

“The habitat corresponds to a part of lot 1 354 904, situated in the north-east sector of Parc du Mont-Royal, in the territory of Ville de Montréal. The habitat is demarcated on a chart prepared by the Minister;”;

(16) by striking out the Vallée-du-Cor (Gaspésie-Îles-de-la-Madeleine) habitat and its description”.

4. Section 8 is replaced by the following:

“**8.** The prohibitions referred to in section 16 of the Act respecting threatened or vulnerable species (chapter E-12.01) do not apply to servicing activities of Hydro-Québec’s power line network or of road infrastructures by the Minister responsible for the administration of the Act respecting roads (chapter V-9).

In addition, the prohibitions referred to in section 17 of the Act respecting threatened or vulnerable species do not apply to servicing activities of Hydro-Québec’s power line network carried out in a plant habitat to the extent that they are carried on without jeopardizing the viability of the threatened or vulnerable species present therein and the components of the surroundings that ensure their survival.

For the purposes of this section, servicing activities include inspections, reconstruction, repairs and control of vegetation, and are carried out on the infrastructure concerned or in its right of way, as well as the cutting of trees or shrubs that could accidentally come in contact with electrical wires, without further impact on the natural environment.

Access to infrastructures concerned by servicing carried on in accordance with this section must be by existing roads, where they exist.”.

5. Section 9 is amended by striking out “overhead”.

6. The following is inserted after section 9:

**“DIVISION V.1
MONETARY ADMINISTRATIVE PENALTIES**

9.1. A monetary administrative penalty of \$500 in the case of a natural person and \$2,500 in any other case may be imposed on anyone who violates a condition provided for in any of subparagraphs 1, 5 or 6 of the second paragraph of section 4 for the transplantation of wild leek plants.

9.2. A monetary administrative penalty of \$750 in the case of a natural person and \$3,500 in any other case may be imposed on anyone who

(1) violates a condition provided for in any of subparagraphs 2, 3 or 4 of the second paragraph of section 4 for the transplantation of wild leek plants;

(2) does not use an existing road, where one exists, to access infrastructures concerned by servicing carried on in accordance with the first or second paragraph of section 8, in contravention of the fourth paragraph of this section.

**DIVISION V.2
PENAL SANCTIONS**

9.3. Anyone who contravenes any of subparagraphs 1, 5 or 6 of the second paragraph of section 4 commits an offence and is liable to a fine of \$2,500 to \$250,000 in the case of a natural person or \$7,500 to \$1,500,000 in any other case.

9.4. Anyone who contravenes any of subparagraphs 2, 3 or 4 of the second paragraph of section 4 or the fourth paragraph of section 8 commits an offence and is liable to a fine of \$4,000 to \$250,000 in the case of a natural person or \$12,000 to \$1,500,000 in any other case.”.

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

106325

Gouvernement du Québec

O.C. 989-2023, 14 June 2023

Dam Safety Act
(chapter S-3.1.01)

Act respecting certain measures enabling
the enforcement of environmental
and dam safety legislation
(chapter M-11.6)

**Dam Safety
— Amendment**

Regulation to amend the Dam Safety Regulation

WHEREAS, under the first paragraph of section 2.3 of the Dam Safety Act (chapter S-3.1.01), the classification of dams provided for in section 2.2 of the Act is effected and reviewed by the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks in accordance with the conditions determined by government regulation;

WHEREAS, under the third paragraph of section 6 of the Act, the Government may, by regulation, determine the other information or documents to be submitted with an application for authorization;

WHEREAS, under the third paragraph of section 7 of the Act, the Government may, by regulation, determine the other information or documents that must be submitted with an application for approval;

WHEREAS, under the second paragraph of section 14 of the Act, the classification of every high-capacity dam is to be effected and kept current by the Minister according to the conditions and using the methods and parameters determined by the Government by regulation, including dam type, location, dimensions, impounding capacity, age, condition and consequences of dam failure for persons and property;

WHEREAS, under section 15 of the Act, the Government is to determine, by regulation, the safety standards applicable to high-capacity dams and, in particular, flood and earthquake resistance standards;

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 by an engineer to assess its safety in terms of good practice and regulatory safety standards;

WHEREAS, under the first paragraph of section 17 of the Act, in addition to forwarding the safety review required under section 16 of the Act to the Minister within the time fixed by the Government by regulation, the dam owner must forward for approval, within the same time, an outline of the remedial measures the owner intends to take and an implementation schedule;

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 by an engineer according to the conditions and within the time fixed by the Government by regulation, and must keep the management plan current;

WHEREAS, under the second paragraph of section 19 of the Act, in addition, the owner of the works must, in collaboration with the emergency preparedness authorities and in compliance with the conditions and time limits fixed by the Government by regulation, prepare and keep current an emergency action plan;

WHEREAS, under section 20 of the Act, every high-capacity dam must be monitored and maintained on a regular basis to ensure the timely detection and correction of any deficiency and to maintain the works in good repair, and the Government may, by regulation, determine the conditions applicable to the monitoring of the works, including monitoring frequency and the qualifications required of the persons who perform the monitoring;

WHEREAS, under the first paragraph of section 21 of the Act, a register for every high-capacity dam must be established, and kept current, in which the results of the observations and monitoring performed under section 20 of the Act and all other information as may be required by the Government by regulation are recorded;

WHEREAS, under the first paragraph of section 22.1 of the Act, in the cases and on the conditions it determines, the Government may, by regulation, exempt from any provision of Division III of Chapter II of the Act any set of high-capacity dams that have the common characteristics that the Government determines;

