

Regulations and other Acts

Gouvernement du Québec

O.C. 901-2014, 15 October 2014

Dam Safety Act
(chapter S-3.1.01)

Dam Safety — Amendment

Regulation to amend the Dam Safety Regulation

WHEREAS, under the third paragraph of section 6 of the Dam Safety Act (chapter S-3.1.01), the Government may, by regulation, determine the information or documents that, in addition to those provided for in that section, must be submitted with an application for authorization for the construction or structural alteration of a high-capacity dam;

WHEREAS, under section 15 of the Act, the Government is to determine, by regulation, the safety standards applicable to high-capacity dams;

WHEREAS, under section 16 of the Act, every high-capacity dam must, at the intervals and on the other conditions determined by the Government by regulation, undergo a safety review;

WHEREAS, under section 17 of the Act, the owner of a high-capacity dam must forward the dam safety review within the time fixed by the Government by regulation;

WHEREAS, under the first paragraph of section 19 of the Act, the owner of a high-capacity dam must have an impounded water management plan prepared according to the conditions and within the time fixed by the Government by regulation, and must keep the management plan current;

WHEREAS, under the first paragraph of section 20 of the Act, the Government may, by regulation, determine the conditions applicable to the monitoring of high-capacity dams;

WHEREAS, under section 37 of the Act, the regulatory provisions made by the Government pursuant to the Act may vary according to the classes of dams or the classes of dam owners, and specify the conditions in which and time limits within which the provisions may be applied to existing works;

WHEREAS the Government made the Dam Safety Regulation (chapter S-3.1.01, r. 1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Dam Safety Regulation was published in Part 2 of the *Gazette officielle du Québec* of 25 September 2013 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;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, the Environment and the Fight Against Climate Change:

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

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Dam Safety Regulation

Dam Safety Act
(chapter S-3.1.01, ss. 6, 15, 16, 17, 19, 20 and 37)

1. The Dam Safety Regulation (chapter S-3.1.01, r. 1) is amended in section 3 by replacing “relevés de terrains” in the French text of the part preceding subparagraph 1 of the first paragraph by “relevés de terrain”.

2. Section 21 is replaced by the following:

“**21.** Subject to sections 21.1, 22 and 24, every dam must be able to withstand any of the following safety check floods, taking into account the highest dam failure consequence category in flood conditions:

Highest dam failure consequence category in flood conditions	Safety Check Flood
Very low or low	Centennial * (1: 100 years)
Moderate or high	Millennial * (1: 1,000 years)
Very high	Decamillennial * (1: 10,000 years)
Severe	Probable maximum flood

* Safety check floods expressed according to their recurrence interval.

21.1. A dam's safety check flood may be less than that established under section 21, without being less than the centennial flood, if an engineer certifies that a dam failure during such a flood would cause a consequence category lower than that determined pursuant to section 19.

The engineer's certificate must be sent to the Minister, together with the dam failure analysis or the rough inundation maps referred to in section 18."

3. Section 22 is amended

(1) by replacing "subject to sections 23 and 24" in the part preceding subparagraph 1 of the first paragraph by "subject to section 24";

(2) by replacing "under section 21" in subparagraph 1 of the first paragraph by "under section 21 or 21.1";

(3) by replacing the third paragraph by the following:

"This section does not apply to a dam whose failure consequence category is "very low" or "low"."

4. Section 23 is revoked.

5. Section 24 is amended by replacing "under section 21, 22 or 23, as the case may be" by "under section 21, 21.1 or 22".

6. Section 28 is amended by adding the following paragraph at the end:

"This section does not apply to a dam whose failure consequence category is "very low" or "low"."

7. Section 29 is replaced by the following:

"**29.** Calculations regarding the structural and foundation seismic stability of a dam must be done on the basis of a return period of 2,500 years and by using either of the following peak ground acceleration values:

(1) the value which, under Schedule I, corresponds to the seismic zone in which the dam is located;

(2) the value which, with regard to the location of the dam, may be determined from the seismic data established by the Geological Survey of Canada."

8. Section 34 is replaced by the following:

"**34.** The provisions of this subdivision do not apply to Class E dams.

Nor do they apply to dams in other classes in the following cases:

(1) the only discharge facility of the dam is a free weir;

(2) an engineer certifies that it is not necessary to manoeuvre the dam discharge facilities during floods.

The engineer's certificate must be sent to the Minister, together with a summary of the reasons supporting it."

