

## Regulations and other Acts

Gouvernement du Québec

### O.C. 163-2021, 24 February 2021

Environment Quality Act  
(chapter Q-2)

#### Quality of drinking water — Amendment

Regulation to amend the Regulation respecting the quality of drinking water

WHEREAS, under the first paragraph of section 45 of the Environment Quality Act (chapter Q-2), the operator of a waterworks system, and the operator of a public, commercial or industrial establishment supplied with water by a supply source independent of a waterworks system, must, in making water available to the public or to employees for human consumption, supply drinking water only, to the extent and in accordance with the standards provided by regulation of the Government;

WHEREAS, under paragraph *a* of section 45.5.2 of the Act, the Government may by regulation prescribe the frequency and other requirements regarding the taking and forwarding of the samples contemplated in section 45.1 of the Act, taking into account the size of the waterworks system or the type of public, commercial or industrial establishment;

WHEREAS, under paragraph 2 of section 46 of the Act, the Government may, by regulation, define physical, chemical and biological water quality standards according to different water uses for all or part of the territory of Québec;

WHEREAS, under paragraph 12 of section 46 of the Act, the Government may, by regulation, establish the duties, rights and obligations of the persons served, the owner and the operators as to the running and operation of a water management or treatment facility that is not operated by a municipality, or is operated by a municipality outside its territorial limits, and prohibit any act detrimental to its running and operation;

WHEREAS, under paragraph 13 of section 46 of the Act, the Government may, by regulation, establish the duties, rights and obligations of the persons served and

the operators of a water management or treatment facility operated by a municipality, if required for the protection of public health;

WHEREAS, under subparagraph 24 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prescribe the methods for collecting, preserving and analyzing water, air, soil or residual material samples for the purposes of any regulation made under the Act;

WHEREAS, under subparagraph 25 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prescribe the collection, analyses, calculations and verifications that must be done wholly or partly by a person or municipality accredited or certified by the Minister under the Act and specify the statements of analysis results that must be prepared and sent to the Minister;

WHEREAS, under section 115.27 of the Act, the Government may, in a regulation made under the Act, specify in particular that a failure to comply with the regulation may give rise to a monetary administrative penalty, and set forth the amounts of such penalty;

WHEREAS, under the first paragraph of section 115.34 of the Act, despite sections 115.29 to 115.32 of the Act, the Government may in particular determine the regulatory provisions made under the Act whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government;

WHEREAS the Government made the Regulation respecting the quality of drinking water (chapter Q-2, r. 40);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the quality of drinking water was published in Part 2 of the *Gazette officielle du Québec* of 2 September 2020 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 the Environment and the Fight Against Climate Change:

THAT the Regulation to amend the Regulation respecting the quality of drinking water, attached to this Order in Council, be made.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting the quality of drinking water

Environment Quality Act  
(chapter Q-2, ss. 45, 45.5.2, 46, 95.1, 115.27 and 115.34)

**1.** The Regulation respecting the quality of drinking water (chapter Q-2, r. 40) is amended by inserting the following after section 36.1:

“**36.2.** If the water available to users that originates from a distribution system serving more than 20 persons and at least 1 residence does not comply with the lead-related standard set out in Schedule 1, the person in charge of the distribution system must, not later than 31 March of the following year, establish an action plan including a description of the measures to be taken to remedy the situation and a detailed schedule of those measures.

The person in charge of the distribution system updates the action plan not later than 31 March of each year. When the lead-related standard is again exceeded before the completion of the measures provided for in the action plan, the update is in lieu of the requirement set out in the first paragraph.

The action plan must be kept by the person in charge of the distribution system for a minimum period of 5 years after the completion of the measures provided for in the action plan and a copy must be made available to the Minister. The person in charge of the distribution system must also provide a copy of the action plan to the user who requests it.

When the distribution system is under the responsibility of a municipality, a copy of the action plan must also be published on the municipality’s website or, if it does not have a website, by any other means it considers appropriate.”

**2.** Section 44.6 is amended

(1) by inserting the following after paragraph 8:

“(8.1) to provide a copy of the action plan referred to in the third paragraph of section 36.2 to the user who requests it, in accordance with that paragraph;

(8.2) to comply with the requirements provided for in the fourth paragraph of section 36.2 relating to the publication of the action plan referred to therein;”;

(2) by replacing “the posting of the report or the notice referred to therein” in paragraph 17 by “the publication of the report referred to therein.”