WHEREAS, under the third paragraph of section 29 of the Act, the Government, by regulation, is to determine the information to be contained in and the documents to be submitted with the declaration concerning the construction, structural alteration or removal of any low-capacity dam;

WHEREAS, under the second paragraph of section 31 of the Act, the Government, by regulation, is to prescribe the information to be recorded in the register, including the location, characteristics and classification of the dams, the documents it must contain and the conditions and time limits to be respected by the owners of the works in forwarding the information or documents to the Minister;

WHEREAS, under the third paragraph of section 31 of the Act, the Government, by regulation, is to determine the manner in which the register is to be made available to the public and the regulation is to also prescribe the procedure for the forwarding, to the local municipalities, regional county municipalities, urban communities or the Kativik Regional Government, of any information or document contained in the register concerning a dam situated in their territory;

WHEREAS, under subparagraph 3.1 of the first paragraph of section 36 of the Act, in addition to the other regulatory powers provided for in the Act, the Government may make regulations prescribing, in the cases it determines, the use of forms made available by the Minister;

WHEREAS, under subparagraph 5 of the first paragraph of section 36 of the Act, in addition to the other regulatory powers provided for in the Act, the Government may make regulations determining the annual fees payable to the Minister by dam owners to cover the costs incurred in the administration of the Act and the regulations, or the method and criteria to be used to calculate the fees, and determining the terms and conditions of payment;

WHEREAS, under subparagraph 6 of the first paragraph of section 36 of the Act, in addition to the other regulatory powers provided for in the Act, the Government may make regulations prescribing the time within which the Minister must make a decision pursuant to section 5, 7, 17 or 23 of the Act;

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, any of the parameters mentioned in the second paragraph of section 14 of the Act or the classes of dam owners that may otherwise be established by the provisions, and specify the conditions in which and time limits within which the provisions may be applied to existing works;

WHEREAS, under the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6), the Government may, in a regulation made in particular under the Dam Safety Act, specify that failure to comply with a provision of the regulation may give rise to a monetary administrative penalty, the regulation may set out the conditions for applying the penalty and determine the amounts or the methods for calculating them and the amounts may vary in particular according to the extent to which the standards have been violated;

WHEREAS, under the first paragraph of section 45 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation, the Government may determine the provisions of a regulation the Government has made in particular under the Dam Safety 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, 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 22 February 2023 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, the Fight Against Climate Change, Wildlife and Parks:

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

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Dam Safety Regulation

Dam Safety Act

(chapter S-3.1.01, s. 2.3, 1st par., s. 6, 3rd par., s. 7, 3rd par., s. 14, 2nd par., ss. 15, 16, 17, 1st par., s. 19, 1st and 2nd pars., ss. 20, 21, 1st par., s. 22.1, 1st par., s. 29, 3rd par., s. 31, 2nd and 3rd pars., s. 36, 1st par., subpars. 3.1, 5 and 6, and s. 37)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6, s. 30, 1st par. and s. 45, 1st par.)

1. The Dam Safety Regulation (chapter S-3.1.01, r. 1) is amended in section 4,

(1) in the first paragraph,

(a) by replacing “structures” in the definition of “project” by “dams”;

(b) by striking out the definition of “existing dam”;

(c) by inserting the following definitions in alphabetical order:

“associated dam” means a high-capacity dam whose failure consequence category is “very low” or “low” and is located on the rim of the same reservoir as a high-capacity dam whose failure consequence category is equal to or greater than “moderate”; (*barrage associé*)”

“newly listed dam” means a dam previously unknown to the Minister that is newly listed in the register of dams referred to in Chapter II; (*barrage nouvellement répertorié*)”

“dam newly classified as a high-capacity dam” means a dam classified as a high-capacity dam following a review of its classification conducted by the Minister pursuant to section 2.3 of the Act and Chapter II.1 of this Regulation; (*barrage nouvellement catégorisé à forte contenance*)”

“crest” means the upper part of the dam that impounds water or protects the supports adjacent to the dam; (*crête*)”.

(2) by striking out the second paragraph.

2. The following is inserted after section 4:

4.1. The owner of a dam must, within 30 days of receiving a request from the Minister, send the Minister the owner’s complete contact information, including a telephone number and email address.

4.2. Realistic and prudent assumptions and methods based on good practice must be used to perform the estimates and calculations required pursuant to this Regulation.”.

3. Section 5 is amended

(1) in the first paragraph

(a) by replacing “and the particulars of its location” in subparagraph 1 by “, the particulars of its location and, if applicable, the name of the project of which the dam is part”;

(b) by striking out “discharge capacity, in the case of a high-capacity dam,” in subparagraph 6;

(c) by striking out “, reference to any upstream or downstream structures and, where a dam is part of a project, reference to the other structures forming part of the project”, in subparagraph 6;

(d) by adding the following subparagraph at the end:

“(9) the classification of the dam.”;

(2) in the second paragraph

(a) by replacing “4” in the part preceding subparagraph 1 by “2.2”;

(b) by inserting “where applicable,” at the beginning of subparagraph 3;

(3) by striking out the third paragraph.

4. Section 6 is amended

(1) by replacing “ouvrage” in the French text of the first paragraph by “barrage”;

(2) by striking out the second paragraph.

5. Section 7 is amended by striking out the second paragraph.

6. Section 8 is replaced by the following:

“**8.** The information in the register, except the name and address of the dam owner if the owner is a natural person, shall be accessible on the website of the Ministère du Développement durable, de l’Environnement et des Parcs.”.

