

## Draft Regulation

Act to affirm the collective nature of water resources and to promote better governance of water and associated environments  
(chapter C-6.2)

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

#### Regulatory scheme applying to activities on the basis of their environmental impact

#### Charges payable for the use of water

##### — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the declaration of water withdrawals, the Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact and the Regulation to amend the Regulation respecting the charges payable for the use of water, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulations make various amendments aimed mainly at relaxing certain requirements applicable to agricultural activities.

Amendments are proposed to the Regulation respecting the declaration of water withdrawals (chapter Q-2, r. 14) to allow withdrawers in the agriculture and aquaculture sectors, as of 1 January 2026, to use an estimation tool made available by the Minister on the website of the Minister's department to determine the volumes of water they withdraw, and to eliminate the requirement for withdrawers to use measuring equipment or the services of a professional. In addition, the requirement to install measuring equipment would henceforth be evaluated as part of the application for authorization of a project, in concordance with the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1). An amendment is also proposed to introduce the requirement to declare, not later than 31 March 2027, the withdrawals made in the 2026 calendar year and intended for agricultural and aquacultural purposes, where sections 33 and 34

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) apply to the withdrawals and the withdrawals are made outside the territory of the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement. Another amendment allows the use of consumption coefficients for watering and raising activities for the purposes of calculating water consumption. Various amendments are also proposed, in particular with regard to the definitions, to simplify the interpretation and application of certain sections. Lastly, consequential amendments are made to the applicable monetary administrative penalties and penal sanctions.

The Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact is amended to clarify certain provisions. Amendments are proposed to the content of an application for authorization for a water withdrawal, in connection with the amendments proposed to the Regulation respecting the declaration of water withdrawals, but also to allow a water withdrawal estimation tool made available by the Minister on the website of the Minister's department to be used as part of certain activities, mainly agricultural activities. An authorization exemption is also proposed for water withdrawals made as part of dredging work. Lastly, the period granted to obtain an authorization for certain water withdrawals for agricultural and aquacultural purposes in accordance with the Regulation is extended by 5 years.

Amendments are also proposed to the Regulation respecting the charges payable for the use of water (chapter Q-2, r. 42.1) so that the requirement to install measuring equipment is henceforth evaluated as part of the application for authorization of a project, in concordance with the Regulation respecting the declaration of water withdrawals and the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact. Various amendments are also proposed to simplify the interpretation and application of certain sections. Lastly, consequential amendments are made to the applicable monetary administrative penalties and penal sanctions.

The regulatory relief proposed is aimed at ensuring greater equity and improving the efficiency of the parties involved by implementing regulations that are simpler, more specific and more consistent, while maintaining a high level of environmental protection. The regulatory relief should enable the enterprises concerned to save approximately 23.1 million dollars per year, including approximately 21.5 million dollars in savings for agricultural enterprises. The other measures proposed would not generate any additional costs for enterprises.

Further information on the draft Regulations may be obtained by contacting Maude Durand, Director, Bureau de stratégie législative et réglementaire, Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs, 900, boulevard René-Lévesque Est, bureau 800, Québec (Québec) G1R 2B5; email: question.bslr@environnement.gouv.qc.ca.

Any person wishing to comment on the draft Regulations is requested to submit written comments within the 45-day period to Maude Durand at the above contact information.

BENOIT CHARETTE

*Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks*

## Regulation to amend the Regulation respecting the declaration of water withdrawals

Environment Quality Act  
(chapter Q-2, s. 46, par. 16, subpars. *b, e, g, j* and *l*, and s. 95.1, 1st par., subpars. 20, 21, 21.1 and 25.1).

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 Regulation respecting the declaration of water withdrawals (chapter Q-2, r. 14) is amended in section 1 by replacing “of water withdrawals” in the first paragraph by “of water withdrawal activities and volumes withdrawn”.