9. Sections 41 and 42 are replaced by the following:

"**41.** Every dam must, according to its class, be the subject of the minimum number of inspections indicated in the table below in accordance with the frequency mentioned therein:

Type of inspection	Number and frequency of inspections according to the dam's class				
	A	B	C	D	E
Site inspection	12/year	6/year	2/year	2/year	1/year
Inspection	1/year	1/2 years	1/5 years	1/8 years	1/10 years

Site inspections whose frequency is higher than 1 per year must be spread as evenly as possible over the year.

An inspection carried out during a year reduces the number of site inspections required for that year by 1.

42. A site inspection is intended to make a summary description of the dam's condition and, if a minor deficiency was discovered during a prior inspection, to monitor the evolution of the deficiency.

An inspection is intended to check a dam's condition in all aspects and to monitor its behavior. It may include the taking of measurements and the analysis thereof."

10. Section 43 is amended by striking out the last sentence.

11. Section 44 is replaced by the following:

"**44.** For the purposes of section 41, an inspection referred to in subparagraph *a* of paragraph 1 of section 48, paragraph 1 of section 49.0.1 and subparagraph 1 of the first paragraph of section 49.1 reduces by one the number of site inspections required for the year in which the inspection is made.

In addition, if such inspection is made during a year for which an inspection referred to in section 41 had to be made, it counts as the latter."

12. Section 45 is replaced by the following:

"**45.** The site inspections of a Class A, Class B or Class C dam must be carried out by one of the following persons or under their supervision:

(a) an engineer;

(b) a person who holds a diploma at the college level awarded upon completion of a program referred to in paragraph 4 of section 2.09 of the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders (chapter C-26, r. 2);

(c) a person with technical experience in the field of dams.

45.1. Dam inspections, regardless of the class to which the dam belongs, must be carried out by an engineer.”

13. Section 48 is amended

(1) by replacing the part preceding paragraph 1 by the following:

“**48.** A dam safety review for a dam whose failure consequence category is equal to or greater than “moderate” must include”;

(2) by replacing “a comprehensive inspection” in subparagraph *a* of paragraph 1 by “an inspection”;

(3) by inserting the following after paragraph 3:

“(3.1) analysing the topography of the reservoir rim;”;

(4) by replacing paragraph 4 by the following:

“(4) reviewing the dam’s classification;”

14. Section 49 is amended

(1) by inserting “referred to in section 48” in the part preceding subparagraph 1 of the first paragraph after “review”;

(2) by inserting the following after subparagraph 5 of the first paragraph:

“(5.1) 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;”;

(3) by replacing subparagraphs 7 to 9 of the first paragraph by the following:

“(7) if applicable, the recommendations of the engineer in charge as to the need for an intervention at the locations, on the reservoir rim, through which overflow could occur during a flood equal to the dam’s safety check flood;

(8) if applicable, the recommendations of the engineer in charge in respect of the remedial work that, considering in particular the elements listed in section 48, must be carried out to ensure the dam’s safety and the engineer’s opinion on the time required to carry out the work;

(9) if applicable, the opinion of the engineer in charge on the temporary measures and work required to ensure the dam’s safety until the remedial work is carried out;

(10) the recommendations of the engineer in charge in respect of the class and dam failure consequence category that should apply to the dam, together with, as the case may be, the dam failure analysis, rough inundation maps or characterization of the area referred to in section 18.”

15. The following is inserted after section 49:

“**49.0.1.** The safety review of a dam whose failure consequence category is “very low” or “low” must include

(1) checking the dam’s condition by means of an inspection of its structure;

(2) checking the functionality and reliability of the discharge facilities;

(3) checking the dam’s discharge capacity, including a review of the hydrologic and hydraulic data and assumptions with respect to the dam’s safety check flood;

(4) if, on the reservoir rim, there are other dams whose failure consequence category is equal to or greater than “moderate”, checking the dam’s stability with regard to its safety check flood;

(5) analysing the topography of the reservoir rim;

(6) reviewing the dam’s classification;

(7) reviewing the impounded water management plan if, under subdivision 1 of Division III, such a plan is required for the dam concerned.

