



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 405
(1998, chapter 25)

An Act to provide for the protection of groundwater

Introduced 18 December 1997
Passage in principle 25 March 1998
Passage 17 June 1998
Assented to 17 June 1998

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EXPLANATORY NOTES

This bill provides that beginning on the date on which the bill is introduced in the National Assembly, no person will be authorized to establish facilities to extract groundwater all or part of which is to be marketed for human consumption in bottles or other containers, or to increase the rate of flow in facilities that extract groundwater, all or part of which is to be used for such purposes, above a certain rate of flow.

The bill also provides that such prohibition does not apply to projects to establish extraction facilities or to increase the rate of flow of existing facilities that were submitted to the Minister before the date of introduction of the bill and for which no authorization was issued up to that date.

Lastly, the bill provides that it is of temporary application; the provisions contained in the bill will cease to have effect on the date fixed by the Government or on 1 January 1999 at the latest.

Bill 405

AN ACT TO PROVIDE FOR THE PROTECTION OF GROUNDWATER

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. No person may, from 18 December 1997,

(1) establish facilities to extract groundwater all or part of which is to be marketed for human consumption in bottles or other containers ;

(2) increase the rate of flow in existing facilities that extract groundwater, all or part of which is to be used for the purpose mentioned in subparagraph 1, to a rate of flow greater than the maximum rate of flow authorized pursuant to section 32 of the Environment Quality Act (R.S.Q., chapter Q-2), or failing such authorization, to a rate of flow greater than the peak rate of flow attained between 1 January 1997 and 18 December 1997.

The operator of extraction facilities referred to in subparagraph 2 who is not the holder of an authorization issued under section 32 of the Environment Quality Act shall, within 30 days after the coming into force of this Act, send to the Minister of the Environment and Wildlife a statement indicating the peak rate of flow attained in the operator's extraction facilities during the period referred to in subparagraph 2.

2. The prohibition set out in section 1 does not apply to

(1) projects to establish extraction facilities or to increase the rate of flow in existing facilities in respect of which, before 18 December 1997, an application was made for an authorization referred to in section 32 of the Environment Quality Act and for which, on that date, no decision had been made by the Minister of the Environment and Wildlife granting or refusing the authorization ; or

(2) projects to establish extraction facilities for which an authorization was granted before 18 December 1997 and which, on that date, had not been carried out.

3. Any person who contravenes the provisions of section 1 is liable to the fines prescribed in section 106 of the Environment Quality Act.

The provisions of the first paragraph of section 109.1.1 and sections 109.1.2, 109.2, 110, 110.1, 112, 114 and 115 of that Act apply.

4. This Act comes into force on 17 June 1998.

This Act ceases to have effect on the date to be fixed by the Government or, at the latest, on 1 January 1999.