7. The following is inserted, after section 8:

“**CHAPTER II.1**
DAM CLASSIFICATION”

8.1. Dams must be classified by the Minister according to the classes listed in section 2.2 of the Act.

The Minister classifies or, as the case may be, reviews the classification of a dam in the following circumstances:

(1) when a dam is newly listed;

(2) when the Minister issues an authorization under section 5 of the Act;

(3) after receiving a declaration under section 29 of the Act;

(4) following a site visit by an inspector or investigator;

(5) when information brought to the Minister’s attention by a third party justifies a review;

(6) at any time following a request by the dam owner, supported by a report or study made under the responsibility of an engineer or another justifying document.”.

8. Section 9 is amended by replacing “Every” by “For the purposes of section 14 of the Act, every”.

9. Section 10 is amended by replacing the second paragraph by the following:

“A dam may only be classified as a Class E dam if all the following conditions are met:

(1) the dam failure consequence category is “very low”;

(2) the “P” value determined under section 9 is less than 70;

(3) the owner requests such a classification and files, in support, a report or a study prepared under the responsibility of an engineer.”.

10. Section 11 is replaced by the following:

“**11.** Subject to section 74, the classification and classification parameters for a dam are determined or reviewed by the Minister, in the following circumstances:

(1) when a dam is newly listed;

(2) when the Minister issues an authorization under section 5 of the Act;

(3) when the Minister issues an approval under section 17 of the Act;

(4) following a dam failure analysis or dam safety review;

(5) following a site visit by an inspector or investigator;

(6) when information brought to the Minister's attention by a third person justifies a review;

(7) when the correction of an error in writing or calculation or any other clerical error affecting the classification or classification parameters justifies a review;

(8) annually when updating the dam age;

(9) at any time following a request by the dam owner, supported by a report or study made under the responsibility of an engineer or another justifying document.”.

11. Section 12 is amended by adding “referred to in section 13 or section 14, as the case may be” at the end.

12. Section 15 is amended

(1) by replacing “rating given to any section” in the first paragraph by “reliability rating given to any discharge facility”;

(2) in the second paragraph

(a) by replacing “structures” by “dams”;

(b) by replacing “rating given to any such dam or to a section of one of those dams” by “reliability rating given to all the discharge facilities for the various dams”.

13. Section 19 is revoked.

14. Section 20 is amended by replacing “with an earth-fill or rockfill component that” in the definition of “erodible dam” by “one of the components of which, including the supports of the dam,”.

15. Section 21 is amended by striking out “des dispositions” in the French text;

16. Section 21.1 is amended

(1) in the first paragraph

(a) by replacing “A dam’s” by “Subject to sections 22 and 24, a dam’s”;

(b) by replacing “certifies” by “demonstrates”;

(c) by replacing “section 19” by “sections 16 to 18”;

(2) by replacing “The engineer’s certificate” in the second paragraph by “The demonstration by the engineer”.

17. Section 22 is amended by inserting “total available” after “to the” in subparagraph 2 of the first paragraph.

18. Section 25 is amended

(1) in the first paragraph

(a) by inserting “of one or more sections” after “crest”;

(b) by replacing “susceptible” in the French text by “susceptibles”;

(c) by striking out “to the Minister’s satisfaction”;

(d) by striking out “all”;

(2) by replacing “The factors that the Minister shall consider” in the second paragraph by “The factors considered”.

19. Section 26 is amended by replacing the second paragraph by the following:

“The first paragraph applies only to new construction or reconstruction projects.”.

20. Section 27 is replaced by the following:

“27. Every dam must be designed to remain stable when a safety check flood occurs and manage that flood safely.”.

21. Section 30 is replaced by the following:

“30. Subject to section 76, an impounded water management plan must be drawn up for every dam or project, before its commissioning, by its owner, taking into account the dams located on the rim of the same reservoir and belonging to another person, except

(1) dams whose failure consequence category is “very low” or “low” and which are not associated dams;

(2) dams on which the only discharge facility is a free weir; and

(3) dams for which an engineer demonstrates that it is not necessary to manoeuvre the dam discharge facilities during floods.

The plan must describe all the measures that will be taken by the owner to manage the impounded water safely, in particular during situations likely to imperil the safety of persons or property located upstream or downstream of the dam, except those covered by the emergency action plan.

The plan must, in particular, include the following information:

(1) a description of the hydrographical network upstream and downstream of the dam, including flood estimates and the catchment basin lag time as well as, where applicable, reference to other structures in the network that may affect the operation of the dam or whose operation the dam may affect and a quantification of any such impact;

(2) the operational constraints relating to the safety of persons or property located upstream or downstream of the dam during normal operation and during floods;

(3) the full supply level;

(4) the flow and level of the safety check flood;

(5) the level or depth at which the reservoir overflows at its lowest point;

(6) the reservoir storage curve, if available;

(7) the discharge curve, depending on the water level;

(8) if there are any inhabited areas near the dam, the upstream and downstream flood limits;

(9) a description of the measures that will be taken by the owner to manage the impounded water, in particular when the flow reaches the lower flood level, that is, the flow at which property may be affected by the discharged water;

(10) where applicable, a description of the communications strategy for providing information on hazards to the civil protection authorities, other dam owners in the hydrographic system, enterprises, and inhabitants who will ultimately be affected by the implementation of the impounded water management plan.”.

22. Section 33 is amended

(1) in the first paragraph

(a) by replacing “a summary of the plan as drawn up or amended” by “the plan as drawn up or amended or a summary of the plan”;

(b) by replacing “plan summary” by “plan or summary”;

(2) in the second paragraph

(a) by replacing “second” by “third”;

(b) by replacing “provision” by “paragraph” at the end.