**2.** Section 2 is amended

(1) by striking out the definition of “level 1 drainage basin”;

(2) by inserting “or, where the water is withdrawn using a pond, a basin or other retaining works having a hydraulic interconnection with groundwater or surface water, the rated volume of the pond, basin or other works” at the end of the definition of “rated capacity”;

(3) by replacing the definition of “water withdrawal” or “withdrawal” by the following:

““water withdrawal” or “withdrawal” means the taking of surface water or groundwater by any means;”;

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

““Minister” means the Minister of Sustainable Development, Environment and Parks;

““Ministère” means the Ministère du Développement durable, de l'Environnement et des Parcs;

““temporary industrial camp” means a group of facilities and their dependencies, that an employer temporarily sets up to house, for not more than 6 months during the 12-month period following the setting-up, the employer's employees who carry out forest management, mining exploration, mining operation, transport infrastructure and water retaining work or any other work;”.

**3.** Section 3 is amended

(1) by replacing subparagraphs 7 to 11 of the second paragraph by the following:

“(7) withdrawals used for the production of hydroelectric power by means of run-of-river works or facilities directly connected to the watercourse;

(8) withdrawals by means of works used for the impounding of water, such as a dam, or a pond or a basin having no hydraulic interconnection with groundwater and not supplied by means of a drainage system, unless they are intended to produce hydroelectric power, whether they are intended to transport water to a site where the water is used or made for mining, quarrying and oil and gas extraction (NAICS 21);

(9) withdrawals using a drain or a drainage ditch that is not connected to an active pumping system, that are not intended to transport water to a site where the water is used, 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);

(10) withdrawals referred to in paragraphs 3 to 6 of section 173 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), amended by the Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, published as a draft in Part 2 of the *Gazette officielle du Québec* of 13 November 2024.”;

(2) by inserting “subject to section 18.7,” at the beginning of subparagraph 1 of the third paragraph;

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

“Despite subparagraph 1 of the second paragraph and subparagraphs 1 and 2 of the third paragraph, a withdrawer that makes a withdrawal referred to in one of those subparagraphs becomes subject to this Regulation as soon as the withdrawer transfers water out of the St. Lawrence River Basin or is required, under Title II, to make a declaration on the basis of the withdrawal rated capacity of the works or facilities used for water withdrawals.”.

**4.** Section 3.1 is revoked.

**5.** The following is inserted after section 5:

“**4.1.** To determine if the maximum daily volume of withdrawal reaches the volume from which the withdrawer is required, under a provision of this Regulation, to declare the withdrawal activities, all the volumes of water withdrawn from withdrawal sites connected to a single establishment or waterworks system must be added up. Establishments whose activities are under the responsibility of one withdrawer are deemed to be part of the same establishment.”.

**6.** Sections 5 and 5.1 are replaced by the following:

“**5.** For the purposes of the declaration provided for in section 9, every withdrawer is required to determine the volumes of water withdrawn for each withdrawal site by direct measurement taken by measuring equipment that belongs to the withdrawer.

Despite the foregoing, if the withdrawer does not make a water withdrawal referred to in the third paragraph, or if the withdrawer’s authorisation provides for it, a withdrawer that does not have measuring equipment may determine the volumes of water withdrawn by one of the following means:

- (1) direct measurement taken by measuring equipment that belongs to a third party;
- (2) estimates based on a generally recognized method;
- (3) in the case of withdrawals intended for agricultural purposes or for the operation of a fishing pond site or an aquaculture site, the use of the estimation tool available online on the website of the Minister’s department.

A withdrawer that intends to make a water withdrawal as part of a project that requires an authorisation to be issued, amended or renewed under the Environment Quality Act (chapter Q-2) and involves establishing or altering a withdrawal site must, before making that withdrawal, instal on the site measuring equipment that belongs to the withdrawer and meets the requirements of Chapter IV, unless the withdrawer’s authorization allows the use of one of the means referred to in the second paragraph.

**5.1.** For the purposes of section 5, where a withdrawal is intended for a transfer of water out of the St. Lawrence River Basin and one of the time limits referred to in the second paragraph of section 5 occurs, the appropriate measuring equipment must be installed at the points where water is transferred and, where applicable, returned to the Basin, in addition to the points where water is withdrawn.”.

**7.** The following is added at the end of section 6:

“A withdrawer that uses estimates based on a generally recognized method must comply with the provisions of Chapter V.”.