49.0.2. The report documenting the dam safety review must include

(1) the opinion of the engineer in charge on the dam’s condition;

(2) the opinion of the engineer in charge on the functionality and reliability of discharge facilities;

(3) the opinion of the engineer in charge on the discharge capacity of the dam with respect to its safety check flood;

(4) if, on the reservoir rim, there are other dams whose failure consequence category is equal to or greater than “moderate”, the opinion of the engineer in charge on the dam’s stability with regard to its safety check flood;

(5) if applicable, the recommendations of the engineer in charge as to the need for an intervention at the locations, on the reservoir rim, through which overflow could occur during a flood equal to the dam’s safety check flood;

(6) if applicable, the recommendations of the engineer in charge in respect of the remedial work that, considering in particular the elements listed in 49.0.1, must be carried out to ensure the dam’s safety and the engineer’s opinion on the time required to carry out the work;

(7) if applicable, the opinion of the engineer in charge on the temporary measures and work required to ensure the dam’s safety until the remedial work is carried out;

(8) the recommendations of the engineer in charge in respect of the class and dam failure consequence category that should apply to the dam, together with, as the case may be, the dam failure analysis, rough inundation maps or characterization of the area referred to in section 18.

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

16. Section 49.1 is amended

(1) by replacing “a comprehensive inspection” in subparagraph 1 of the first paragraph by “an inspection”;

(2) by striking out “formal” in subparagraph 1 of the second paragraph;

(3) by replacing “42” in subparagraph 1 of the second paragraph by “41”.

17. Section 52 is amended by replacing “in respect of an owner’s planned remedial measures” by “in respect of the remedial work that the owner intends to carry out”.

18. Section 57 is amended by replacing subparagraphs 6 and 7 of the first paragraph by the following:

“(6) seismic stability calculations for the dam to be constructed, unless the dam failure consequence category is “very low” or “low”;

(6.1) 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, unless the dam failure consequence category is “very low” or “low”;

(7) the results of a topographic analysis of the reservoir rim;

(7.1) if applicable, the recommendations of the engineer in charge as to the need for an intervention at the locations, on the reservoir rim, through which overflow could occur during a flood equal to the dam’s safety check flood;”.

19. Section 58 is amended

(1) by striking out “modified” in subparagraph 1 of the first paragraph;

(2) by replacing subparagraphs 2 and 3 of the first paragraph by the following:

“(2) seismic stability calculations for the dam, unless the dam failure consequence category is “very low” or “low”;

(3) 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, unless the dam failure consequence category is “very low” or “low”;

(3) by replacing subparagraph 2 of the second paragraph by the following:

“(2) the results of a topographic analysis of the reservoir rim;

(3) if applicable, the recommendations of the engineer in charge as to the need for an intervention at the locations, on the reservoir rim, through which overflow could occur during a flood equal to the dam’s safety check flood;

(4) the impounded water management plan summary, as revised at the time of the application for authorization if such a plan is required for the dam under subdivision 1 of Division III.”.

20. Section 78 is amended

(1) by replacing “10 years” in subparagraph 1 of the fourth paragraph by “14 years”;

(2) by replacing “12 years” in subparagraph 2 of the fourth paragraph by “15 years”;

