



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 1

An Act to amend the Act respecting the Communauté urbaine de Québec

Introduction

**Introduced by
Mr Claude Ryan
Minister of Municipal Affairs**

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EXPLANATORY NOTES

This bill amends the Act respecting the Communauté urbaine de Québec as regards the Community's jurisdiction in matters of waste water purification and waste disposal.

Additional powers are granted to the Community so that it may exercise greater control over waste water and other substances discharged into its purification works, in particular, by requiring a permit before authorizing the discharge of waste water or other specified substances.

The Community will have the authority to require of those who engage in a course of action contrary to established discharge standards that they repair the damage caused or reimburse the repair costs. The Community's powers of inspection are clarified as regards waste water purification, and fines are prescribed for infringements of the by-laws and orders of the Community concerning that field of jurisdiction.

In addition, the Community will be permitted to establish, own and operate waste recovery and recycling plants.

Finally, the Community will be authorized to fix new rules for the apportionment of expenses concerning waste water purification and waste disposal, recovery and recycling among the municipalities served by the Community.

Bill 1

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 93 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended by replacing subparagraphs *h* and *i* of the first paragraph by the following subparagraphs:

“(h) waste disposal, recovery and recycling;

“(i) water purification.”

2. Section 95 of the said Act is amended by replacing subparagraph *a* of the first paragraph by the following subparagraph:

“(a) drinking water supply;”.

3. The heading of subdivision 8 of Division VII of Title I of the said Act is replaced by the following heading and section:

“§ 8.—*Water purification and drinking water supply*

“**125.1** In this subdivision, the expression “purification works” means a sewer, a sewer system, a pumping station, a purification station or any other works used to collect, receive, carry, treat or drain waste water or substances compatible with the purification processes of the Community.”

4. Section 126 of the said Act is amended by striking out the word “, sewers” in the third line.

5. Section 127 of the said Act is amended

(1) by replacing the words “Such municipalities” in the first line of the first paragraph by the words “Each municipality”;

(2) by replacing the words “or sewer system and of” in the third line of the first paragraph by the words “system, purification works and”.

6. Section 128 of the said Act is amended by replacing the words “sewer and” in the second line of the first paragraph by the words “or work relating to purification works or”.

7. Section 129 of the said Act, amended by section 9 of chapter 29 and by section 201 of chapter 32 of the statutes of 1991, is again amended

(1) by replacing the words “collector sewers” in the fourth line of the first paragraph by the words “purification works”;

(2) by adding, after the second paragraph, the following paragraph:

“However, the Community may, by by-law, order that the expenses relating to the work referred to in the first paragraph and the expenses arising from the operation and maintenance of the drinking water supply system or waste water purification works be apportioned among the municipalities in proportion to the volume of water consumed by each of them, respectively, as regards expenses relating to drinking water supply, and in proportion to the volume of water discharged by each of them, respectively, as regards expenses relating to water purification.”

8. Section 130 of the said Act is amended by replacing the words “collector sewer” in the second and third lines of the first paragraph by the words “purification works”.

9. Section 131 of the said Act is amended

(1) by replacing the words “, mains or collector sewers” in the second line by the words “or mains”;

(2) by replacing the words “, mains or collector sewers” in the fifth line by the words “or mains”.

10. Section 132 of the said Act is amended by striking out the words “water treatment” in the first line of the first paragraph.

the use of meters and establish conditions, including the payment of costs, for connection to the purification works of the Community;

(5) prescribe a tariff for the receiving by the Community of waste water;

(6) require any person or class of persons that discharges waste water or other substances of a category it determines into a purification works, to hold a permit issued by the Community; exempt from such obligation any person or class of persons it determines;

(7) determine the qualifications required of a person applying for a permit, the conditions of issue and renewal of the permit, the information and documents he must provide and the cases of suspension or revocation of the permit.

“136.2 A by-law passed under section 136.1 requires the approval of the Minister of the Environment.

“136.3 The Community may, by order,

(1) fix the amount of the duties payable by a person who discharges waste water or other authorized substances into a purification works; the duties may be fixed on the basis of the volume of waste water, the quantity or concentration of suspended particles it contains, its biochemical or chemical requirements for oxygen, its chlorine requirement, the nature of its polluting agent or any other criterion;

(2) fix the fees payable by a person applying for a discharge permit or for renewing such a permit;

(3) prescribe a tariff establishing the duties required for the use of a household waste or refuse grinder, for the receiving and treatment of residue or sludge from septic tanks, drain-tanks or industrial processes, and for the analysis and measuring of the waste water flow.

Every order shall be published and come into force in the same manner as a by-law but need not be approved by the Minister of the Environment.