23. Section 34 is revoked.

24. Section 35 is amended

(1) by replacing the first sentence of the first paragraph by “Subject to section 77, an emergency action plan must be drawn up before the commissioning of any dam whose failure consequence category is equal to or greater than “moderate”.”;

(2) in the second paragraph

(a) by replacing “infrastructures that would be destroyed or severely damaged” in subparagraph 3 by “characteristics of the area”;

(b) by replacing subparagraph 5 by the following:

“(5) a description of the safety devices with which the dam is equipped and of the monitoring and warning procedures in the event of an actual or imminent dam failure that have been established by the owner, including

(a) a description of the emergency systems, emergency detector systems and back-up systems;

(b) a description of the prevention, potential dam failure detection and mitigation measures established by the owner;

(c) warning and dam personnel mobilization procedures for the various conditions that may lead to a dam failure;

(d) the procedure for warning civil protection authorities and, where applicable, residents; and

(e) the operation and decision centre.”.

25. Section 39 is amended

(1) in the first paragraph

(a) by replacing “a summary of the plan as drawn up or amended” by “the plan as drawn up or amended or a summary of the plan”;

(b) by replacing “plan summary” by “plan or summary”;

(c) by striking out the last sentence;

(2) in the second paragraph

(a) by replacing “c and d” by “d and e”;

(b) by replacing “a and b” by “b and c”;

(c) by replacing “provision” by “paragraph”.

26. Section 40 is revoked.

27. Section 41 is amended

(1) by replacing “Every” by “Subject to section 79, every”;

(2) by adding the following paragraph at the end:

“For the purposes of this section, the word “year” refers to a calendar year.”.

28. The following is inserted after section 42:

“42.1. Not later than 31 March in the calendar year following the year during which a site inspection or inspection is carried out, the person responsible for the inspection activity must file a detailed written report containing, in particular,

(1) the name and contact information of the person responsible for the inspection activity;

(2) the date of the inspection activity;

(3) a description of the observations made during the inspection activity concerning, in particular, the water level, the temperature, the condition of the dam and its discharge facilities, and the presence of deficiencies or other particularities;

(4) the photographs taken during the inspection activity; and

(5) a checklist of the elements of the dam that must be monitored.

In addition to the information listed in the first paragraph, an inspection report must mention all checks, monitoring and analysis conducted pursuant to the second paragraph of section 42.”.

29. Section 43 is amended

(1) by replacing “Notwithstanding section 42, the monthly site inspections may be omitted for” by “Where the frequency established pursuant to section 41 requires site visits to be conducted during”;

(2) by inserting “, the visits may be moved to another date in the same calendar year” after “inclusively”.

30. Section 44 is amended in the first paragraph

(1) by replacing “paragraph 1 of section 48” by “subparagraph 1 of the third paragraph of section 48”;

(2) by striking out “, paragraph 1 of section 49.0.1”.

31. Section 45 is amended, in the part preceding paragraph 1,

(1) by replacing “Class A, Class B or Class C” by “Class A or Class B dam, and of a Class C dam whose failure consequence category is equal to or greater than “High”,”;

(2) by striking out “or under their supervision”.

32. Section 46 is amended

(1) by replacing “Every” in the first paragraph by “Subject to section 80, every”;

(2) in the second paragraph

(a) by inserting “the following documents and information” after “contain” in the part preceding subparagraph 1;

(b) by replacing subparagraph 1 by the following:

“(1) the reports resulting from monitoring activities;”;

(c) by inserting “or a copy” after “description” in subparagraph 2;

(3) in the third paragraph

(a) by striking out “, where applicable,” in the part preceding subparagraph 1;

(b) by inserting “the following information, if available:” after “contain” in the part preceding subparagraph 1;

(4) by striking out the fourth paragraph.

33. The following is inserted before section 48:

“47.1. A dam safety review must be carried out for every dam whose failure consequence category is equal to or greater than “moderate” and every associated dam.”.

34. Section 48 is replaced by the following:

“48. Whatever the failure consequence category entered in the register of dams, an engineer who carries out a dam safety review pursuant to section 47.1 must begin by carrying out an assessment of the dam’s failure consequence category pursuant to section 18.

If the assessment of the dam’s failure consequence category pursuant to section 18 demonstrates that the failure consequence category is “very low” or “low” and if the dam is not an associated dam, the dam owner must send the dam failure analysis to the Minister, together with a request for a review of classification in accordance with section 11.

If the assessment of the dam's failure consequence category pursuant to section 18 confirms that the failure consequence category is equal to or greater than "moderate" or if the dam is an associated dam, the dam safety review must include

(1) checking the condition and behaviour of the dam by means of

(a) an inspection of every structural component;

(b) an analysis of the compiled results of every inspection activity carried out since the last safety review or, in the absence of such a review, during the period considered appropriate by the engineer in charge of the review;

(c) where applicable, a check of the instrumentation and an analysis of the readings since the last safety review or, in the absence of such a review, during the period considered appropriate by the engineer in charge of the review; and

(d) a check of the functionality and reliability of the discharge facilities;

(2) verifying the dam design by means of

(a) a reappraisal of the design criteria, namely the data, assumptions and analysis methods considered at the time of dam design, in particular with reference to hydrology, hydraulics, structure, discharge capacity and flood routing; and

(b) a validation of the stability of the dam and foundation, including the data and assumptions used to rule on the stability of the dam structure and foundation based on the design criteria current at the time of the dam safety review for the types of failure likely to occur;

(3) analyzing the topography of the reservoir rim;

(4) reviewing the dam's classification;

(5) drawing up or reviewing the impounded water management plan, if such a plan must be drawn up for the dam concerned in accordance with subdivision 1 of Division III; and

(6) drawing up or reviewing the emergency action plan, if such a plan must be drawn up for the dam concerned in accordance with subdivision 2 of Division III."

