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)

Water Withdrawal and Protection — 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 Water Withdrawal and Protection Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

Amendments are proposed to the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2) with respect to certain conditions for the construction and operation of a groundwater withdrawal facility and the construction of a geothermal system. A clarification is also made with respect to the terms governing the transmission and keeping of the report that must be produced following completion of the construction of the facility or system. In addition, a flow control system will be required for observation wells.

Adjustments are also proposed to the provisions concerning water withdrawals for human consumption or food processing purposes, in particular to exclude a facility used for emergency or civil security purposes from the application of those provisions, prohibit the construction of a drilling site to operate an underground reservoir in an intermediate protection zone, and specify certain requirements and references with respect to those protection zones.

In addition, the draft Regulation provides that a report on a groundwater or surface water withdrawal may be signed by a representative of the Kativik Regional Government where the withdrawal is carried out in the territory it administers. A time limit for the transmission of the reports is also prescribed in the case where the category of a water withdrawal is modified.

If there is a change in the delimitation of an inner protection zone, a notice must be sent to the domicile of each property included in the inner protection zone; the notice must include a map that makes it possible to locate those zones, as well as their vulnerability ratings. An amendment is also proposed to prohibit increasing an existing discharge in a lake or watercourse, except under certain conditions.

The amendments to the provisions respecting monetary administrative penalties and penal sanctions are consequential to the other amendments proposed and seek harmonization according to the seriousness of the failure to comply.

Lastly, for simplification purposes, and considering the existing regulatory update tools, the obligation to evaluate the standards respecting the protection of water withdrawals for human consumption or food processing purposes every 5 years would be repealed.

The amendments proposed to the Water Withdrawal and Protection Regulation would generate approximately $0.3 million in one-time costs due to the work that would have to be carried out on certain observation wells to make them comply with the requirements proposed by the draft Regulation.

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 Water Withdrawal and Protection Regulation

Environment Quality Act
(chapter Q-2, s. 46, pars. 15 and 16, subpar. *j*, and s. 95.1, 1st par., subpar. 3).

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 Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2) is amended in section 11 by adding the following at the end:

"Despite the second and third paragraphs, the standards set out in sections 18 and 20 apply to every groundwater withdrawal facility, unless the facility is the subject of

an authorization that sets out standards concerning its operation or plugging and those standards are complied with.".

2. Section 15, amended by section 2 of the Regulation to amend the Water Withdrawal and Protection Regulation, made by Order in Council 753-2025 dated 11 June 2025, is further amended by inserting "or substantial modification" after "replacement" in subparagraph 2 of the second paragraph.

3. Section 18 is amended by replacing "a secure cover that is resistant to" in subparagraph 1 of the first paragraph by "a cover and a casing the visible parts of which are secure and resistant to".

4. Section 19 is amended by replacing subparagraph 1 of the first paragraph by the following:

"(1) the sealing must be performed solely by drilling;

(1.1) the well must have an annular space of at least 5 cm over the entire length of the sealing;".

5. Section 20 is amended

(1) in the first paragraph

(*a*) by replacing "Where a groundwater withdrawal facility is plugged, the plugging must meet" in the portion before subparagraph 1 by "The plugging of a groundwater withdrawal facility that is drilled must be performed in accordance with";

(*b*) by striking out subparagraph 6;

(*c*) by inserting "or clean sand" at the end of subparagraph 7;

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

"The plugging of a groundwater withdrawal facility constructed by excavation or by driving must be performed as follows:

(1) by fully removing the casing and by filling using clean sand; or

(2) by filling the casing and the excavation using the soil initially excavated or clean sand, in compliance with the conditions set out in subparagraphs 1 to 3 of the first paragraph.

Subparagraph 1 of the first paragraph applies to the plugging of a groundwater withdrawal facility using flowing artesian pressure. Work must also be carried out to make it possible to stop the flow by confining the water below the top of the aquifer.".

6. Section 21 is amended

(1) by replacing "or the professional who supervised the work must send to the Minister, within 30 days after the work is completed" in the first paragraph by "must, within 30 days after the work is completed, produce and send to the Minister, by electronic means and using the tool made available for that purpose on the website of the Minister's department";

(2) by adding "If the work was supervised by a professional, an attestation by the professional that the work was carried out under his or her supervision must also be submitted with the copy of the report." at the end of the second paragraph;

(3) by inserting the following after the second paragraph:

"The person responsible for the facility must keep the report for the duration of water withdrawal operations and provide it to the Minister on request, within the time specified by the Minister.".