“136.4 The Community may require a person who discharges waste water or other substances into a purification works or watercourse in contravention of a by-law passed under section 136.1 to carry out, at his own expense, the work required to clean or repair, as the case may be, the purification works or to eliminate the harmful or hazardous substances he has unlawfully discharged into the

11. Section 134 of the said Act is amended by inserting the words “or sludge from septic tanks” after the word “water” in the first line.

12. Section 135 of the said Act is amended by replacing the words “, mains or collector sewers” in the fourth and fifth lines of the second paragraph by the words “or mains”.

13. Section 136 of the said Act is amended

(1) by striking out the words “and receive their used water” in the first and second lines of subparagraph *a* of the first paragraph;

(2) by replacing the words “water treatment plants or works, water mains and collector sewers” in the first and second lines of subparagraph *b* of the first paragraph by the words “drinking water treatment plants or works and its water mains”;

(3) by replacing the words “of its services to the municipalities” in the first and second lines of subparagraph *c* of the first paragraph by the words “of a service referred to in this subdivision for which no tariff is otherwise established”;

(4) by striking out the words “or sewer system” in the second line of subparagraph *d* of the first paragraph.

14. The said Act is amended by inserting, after section 136, the following sections:

“136.1 The Community may, by by-law,

(1) define and classify waste water and the other substances discharged into purification works;

(2) determine standards for the construction, maintenance or operation of purification works, including standards relating to the materials used, and standards relating to the methods to be used for the carrying out of purification works;

(3) regulate or prohibit the discharge of waste water or of any substance it determines into a purification works or watercourse; for such purpose, establish categories of contaminants or sources of contamination and determine, as regards contaminants, the quantity or maximum concentration authorized in waste water or in substances discharged into a purification works or watercourse;

(4) determine the method for computing the quantity of waste water or substances discharged into a purification works; prescribe

watercourse, or to reimburse the Community for the costs incurred by it for such work.

“136.5 The Community may

(1) require that any person discharging waste water or substances into a purification works comply with all or some of the following conditions:

(a) the construction of a man-hole in conformity with the requirements prescribed by the Community, to allow the inspection, sampling, measuring and registration of the quality and flow of the discharged waste water and substances;

(b) the installation and maintenance in good repair of appropriate equipment for the sampling, analysis, measuring and registration of the quality and flow of the discharged water or substances, in accordance with the methods prescribed by the Community;

(c) the installation and maintenance in good repair of equipment for the treatment or pre-treatment of waste water or substances to be discharged in order to regularize the flow of the discharged waste water or substances or to bring it into conformity with the prescriptions of a by-law passed under section 136.1;

(d) the presentation, for approval, of the plans relating to the installation of the equipment referred to in subparagraph *a*, *b* or *c*, and the procedures for the use of such equipment;

(e) the maintenance of the discharged waste water and substances within an average or maximum concentration or mass of discharged pollutants according to the class of pollutants;

(f) the presentation of periodic discharge reports indicating the volume and the qualitative and quantitative characteristics of the discharged waste water and substances;

(2) determine the schedule of execution of the work required

(a) for the issue, renewal or maintenance of a permit;

(b) for the prevention or cessation of an offence or a nuisance.

“136.6 The Community may prescribe the apparatus and methods whose use is recognized for the purposes of an analysis, sampling or computation of concentration.

The Community may also fix the duration of a sampling program and of a program for measuring the waste water flow, determine the

analysis parameters and require the permit holder to carry out the measuring, sampling or analyses and to provide it with the results thereof. The Community may carry out such measuring, sampling or analyses at the person's own expense if the latter fails to provide it with accurate and sufficient data.

“136.7 The Community may require a person to take the necessary measures to prevent the discharge into a purification works or watercourse of a substance harmful to humans or to the works or watercourse, and to submit the plans of the required work as well as the operation procedures for approval.

The Community may also require a person to notify it in the event of an accidental discharge.

“136.8 The Community may, by by-law, delegate

(1) the powers conferred on it by section 136.3 to the executive committee;

(2) the powers conferred on it by sections 136.4 to 136.7 to the executive committee or the head of a department.

“136.9 In no case may the Community, the executive committee, the head of a department or an officer of the Community be prosecuted for an act performed in good faith under sections 136.3 to 136.7.

“136.10 Any decision of the Community or, in the case of a delegation, any decision of the executive committee or of the head of a department made under sections 136.3 to 136.7 may be appealed from before the Commission municipale du Québec. Division XI of Chapter I of the Environment Quality Act (R.S.Q., chapter Q-2), adapted as required, applies to the appeal.

Notwithstanding the appeal, the decision remains executory unless the Commission municipale du Québec orders otherwise in accordance with section 99 of the said Act.