**3.** Section 44.7 is amended by inserting the following after paragraph 9:

“(9.1) to establish the action plan referred to in the first paragraph of section 36.2, in accordance with what is provided for therein, or to update it in accordance with the second paragraph of that section;

(9.2) to keep the action plan referred to in the third paragraph of section 36.2 or make a copy available to the Minister for a minimum period of 5 years after the completion of the measures provided for therein;”.

**4.** Section 45 is amended by inserting the following after subparagraph 3 of the second paragraph:

“(3.1) to provide a copy of the action plan referred to in the third paragraph of section 36.2 to the user who requests it, in accordance with that paragraph;

(3.2) to comply with the requirements provided for in the fourth paragraph of section 36.2 relating to the publication of the action plan referred to therein;”.

**5.** Section 46 is amended by inserting the following after subparagraph 5.1 of the second paragraph:

“(5.2) to establish the action plan referred to in the first paragraph of section 36.2, in accordance with what is provided for therein, or to update it in accordance with the second paragraph of that section;

(5.3) to keep the action plan referred to in the third paragraph of section 36.2 or make a copy available to the Minister for a minimum period of 5 years after the completion of the measures provided for therein;”.

**6.** Section 53.3 is amended

(1) by adding “and protect users from any risks involved” after “the measures taken by the person in charge to remedy the situation” at the end of the first paragraph;

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

“Where the distribution system or tank truck is under the responsibility of a municipality, a copy of the report must also be published on the municipality’s website or, if it does not have a website, by any other means it considers appropriate.”

**7.** Schedule 1 is amended in section 2 by replacing the concentration “0.010” in the line for lead in the table by “0.005”.

**8.** Schedule 4 is amended

(1) by inserting the following before section 3:

“(2.1) Every sample collector who, for the purposes of this Regulation, collects water samples intended for the analysis of lead or copper must, after letting the tap run in the manner provided for in subparagraph 8 of the first paragraph of section 1 of this Schedule,

(1) let the water stagnate for 30 minutes in the piping, taking the necessary precautions to prevent the water from being used elsewhere in the building;

(2) collect the first litre of water from the tap after the 30 minutes of stagnation.

The following precautions must be taken during sampling:

—if a tap has a vent, screen or rose head, it should not be removed;

—if possible, the samples must be collected from the cold water tap in the kitchen or the cold water tap most frequently used to supply drinking water.”;

(2) by striking out the second paragraph of section 4.

#### TRANSITIONAL AND FINAL

**9.** The persons in charge of a distribution system required to establish an action plan under section 36.2, introduced by section 1 of this Regulation, must establish their first action plan not later than 31 March 2022 for the exceedances noticed as of 1 July 2020 and for which there is no return to compliance under section 40 of the Regulation respecting the quality of drinking water (chapter Q-2, r. 40) before 31 March 2022.

**10.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except paragraph 2 of section 2 and section 6, which come into force on 31 March 2022.

104909

Gouvernement du Québec

**O.C. 164-2021**, 24 February 2021

Tax Administration Act  
(chapter A-6.002)

Taxation Act  
(chapter I-3)

An Act respecting the Québec Pension Plan  
(chapter R-9)

An Act respecting the Québec sales tax  
(chapter T-0.1)

Fuel Tax Act  
(chapter T-1)

#### Various regulations of a fiscal nature —Amendment

Regulations to amend various regulations of a fiscal nature

WHEREAS, under the first paragraph of section 96 of the Tax Administration Act (chapter A-6.002), the Government may make regulations, in particular to prescribe the measures required to carry out the Act and to exempt from the duties provided for by a fiscal law, under the conditions which it prescribes, prescribed international organizations, their head officers and their employees and the members of their families;

WHEREAS, under subparagraphs *e*, *e.2* and *f* of the first paragraph of section 1086 of the Taxation Act (chapter I-3), the Government may make regulations to establish classes of property for the purposes of section 130 of the Act, to require any person included in one of the classes of persons it determines to file any return it may prescribe relating to any information necessary for the establishment of an assessment provided for in the Act and to send, where applicable, a copy of the return or of a part thereof to any person to whom the return or part thereof relates and to whom it indicates in the regulation and to generally prescribe the measures required for the application of the Act;

WHEREAS, under paragraph *a* of section 81 of the Act respecting the Québec Pension Plan (chapter R-9), the Government may make regulations prescribing anything that is to be prescribed, in particular under Title III of the Act;

WHEREAS, under subparagraphs 3, 7.1 and 41.0.1 of the first paragraph of section 677 of the Act respecting the Québec sales tax (chapter T-0.1), the Government