**8.** Sections 7 and 8 are revoked.

**9.** Section 9 is amended

- (1) in the second paragraph

(a) by replacing “Ministère du Développement durable, de l’Environnement et des Parcs” by “Ministère’s”;

- (b) by replacing “18.7” by “18.5”;

- (2) in the third paragraph

(a) by inserting “in bankruptcy, dissolved or liquidated, or” after “legal person”;

- (b) by replacing “18.7” by “18.5”;

(3) by striking out “or, if the withdrawer ceases to withdraw water, within 60 days after the date on which the withdrawals cease” in the fourth paragraph;

- (4) in subparagraph 3 of the fifth paragraph

(a) by inserting “where applicable,” at the beginning of subparagraph *a*;

- (b) by replacing subparagraph *e.1* by the following:

“(e.1) if the volumes of water withdrawn are determined using the estimates referred to in subparagraph 2 of the second paragraph of section 5, the name of the professional who certified the estimates of the volumes of water withdrawn and his or her profession and a description of the estimation method used;”;

- (c) by replacing subparagraph *j* by the following:

“(j) a statement specifying that the withdrawals are authorized pursuant to the Environment Quality Act (chapter Q-2) or, in the absence of such authorization, a statement specifying the first year in which the withdrawals totalled a daily volume equal to or greater than 75,000 litres for at least 1 day in the year, or a statement indicating that the withdrawals never reached that threshold, as the case may be.”;

(5) by striking out “to” in the sixth paragraph;

(6) by replacing “including the estimates provided for in section 7” in the seventh paragraph by “including, where applicable, the estimates provided for in subparagraph 2 of the second paragraph of section 5”;

(7) by replacing “the Minister’s department’s” in the eighth paragraph by “the Ministère’s”.

**10.** Section 10 is amended by replacing “the estimation method is used” at the end of subparagraph 5 of the first paragraph by “the estimates referred to in subparagraph 2 of the second paragraph of section 5 are used”.

**11.** The following is inserted before section 11:

“**10.1.** The provisions of this Chapter apply to a withdrawer that uses direct measurements taken by measuring equipment.”.

**12.** Section 11 is amended by replacing “in the case of an aquaculture site or a fishing pond site” in paragraph 1 by “where the withdrawal is intended for the operation of an aquaculture site or a fishing pond site or is for lowering or diverting water that is immediately returned to the hydrographic network in the original watershed”.

**13.** Section 12 is amended

(1) by replacing “every 3 years in the case of a water meter and at least once a year for any other type of measuring equipment, by comparing the readings with the results obtained using either method listed in the third paragraph” in subparagraph 2 of the first paragraph by “every 3 years, by comparing the readings with the results obtained using an estimation method referred to in subparagraph 2 of the second paragraph of section 5”;

(2) by replacing “measured using either method in the third paragraph” in the second paragraph by “determined using an estimation method referred to in subparagraph 2 of the second paragraph of section 5”;

(3) by striking out the third paragraph.

**14.** Section 15 is amended by replacing “or 18.7” in the first paragraph by “, 18.4 or 18.5”.

**15.** The heading of Chapter V is amended by striking out “WITHDRAWN”.

**16.** Section 16 is replaced by the following:

“**16.** The provisions of this Chapter apply to a withdrawer that, pursuant to subparagraph 2 of the second paragraph of section 5 or the fourth paragraph of section 5, uses estimates based on a generally recognized method.

**16.1.** Every estimate of the volumes of water must rely on measurements taken on site.

**16.2.** A withdrawer that uses estimates based on a generally recognized method must, for each month, calculate or cause to be calculated all the estimated volumes of water withdrawn, as well as the margin of error in percentage of the evaluation made according to the estimation method used.

That estimate must be certified by a professional.”.

**17.** Section 18 is amended by replacing “25%” in the first paragraph by “15%”.

**18.** The heading of Chapter I of Title II is revoked.

**19.** The following is inserted before section 18.2:

“**18.1.** For the purposes of this Title,

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

“consumptive use” means consumptive use within the meaning of section 31.89 of the Environment Quality Act (chapter Q-2). (*consommation*)”.

**20.** Section 18.2 is replaced by the following:

“**18.2.** The provisions of this Title apply to any water withdrawal in the St. Lawrence River Basin.”.

