24, 29, 31, 36 and 37 of the Dam Safety Act (R.S.Q., c. S-3.1.01), 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), a draft of the Regulation to amend the Dam Safety Regulation was published in Part 2 of the *Gazette officielle du Québec* of 17 November 2010 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments to the English text;

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

THAT the Regulation to amend the Dam Safety Regulation, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Dam Safety Regulation*

Dam Safety Act
(R.S.Q., c. S-3.1.01, ss. 6, 14 to 17, 19, 20, 21, 24, 29, 31, 36 and 37)

1. The Dam Safety Regulation is amended in section 14

(1) by replacing “or “poor or unknown”” in subparagraph 3 of the first paragraph by “, “poor” or “undetermined””;

(2) by replacing “or “unsatisfactory or unknown”” in subparagraph 4 of the first paragraph by “, “unsatisfactory” or “undetermined””.

2. Section 22 is amended by inserting “during floods” after “inflow” in the part preceding subparagraph 1 of the first paragraph.

3. Section 23 is replaced by the following:

“**23.** Subject to section 24, the safety check flood determined under section 21 or 22 may be less, but it may not be less than a 100-year flood if it is shown that a dam failure during such a flood would cause a consequence category lower than that used for the purposes of section 21.”.

4. Section 25 is amended by replacing “in the Severe Consequence category under sections 17 and 18” in the last paragraph by “designed to withstand a “probable maximum flood””.

5. Section 29 is amended

(1) by replacing the second and third sentences in the first paragraph by the following: “Calculations must be based on the full supply level and be accompanied by the opinion of the engineer in charge on the liquefaction potential of the dam and its foundation and the data on which that opinion is based.”;

* The Dam Safety Regulation, made by Order in Council 300-2002 dated 20 March 2002 (2002, *G.O.* 2, 1647), has been amended once by the regulation made by Order in Council 17-2005 dated 19 January 2005 (2005, *G.O.* 2, 471).

(2) by adding the following sentence at the end of the second paragraph: “The coefficients may also be determined, for each dam site, from peak ground acceleration data established by the Geological Survey of Canada for a return period of 2,500 years.”.

6. Section 45 is amended by replacing “Class C or Class D” in the third paragraph by “Class C, D or E”.

7. The following is inserted after section 49:

“**49.1.** Where the owner of a dam intends, within 5 years, to remove it, reconstruct it or make a structural alteration to it that affects all parts of the dam or that, because of the scope of the work, is equivalent to reconstructing the dam, the dam safety review may be limited to the following:

(1) a check of the condition and behaviour of the dam by means of a comprehensive inspection of every structural component; and

(2) a check of the functionality and reliability of the discharge facilities.

The report documenting the dam safety review must include

(1) the report of the most recent formal inspection carried out pursuant to section 42; and

(2) the opinion of the engineer in charge on the structural and functional safety of the dam and, where applicable, on the measures proposed to prevent the risks of dam failure until the planned work is carried out.

The report must also contain the information referred to in subparagraphs 1 to 4 and 6 of the second paragraph of section 49.

Paragraph 1 of sections 32 and 38 and subparagraph 1 of the first paragraph of sections 76 and 77 do not apply to a dam whose safety review is conducted under this section.”.

8. Section 57 is amended by replacing “pseudostatic or, where applicable, dynamic structural and foundation” in subparagraph 6 of the first paragraph by “seismic”.

9. Section 58 is amended by replacing “pseudostatic or, where applicable, dynamic structural and foundation” in subparagraph 2 of the first paragraph by “seismic”.

10. Section 59 is amended

(1) by replacing “the removal of a dam” in the part preceding paragraph 1 by “the complete removal of a dam, or its partial removal if as a result the dam is no longer a high-capacity dam,”;

(2) by adding the following second paragraph:

“An application for authorization for partial removal must also include

(1) the name and address of the dam owner;

(2) the plans and specifications of the altered dam, drawn up by an engineer, and the hydrologic and hydraulic data and assumptions considered; and

(3) the new impounding capacity of the dam.”.

11. Section 61 is amended by replacing ““poor or unknown”” in subparagraph *c* of paragraph 1 by ““poor” or “undetermined””.

12. Section 62 is amended by inserting “complete or partial” before “removal” in the second paragraph.

13. Section 66 is amended by inserting “complete or partial” before “removal”.

14. Section 78 is amended

(1) by replacing “or poor or unknown” by “, poor or undetermined”, and “unsatisfactory or unknown” by “unsatisfactory or undetermined” in subparagraph 1 of the second and third paragraphs;

(2) by replacing “7 years” by “10 years”, “or poor or unknown” by “, poor or undetermined” and “unsatisfactory or unknown” by “unsatisfactory or undetermined” in subparagraph 1 of the fourth paragraph;

(3) by replacing “8 years” in subparagraph 2 of the fourth paragraph by “12 years”;

(4) by replacing “9 years” by “16 years”, “or poor or unknown” by “, poor or undetermined”, and “unsatisfactory or unknown” by “unsatisfactory or undetermined” in subparagraph 1 of the fifth paragraph;

(5) by replacing “10 years” in subparagraph 2 of the fifth paragraph by “18 years”.

15. Schedule III is amended by replacing “unknown” wherever it appears by “undetermined”.

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