Draft Regulation

Environment Quality Act
(chapter Q-2)

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

Municipal wastewater treatment works — 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 municipal wastewater treatment works, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The Regulation respecting municipal wastewater treatment works (chapter Q-2, r. 34.1) is amended to clarify that it does not apply to pipes only used to transport water from individual devices authorized under the Environment Quality Act (chapter Q-2) or devices of buildings or sites covered by the Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22).

It is also amended to remove the Rosemère (Lorraine) and Saint-Damase treatment plants from the list of treatment plants that are exempted until 2030 or 2040 from the application of certain discharge standards in the Regulation.

The draft Regulation also makes amendments to facilitate the monitoring of work done on wastewater treatment works. The draft Regulation provides that a copy of the provisional acceptance certificate for the work is to be sent to the Minister when the work is completed. It also provides that municipalities responsible for plants provisionally exempted from the minimal standards of the Regulation must send annually to the Minister an update of their action plan and of the schedule for the implementation of the measures to be taken to comply with those standards.

A number of amendments related to diversions and overflows are also made. The draft Regulation allows a return to dry weather over 24 hours for certain treatment plants, clarifies the methods for listing overflows and diversions according to the type of monitoring equipment and adds the requirement to notify the Minister of the existence of any works allowing the discharge of untreated or partially treated water into the environment.

Amendments are also made to facilitate the monitoring of daily flow rates for the operators of treatment plants of the non-aerated lagoon type and adjust the qualification requirements for the operators of very small treatment plants.

The draft Regulation also implements a new procedure for toxicity tests and improves the monitoring of the compliance with the standards for the discharge of the effluent from treatments plants, in particular with respect to the sampling interval.

Lastly, various amendments are made to the definitions to simplify the interpretation and application of certain sections.

Further information on the draft Regulation 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, 675, boulevard René-Lévesque Est, 29e étage, boîte 14, Québec (Québec) G1R 5V7; email: question.bslr@environnement.gouv.qc.ca.

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

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

Regulation to amend the Regulation respecting municipal wastewater treatment works

Environment Quality Act
(chapter Q-2, s. 31.32, s. 31.41, pars. 4, 8, 9 and 16, s. 46, pars. 3, 5 and 17, and s. 95.1, 1st par., subpars. 3, 4, 20, 21, 23, 24, 25 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 municipal wastewater treatment works (chapter Q-2, r. 34.1) is amended in section 1

(1) by replacing "transport and" in the second paragraph by "transport or";

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

"Pipes only used to transport water, before being discharged into the environment, from the following are not covered by this Regulation:

(1) individual wastewater treatment devices authorized under the Environment Quality Act, to the extent that the conditions set out in the ministerial authorization concerning those devices are met;

(2) wastewater treatment devices of buildings or sites referred to in section 2 of the Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22), to the extent that, according to the nature of the receiving environment, the conditions set out in sections 87.26, 87.26.1, 87.27, 87.28, 87.29 and 87.30 of that Regulation are met.".

2. Section 2 is amended in the first paragraph

(1) by inserting "in the same calendar year" after "the highest" in the definition "**industrial input**";

(2) by replacing "untreated wastewater" in the definition "**overflow**" by "wastewater upstream of the first treatment stage of the treatment plant";

(3) by replacing the definition "**effluent**" by the following:

""**effluent**" means wastewater processed by a treatment plant and discharged by a municipal wastewater treatment works, except the effluent that seeps through the ground; (effluent);";

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

""**department**" means the Ministère du Développement durable, de l'Environnement et des Parcs;";

(5) in the definition "**diversion point**"

(*a*) by inserting "or equipment" after "point";

(*b*) by replacing "to bypass a stage of the treatment plant" by "to carry out a diversion";

(6) in the definition "**overflow point**"

(*a*) by inserting "or equipment" after "point";

(*b*) by replacing "to discharge untreated wastewater into the environment or into a storm water management system" by "to carry out an overflow";

(7) by inserting "or a partial treatment system of an overflow or diversion" after ""screen" type" in the definition "**treatment plant**".