35. Section 49 is amended

(1) in the first paragraph

(a) by adding "applicable" at the end of subparagraph 5;

(b) by adding " , unless the dam failure consequence category is "very low" or "low"" at the end of subparagraph 5.1;

(c) by replacing subparagraph 6 by the following:

"(6) the stability calculations and geotechnical data required to support the opinions referred to in subparagraphs 5 and 5.1, taking into account the validation referred to in subparagraph *b* of subparagraph 2 of the third paragraph of section 48, unless the dam failure consequence category is "very low" or "low";

(6.1) the results of the analysis of the topography of the reservoir rim;";

(d) by replacing "if applicable, the recommendations of the engineer in charge" in subparagraph 8 by "the opinion of the engineer in charge concerning the need for remedial work to ensure the dam's safety and, if applicable, the engineer's recommendations";

(e) by striking out "to ensure the dam's safety" in subparagraph 8;

(f) by replacing "if applicable," in subparagraph 9 by "if remedial work is required to ensure the dam's safety,";

(2) by striking out "as established by the Commission de toponymie," in subparagraph 1 of the second paragraph;

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

"Where an impounded water management plan or emergency action plan must be drawn up for the dam in accordance with Division III, the dam's owner must also append to the report a notice stating that the plans have been drawn up or reviewed and indicating the authority to which the plans or a summary of the plans have been sent in accordance with section 33 or 39."

36. Sections 49.0.1 and 49.0.2 are revoked.

37. Section 50 is amended

(1) in the first paragraph

(a) by replacing "every 10 years" by "not later than 31 December of the tenth calendar year following the year in which the last review was carried out";

(b) by replacing "frequency is increased to 15 years and 20 years" by "interval is increased to the twentieth and fifteenth calendar year following the year in which the last review was carried out";

(c) by inserting “associated” after “for”;

(d) by replacing “Low and Very Low” by “Very Low and Low”;

(2) by replacing “structure” in the second paragraph by “dam”.

38. Section 51 is amended

(1) by replacing the first paragraph by the following:

“Subject to section 78, the first dam safety review must be conducted, and the resulting report sent to the Minister, not later than the following date:

(1) for a dam whose failure consequence category becomes equal to or greater than “moderate” following a review of the classification parameters pursuant to section 11, 31 December of the fifth calendar year following the year in which the owner is informed of a change in either its failure consequence category or its classification;

(2) for a dam whose failure consequence category is “very low” or “low” and which becomes an associated dam, 31 December of the fifth calendar year following the year in which the owner is informed that the dam has become an associated dam;

(3) for any other dam, 31 December of the tenth calendar year following the year of completion of construction work on the dam. However, the interval is increased, respectively, to the twentieth and fifteenth calendar year following the year of completion of construction work on the dam for associated dams whose failure consequence category is “very low” or “low”.”;

(2) in the second paragraph

(a) by striking out “dam commissioning and the year of”;

(b) by replacing “are the years” by “is the year”.

39. Section 52 is replaced by the following:

“**52.** The description of the remedial work that the dam owner intends to carry out to make the dam safe in accordance with good practice and the minimum safety standards, together with the implementation schedule forwarded by the owner pursuant to section 17 of the Act, must be sent to the Minister for approval at the same time as the report on the dam safety review.

The Minister’s decision under section 17 concerning the remedial work that the owner intends to carry out and of the implementation schedule must be rendered within 6 months from the date on which the file on the safety review and the application for approval of the description of remedial work and the implementation schedule is complete.”.

40. Section 56 is amended by replacing “within 4 months after receipt of the proposal” by “not later than 4 months after the date on which the file on the application is complete”.

41. Section 57 is replaced by the following:

“**57.** In addition to the plans and specifications and the certificate required under section 6 of the Act, the following information and documents must be submitted with an application for authorization for the construction of a dam or for a structural alteration that affects all parts of the dam or that, because of the scope of the work, is equivalent to reconstructing the dam:

(1) the appropriate hydrological and hydraulic studies;

(2) a recommendation from the engineer responsible for the dam project plans and specifications in respect of the failure consequence category for the dam, to which is appended the dam failure analysis, rough mapping or characterization required under section 18 for the consequence category the engineer considers appropriate for the dam to be constructed;

(3) confirmation that emergency preparedness procedures are provided for in the event of the failure of the dam or of other temporary structures during the construction work referred to in the application, if an emergency action plan is required under subdivision 2 of Division III for the dam to be constructed;

(4) the structural and foundation stability studies for the dam to be constructed, including the calculations on which they are based, carried out in accordance with good practice and the minimum safety standards applicable, and assessing possible failure modes;

(5) the opinion of the engineer in charge concerning 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”;

(6) the geotechnical studies required to support the studies and opinion referred to in subparagraphs 4 and 5 of this paragraph, unless the dam failure consequence category is “very low” or “low”;

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

(8) 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;

(9) detailed cost estimates for the planned work;

(10) a recommendation from the engineer in charge concerning the classification of the dam following the work;

(11) a notice stating that an impounded water management plan has been drawn up or reviewed and indicating the authority to which the plan or a summary of the plan has been sent in accordance with section 33 if, pursuant to subdivision 1 of Division III, such a plan must be drawn up for the dam;

(12) a notice stating that the emergency action plan has been drawn up or reviewed and indicating the authority to which the plan or a summary of the plan has been sent in accordance with section 39 if, pursuant to subdivision 2 of Division III, such a plan must be drawn up for the dam.”.