**21.** Chapters II and III of Title II, including sections 18.4 to 18.7, are replaced by the following:

“**18.4.** A withdrawer that withdraws water from the St. Lawrence River Basin from a withdrawal site whose works or facilities have a withdrawal rated capacity equal to or greater than 379,000 litres per day is required to annually declare to the Minister, in addition to the information that must be declared, where applicable, pursuant to sections 9 and 18.5,

(1) the volumes of water consumed every month in the Basin;

(2) for each site of use of the water withdrawn, the georeferenced data of their location, the volumes of water consumed and the activities for which the withdrawals are made, identified by their North American Industry Classification System (NAICS) codes;

(3) where the volumes are determined using the estimates referred to in subparagraph 2 of the second paragraph of section 5, the name of the professional who certified the estimates of the volumes of water consumed and his or her profession and a description of the estimation method used.

For the purposes of the first paragraph, and despite section 5, where the water is withdrawn for the following purposes, the person making the declaration may, without needing to provide a justification, indicate a consumptive use equal to

(1) 15% of the volumes of water withdrawn where the withdrawals are intended to supply a waterworks system serving all or part of the population of a municipality;

(2) 80% of the volumes of water withdrawn where the withdrawals are intended for livestock raising purposes;

(3) 90% of the volumes of water withdrawn where the withdrawals are intended for watering purposes.

To determine if the withdrawal rated capacity reaches the volume from which the withdrawer is required, under this section, to declare the volumes of water it consumes or may consume, all the rated capacities of the works or facilities of withdrawal sites connected to a single establishment or waterworks system must be added up. Establishments whose activities are under the responsibility of one withdrawer are deemed to be part of the same establishment.

Where the volumes of water consumed are calculated using the direct measurement taken by measuring equipment, no supply of water from outside the withdrawal site may affect or distort the calculation.

The information on the volumes of water consumed referred to in subparagraphs 1 and 2 of the first paragraph is public and the Minister publishes the information on the Ministère's website.

**18.5.** A withdrawer that transfers water out of the St. Lawrence River Basin is required, whatever the volume, to annually declare to the Minister, in addition to the information that the withdrawer must declare, where applicable, pursuant to sections 9 and 18.4,

(1) the volumes of water transferred out of the St. Lawrence River Basin, expressed in litres, indicating for each withdrawal site concerned, the georeferenced data of the sites where the water so transferred is used. Where the water transferred out of the Basin is intended to supply a waterworks system serving all or part of the population of a municipality, the level 1 drainage basins covered by the waterworks system must be indicated, and the name of the watercourse into which the water of the territory flows must be specified, as that name was officialized by the Commission de toponymie du Québec;

(2) the volumes of water discharged into the St. Lawrence River Basin, expressed in litres, specifying the georeferenced data of the discharge points for the water.

**18.6.** Sections 5 and 5.1 apply, with the necessary modifications, to the determination of the volumes of water referred to in sections 18.4 and 18.5, including the determination of the volumes of water transferred out of the St. Lawrence River Basin, the volumes of water discharged or returned to the Basin and, subject to the second paragraph of section 18.4, the volumes of water consumed.

The second, third, fourth, sixth and seventh paragraphs of section 9 also apply to the declarations provided for in sections 18.4 and 18.5.

## **TITLE II.1**

### **SPECIAL PROVISIONS APPLICABLE TO WITHDRAWALS INTENDED FOR AGRICULTURAL PURPOSES OR FOR THE OPERATION OF A FISHING POND SITE OR AN AQUACULTURE SITE LOCATED OUTSIDE THE ST. LAWRENCE RIVER BASIN**

**18.7.** A withdrawer that, at least 1 day in the year 2026, withdraws a daily volume of water equal to or greater than 75,000 litres, wholly outside the St. Lawrence River Basin and for agricultural purposes or for the operation of a fishing pond site or an aquaculture site, must, in the case of a withdrawal referred to in sections 33 and 34 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), send to the Minister, not later than 31 March 2027, a declaration on the withdrawals made in the year 2026 that contains the information referred to in the fifth paragraph of section 9.