3. Section 4 is replaced by the following:

"**4.** The operator of a treatment plant must, each day, measure the daily flow rate of wastewater treated by the plant with a system which can measure the flow rate with a margin of error less than 15% of the actual value established using a generally recognized measurement method.

The system must be maintained in good working order at all times. Its accuracy must also be verified at least once a year.

Despite the first paragraph, in the case of a treatment plant of the non-aerated lagoon type with periodic evacuation and not equipped with a flow measurement system, the daily flow rate may be determined using an estimate based on a generally recognized method with a margin of error that does not exceed 15% of the actual volume of treated wastewater.

For the purposes of this section, "daily flow rate" means the volume of wastewater treated at the treatment plant per period of 24 hours, in cubic metres per day.".

4. The heading of Division III of Chapter II is replaced by "OVERFLOW AND DIVERSION STANDARDS".

5. Sections 8 and 9 are replaced by the following:

"**8.** The following discharges from a municipal wastewater treatment works are prohibited, unless they occur in a case of emergency or the realization of work to alter, repair or maintain the works and that has been the subject of a notice to the Minister under section 15:

(1) the discharge of the effluent elsewhere than at the final point of discharge of the outfall;

(2) the overflow or diversion elsewhere than from an overflow point or diversion point already recorded in the data collection tool accessible on line on the department's website;

(3) in dry weather, the overflow from an overflow point and the diversion from a diversion point.

Despite the first paragraph, an overflow or diversion referred to in subparagraph 3 of the first paragraph is allowed when it occurs as a result of melting of snow or the infiltration of groundwater into the works caused by spring thaw, before 31 May or a later date if a depollution attestation provides for it.

For the purposes of this section,

(1) "dry weather" means any period beginning 24 hours after the end of rain or at a later time if a depollution attestation provides for it;

(2) a discharge is not considered has having occurred in the case of an emergency when it is caused by an undercapacity of the works or when it is a recurrent discharge caused by power failures, obsolete equipment or a maintenance deficit.

9. The operator of municipal wastewater treatment works must list all the overflows and diversions of wastewater that occur at the operator's treatment works.

For that purpose, the operator must implement one of the following measures:

(1) collect the information from a system recording the frequency of the diversions or overflows, the time when they occur and their daily cumulative duration;

(2) observe, at least 4 times a month and at an interval of at least 5 days and not more than 10 days, the displacement of a visual feature installed to that effect;

(3) collect, at least 4 times a month and at an interval of at least 5 days and not more than 10 days, the information from a system recording the cumulative duration of the overflows and diversions;

(4) in the case of manual diversions or overflows, note the time when they occur and their daily cumulative duration.

When an overflow point or a diversion point is subject to an overflow or diversion not caused by a case of emergency, human manipulation or planned work to alter, repair or maintain the works, the operator must, not later than 1 year after the date of the overflow or diversion, equip the works with the system referred to in subparagraph 1 of the first paragraph.".

6. Section 10 is amended by replacing the first paragraph by the following:

"The following activities must be carried out by a person who holds a valid qualification certificate or apprenticeship card issued for the relevant class of treatment plant concerned under a vocational training and qualification program established by the Minister of Employment and Social Solidarity under section 29.1 of the Act respecting workforce vocational training and qualification (chapter F-5):

(1) the operation and monitoring of the operation of a treatment plant;

(2) the sampling required by this Regulation, unless the person is employed by a laboratory accredited under section 118.6 of the Environment Quality Act (chapter Q-2) to perform such sampling;

(3) the taking of measurements or readings required by this Regulation.

In the case of a very small plant with an average annual flow rate equal to or lower than 100 m^3 per day, the activities may be carried out by a person acting under the supervision of a person who holds a valid qualification certificate issued in accordance with the first paragraph.".

