

Regulations and other Acts

Gouvernement du Québec

O.C. 1675-2023, 22 November 2023

Education Act
(chapter I-13.3)

Basic school regulation for preschool, elementary and secondary education
— **Amendment**

Regulation to amend the Basic school regulation for preschool, elementary and secondary education

WHEREAS, under the first paragraph of section 447 of the Education Act (chapter I-13.3), the Government may make regulations to be known as the “basic school regulation”;

WHEREAS, under subparagraph 4 of the third paragraph of section 447 of the Act, the basic school regulation may, in addition, establish rules on the evaluation of learning achievement and the certification of studies;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation to amend the Basic school regulation for preschool, elementary and secondary education was published in Part 2 of the *Gazette officielle du Québec* of 9 August 2023 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 458 of the Education Act, the draft Regulation was submitted to the Conseil supérieur de l'éducation for examination;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Education:

THAT the Regulation to amend the Basic school regulation for preschool, elementary and secondary education, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation to amend the Basic school regulation for preschool, elementary and secondary education

Education Act
(chapter I-13.3, s. 447, 1st par. and 3rd par., subpar. 4)

1. The Basic school regulation for preschool, elementary and secondary education (I-13.3, r. 8) is amended in section 34 by adding the following paragraph:

“In addition to what is provided for in the first paragraph, a mark of at least 50% must be obtained in each competency for French, language of instruction at the Secondary V level.”.

2. 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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Gouvernement du Québec

O.C. 1679-2023, 22 November 2023

Environment Quality Act
(chapter Q-2)

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

Charges payable for the use of water
— **Amendment**

Regulation to amend the Regulation respecting the charges payable for the use of water

WHEREAS, under subparagraph *e* of paragraph 16 of section 46 of the Environment Quality Act (chapter Q-2), the Government may, by regulation, regulate withdrawals of surface water or groundwater, in particular on the basis of its different uses, including the collection of groundwater whose use or distribution is governed by the Food Products Act (chapter P-29), in order to determine the cases in and conditions under which two or more existing or planned water withdrawals are deemed to constitute a single withdrawal owing to, among other things, the hydrologic interconnection of the waters concerned, the distance between the withdrawal sites or the intended use of the water withdrawn;

WHEREAS, under subparagraph *g* of paragraph 16 of section 46 of the Environment Quality Act, the Government may, by regulation, regulate withdrawals of surface water or groundwater, in particular on the basis of its different uses, including the collection of groundwater whose use or distribution is governed by the Food Products Act, in order to prescribe standards for the installation and maintenance of equipment or devices for determining the quality or quantity of water withdrawn from or returned to the environment;

WHEREAS, under subparagraph *l* of paragraph 16 of section 46 of the Environment Quality Act, the Government may, by regulation, regulate withdrawals of surface water or groundwater, in particular on the basis of its different uses, including the collection of groundwater whose use or distribution is governed by the Food Products Act, in order to prescribe the documents and information whoever makes or plans to make a water withdrawal is required to send the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks and the conditions governing their sending, including risk assessment studies of protection areas and studies or reports on the actual or potential individual or cumulative impacts of the withdrawal or planned withdrawal on the environment, on other users and on public health, and determine which of those documents and that information is public and must be made available to the public;

WHEREAS, under subparagraph 11 of the first paragraph of section 95.1 of the Environment Quality Act, the Government may make regulations to establish measures providing for the use of economic instruments, including tradeable permits, emission, effluent and waste-disposal fees or charges, advance elimination fees or charges, and fees or charges related to the production of hazardous residual materials or the use, management or purification of water, with a view to protecting the environment and achieving environmental quality objectives for all or part of the territory of Québec;

WHEREAS, under subparagraph 12 of the first paragraph of section 95.1 of the Environment Quality Act, the Government may make regulations to establish any rule that is necessary for or relevant to carrying out measures referred to in subparagraph 11 of the first paragraph of that section and that pertains, in particular, to the determination of persons required to pay the fees or charges referred to in that subparagraph, the conditions applicable to their collection and the interest and penalties payable if the fees or charges are not paid;

WHEREAS, under subparagraph 20 of the first paragraph of section 95.1 of the Environment Quality Act, the Government may make regulations to prescribe the

records, reports, documents and information to be kept and preserved by any person carrying on an activity governed by the Environment Quality Act or the regulations, prescribe the conditions governing their keeping, and determine their form and content and the conditions governing their preservation, in particular the period;

WHEREAS, under subparagraph 21 of the first paragraph of section 95.1 of the Environment Quality Act, the Government may make regulations to prescribe the reports, documents and information that must be provided to the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks by any person carrying on an activity governed by the Environment Quality Act or the regulations, and determine the terms and conditions governing their sending;

WHEREAS, under subparagraph 21.1 of the first paragraph of section 95.1 of the Environment Quality Act, the Government may make regulations to determine the information and documents that are public and, if applicable, the terms and conditions relating to their dissemination;

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 that Act and the Environment Quality Act, specify that failure to comply with a provision of the regulation may give rise to a monetary administrative penalty and it may set out the conditions for applying the penalty and determine the amounts or the methods for calculating them, which 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 in particular determine the provisions of a regulation the Government has made in particular under that Act and the Environment Quality 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 Regulation respecting the charges payable for the use of water was published in Part 2 of the *Gazette officielle du Québec* of 12 April 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 Regulation respecting the charges payable for the use of water, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the charges payable for the use of water

Environment Quality Act
(chapter Q-2, s. 46, par. 16, and s. 95.1, 1st par., subpars. 11, 12, 20, 21 and 21.1)

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

1. The Regulation respecting the charges payable for the use of water (chapter Q-2, r. 42.1) is amended in section 1 by replacing “distribution system” by “waterworks system”.

2. Section 2 is replaced by the following:

“measuring equipment” means a water meter or other device designed to measure and record a volume of water; (*équipement de mesure*)

“rated capacity” means the maximum effective capacity, according to the specifications of the builder or manufacturer of the withdrawal works, facility or equipment; (*capacité nominale*)

“waterworks system” means a waterworks system within the meaning of section 3 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1); (*système d’aqueduc*)

“withdrawal site” means a withdrawal site within the meaning of section 3 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact; (*site de prélèvement*).

For the purposes of this Regulation, is considered a use of water

- (1) any action for lowering or diverting groundwater;
- (2) any other withdrawal of water, even where the water is subsequently returned to its environment of origin.

3. Section 3 is amended

(1) by inserting the following after subparagraph 1 of the first paragraph:

“(1.1) the transportation of water by volume for commercial purposes, regardless of the means used and whether or not the water is intended for human consumption;”;

(2) by replacing ““North American Industry Classification System (NAICS) Canada 2007” published by Statistics Canada (Catalog no.12-501-XIF, 1998, ISBN 0-662-72948-X)” in the second paragraph by ““North American Industry Classification System (NAICS) Canada, published by Statistics Canada””.

4. Section 4 is amended by replacing the first paragraph by the following:

“Every person whose activity results in the use of a daily volume of water equal to or greater than 50,000 litres, at least 1 day in a calendar year, is subject to charges for the use of water for that year and remains so for any subsequent year in which the same activity results in the use of water, regardless of the volume.

The daily volume is determined by adding up, each time that more than one waterworks system, withdrawal site, or groundwater lowering or diversion site is connected to a single establishment, all the volumes of water used from each system or site or, in the cases and in accordance with the conditions provided for in section 8.1, all the volumes of water that may be withdrawn under the authorizations of the establishment issued under section 22 of the Act or the withdrawal rated capacity of all of the establishment’s withdrawal facilities or equipment. Establishments whose activities are related or complementary to one another and are under the responsibility of one person are considered to be part of the same establishment.”.

5. Section 5 is replaced by the following:

“5. The rate of the charges is set at \$35 per 1,000,000 litres of water used, except the water used for the activities referred to in the second paragraph.

The rate of the charges is set at \$150 per 1,000,000 litres of water used where the water is used for the following activities:

(1) the production of water in bottles or other containers, whether or not the water is intended for human consumption;

(1.1) the transportation of water by volume for commercial purposes, regardless of the means used and whether or not the water is intended for human consumption;

- (2) beverage manufacturing (NAICS 3121);
- (3) non-metallic mineral product manufacturing (NAICS 327), when water is incorporated into the product;
- (4) pesticide, fertilizer and other agricultural chemical manufacturing (NAICS 3253), when water is incorporated into the product;
- (5) other basic inorganic chemical manufacturing (NAICS 32518), when water is incorporated into the product;
- (6) oil and gas extraction (NAICS 211).

Where the water is used for the production of water in bottles or other containers, or for the transportation of water by volume for commercial purposes and whatever the means used, whether or not the water is intended for human consumption, additional charges of \$350 per 1,000,000 litres of water used is added to the charges provided for in the second paragraph.”

6. The following is inserted after section 5:

“5.1. Despite section 5, no charges for the use of water are payable where the amount is less than \$250.”

7. Section 6 is replaced by the following:

“6. Every person subject to charges for the use of water is required to determine the volume of water the person uses and discharges annually by direct measurement taken by measuring equipment installed as close as possible to a withdrawal site or another water entry location and each discharge point for water and the installation, operation, monitoring and measurement of which meet, with the necessary modifications, the requirements of Chapter IV of the Regulation respecting the declaration of water withdrawals (chapter Q-2, r. 14).

If such measuring equipment is not installed in accordance with the first paragraph, the person must, when establishing or altering such a withdrawal site, another water entry location or a discharge point, instal it in accordance with that paragraph. Until the person establishes or alters such measuring, the person may determine the volume of water the person uses annually by estimates based on indirect or spot measurements, in accordance with section 7 of that Regulation.”