For the purposes of the declaration provided for in the first paragraph, the volumes of water withdrawn must be determined using one of the means referred to in the first or second paragraph of section 5.



Section 4.1, the second, third, sixth and eighth paragraphs of section 9 and, where applicable, Chapters IV and V of Title I apply for the purposes of the declaration provided for in this section, with the necessary modifications.

This section ceases to apply to a withdrawer referred to in the first paragraph where an authorization for the withdrawal is issued, amended or renewed under the Environment Quality Act (chapter Q-2).”.

**22.** Sections 18.8 and 18.9 are replaced by the following:

“**18.8.** A monetary administrative penalty of \$350 in the case of a natural person or \$1,500 in other cases may be imposed on any person who fails

(1) to comply with the conditions fixed in the second or third paragraph of section 9 for sending the declarations referred to in sections 9, 18.4, 18.5 and 18.7 to the Minister;

(2) to ensure that the declarations referred to in sections 9, 18.4 and 18.5 were received by the Minister within the time limit provided for in the fourth paragraph of section 9;

(3) to keep or send to the Minister, within the prescribed time limit, the documents in support of the declarations referred to in sections 9, 18.4 and 18.5, in accordance with the seventh paragraph of section 9;

(4) to keep or make available to the Minister the register prescribed by section 10 during the period and on the conditions provided for in that section;

(5) to attest the accuracy of the information contained in the declarations referred to in sections 9, 18.4, 18.5 and 18.7, in accordance with the sixth paragraph of section 9.

**18.9.** 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 fails

(1) to determine the volumes of water withdrawn, in accordance with section 4.1 and the first and second paragraphs of section 5;

(2) to fit a withdrawal site with measuring equipment in the cases and on the conditions provided for in the third paragraph of section 5;

(3) to install appropriate measuring equipment in the cases and on the conditions provided for in section 5.1;

(4) to send to the Minister the declaration referred to in section 9 in accordance with the first or fifth paragraph of that section;

(5) to comply with the conditions provided for in sections 11 and 12 relating to the installation, good working order, verification, accuracy, modification or replacement of measuring equipment;

(6) to comply with section 13 for the reading of measuring equipment;

(7) to take the reading of volume data from measuring equipment at least once a month in accordance with the second paragraph of section 14;

(8) to comply with the indications provided for in section 15 or to cause the volumes of water withdrawn to be estimated in accordance with that section;

(9) to comply with the conditions provided for in section 16.1 or 17 regarding an estimate of volumes of water withdrawn or the intervals of the measurements;

(10) to make the calculations or cause to be made the calculations prescribed by section 16.2 in accordance with the conditions provided for therein or to have the estimates certified by a professional in accordance with the second paragraph of that section;

(11) to replace or modify the estimation method or use conforming measuring equipment if the margin of error established under the first paragraph of section 18 is exceeded in accordance with that section;

(12) to send to the Minister the declaration referred to in section 18.4 in accordance with the first and second paragraphs of that section;

(13) to determine the withdrawal rated capacity in accordance with the third paragraph of section 18.4;

(14) to calculate the volumes of water consumed in accordance with the fourth paragraph of section 18.4;

(15) to send to the Minister the declaration referred to in section 18.5 in accordance with that section;

(16) to send to the Minister the declaration referred to in section 18.7 in accordance with the first paragraph of that section.”.

**23.** Section 19 is amended by inserting “, sixth” after “fourth”.

**24.** Sections 19.1 and 19.2 are replaced by the following:

“**19.1.** Every person who contravenes section 4.1, 5 or 5.1, the first or fifth paragraph of section 9, section 11, 12 or 13, the second paragraph of section 14, section 15, 16.1, 16.2, 17, 18, 18.4 or 18.5 or the first paragraph of section 18.7 commits an offence and 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.”

**25.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except subparagraph 3 of the second paragraph of section 5 of the Regulation respecting the declaration of water withdrawals, replaced by section 6 of this Regulation, which comes into force on 1 January 2026.

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## Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact

Environment Quality Act  
(chapter Q-2, s. 23, 1st par., s. 28, and s. 31.0.11,  
1st and 2nd pars.).

Act to affirm the collective nature of water resources  
and to promote better governance of water and  
associated environments  
(chapter C-6.2, s. 33, 2nd par., and s. 34, 1st par.).