7. Section 11 is amended by replacing the first paragraph by the following:

"The holder of a certificate covered by section 10 must obtain a new certificate when carrying out one of the tasks listed in that section in a plant that changes classes in relation to the class of treatment plant referred to in its initial certificate.".

8. Section 11.1 is amended

(1) by adding ", except if that person acts under the supervision of another person that is known to hold the qualification certificate referred to in that section" at the end of the first paragraph;

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

"The operator must, in the latter case, obtain a copy of the qualification certificate of any person the operator employs to supervise a person carrying out the tasks listed in section 10. The operator must keep the copy, make it available to the Minister and show it on request, until the expiry of 2 years following the date of expiry of the qualification certificate or the date of the end of the employment, whichever is later.".

9. Section 12 is replaced by the following:

"**12.** The operator of municipal wastewater treatment works must send electronically to the Minister, using the data collection tool accessible on line on the department's website, and not later than 42 days following the end of each month, a monthly report including

(1) the flow rate, the results of the analysis of samples, pH measurements and the results of toxicity tests;

(2) the dates of the visits of the overflow points and diversions points carried out for the purposes of section 9;

(3) the measurements of the overflow, diversion and discharge of the effluent elsewhere than at the final discharge point; and

(4) observations made in the course of operation of the works.".

10. Section 13 is amended

(1) in the first paragraph

(*a*) by replacing the portion before subparagraph 1 by "**13.** The operator of municipal wastewater treatment works must send to the Minister, not later than 31 March each year, an annual report on the operation of the works during the preceding calendar year, containing the following information:";

(*b*) by replacing the portion before subparagraph *a* of subparagraph 2 by "(2) a summary of the results of the analysis of samples collected, daily flow rates, pH measurements, toxicity tests and measurements of overflows, diversions and discharge of the effluent elsewhere than at the final discharge point carried out under this Regulation. The summary must in particular indicate the cases of non-compliance with the discharge, overflow and diversion standards and include the following information:";

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

"The report must be sent electronically, using the data collection tool accessible on line on the department's website.".

11. Section 14 is amended in the first paragraph

(1) by striking out "notamment" in the portion before subparagraph 1 of the French text;

(2) by replacing subparagraph 2 by the following:

"(2) proof of the verification of the accuracy of the flow rate measurement system used for the purposes of section 4 and a description of the verification method used;";

(3) by inserting the following after subparagraph 3:

"(3.1) if applicable, the action plan and the implementation schedule referred to in section 29 and the updates;".

12. Section 15 is amended

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

"In the cases provided for in subparagraph 3 of the first paragraph, the notice must be sent to the Minister in writing, at least 45 days before the planned event.";

(2) by adding ", using the data collection tool accessible on line on the department's website" at the end of the fifth paragraph;

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

"In all cases, the operator must take the necessary measures to minimize or eliminate the effects of the events referred to in subparagraphs 1 to 4 of the first paragraph. The operator must also comply, without delay, with the measures planned for that purpose and notify the Minister as soon as the event has ended.".

13. Section 16 is amended by replacing the first paragraph by the following:

"The operator of municipal wastewater treatment works must also notify the Minister in writing and without delay after completion of the work for the commissioning of a new municipal wastewater treatment works or after an alteration to a works that has the effect of modifying the operating conditions, such as an increase in its wastewater processing capacity. The operator attaches to the notice a copy of the provisional acceptance certificate for the work sent to the contractor, if applicable.".

14. The following is inserted after section 16:

"**16.1.** The operator of works or equipment that, without being an overflow or diversion point already listed in the data collection tool accessible on line on the department's website, may allow an overflow or diversion not occurring in the case of an emergency or the realization of work to alter, repair or maintain the works, must notify the Minister without delay of the existence of the works, the geographical location of the works and the discharge point of untreated or partially treated wastewater into the environment.".

15. Section 18 is amended by replacing "of wastewater" in paragraph 4 by "and diversions".

16. Section 20 is amended

(1) by inserting "ou tout renseignement" after "information" in paragraph 1 of the French text;

(2) by adding the following at the end:

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

17. Section 21 is replaced by the following:

"**21.** A monetary administrative penalty of $500 for a natural person or $2,500 in other cases may be imposed on the operator of municipal wastewater treatment works who fails

(1) to measure or determine the daily flow rate of wastewater from the plant in accordance with section 4 or to use a system complying with the conditions set out in that section;

(2) to collect a sample or take a measurement and analyze it in accordance with section 6, to perform an acute toxicity test in accordance with section 7 or to list an overflow or diversion of wastewater in accordance with the first paragraph of section 9;

(3) to implement the measures provided for in the second paragraph of section 9 or equip the works with a system in accordance with the third paragraph of that section;

(4) to ensure to have one of the tasks listed in the first paragraph of section 10 carried out by a person who holds the qualification certificate or apprenticeship card required by section 10 or 11 or under the supervision of a person who holds such a certificate;

(5) to ensure that the holder of a qualification certificate takes the necessary steps to obtain a new certificate in the cases and within the time provided for in section 11;

(6) to obtain, keep or make available to the Minister a copy of the certificate referred to in the second paragraph of section 11.1, in accordance with the terms provided for in that paragraph;

(7) to notify the Minister in the cases provided for in section 16, without delay and in accordance with that section.".

18. Section 22 is amended by replacing "to calibrate" in paragraph 2 by "to verify the accuracy of".

19. The following is inserted after section 22:

"**22.1.** A monetary administrative penalty of $1,000 for a natural person or $5,000 in other cases may be imposed on the operator of municipal wastewater treatment works who fails to notify the Minister of an event referred to in subparagraph 3 of the first paragraph of section 15 in accordance with the second or fourth paragraph of that section.

The penalty provided for in the first paragraph may also be imposed on the operator of works or equipment who fails to notify the Minister of the existence of the works or equipment in accordance with section 16.1.".

20. Section 23 is replaced by the following:

"**23.** A monetary administrative penalty of $2,000 for a natural person or $10,000 in other cases may be imposed on the operator of municipal wastewater treatment works

(1) who operates a sanitary, partially separated sanitary or combined sewer system that is not connected to a treatment plant in accordance with section 5;

(2) who does not comply with a discharge standard provided for in section 6 or 7;

(3) who fails to comply with the discharge prohibitions provided for in section 8;

(4) who fails to notify the Minister of an event referred to in subparagraph 1, 1.1, 2 or 4 of the first paragraph of section 15 in accordance with the second or third paragraph of that section;

(5) who does not take the measures to minimize or eliminate the effects of an event or does not comply with the measures in accordance with the sixth paragraph of section 15.".

21. Section 24 is amended

(1) by inserting "or information" after "report" in subparagraph 1 of the first paragraph;

(2) by replacing "who fails to comply with" in the second paragraph by "who contravenes".

22. Section 25 is replaced by the following:

"**25.** The operator of municipal wastewater treatment works who fails

(1) to measure or determine the daily flow rate of wastewater from the plant in accordance with section 4 or to use a system complying with the conditions set out in that section,

(2) to collect a sample or take a measurement and analyze it in accordance with section 6, to perform an acute toxicity test in accordance with section 7 or to list an overflow or diversion of wastewater in accordance with the first paragraph of section 9,

(3) to implement the measures in accordance with the second paragraph of section 9 or to equip the works with a system in accordance with the third paragraph of that section,

(4) to ensure to have one of the tasks listed in the first paragraph of section 10 carried out by a person who holds the qualification certificate or apprenticeship card required by section 10 or 11 or under the supervision of a person who holds such a certificate,

(5) to ensure that the holder of a qualification certificate takes the necessary steps to obtain a new certificate in the cases and within the time provided for in section 11,

(6) to obtain, keep or make available to the Minister a copy of the certificate referred to in the second paragraph of section 11.1, in accordance with the terms provided for in that paragraph,

(7) to notify the Minister in the cases provided for in section 16, without delay and in accordance with that section,

commits an offence and is liable to a fine of $2,500 to $250,000 in the case of a natural person or to a fine of $7,500 to $1,500,000 in other cases.”.