42. Section 58 is replaced by the following:

“**58.** In addition to the plans and specifications and the certificate required under section 6 of the Act, the following information and documents adapted and prepared specifically in relation to the proposed alteration must be submitted with an application for authorization for a structural alteration to a dam whose failure consequence category is equal to or greater than “moderate” or of an associated dam, other than one referred to in section 57:

(1) the structural and foundation stability studies for the dam, including the calculations on which they are based, carried out in accordance with good practice and the minimum safety standards applicable, and assessing possible failure modes;

(2) the opinion of the engineer in charge concerning 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) the geotechnical studies required to support the studies and opinion referred to in subparagraphs 1 and 2 of this paragraph, unless the dam failure consequence category is “very low” or “low”;

(4) confirmation that emergency preparedness procedures are provided for in the event of the failure of the dam or of other temporary structures during the construction work referred to in the application, if an emergency action plan is required under subdivision 2 of Division III for the dam;

(5) if the proposed structural alteration would enlarge the area affected by a dam failure, the recommendation of the engineer responsible for drawing up the plans and specifications for the proposed alteration in respect of the dam failure consequence category, to which is appended the dam failure analysis, rough mapping or characterization required under section 18 for the consequence category the engineer considers appropriate for the dam;

(6) detailed cost estimates for the planned work;

(7) a recommendation from the engineer in charge concerning the classification of the dam following the work;

(8) a notice stating that the emergency action plan has been reviewed and indicating the authority to which the plan or a summary of the plan has been sent in accordance with section 39, if such a plan must be drawn up for the dam and if the completion of the project covered by the application for authorization will enlarge the area affected by a dam failure.

In addition to the information and documents referred to in the first paragraph, if the structural alteration would change the safety check flood, the impounding capacity, the full supply level or the discharge capacity of the dam, the following documents must also be appended to the application for authorization:

(1) the appropriate hydrologic and hydraulic studies;

(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) a notice from the owner or the engineer in charge stating that an impounded water management plan has been drawn up or reviewed and indicating the authority to which the plan or a summary of the plan has been sent in accordance with section 33 if, pursuant to subdivision 1 of Division III, such a plan must be drawn up for the dam.”.

43. The following is inserted after section 58:

“**58.1.** In addition to the plans and specifications and the certificate required under section 6 of the Act, the following information and documents adapted and prepared specifically in relation to the proposed alteration must be submitted with an application for authorization for the structural alteration of a dam whose failure consequence category is “very low” or “low”, as indicated in the register, and that is not an associated dam, that is not an alteration under section 57:

- (1) a recommendation from the engineer in charge concerning the classification of the dam following the work;
- (2) the opinion of the engineer in charge concerning the stability of the dam and its foundation taking the nature of the proposed work into account;
- (3) detailed cost estimates of the proposed work.

In addition to the information and documents referred to in the first paragraph, if the structural alteration would change the safety check flood, the impounding capacity, the full supply level or the discharge capacity of the dam, the following documents must also be appended to the application for authorization:

- (1) the appropriate hydrologic and hydraulic studies;
- (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.”

44. Section 59 is amended by striking out subparagraph 3 of the first paragraph.

45. Section 60 is amended by replacing paragraph 4 by the following:

“(4) a notice stating that an impounded water management plan has been drawn up or reviewed and indicating the authority to which the plan or a summary of the plan has been sent in accordance with section 33 if, pursuant to subdivision 1 of Division III, such a plan must be drawn up for the dam.”

46. Section 62 is amended by replacing “9” in the third paragraph by “7”.

47. Section 69 is amended by striking out the second paragraph.

48. Section 70 is amended by adding “or by means of an electronic payment” at the end.

49. Section 72 is replaced by the following:

“**72.** A declaration of the construction or structural alteration of a dam must contain

- (1) the name and address of the owner and the particulars of the dam location, including geographic coordinates;
- (2) the impounding capacity of the dam following the work;
- (3) the height of the dam following the work;
- (4) the project description;
- (5) an attestation from the engineer responsible for the plans and specifications stating that the dam will be or will remain in the class of low-capacity dams following the work; and
- (6) the name of the engineer responsible for the plans and specifications, and the member’s membership number in the Ordre des ingénieurs du Québec.

The owner or promoter required to send the declaration referred to in the first paragraph to the Minister must use the appropriate form available on the website of the Minister’s department.”

50. Section 73 is amended by adding the following paragraph at the end:

“The owner or promoter required to send the declaration referred to in the first paragraph to the Minister must use the appropriate form available on the website of the Minister’s department.”

51. The heading of Chapter V is amended by replacing “EXISTING HIGH-CAPACITY DAMS” by “NEWLY LISTED HIGH-CAPACITY DAMS AND DAMS NEWLY CLASSIFIED AS HIGH-CAPACITY DAMS”.

52. Sections 74 and 75 are replaced by the following:

“74. The Minister classifies all newly listed dams or dams newly classified as high-capacity dams in accordance with Division I of Chapter III, subject to the provision that the dam’s failure consequence category is determined on the basis of a prudent inventory of the characteristics of the area that would be affected by a dam failure.”.

75. Every newly listed dam or dam newly classified as a high-capacity dam with characteristics that do not comply with the minimum safety standards applicable to it pursuant to Division II of Chapter III must be brought into conformity with those standards not later than the earlier of

(1) the date on which the dam undergoes a structural alteration that affects all parts of the dam or that, because of the scope of the work, is equivalent to reconstructing the dam; and

(2) in the case of a dam whose failure consequence category is equal to or greater than “moderate”, or in the case of an associated dam, the completion date stated in the outline of remedial measures and implementation schedule approved by the Minister under section 17 of the Act.