7. Section 22 is amended by replacing "designed" in the first paragraph by "constructed".

8. Section 26 is amended

(1) by inserting "flowing" before "artesian" in the portion before subparagraph 1 of the first paragraph;

(2) by adding the following at the end:

"This section also applies to an observation well.".

9. Section 30 is amended by replacing the first and second paragraphs by the following:

"The person who installed a ground-source geothermal system that does not withdraw water must, within 30 days after the work is completed, produce and send to the Minister, by electronic means and using the tool made available for that purpose on the website of the Minister's department, a report containing the information listed in Schedule I certifying that the work complies with the standards set out in this Regulation.

A copy of the report must also be sent within the prescribed time to the person responsible for the system and to the municipality concerned, accompanied by the following information and documents:

(1) a plan showing the location of the system, including the location of all underground components;

(2) the dimensions of the geothermal loops and the composition of the fluids used in the system;

(3) the results of the pressure tests conducted on the system.

The person responsible for the facility must keep the report, information and documents for the duration of the system's operation and provide them to the Minister on request, within the time specified by the Minister.".

10. Section 50 is amended

(1) by inserting ", with the exception of water withdrawals made at a facility used solely for emergency-response, humanitarian or civil protection purposes" after "purposes";

(2) by replacing "intermédiaire" in the French text by "intermédiaires".

11. Section 51 is amended by adding the following after paragraph 3:

"(*d*) any system other than a category 1 or 2 system that withdraws water for human consumption or food processing purposes.".

12. Section 53 is amended

(1) by replacing ", the results of which must be used to rate vulnerability" in the portion before subparagraph 1 of the first paragraph by ". The results of that method must be used to rate water vulnerability";

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

"The ratings are used to vary certain restrictions or prohibitions with respect to the activities that may be carried on in a protection zone.".

13. Section 57, amended by section 5 of the Regulation to amend the Water Withdrawal and Protection Regulation, made by Order in Council 191-2025 dated 26 February 2025, is further amended

(1) by adding "The same applies when any change is made to the delimitation of the intermediate protection zones." at the end of the second paragraph;

(2) by adding the following at the end:

"The notice referred to in the second paragraph must include a map that makes it possible to locate the intermediate protection zones, the land concerned and the water vulnerability ratings for each protection zone.".

14. Second 60 is amended:

(1) by replacing "bacteriological protection zone" and "virological protection zone" wherever they appear by "intermediate bacteriological protection zone" and "intermediate virological protection zone", respectively;

(2) by inserting "water" before "vulnerability rating" in paragraphs 1 and 2.

15. The following is inserted after section 64:

"**64.1.** In addition to the prohibition provided for in section 32, the construction of a drilling site to operate an underground reservoir is prohibited in the intermediate protection zones for category 1 and 2 groundwater withdrawals.".

16. Section 68 is amended:

(1) by replacing "or a representative of the organization mandated to coordinate the regional advisory panel concerned" in the second paragraph by ", a representative of the organization mandated to coordinate the regional advisory panel concerned or, if the water withdrawal is made in the territory governed by the Kativik Regional Government, a representative of the Kativik Regional Government";

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

"Where a category 2 groundwater withdrawal becomes a category 1 groundwater withdrawal, the report referred to in the first paragraph must be sent to the Minister not later than 1 year after the declaration provided for in section 10.1 of the Regulation respecting the quality of drinking water (chapter Q-2, r. 40) is sent.";

(3) by inserting "or, if the water withdrawal is made in the territory governed by the Kativik Regional Government, a representative of the Kativik Regional Government" at the end of the fourth paragraph.

17. Section 70 is amended

(1) by adding "The same applies when any change is made to the delimitation of an inner protection zone." at the end of the third paragraph;

(2) by adding the following at the end:

"The notice referred to in the second paragraph must include a map that makes it possible to locate the inner protection zone and the land concerned.".

18. Section 71, amended by section 11 of the Regulation to amend the Water Withdrawal and Protection Regulation, made by Order in Council 191-2025 dated 26 February 2025, is further amended

(1) by replacing "in a watercourse, except" in subparagraph 4 of the first paragraph by "or the increase in an existing discharge in a lake or watercourse, except";

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

"For the purposes of subparagraph 4 of the first paragraph,

(1) any increase in the load, flow rate or volume of water discharged, in the frequency of discharges or in the evacuation capacity of pipes that discharge in a lake or watercourse is considered to be an increase in an existing discharge;

(2) a discharge that is the subject of an authorization pursuant to section 22 of the Environment Quality Act (chapter Q-2) may, despite that subparagraph, be increased up to the values allowed;

(3) that subparagraph does not apply to an increase in discharges from a treatment system referred to in the Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22) if the system is used for an isolated dwelling within the meaning of that Regulation, provided the dwelling existed on (*insert the date of coming into force of this Regulation*).".

19. Section 75 is amended

(1) by replacing "or a representative of the organization mandated to coordinate the regional advisory panel concerned" in the second paragraph by "a representative of the organization mandated to coordinate the regional advisory panel concerned or, if the water withdrawal is made in the territory governed by the Kativik Regional Government, a representative of the Kativik Regional Government";

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

"Where a category 2 surface water withdrawal becomes a category 1 surface water withdrawal, the report referred to in the first paragraph must be sent to the Minister not later than 6 years after the declaration provided for in section 10.1 of the Regulation respecting the quality of drinking water (chapter Q-2, r. 40) is sent.";

(3) by inserting "or, if the water withdrawal is made in the territory governed by the Kativik Regional Government, a representative of the Kativik Regional Government" at the end of the fifth paragraph.

20. Section 78 is revoked.

21. Section 79 is amended by striking out "used to supply water for human consumption or for food production or processing" in the first paragraph.

22. Section 80 is amended by striking out "used to supply water for human consumption or for food production or processing".

23. Section 81 is amended

(1) by inserting "produce or" after "neglects to" in paragraph 1;

(2) by inserting "or the fourth paragraph of section 79" after "section 49" in paragraph 3.

24. Section 82 is replaced by the following:

"**82.** A monetary administrative penalty of $350 for a natural person and $1,500 in other cases may be imposed on any person who

(1) refuses or neglects to send the reports referred to in section 68 or 75 or to provide all the information that must be included in the reports, or fails to comply with the conditions or applicable deadlines;

(2) fails to make public the information referred to in the second paragraph of section 99, in accordance with that section.".

25. The following is added at the end of section 83:

"(4) fails to obtain the opinion of a professional within the time and in compliance with the conditions provided for in the first paragraph of section 48.".

26. Section 84 is amended by replacing "groundwater" in paragraph 3 by "water".

27. Section 85 is amended

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

(2) by inserting "or to have someone assess" after "to assess" in paragraph 4;

(3) by inserting ", the first paragraph of section 70 or 72 or section 74" after "section 54, 57 or 65" in paragraph 5.

28. Section 86 is amended by inserting ", 64.1" after "63" in paragraph 1.

29. Section 87 is amended by striking out

(1) "or 78" in paragraph 1;

(2) "preventive" in paragraph 2.

30. Section 88 is amended

(1) by inserting "produce or" after "neglects to" in paragraph 1;

(2) by inserting "or the fourth paragraph of section 79" after "section 49" in paragraph 3.

31. Section 89 is replaced by the following:

"**89.** Every person who

(1) refuses or neglects to send the reports referred to in section 68 or 75 or to provide all the information that must be included in the reports, or fails to comply with the conditions or applicable deadlines,

(2) fails to make public the information referred to in the second paragraph of section 99, in accordance with that section, commits an offence and is liable to a fine of $2,000 to $100,000 in the case of a natural person or $6,000 to $600,000 in other cases.".

32. Section 90 is amended by adding the following at the end:

"(4) fails to obtain the opinion of a professional within the time limit and in compliance with the conditions provided for in the first paragraph of section 48.".

33. Section 92 is amended

(1) by striking out paragraph 1;

(2) in paragraph 2

(*a*) by replacing "the performance" by "the carrying on";

(*b*) by replacing "or the second" by "or the third";

(3) by inserting "or to have someone assess" after "to assess" in paragraph 5;

(4) by inserting ", the first paragraph of section 70 or 72 or section 74" after "section 54, 57 or 65" in paragraph 6.

34. Section 93 is amended in paragraph 1

(1) by replacing "performs" by "carries on";

(2) by inserting ", 64.1" after "63".

35. Section 94 is amended by striking out

(1) "or 78" in paragraph 1;

(2) "preventive" in paragraph 2.

36. Section 106 is revoked.

37. Schedule II is amended by replacing subparagraph *f* of paragraph 1 of section 2 by the following:

"(*f*) dissolved methane (CH_4) and, if applicable, stable isotopic signature ($\delta^{13}C$);".

38. This Regulation comes into force on (*insert the date occurring 6 months after the date of its publication in the Gazette officielle du Québec*).

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