**1.** The Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) is amended in section 33 by inserting “of this Regulation” after “specific provisions” in paragraph 3.

**2.** Section 169 is amended

(1) in the first paragraph

(a) by inserting the following after subparagraph 3:

“(3.1) for a withdrawal site, where the withdrawals are subject to the Regulation respecting the declaration of water withdrawals (chapter Q-2, r. 14) and, where applicable, for a discharge point, where the withdrawals are also considered a use of water within the meaning of section 2 of the Regulation respecting the charges payable for the use of water (chapter Q-2, r. 42.1),

(a) where the withdrawal site or the discharge point cannot be equipped with measuring equipment in accordance with the third paragraph of section 5 of the Regulation respecting the declaration of water withdrawals, replaced by section 6 of the Regulation to amend the Regulation respecting the declaration of water withdrawals, published as a draft in Part 2 of the *Gazette officielle du Québec* of 13 November 2024, or the third paragraph of section 6 of the Regulation respecting the charges payable for the use of water, replaced by section 3 of the Regulation to amend the Regulation respecting the charges payable for the use of water, published as a draft in Part 2 of the *Gazette officielle du Québec* of 13 November 2024,

i. the reasons for which such equipment cannot be installed;

ii. the means referred to in the second paragraph of either section that is used to determine the volumes of water;

(b) where the measuring equipment cannot be installed in accordance with the conditions provided for in section 11 of the Regulation respecting the declaration of water withdrawals, the reasons for which such equipment cannot be installed in accordance with the conditions provided for in that section;

(c) where measuring equipment is installed or cannot be installed in accordance with one of those Regulations, a description of the measuring equipment used to measure the volumes of water withdrawn or discharged, and a description of the equipment’s location and of the measures specific to the equipment’s installation;”;

(b) by replacing subparagraph 5 by the following:

“(5) a technical report on the water withdrawal scenario in order to demonstrate the reasonable nature of the withdrawal, including

(a) an assessment of the water needs, signed by a professional;

(b) a description of the water withdrawals to be authorized, including the average and maximum volumes and their spatial and temporal distribution;

(c) an assessment of the ability of each of the water withdrawal facilities concerned to meet the water needs identified, signed by a professional;”;

(c) by replacing subparagraph *a* of subparagraph 6 by the following:

“(a) water withdrawals with an annual daily volume of 379,000 litres or more per day when the water is withdrawn for one of the following purposes:

- i. to raise animals to which the Agricultural Operations Regulation (chapter Q-2, r. 26) applies on a raising site or spreading site;
- ii. to wash fruit or vegetables on a raising site or spreading site;
- iii. to cultivate plants or mushrooms;
- iv. for maple syrup production;
- v. for the operation of a fishing pond or aquaculture site;”;

(d) by replacing “by a farm producer to raise livestock referred to in section 2 of the Agricultural Operations Regulation, to cultivate plants or mushrooms, or for maple syrup production, or withdrawn for the operation of a fishing pond or aquaculture site” in subparagraph *e* of subparagraph 7 by “for one of the purposes referred to in subparagraphs i to v of subparagraph *a* of subparagraph 6 of the first paragraph”;

(2) by adding the following at the end:

“Despite subparagraph *a* of subparagraph 5 of the first paragraph, the assessment of the water needs may be produced by a water withdrawal estimation tool made available by the Minister on the website of the Minister’s department where the withdrawal is made for one of the purposes referred to in subparagraphs i to v of subparagraph *a* of subparagraph 6 of the first paragraph.”.

**3.** The following is inserted at the end of section 173:

“(6) water withdrawals made as part of dredging work.”.