In addition, if structural alterations other than those referred to in subparagraph 1 of the first paragraph are made to a dam whose failure consequence category is equal to or greater than “moderate” or to an associated dam before either of those dates, the dam must be brought into conformity with the various minimum safety standards applicable to the work, to the parts of the dam or to the characteristics of the dam being altered or affected by the alterations to the structure of the dam.”.

53. Section 76 is amended

(1) in the first paragraph

(a) by replacing “an existing dam” in the part preceding subparagraph 1 by “a newly listed dam or a dam newly classified as a high-capacity dam”;

(b) by replacing “structure” in subparagraph *a* of subparagraph 2 by “dam”;

(2) by inserting by the following paragraph after the first paragraph:

“The owner must also, as soon as possible after the impounded water management plan is drawn up, send the plan or a summary of the plan to the local municipality within whose territory the dam is located or, in the case of an unorganized territory, the competent regional authority or the Minister of Public Security, in accordance with section 33.”;

(3) in the second paragraph

(a) by replacing “An impounded water management plan summary” by “A notice stating that an impounded water management plan”;

(b) by replacing “under the second paragraph of section 33” by “has been drawn up and indicating the authority to which the plan or a summary of the plan has been sent in accordance with the second paragraph”;

(c) by replacing “as the case may be” by “where applicable”.

(4) by striking out the third paragraph.

54. Section 77 is amended

(1) in the first paragraph

(a) by replacing “an existing dam” in the part preceding subparagraph 1 by “a newly listed dam or a dam newly classified as a high-capacity dam”;

(b) by replacing “structure” in subparagraph *a* of subparagraph 2 by “dam”;

(2) by replacing the second and third paragraphs by the following paragraphs:

“The owner must also, as soon as possible after the emergency action plan is drawn up, send the plan or a summary of the plan to the local municipality within whose territory the dam is located or, in the case of an unorganized territory, to the competent regional authority or the Minister of Public Security, in accordance with section 39.

A notice stating that an emergency action plan has been drawn up and indicating the authority to which the plan or a summary of the plan has been sent in accordance with the second paragraph must be appended either to the first dam safety review or to the application for authorization referred to in subparagraph 2 of the first paragraph.”.

55. Sections 78, 79 and 80 are replaced by the following:

“**78.** The first dam safety review of a newly listed dam or a dam newly classified as a high-capacity dam must be conducted, and the attendant report sent to the Minister, before 31 December of the fifth calendar year following the year in which the owner is informed of its entry in the register or the entry of its new classification in the register, if such a review is required under section 47.1 for the dam concerned.

79. The first inspection activity on a newly listed dam or a dam newly classified as a high-capacity dam must be conducted not later than three months after the date on which the dam’s owner is informed of its entry in the register or the entry of its new classification in the register.

80. Within 30 days from the date on which the owner of a newly listed dam or a dam newly classified as a high-capacity dam is informed of its entry in the register or the entry of its new classification in the register, the owner must establish a logbook and enter in the logbook the actions that have been taken and the significant events that have occurred since the dam was commissioned, to the best of the owner’s knowledge.

The owner must update the logbook in accordance with section 46 from the date on which it is established.”

56. Section 81, the heading of Chapter VI and section 82 are replaced by the following:

**“CHAPTER V.1
ADMINISTRATIVE AND PENAL PROVISIONS**

**DIVISION I
MONETARY ADMINISTRATIVE PENALTIES**

81. A monetary administrative penalty of \$250 in the case of a natural person or \$1,000 in other cases may be imposed on any person who

(1) fails to send a notice, information or a document, or to comply with the time limits and procedure for producing or sending a notice, information or a document, in contravention of section 4.1, 6, 33 or 39 or with the second or third paragraph of section 76 or 77;

(2) fails to inform the Minister of any change affecting information entered in the register or to send a document or information to the Minister within the time prescribed by section 7, in contravention of that section;

(3) fails to establish, keep or maintain the register provided for in section 21 of the Act, in contravention of section 46 or 80;

(4) fails to comply with a provision of this Regulation for which no monetary administrative penalty is otherwise provided for.

82. A monetary administrative penalty of \$500 in the case of a natural person or \$2,500 in other cases may be imposed on any person who

(1) fails to comply with the number, frequency or time limits for the inspection activities provided for in section 41 or 79;

(2) fails to produce a report containing the information prescribed by section 42.1 in accordance with the conditions set out in that section.

**DIVISION II
PENAL SANCTIONS**

82.1. Every person who

(1) fails to send a notice, information or a document, or to comply with the time limits and procedure for producing or sending a notice, information or a document, in contravention of section 4.1, 6, 33 or 39 or with the second or third paragraph of section 76 or 77,

(2) fails to inform the Minister of any change affecting information entered in the register or to send a document or information to the Minister within the time prescribed by section 7, in contravention of that section,

(3) fails to establish, keep or maintain the register provided for in section 21 of the Act, in contravention of section 46 or 80,

(4) fails to comply with a provision of this Regulation for which no offence is otherwise provided for,

is liable, in the case of a natural person, to a fine of \$1,000 to \$100,000 or, in other cases, to a fine of \$3,000 to \$600,000.

82.2. Every person who

(1) fails to comply with the number, frequency or time limits for the inspection activities provided for in section 41 or 79,

(2) fails to produce a report containing the information prescribed by section 42.1 in accordance with the conditions set out in that section,

is liable, in the case of a natural person, to a fine of \$2,500 to \$250,000 or, in other cases, to a fine of \$7,500 to \$1,500,000.