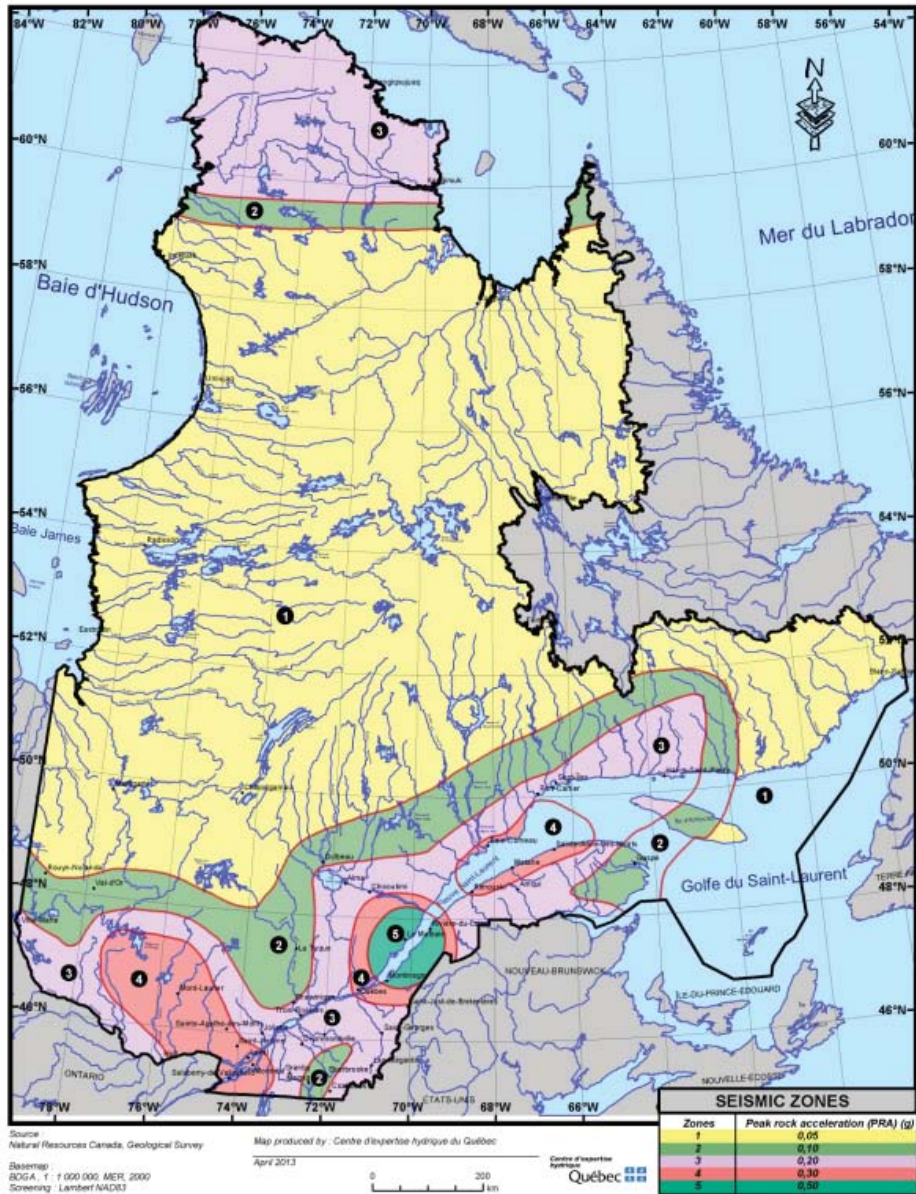
(3) by replacing “16 years” in subparagraph 1 of the fifth paragraph by “18 years”;

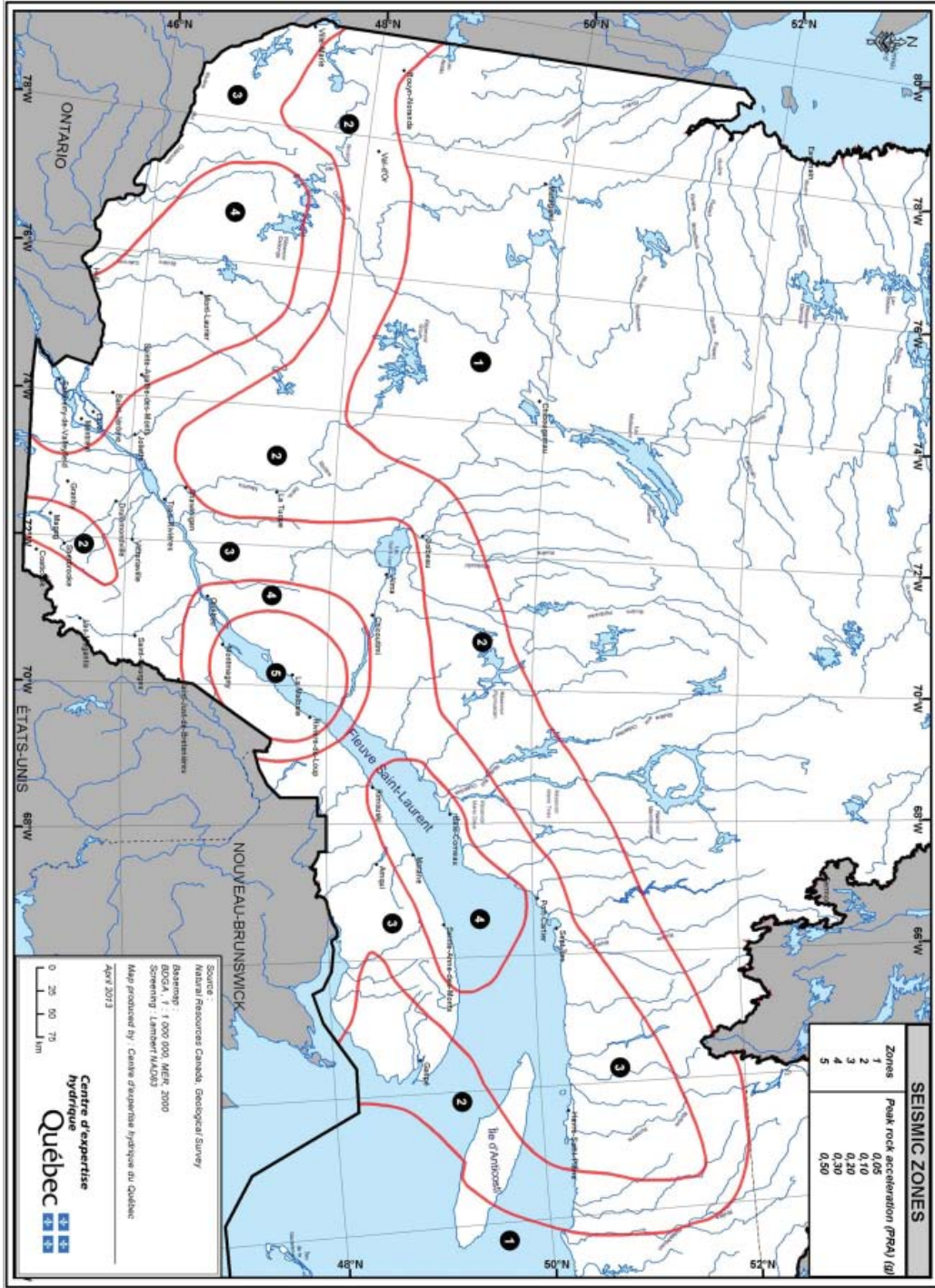
(4) by replacing “18 years” in subparagraph 2 of the fifth paragraph by “20 years”.