**4.** Section 364 is amended

(1) in the first paragraph

(a) by inserting “and subject to the second paragraph,” after “(chapter C-6.2),” in the portion before subparagraph 1;

(b) by replacing subparagraph 6 by the following:

“(6) in the case where the withdrawer makes a water withdrawal with an average daily volume of less than 200,000 litres, until 14 August 2029.”;

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

“In the case where the withdrawer makes a withdrawal for one of the purposes referred to in subparagraphs i to v of subparagraph *a* of subparagraph 6 of the first paragraph of section 169, and despite sections 33 and 34 of the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments, the water withdrawals referred to in those sections are valid until one of the following dates:

(1) where the withdrawer makes a water withdrawal with an average daily volume equal to or more than 5,000,000 litres, until 14 August 2030;

(2) where the withdrawer makes a water withdrawal with an average daily volume equal to or more than 1,500,000 litres but less than 5,000,000 litres, until 14 August 2031;

(3) where the withdrawer makes a water withdrawal with an average daily volume equal to or more than 600,000 litres but less than 1,500,000 litres, until 14 August 2032;

(4) where the withdrawer makes a water withdrawal with an average daily volume equal to or more than 200,000 litres but less than 600,000 litres, until 14 August 2033;

(5) until 14 August 2034

(a) where the withdrawer makes a water withdrawal with an average daily volume of less than 200,000 litres;

(b) where the withdrawer operates a land-based aquaculture site for which, for each tonne of annual production, the withdrawer withdraws a volume of water equal to or less than 20,000 litres per hour and holds an authorization to produce an annual phosphorous discharge equal to or less than 4.2 kg per tonne of production.

A water withdrawal for which an application for a renewal of authorization or the issue of a new authorization has been made in accordance with this Regulation may continue after the period of validity until a decision on the application has been made by the Minister. However, in the case of a water withdrawal referred to in the second paragraph made in the calendar year 2026, it may continue after the calendar year 2027 only where the withdrawer has met the requirements provided for in the Regulation respecting the declaration of water withdrawals (chapter Q-2, r. 14).”;



**5.** Section 365 is amended in the first paragraph

(1) by inserting “, as well as those provided for in subparagraph 3.1 of the first paragraph of section 169” at the end of subparagraph 1;

(2) by replacing “paragraphs 3 and 4” in subparagraph 2 by “subparagraphs 3 to 5 of the first paragraph”;

(3) by replacing “in section” in subparagraph 6 by “in the first paragraph of section”.

**6.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except paragraph 2 of section 2, which comes into force on 1 January 2026.

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

Environment Quality Act  
(chapter Q-2, s. 46, par. 16, subpars. *e*, *g*, *j*, and *l*, 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, s. 30, 1st par., and s. 45, 1st par.)

**1.** The Regulation respecting the charges payable for the use of water (chapter Q-2, r. 42.1) is amended in section 2,

(1) in the first paragraph,

(a) by inserting “unless the context indicates a different meaning,” after “Regulation,” in the portion before the definition of “measuring equipment”;

(b) by inserting “or, where the water is withdrawn using a pond, a basin or other retaining works having a hydraulic interconnection with groundwater or surface water, the rated volume of the pond, basin or other works” at the end of the definition of “rated capacity”;

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

““Ministère” means the Ministère du Développement durable, de l’Environnement et des Parcs;

““Minister” means the Minister of Sustainable Development, Environment and Parks;”;

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

“In addition, for the purposes of this Regulation,

(1) a use of water includes any action for lowering or diverting groundwater, as well as any other withdrawal of water, even where the water is subsequently returned to its environment of origin;

(2) a water discharge refers to water that has been so used.”.

**2.** Section 4 is amended by striking out “are related or complementary to one another and” in the second paragraph.

**3.** 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 that belongs to the person.

Despite the foregoing, a person that does not have measuring equipment may determine the volumes of water used or discharged using one of the following means, if the person has not made a use of water referred to in the third paragraph or if the person’s authorization provides for it:

(1) direct measurement taken by measuring equipment that belongs to a third party, installed as close as possible to each withdrawal site, another water entry location or water discharge point concerned;

(2) estimates based on a generally recognized method.

A person who intends to make a use of water as part of a project that requires an authorisation to be issued, amended or renewed under the Environment Quality Act (chapter Q-2) and involves establishing or altering a withdrawal site, another water entry location or a discharge point must, before making such water use, instal on the site, location or point measuring equipment that belongs to the person and meets, with the necessary modifications, the requirements of Chapter IV of the Regulation respecting the declaration of water withdrawals (chapter Q-2, r. 14), unless the person’s authorization allows the use of one of the means referred to in the second paragraph.