23. Section 26 is amended by replacing “to calibrate” in paragraph 2 by “to verify the accuracy of”.

24. Section 27 is amended

(1) by replacing “knowingly provides false or misleading information” by “fails to notify the Minister of an event referred to in subparagraph 3 of the first paragraph of section 15 in accordance with the second or fourth paragraph of that section”;

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

“The operator of works or equipment who fails to notify the Minister of the existence of the works or equipment in accordance with section 16.1 also commits an offence and is liable to the penalties provided for in the first paragraph.”.

25. Section 28 is replaced by the following:

“**28.** The operator of municipal wastewater treatment works

(1) who operates a sanitary, partially separated sanitary or combined sewer system that is not connected to a treatment plant in contravention of section 5,

(2) who does not comply with a discharge standard provided for in section 6 or 7,

(3) who fails to comply with the discharge prohibitions provided for in section 8,

(4) who fails to notify the Minister of an event referred to in subparagraph 1, 1.1, 2 or 4 of the first paragraph of section 15 in accordance with the second or third paragraph of that section,

(5) who does not take the measures to minimize or eliminate the effects of an event or does not comply with the measures in accordance with the sixth paragraph of section 15,

commits an offence and is liable in the case of a natural person, to a fine of $10,000 to $1,000,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 3 years, or to both the fine and imprisonment, or in other cases, to a fine of $30,000 to $6,000,000.”.

26. Section 29 is replaced by the following:

“**29.** The operator of a treatment plant listed in Schedule III must, not later than the date set in that Schedule, send to the Minister an action plan on the measures to be taken to comply with the standards provided for in subparagraphs 1 and 2 of the first paragraph of section 6 and a schedule to ensure the implementation of those measures.

Following the sending of the action plan and the implementation schedule referred to in the first paragraph, the operator must update the documents annually and send the update to the Minister not later than 31 December each year, until the realization of work to expand, modernize or replace the plant or, at the latest, until the date of the end of exemption in Schedule III.

Until the date of the end of exemption applicable to the works, the discharge standards provided for in subparagraphs 1 and 2 of the first paragraph of section 6 do not apply to the operator, provided that the operator complies with the content of the action plan and the implementation schedule.”.

27. Section 31 is replaced by the following:

"**31.** The operator of municipal wastewater treatment works must, if the works is not subject to a corrective program, install, not later than 1 January 2028, a device to record the diversions of wastewater at each diversion point which has had, in the 3 years preceding 1 January 2027, at least one diversion not caused by a case of emergency, human manipulation or planned work to alter, repair or maintain the works. The device must allow the recording of the frequency of the diversions, the time when they occur and their daily cumulative duration.".

28. Section 32 is amended:

(1) by inserting the following after paragraph 1:

"(1.1) to update the documents referred to in the first paragraph of section 29 and to send them to the Minister according to the terms and periods provided for in the second paragraph of that section;";

(2) by replacing "in sections 29 and" in paragraph 2 by "in section".

29. Section 33 is amended by replacing, respectively, "overflows" and "in contravention of" by "diversions" and "in accordance with".

30. Section 35 is amended

(1) in the portion before paragraph 1

(*a*) by replacing "4,000" by "6,000";

(*b*) by striking out "de" after "fait défaut" in the French text;

(2) by inserting "de" before "transmettre" in the French text in paragraph 1;

(3) by inserting the following after paragraph 1:

"(1.1) to update the documents referred to in the first paragraph of section 29 and send them to the Minister according to the terms and periods provided for in the second paragraph of that section,";

(4) in paragraph 2

(*a*) by inserting "de" before "conserver" in the French text;

(*b*) by replacing "in sections 29 and" in paragraph 2 by "in section".

31. Section 36 is amended by replacing, respectively, "overflows" and "in contravention of" by "diversions" and "in accordance with".