21. Schedule I is replaced by the following:

“SCHEDULE I
(ss. 5, 14 and 29)

SEISMIC ZONES





22. The Regulation is amended

(1) by replacing the words “niveau de conséquences” wherever they appear in the French text by “niveau des conséquences”;

(2) by replacing the words “période de crues” wherever they appear in the French text by “période de crue”;

(3) by striking out “determined under sections 17 and 18” and “as determined under sections 17 and 18” wherever those words and numbers appear;

(4) by striking out “under sections 17 and 18” wherever those words and numbers appear.

23. 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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M.O., 2014-08**Order number I-14.01-2014-08 of the Minister of Finance, October 15, 2014**

Derivatives Act
(chapter I-14.01)

CONCERNING the Regulation to amend Regulation 91-507 respecting Trade Repositories and Derivatives Data Reporting

WHEREAS subparagraphs 2, 3, 9 and 12 of section 175 of paragraph 1 of the Derivatives Act (chapter I-14.01) stipulates that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the fourth and fifth paragraphs of section 175 of the said Act stipulate that a draft regulation shall be published in the *Bulletin de l’Autorité des marchés financiers*, accompanied with the notice required under section 10 of the Regulations Act (chapter R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the second and sixth paragraphs of the said section stipulate that every regulation made under section 175 must be submitted to the Minister of Finance for approval with or without amendment and comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the regulation;

WHEREAS the Regulation 91-507 respecting Trade Repositories and Derivatives Data Reporting approved by ministerial order no. 201321 dated December 6, 2013 (2013, *G.O.* 2, 3631);

WHEREAS there is cause to amend this regulation;

WHEREAS the draft Regulation to amend Regulation 91-507 respecting Trade Repositories and Derivatives Data Reporting was published in the *Bulletin de l’Autorité des marchés financiers*, volume 11, no. 26 of July 3, 2014;

WHEREAS the Authority made, on September 25, 2014, by the decision no. 2014-PDG-0113, Regulation to amend Regulation 91-507 respecting Trade Repositories and Derivatives Data Reporting;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment Regulation to amend Regulation 91-507 respecting Trade Repositories and Derivatives Data Reporting appended hereto.

October 15, 2014

CARLOS LEITÃO,
Minister of Finance

Regulation to amend Regulation 91-507 respecting trade repositories and derivatives data reporting

Derivatives Act
(chapter I-14.01, s. 175, 1st par., subpar. (2), (3), (9) and (12))

1. Section 1 of Regulation 91-507 respecting Trade Repositories and Derivatives Data Reporting (chapter I-14.01, r. 1.1) is amended by inserting, in paragraph (1) and after the definition of the term “participant”, the following:

““reporting clearing house” means

(a) a person recognized, or exempted from the recognition requirement, as a clearing house by the Authority under the Act; or

(b) a clearing house that submitted an undertaking accepted by the Authority to act as the reporting counterparty for the purposes of fulfilling the reporting obligation under this Regulation;”

2. Section 25 of the Regulation is replaced with the following: