

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Minister under section 22 of the Act, according to the maximum daily water volume that the authorization allows to be withdrawn for the current year; and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.

106569

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;

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 declaration of water withdrawals 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 declaration of water withdrawals, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the declaration of water withdrawals

Environment Quality Act
(chapter Q-2, s. 46, par. 16)

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 declaration of water withdrawals (chapter Q-2, r. 14) is amended in section 2

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

““level 1 drainage basin” means a territory whose waters converge towards a watercourse that flows directly into the St. Lawrence River or James Bay; (*bassin versant de niveau 1*)

““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*)

““aquaculture site” means an aquaculture site 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); (*site aquacole*)

““fishing pond site” means a fishing pond 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 d’étang de pêche*)

““sewer system” means a sewer system within the meaning of section 3 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact; (*système d’égout*)

““storm water management system” means a storm water management system within the meaning of section 3 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact; (*système de gestion des eaux pluviales*)”;

(2) by striking out “continuously” in the definition of “measuring equipment”;

(3) by replacing the definition of “withdrawal site” by ““withdrawal site” means a water 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*)”;

(4) by replacing the definition ““waterworks system” or “distribution system”” by ““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; (*système d’aqueduc*)”.

2. Section 3 is amended

(1) in the second paragraph

(a) by replacing subparagraph 1 by the following:

“(1) withdrawals whose maximum daily volume is less than 50,000 litres per day, every day in a calendar year;”.

(b) by replacing “or that are not used to fill a water supply reservoir for subsequent use” by “, that are not used to fill a water supply reservoir for subsequent use or that are not made for mining, quarrying and oil and gas extraction (NAICS 21)” in subparagraph 8;

(2) by replacing “agricultural or fish-breeding purposes” in subparagraph 1 of the third paragraph by “agricultural purposes or for the operation of a fishing pond site or an aquaculture site”.

3. Section 9 is amended

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

“Every withdrawer whose daily volume of water withdrawals is equal to or greater than 50,000 litres, at least 1 day in a calendar year, is required to send to the Minister, for that year and any subsequent year in which the withdrawer withdraws water, regardless of the volume, an annual declaration describing the withdrawal activities by specifying the volumes of water withdrawn, including withdrawals less than 50,000 litres per day.”.

(2) in the fifth paragraph

(a) by inserting “email address” after “telephone number” in subparagraph 1;

(b) by inserting “representative and” before “establishments” in subparagraph 1;

(c) by striking out “, the name of the professional who evaluated the total volumes of water withdrawn in the year and his or her profession and a description of the estimation method used” in subparagraph *e* of subparagraph 3;

(d) by inserting the following after subparagraph *e* of subparagraph 3:

“(e.1) if the volumes of water withdrawn are not measured using measuring equipment, the name of the professional who evaluated the total volumes of water withdrawn in the year and his or her profession and a description of the estimation method used;”;

(e) by replacing subparagraph *h* of subparagraph 3 by the following:

“(h) the activities for which the withdrawals are made, identified by their North American Industry Classification System (NAICS) codes;”.

(f) by replacing subparagraph *i* of subparagraph 3 by the following:

“(i) where the withdrawals are for multiple activities, the volumes of water, in percentage or litres, broken down per activity;

(j) a statement specifying that the withdrawals total a daily volume equal to or greater than 75,000 litres, at least 1 day in the year, where applicable.”;

(3) in the seventh paragraph

(a) by striking out “and made available to the Minister”;

(b) by adding “and be sent to the Minister within 20 days after a request to that effect” at the end;

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

“The information on withdrawal activities and the volumes of water withdrawn referred to in the fifth paragraph, except the information referred to in subparagraphs *d*, *e.1* and *g* of paragraph 3 and personal information, is public and the Minister publishes the information on 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).”.

4. The following is inserted after section 9:

“**9.1.** Despite subparagraph 1 of the second paragraph of section 3, and unless the water is withdrawn exclusively for the purposes of human consumption for an establishment, a facility or a waterworks system supplying 20 persons or less, or is withdrawn out of the St. Lawrence River Basin for agricultural purposes or for the operation of a fishing pond site or an aquaculture site, a withdrawer whose water withdrawal does not reach the daily volume provided for in section 9 must record in a register and keep up to date the following information:

- (1) a description of the means used to withdraw the water;
- (2) the nature of the needs to fulfil;
- (3) the maximum daily volume of water withdrawn;
- (4) where applicable, the use for that water.

The information must be kept at the operation site for a period of 5 years and be sent to the Minister within 20 days after a request to that effect.”

5. Section 11 is amended by adding “or, in the case of an aquaculture site or a fishing pond site, as close as possible to each discharge point for the water into the environment, a sewer system or a storm water management system” at the end of paragraph 1.

6. Section 12 is amended by inserting “that belongs to the withdrawer” after “equipment” in subparagraph 3 of the first paragraph.

7. Section 18.1 is revoked.

8. The following is inserted before section 18.8:

“**18.7.1.** 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 fails to record, update, keep or send to the Minister the information prescribed by section 9.1, on the conditions provided for in that section.”

9. Section 18.10 is amended by striking out “or alters the proper functioning or reading of”.

10. The following is inserted before section 19:

“**18.11.** Every person who fails to record, update, keep or send to the Minister the information prescribed by section 9.1, on the conditions provided for in that section commits an offence and 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.”

11. The following is added after section 23:

“**24.** The provisions of this Regulation must be evaluated not later than every 5 years to ensure a better knowledge and a better protection of water resources.”

12. Until 31 December 2024 and despite sections 3 and 9 of the Regulation, as amended by sections 2 and 3 of this Regulation, the daily volume of water applicable for the purposes of subparagraph 1 of the second paragraph of section 3 and the first paragraph of section 9 of the Regulation is established at 75,000 litres.

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

106570

Gouvernement du Québec

O.C. 1681-2023, 22 November 2023

Financial Administration Act
(chapter A-6.001)

**Borrowings made by a body
—Amendment**

Regulation to amend the Regulation respecting borrowings made by a body

WHEREAS under the first paragraph of section 77.1 of the Financial Administration Act (chapter A-6.001), a body may not make a borrowing unless the borrowing is authorized by the Minister responsible for the administration of the Act governing the body and its nature, terms and conditions are authorized by the Minister of Finance;

WHEREAS under the fourth paragraph of section 77.1 of the Financial Administration Act, the authorization of the Minister of Finance is not required in the cases and subject to the terms and conditions determined by the Government in a regulation, and the provisions of the regulation may apply in whole or in part to one or more bodies and may specify the applicable categories of borrowings;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting financial commitments made by a body was published in Part 2 of the *Gazette officielle du Québec* on 30 August 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 this regulation without amendment;