CHAPTER VII
FINAL”.**57.** Schedule II is amended

(1) by inserting the following in the “Dam types” section, placed by alphabetical order:

Rockfill - zoned
Impervious core 3

Rockfill - zoned (core) 3

(2) by inserting the following in the “Foundation types” section, after the line “Rock”:

“Core on treated rock 3”;

(3) by inserting the following in the “Foundation types” section, after the line “Treated till”:

“Core on rock 4”;

(4) by inserting the following in the “Foundation types” section, after the line “Till”:

“Core on till 5”;

(5) by inserting the following in the “Foundation types” section, after the line “Treated alluvial deposits”:

“Core on clay 8”.

58. Schedule V is amended

(1) by replacing the table “Characteristics of the affected area” by the following:

“SCHEDULE V
(s. 17)

CHARACTERISTICS OF THE AFFECTED AREA

Characteristics of the affected area		Consequence Category	
Population density		Extent of destroyed or severely damaged infrastructures and services	
Uninhabited area	OR	Area containing minimal infrastructures or services such as <ul style="list-style-type: none"> - another dam in the Very Low Consequence category - a resources access road - farmland - a commercial facility without accommodations 	Very Low
Occasionally inhabited area containing less than 10 cottages or seasonal residences	OR	Area containing limited infrastructures or services such as <ul style="list-style-type: none"> - another dam in the Low Consequence category - a local road 	Low
OR Area containing a commercial facility that provides accommodation for less than 25 persons or that has less than 10 accommodation units (i.e., 10 cottages, 10 campsites, 10 motel rooms)			
Permanently inhabited area containing less than 10 residences or occasionally inhabited and containing 10 or more cottages or seasonal residences	OR	Area containing moderate infrastructures or services such as <ul style="list-style-type: none"> - another dam in the Moderate Consequence category - a feeder road - a railway line (local or regional) - an enterprise with less than 50 employees - a main water intake upstream or downstream of the dam that supplies a municipality 	Moderate
OR			

Area containing a seasonal commercial facility that provides accommodation for 25 or more persons or that contains 10 or more accommodation units or that operates year-round and provides accommodation for less than 25 persons or has less than 10 accommodation units			
<p>Permanently inhabited area containing 10 or more residences and less than 1,000 residents</p> <p>OR</p> <p>Area containing a commercial facility that operates year-round and provides accommodation for 25 or more persons or has 10 or more accommodation units</p>	OR	<p>Area containing significant infrastructures or services such as</p> <ul style="list-style-type: none"> - another dam in the High Consequence category - a regional road - a railway line (transcontinental or transborder) - a school - an enterprise that has 50 to 499 employees 	High
Permanently inhabited area with a population of more than 1,000 and less than 10,000	OR	<p>Area containing major infrastructures or services such as</p> <ul style="list-style-type: none"> - another dam in the Very High Consequence category - an autoroute or national highway - an enterprise that has 500 or more employees - an industrial park - a dangerous substances storage site 	Very High

Permanently inhabited area with a population of 10,000 or more	OR	Area containing substantial infrastructures or services such as <ul style="list-style-type: none"> - another dam in the Severe Consequence category - a hospital - a major industrial complex - a large dangerous substances storage site 	Severe
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”

(2) by adding the following paragraph at the end: “For an infrastructure or service that does not match one of the types listed in the table above, an equivalency must be established with the type of infrastructure or service that, by analogy, provides the best match with the infrastructure or service under consideration.”.

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

106326

Gouvernement du Québec

O.C. 990-2023, 14 June 2023

Pesticides Act
(chapter P-9.3)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation
(chapter M-11.6)

Pesticides Management Code

Permits and certificates for the sale and use of pesticides

— Amendment

Regulation to amend the Pesticides Management Code and the Regulation to amend the Regulation respecting permits and certificates for the sale and use of pesticides

WHEREAS, under section 32 of the Pesticides Act (chapter P-9.3), the Government, by regulation, is to designate, among the classes of pesticides it establishes, those for which a permit or certificate is required and contents of the regulations may vary according to the factors referred to in section 101 of the Act;

WHEREAS, under section 101 of the Act, the content of the Pesticides Management Code (chapter P-9.3, r. 1) and of the other regulations may vary according to the nature, importance and extent of the activities carried on, the classes of persons carrying them on, the environment in which the activities are carried on, the means or systems used, the pesticides or classes of pesticides or the classes or subclasses of permits or certificates;

WHEREAS, under section 105 of the Act, the Government is to enact by regulation a Pesticides Management Code which may prescribe rules, restrictions or prohibitions respecting activities related to the distribution, sale, manufacture, acquisition outside Québec, possession, storage, transportation or use of any pesticide, pesticide container or any equipment used for any of those activities as well as to the management of any waste consisting in whole or in part of pesticides or contaminated by pesticides;

WHEREAS, under section 105.1 of the Act, the Pesticides Management Code (chapter P-9.3, r. 1) may require a person who stores pesticides of a determined category or in a determined quantity to subscribe civil liability insurance, the kind, extent, duration, amount and other applicable conditions of which are determined in the said Code, and to furnish thereof to the Minister;

WHEREAS, under section 106 of the Act, the Pesticides Management Code may cause any rule elaborated by another government or by a body to be mandatory and in addition, the code may cause any instructions of the manufacturer of a pesticide or of equipment used for any activity referred to in the code to be mandatory;

WHEREAS, under section 107 of the Act, the Government may prescribe that the contravention of the provisions of this code which it determines constitutes an offence;

WHEREAS, under subparagraphs 1, 3, 8, 10, 11, 11.2, 12 and 13 of the first paragraph of section 109 of the Act, in addition to its other regulation-making powers under the Act, the Government may, by regulation,

— establish classes of pesticides;