“136.11 In the exercise of their duties, the officers and employees of the Community charged with the application of the by-laws passed under section 136.1 or the orders made under section 136.3 may enter, at any reasonable time,

(1) any premises where there is or may be any substance, apparatus, machine, works or installation subject to such by-laws or orders;

(2) any premises where an activity that is subject to such by-laws or orders is or may be carried on.

Such officers or employees may examine the substances, apparatus, machines, works or installations; they may also require the production of the books, registers and documents relating to the matters to which such by-laws or orders apply; they may also require any other information they consider necessary or useful. A person must comply with such requirements.

“136.12 No person may hinder an officer or employee referred to in section 136.11 in the exercise of his duties particularly by misleading him or attempting to mislead him by concealment or by misrepresentation.

Such officer or employee shall, if so required, identify himself and produce a certificate, signed by the head of the department concerned, attesting his authority.

“136.13 The Community may, by by-law, prescribe that the infringement of a by-law passed in accordance with section 136.1, or of an order made in accordance with section 136.3, or of section 136.11 or 136.12, or the failure to comply with a prohibition, condition or requirement established in accordance with section 136.4, 136.5, 136.6 or 136.7 shall entail as a penalty,

(1) for a first offence, a minimum fine of not more than \$25 000 and a maximum fine of not more than \$500 000, imprisonment for not more than 18 months notwithstanding article 231 of the Code of Penal Procedure, or both penalties together;

(2) for a subsequent offence, a minimum fine of not more than \$50 000 and a maximum fine of not more than \$1 000 000, imprisonment for not more than 18 months notwithstanding article 231 of the Code of Penal Procedure, or both penalties together.

“136.14 The Community is exempt from the obligation to give security when requesting an interlocutory injunction for the cessation of any infringement of a by-law passed under section 136.1, of an order made under section 136.3 or of section 136.11 or 136.12.”

15. The heading of subdivision 9 of Division VII of Title I of the said Act is replaced by the following heading:

“§ 9.—Waste disposal, recovery and recycling”.

16. Section 138 of the said Act is amended

(1) by replacing the words “garbage disposal centres” in the first and second lines of the first paragraph by the words “waste disposal sites”;

(2) by replacing the word “centres” in the fourth line of the first paragraph by the word “sites”;

(3) by replacing the words “garbage disposal centre” in the first line of the second paragraph by the words “waste disposal site”;

(4) by replacing the word “garbage” in the third line of the second paragraph by the word “waste”;

(5) by replacing the words “Community approves the method of disposal of such garbage” in the third and fourth lines of the second paragraph by the words “waste disposal method is approved by the Community”;

(6) by replacing the words “garbage disposal centres” in the second line of the third paragraph by the words “waste disposal sites”;

(7) by replacing the word “centres” in the fifth line of the third paragraph by the word “sites”;

(8) by replacing the words “garbage disposal centres” in the second line of the fourth paragraph by the words “waste disposal sites”;

(9) by replacing the word “garbage” in the first line of the fifth paragraph by the word “waste”.

17. The said Act is amended by inserting, after section 138, the following sections:

“138.1 The Community may, within or outside its territory,

(1) establish, own and operate

(a) a waste recovery and recycling plant;

(b) a site for the disposal of residue from the operation of such a plant and of waste in the possession of the Community for such operation, which cannot be used for that purpose;

(c) a site for the disposal of residue from the operation of any waste water purification plant of the Community;

(d) a site for burying sludge from septic installations;

- (2) regulate the use of a plant or site referred to in paragraph 1.

“138.2 The Community may, by by-law, order that the operating and maintenance expenses and the expenses resulting from the payment of interest and amortization of loans for a waste disposal, recovery or recycling plant or site and for a site for burying sludge from septic installations be apportioned among the municipalities using such sites in proportion to the weight of the waste or sludge coming from each of the municipalities.

The expenses referred to in the first paragraph relating to each plant or site may be apportioned separately.

“138.3 The Community may enter into a contract under which it entrusts a person operating a waste disposal site with the disposal of waste coming from a municipality in its territory.”

18. Section 139 of the said Act is replaced by the following section:

“139. Any work relating to waste disposal, recovery or recycling sites or plants or to sites for disposing of residue may, subject to section 92, be carried out by contract awarded at unit price, for a fixed price, on a cost plus basis or on any other basis authorized by the Minister.”

19. Section 140 of the said Act is amended by replacing the words “garbage disposal centres” in the third line of the first paragraph by the words “waste disposal, recovery or recycling sites or plants or of such sites for disposing of residue”.

20. Every by-law concerning sewers or waste water passed under section 126 or section 136 of the Act respecting the Communauté urbaine de Québec remains in force and is deemed to have been passed under section 136.1 of the said Act enacted by section 14.

21. This Act comes into force on *(insert here the date of assent to this Act)*.