32. Schedule I is amended

(1) by inserting the following after section 1:

"**1.1.** The samples must be collected at a location representative of the quality of the effluent and where the water is well mixed.

1.2. Every sampling point must be accessible at all times.";

(2) by inserting the following after section 2:

"**2.2.** The samples collected must, until received by an accredited laboratory, be kept at a temperature not exceeding 4 °C.";

(3) in table 1

(*a*) by inserting "/interval" after "frequency" in the heading of the second column;

(*b*) by replacing "monthly" wherever it appears by "1/month";

(*c*) by replacing "Every 2 weeks" in the second column of the line concerning the class of treatment plant "Medium" by "2/month (interval of at least 7 days and not more than 21 days)";

(*d*) by replacing "Weekly" in the second column of the line concerning the class of treatment plant "Large" by "4/month (interval of at least 5 days and not more than 10 days)";

(*e*) by replacing "3 days a week" in the second column of the line concerning the class of treatment plant "Plant of the "lagoon" type" by "12/month (interval of at least 2 days and not more than 5 days)";

(*f*) by replacing "5 days a week" in the second column of the line concerning the class of treatment plant "Other types of plant" by "20/month (interval of at least 1 day and not more than 3 days)".

33. Schedule II is amended

(1) by striking out "or multi-concentration procedure, as the case may be" in paragraph 1 of section 1;

(2) by inserting the following après section 1:

"**1.1.** The samples collected as part of acute toxicity tests may be transported as is or, if their transportation lasts more than 2 days, they must be kept in the obscurity at a temperature between 1 and 8 °C.";

(3) by replacing section 3 by the following:

"**3.** If, during 12 consecutive months, all the results obtained for the acute toxicity tests required under section 2 of this Schedule do not show an acute toxicity for a species concerned, the tests may be performed at the following frequencies:

Requirements of acute toxicity tests at low frequency

Class of treatment plant	Acute toxicity tests	Frequency of acute toxicity tests
Medium	– Rainbow trout – *Daphnia magna*	Annually[1]
Large	– Rainbow trout – *Daphnia magna*	Annually[1]
Very large	– Rainbow trout – *Daphnia magna*	Quarterly[2]

1. The annual tests must be performed during the month of January, February or March.

2. The quarterly tests must be at intervals of at least 2 months.

4. If a positive result is obtained for an acute toxicity test for one of the species concerned, the test frequency provided for in sections 2 and 3 of this Schedule is replaced, for that species, by the following:

Requirements of acute toxicity tests at high frequency

Class of treatment plant	Acute toxicity tests	Frequency of acute toxicity tests
Medium	– Rainbow trout – *Daphnia magna*	Monthly[1]
Large	– Rainbow trout – *Daphnia magna*	Monthly[1]
Very large	– Rainbow trout – *Daphnia magna*	Bimonthly[2]

1. The monthly tests must be at intervals of at least 3 weeks.

2. The bimonthly tests must be at intervals of at least 7 days.

The frequency takes effect 2 months after obtaining a positive result.

If a positive result has been obtained for a test concerning the rainbow trout, the pH stabilization procedure EPS 1/RM/50, "Biological Test Method:

Reference Method for Determining Acute Lethality of Effluents to Rainbow Trout", published by Environment Canada, must be used with the biological test method provided for in paragraph 1 of section 1 of this Schedule.

The test frequency is re-established to that provided for in section 2 of this Schedule as soon as the results of 3 consecutive tests do not show acute toxicity.

This section does not apply to municipal wastewater treatment works whose depollution attestation contains a corrective program for the toxicity of the effluent being carried out.".

34. Schedule III is amended

(1) by inserting "FIRST" after "SENDING THE" in the heading of the fourth column;

(2) by striking out the line concerning the treatment plant "ROSEMÈRE (LORRAINE)";

(3) by striking out the line concerning the treatment plant "SAINT-DAMASE".

35. This Regulation comes into force on 1 January 2027.

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