8. Section 8 is replaced by the following:

“8. Persons subject to charges for the use of water must, when they are withdrawers referred to in the Regulation respecting the declaration of water withdrawals (chapter Q-2, r. 14), indicate in the annual declaration to be sent to the Minister under section 9 of that Regulation, the amount of the charges paid to the Minister of Finance.

The persons must also indicate in the annual declaration the monthly volumes and the annual volume of water used and discharged, in litres, and, in the case of several activities, the volumes broken down for each activity.

If they are not withdrawers referred to in the Regulation respecting the declaration of water withdrawals, the persons subject to charges for the use of water must declare to the Minister each year, not later than 31 March of the year following the year that is the subject of the declaration or, if they have ceased using the water in one year, within 60 days after the cessation, the following information:

(1) their name, address, telephone number, email address and, where applicable, the Québec business number and those of their representatives and their establishments;

(2) the waterworks system from which comes the water used;

(3) the number of days during which water was taken from that system;

(4) the activity for which the water is used, identified by its NAICS code;

(5) the monthly volumes and the annual volume of water used and discharged, in litres, and, in the case of several activities, the volumes broken down for each activity;

(6) the type of measuring equipment installed and any malfunction, breakdown, abnormality or other defect that affected the operation of the equipment, and the number of days during which the volumes could not be measured in a reliable and accurate manner or, if an estimation method is used, the name of the professional who estimated the volumes of water used and his or her profession and a description of the estimation method used.

The declaration provided for in the third paragraph is completed and sent electronically, using the form on the website of the Ministère du Développement durable, de l'Environnement et des Parcs. The person who completes the declaration must certify that the information it contains is accurate. Documents in support of the declaration must be kept on the premises of the establishment concerned for a period of 5 years and be sent to the Minister within 20 days after a request to that effect.

The persons referred to in the third paragraph must also keep a register in accordance with section 10 of the Regulation respecting the declaration of water withdrawals, with the necessary modifications.

The information on the use of water referred to in the second and third paragraphs, except the information referred to in subparagraph 6 of the third paragraph and personal information, is public and the Minister publishes the information of the Minister's department's website, in keeping with the principle of transparency stated in section 7 of the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2).”

9. The following is inserted after section 8:

“**8.1.** Where a person subject to charges for the use of water is a withdrawer referred to in the Regulation respecting the declaration of water withdrawals (chapter Q-2, r. 14) and has not sent to the Minister, within the period prescribed, the annual declaration provided for in section 9 of that Regulation with the information provided for in the second paragraph of section 8 of this Regulation, the charges payable are established,

(1) if the water withdrawal is authorized by the Minister under section 22 of the Act, according to the maximum daily water volume that the authorization allows to be withdrawn for the current year; and

(2) in the other cases, according to the withdrawal rated capacity of the withdrawal facility or equipment.

Where a person subject to charges for the use of water is not a withdrawer referred to in the Regulation respecting the declaration of water withdrawals and has not sent to the Minister, within the period prescribed, the declaration provided for in the third paragraph of section 8 of this Regulation, the charges payable are established according to the withdrawal rated capacity of the withdrawal facility or equipment.

Before imposing the charges established under this section, the Minister must give prior notice to the person concerned and grant the person at least 30 days to submit observations.”

10. Section 9 is replaced by the following:

“**9.** The rates of the charges set in the first and second paragraphs of section 5 are increased by operation of law on 1 January of each year, according to an annual rate of 3%.

The amount set in section 5.1 is adjusted in the manner provided for in section 83.3 of the Financial Administration Act (chapter A-6.001).”

11. Until 31 December 2025 and despite section 4 of the Regulation, as amended by section 4 of this Regulation, the daily volume of water, for the purposes of section 4 of the Regulation, is established at 75,000 litres.

12. This Regulation comes into force on 1 January 2024.

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Gouvernement du Québec

O.C. 1680-2023, 22 November 2023

Environment Quality Act
(chapter Q-2)

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

**Declaration of water withdrawals
— Amendment**

Regulation to amend the Regulation respecting the declaration of water withdrawals

WHEREAS, under subparagraph *g* of paragraph 16 of section 46 of the Environment Quality Act (chapter Q-2), the Government may, by regulation, regulate withdrawals of surface water or groundwater, in particular on the basis of its different uses, including the collection of groundwater whose use or distribution is governed by the Food Products Act (chapter P-29), in order to prescribe standards for the installation and maintenance of equipment or devices for determining the quality or quantity of water withdrawn from or returned to the environment;

WHEREAS, under subparagraph *l* of paragraph 16 of section 46 of the Environment Quality Act, the Government may, by regulation, regulate withdrawals of surface water or groundwater, in particular on the basis of its different uses, including the collection of groundwater whose use or distribution is governed by the Food Products Act, in order to prescribe the documents and information whoever makes or plans to make a water withdrawal is required to send the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks and the conditions governing their sending, including risk assessment studies of protection areas and studies or reports on the actual or potential individual or cumulative impacts of the withdrawal or planned withdrawal on the environment, on other users and on public health, and determine which of those documents and that information is public and must be made available to the public;