

Are You the Owner of a Groundwater Catchment Site? Do You Collect Groundwater? Is Your Land Located Near a Water Intake? Have You Taken the Necessary Steps?

By H el ene Lauzon with the collaboration of
Nadia Cattaneo *

You Are the Owner of a Catchment Site or You Collect Groundwater Without Carrying On Bottling Activities

June 15, 2003 is an important date for many businesses. Does your business own a catchment site or do you collect groundwater for purposes other than bottling? If so, you should be aware of the following:

- Any business that owns a catchment site (regardless of the use of the collected water) that can provide a volume of at least 75 m³ of groundwater per day¹ must send the Minister, **no later than June 15, 2003**, a "catchment notice" indicating the following information:
 - the location of the catchment work;
 - the use of the water collected;
 - the volume of water drawn daily;
 - the number of days per year when water is drawn.

A catchment notice form, a copy of which is attached hereto, is available on the Department of Environment website² and from the regional directions of the Department. Once you have filled it out, you can file the form with your Department of Environment regional office.



Your business is required to file this notice, even if it does not collect water from its groundwater catchment work, to the extent that such catchment work can supply a volume of at least 75 m³ of water per day.

- Effective **June 15, 2003**, any business enterprise that plans to install a catchment work, for which no approval from the Ministry of Environment is required, must obtain an authorization from the local or regional municipality in the territory of which the work will be installed.

- Effective **June 15, 2003**, groundwater catchment projects having a capacity less than 75 m³/day intended for human consumption of more than 20 persons and catchment project having a capacity of 75 m³ of water or more per day or that will bring the capacity to more than 75 m³ per day will be subject to the authorization of the Minister of the Environment³. The same applies to groundwater catchment projects intended to be distributed or sold as spring water or mineral water or be an ingredient used in the manufacture, conservation or treatment announced as spring water or mineral water on a product.

**If you carry on bottling activities,
please turn to the following page.**

* The author wishes to thank her colleague, Mr Yvan Biron for his comments.

¹ This quantity corresponds to the maximum capacity of the pump and not to the water volume effectively pumped. The requirement thus applies even if you do not use the well.

² <http://www.menv.gouv.qc.ca/eau/souterraines/index.htm>

³ It should be noted that these catchment projects will be exempt from the authorization requirement under section 32 of the *Environment Quality Act*.

Hélène Lauzon has been a member of the Quebec Bar since 1985 and specializes in Environment, Energy and Natural Resources Law



Your installations are located near a catchment facility

- If a catchment installation for water intended for human consumption is located less than 1 kilometre downstream from your land and you carry on an activity in a category listed in Schedule IV of the *Land Protection and Rehabilitation Regulation*⁴, you may be required to monitor the groundwater quality.

This requirement may apply even if your land is not contaminated.

- Businesses carrying on certain industrial or commercial activities in a category listed in that regulation are allowed 6 months from the coming into force of the regulation⁵, that is, until **September 27, 2003**, to implement this groundwater quality monitoring program. You are required to file your program, accompanied by a professional opinion, with the Department of Environment by that date.
- Even if this situation does not apply to you for the time being, the requirement to monitor groundwater quality may become an issue at any time if such a catchment work is subsequently installed within a 1 kilometre radius of your land.

- You may avoid this groundwater quality monitoring requirement if you can show that the activity carried out on your land is not likely to alter the quality of the water by substances listed in Schedule V of the *Land Protection and Rehabilitation Regulation*. Consequently, you should analyse the parameters that may stem from your activities prior to submitting your request for exemption.

You collect groundwater and you carry on bottling activities

Does your business collect groundwater for bottling purposes? If so, you should be aware of the following:

- Effective **June 15, 2003**, as a water bottler, your groundwater catchment projects intended to be distributed or sold as spring water or mineral water are subject to the prior authorization of the Minister of the Environment⁶ under the *Groundwater Catchment Regulation*⁷.

- Effective **June 15, 2006**, owners of spring water, mineral water or groundwater catchment sites intended to supply drinking water, the average operation flow rate of which is greater than 75 m³ per day, must have the following documents signed by an engineer who is a member of the Quebec Engineers Association or a geologist who is a member of the Quebec Geologists Association: a plan showing the location of the supply area, a plan showing the location of the bacteriological protection area and the virological protection area, an assessment of the vulnerability of groundwater and an inventory of the activities and works located within some defined areas⁸.

These are some of the new requirements contained in the *Groundwater Catchment Regulation* and the *Land Protection and Rehabilitation Regulation*. Have you taken the necessary steps?

Hélène Lauzon

⁴ Order-in-Council 216-2003 dated February 26, 2003, (2003) 135 O.G. II 1153, adopted under the *Environment Quality Act*, R.S.Q., c. Q-2.

⁵ The *Land Protection and Rehabilitation Regulation* came into force on March 27, 2003.

⁶ However, it will no longer be necessary to obtain authorization under section 32 of the *Environment Quality Act*.

⁷ Order-in-Council 696-2002 dated June 12, 2002 (2002) 134 O.G. II 2657.

⁸ A copy of these documents must be given to the local municipality on whose territory the catchment site is located and, be available upon request.

Unfortunately, there is no English version of this form on
<http://www.menv.gouv.qc.ca/eau/souterraines/index-en.htm>,
the Ministry of Environment website.



Avis de captage d'eau souterraine (de 75 m³/J ou plus)

Règlement sur le captage des eaux souterraines – article 59

IDENTIFICATION DU PROPRIÉTAIRE

Nom du propriétaire : _____

Personne contact (si différente) : _____

Numéro d'entreprise du Québec (NEQ) : _____

Adresse géographique : _____

Municipalité : _____ Province : _____ Pays : _____

Code postal : _____ Téléphone : () - _____

Adresse postale (si différente) : _____

Municipalité : _____ Province : _____ Pays : _____

Code postal : _____ Téléphone : () - _____

Courriel : _____

LOCALISATION DU CAPTAGE

Adresse civique : _____

Municipalité : _____

Lot : _____ Rang : _____ Cadastre : _____

ou

Numéro du cadastre du Québec : _____

Coordonnées UTM	<input type="checkbox"/>	Zone :	_____	Données facultatives
Longitude - Latitude	<input type="checkbox"/>	Long. X :	_____	NAD27 <input type="checkbox"/>
		Lat. Y :	_____	NAD83 <input type="checkbox"/>

Utilisation de l'eau : _____

Nombre moyen de jours d'utilisation par année : _____ jours.

Volume journalier maximal* : _____ m³/jour Mesuré Estimé

Volume journalier moyen* : _____ m³/jour Mesuré Estimé

* : pour la période d'utilisation

LOCALISATION DU CAPTAGE

Adresse civique : _____

Municipalité : _____

Lot : _____ Rang : _____ Cadastre : _____

ou

Numéro du cadastre du Québec : _____

Coordonnées UTM	<input type="checkbox"/>	Zone :	_____	Données facultatives
Longitude - Latitude	<input type="checkbox"/>	Long. X :	_____	NAD27 <input type="checkbox"/>
		Lat. Y :	_____	NAD83 <input type="checkbox"/>

Utilisation de l'eau : _____

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Volume journalier maximal* : _____ m³/jour Mesuré Estimé

Volume journalier moyen* : _____ m³/jour Mesuré Estimé

* : pour la période d'utilisation

gal. Imp./min X 6,5461 = m³/j

gal. U.S./min X 5,4508 = m³/j

Nom de la personne contact : _____

Signature : _____

Date : _____ | _____ | _____
A M J

You can contact any of the following members of the Environmental, Energy and Natural Resources Law Group in relation with this bulletin.

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