For the purposes of the third paragraph, where a use of water consists only in lowering or diverting water that is immediately returned to the hydrographic network of the watershed of origin, only water discharge points must be equipped with measuring equipment.

**6.1.** A person who uses direct measurement taken by measuring equipment must comply with Chapter IV of the Regulation respecting the declaration of water withdrawals (chapter Q-2, r. 14), with the necessary modifications.

A person who uses estimates based on a generally recognized method must comply with Chapter V of the Regulation, with the necessary modifications.”.

**4.** Section 8 is amended

(1) by replacing “utilisée et rejetée” in the second paragraph in the French text by “utilisé et rejeté”;

(2) in the third paragraph

(a) by striking out “or, if they have ceased using the water in one year, within 60 days after the cessation” in the portion before subparagraph 1;

(b) by replacing “utilisée et rejetée” in subparagraph 5 in the French text by “utilisé et rejeté”;

(c) by replacing subparagraph 6 by the following:

“(6) if the volumes of water used are determined by direct measurement taken by measuring equipment, 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;

(7) if the volumes of water used are determined by estimates referred to in subparagraph 2 of the second paragraph of section 6, the name of the professional who certified the estimates of the volumes of water used and his or her profession and a description of the estimation method used.”;

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

“The person who completes the declaration provided for in the third paragraph must certify that the information it contains is accurate.

The declaration provided for in the third paragraph must be completed and sent electronically, using the form available on the website of the Ministère. Despite the foregoing, where the person referred to in the third paragraph is a legal person in bankruptcy, dissolved or liquidated, or having its seat in the territory of a local municipality or in a territory not organized as a municipality where no Internet service provider offers access to the Internet, the data to be transmitted to the Minister pursuant to this section may be sent using the form provided by the Minister on a medium other than a technology-based medium. In such case, the declaration must be dated and signed by the person who wrote it and specify the reason justifying the use of that medium.

Documents in support of the declaration provided for in the third paragraph, including, where applicable, the estimates provided for in subparagraph 2 of the second paragraph of section 6 and the verification reports on reading accuracy provided for in section 12 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.”;

(4) in the sixth paragraph

(a) by replacing “in subparagraph 6” by “in subparagraphs 6 and 7”;

(b) by replacing “the Minister’s department’s website” by “the Ministère’s website”.

**5.** Sections 11.1, 11.2, 12, 12.1 and 12.2 are replaced by the following:

“**11.1.** A monetary administrative penalty of \$350 in the case of a natural person or \$1,500 in other cases may be imposed on any person that fails

(1) to indicate the amount of the charges payable to the Minister of Finance in the declaration referred to in the first paragraph of section 8;

(2) to certify that the information contained in the declaration referred to in the third paragraph of section 8 is accurate, in accordance with the fourth paragraph of that section;

(3) to comply with the terms provided for in the fifth paragraph of section 8 for sending the declaration referred to in the third paragraph of that section;

(4) to keep or send to the Minister documents in support of the declaration referred to in the third paragraph of section 8, within the period and on the conditions provided for in the sixth paragraph of that section;

(5) to keep the register prescribed in the seventh paragraph of section 8.

**11.2.** 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 that fails

(1) to determine the volumes of water used and discharged, in accordance with the first and second paragraphs of section 6;

(2) to install the appropriate measuring equipment, in the cases and in accordance with the conditions provided for in the third and fourth paragraphs of section 6;

(3) to pay the charges payable on the date or within the period provided for in section 7;

(4) to indicate the volumes of water used and discharged in the declaration referred to in the first paragraph of section 8, in accordance with the second paragraph of that section;

(5) to declare to the Minister the information listed in the third paragraph of section 8, within the period provided for therein.

**12.** Every person who contravenes the first, fourth, fifth, sixth or seventh paragraph of section 8 commits an offence and is liable, in the case of a natural person, to a fine of \$2,000 to \$100,000 or, in other cases, to a fine of \$6,000 to \$600,000.

**12.1.** Every person who contravenes section 6 or 7 or the second or third paragraph of section 8 commits an offence and 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.”

**6.** Section 14 is revoked.

**7.** 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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